

**NATIONAL
INDIAN
GAMING
COMMISSION**

DEC 24 1996

Honorable Leon Campbell
Chairman, Iowa Tribe of Kansas and Nebraska
Route 1, Box 58A
White Cloud, Kansas 66094-9624

Dear Chairman Campbell:

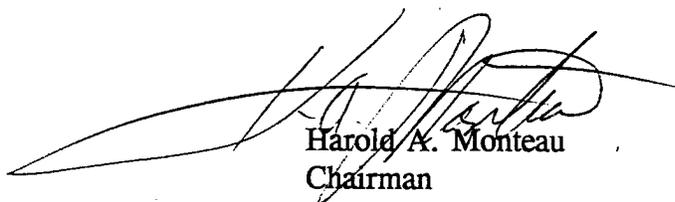
This letter responds to your request to review and approve the tribal gaming ordinance, Resolution No. 95-R-29, adopted on December 13, 1995, by the Iowa Tribe of Kansas and Nebraska (Tribe). This letter constitutes approval of the both ordinances with the amendments under the Indian Gaming Regulatory 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 ordinances, 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 Iowa Tribe of Kansas and Nebraska 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

RESOLUTION 95-R-29

IOWA TRIBE OF KANSAS AND NEBRASKA
EXECUTIVE COMMITTEE
DECEMBER 13, 1995

- WHEREAS, The Iowa Executive Committee being duly organized met in Regular Session this 13th day of December, 1995; and,
- WHEREAS, The Iowa Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Sec. 2, Article IV - Governing Bodies; and,
- WHEREAS, The Iowa Tribe of Kansas and Nebraska being organized and empowered by their Constitution and Bylaws, (approved November 6, 1978); and,
- WHEREAS, Class II and Class III Gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7) (A) and 25 U.S.C. Section 2703(8) (hereinafter "IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 and 25 C.F.R. Section 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) are hereby authorized; and,
- WHEREAS, The Executive Committee does by this Resolution promulgate and enact the attached Class II and Class III Gaming Ordinance, and further within said Ordinance does hereby establish the guidelines, procedures and eligibility requirements for Class II and Class III Gaming personnel,
- See Attachment; and,
- WHEREAS, Adoption of this Resolution causes Resolution 93-R-34 to be rescinded; and,

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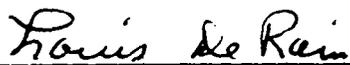
NOW THEREFORE BE IT RESOLVED, that the foregoing
Resolution/Ordinance is hereby adopted this date.

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

The foregoing Resolution was duly adopted this date, December 13, 1995, in a Regular Session of the Executive Committee, at which 5 members of the Executive Committee were present, constituting a quorum, by a vote of 4 for, 0 against. Chairman abstained.


Leon Campbell, Chairman
Iowa Executive Committee

ATTEST:


Louis DeRoin, Secretary
Iowa Executive Committee

**IOWA TRIBE OF KANSAS AND NEBRASKA
CLASS II AND III GAMING ORDINANCE**

I. Purpose

- A. The Iowa Tribe of Kansas and Nebraska (hereinafter "Tribe"), empowered by the Tribal Constitution to enact ordinances through its Executive Committee, hereby enacts this Ordinance in order to set the terms for Class II and III gaming operations on land within the Tribe's reservation in the state of Kansas.

II. Gaming Authorized

- A. Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) and 25 U.S.C. Section 2703(8) (hereinafter "IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 and 25 C.F.R. Section 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) are hereby authorized.

III. Ownership of Gaming

- A. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.

IV. Use of Gaming Revenue

- A. Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund the Tribe's government operations and programs; provide for the general welfare of the Tribe and its members; promote Tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.
- B. If the Tribe elects to make per capita payments to Tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. Section 2710(b)(3).

V. Audit

- A.** The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.
- B.** All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety

- A.** Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

VII. Establishment of Tribal Gaming Commission

- A.** There is hereby established an Iowa Tribe of Kansas and Nebraska Tribal Gaming Commission (hereafter "Tribal Gaming Commission").
- B.** The Tribal Gaming Commission shall be comprised of the members of the Tribal Executive Committee as that Committee is defined in the tribal constitution and other tribal governing documents. The Chairman of the Tribal Gaming Commission shall be the individual who is Chairman of the Tribal Executive Committee.
- C.** The Tribal Gaming Commission shall have the authority to regulate gaming activity within the Tribe's reservation. The Tribal Gaming Commission shall have the authority to promulgate regulations consistent with this Ordinance and other applicable law governing the conduct of gaming activities within the Tribe's reservation, including the Indian Gaming Regulatory Act and the Tribal/State Compact Among the Iowa Tribe of Kansas and Nebraska and the State of Kansas. The regulations promulgated under this authority shall, to the greatest extent possible, assure that gaming is conducted in an effective and efficient manner, and in a manner which protects the honesty and integrity of the gaming.

VIII. Licenses for Key Employees and Primary Management Officials

A. Implementation. The Tribal Gaming Commission shall insure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated on Indian lands . All key employees and primary management officials shall have duly approved Tribal licenses issued in accordance with this section.

B. Definitions. For the purposes of this section, the following definitions apply:

1. Key Employee means:

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

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

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

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

2. Primary Management Official means:

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

b. Any person who has authority:

- (1) To hire and fire employees; or

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

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

3. Gaming Enterprise means:

a. Any commercial gaming business owned by the Tribe and operated under this Gaming Ordinance.

4. Tribal/State Compact means:

a. The Tribal/State Compact Among the Iowa Tribe of Kansas and Nebraska and the State of Kansas, adopted April 26, 1995, and approved under the Indian Gaming Regulatory Act of 1988, as that compact may be amended from time to time.

C. Application Forms.

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

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

2. Existing key employees and primary management officials shall be notified in writing that they shall either:
 - a. Complete a new application form that contains a Privacy Act notice; or
 - b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

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

4. Existing key employees and primary management officials shall be notified in writing that they shall either:
 - a. Complete a new application form that contains a notice regarding false statements; or
 - b. Sign a statement that contains the notice regarding false statements.

C. Background Investigations.

1. The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:
 - a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

- b. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- f. A description of any existing an previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

- k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - l. A current photograph;
 - m. Any other information the Tribe deems relevant; and
 - n. Fingerprints taken on behalf of the Tribe by officials from a Kansas County Sheriff's Office.
2. The Tribal Gaming Commission shall conduct, or cause to be conducted, an investigation sufficient to make a determination under subsection D. below. In conducting a background investigation, the Tribal Gaming Commission and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation. Fingerprints taken on behalf of the Tribal Gaming Commission shall be submitted to the Federal Bureau of Investigation for a fingerprint check. In addition, the Tribal Gaming Commission shall provide sufficient information to the Kansas State Gaming Agency to allow the State Gaming Agency to conduct a background investigation in accordance with the terms of the State/Tribal Compact.

D. Eligibility Determination.

1. The Tribal Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment and licensing in a gaming enterprise. If the Tribal Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the gaming enterprise shall not employ or license that person in a key employee or primary management official position.

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

1. When a key employee or primary management official begins work at a gaming enterprise authorized by this ordinance, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribal Gaming Commission shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming enterprise shall not employ as a key employee or primary management official a person who does not have a Tribal license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and
 - d. The bases for those conclusions.
2. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.

3. If a license is not issued to an applicant, the Tribal Gaming Commission:
 - a. Shall notify the National Indian Gaming Commission; and
 - b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribal Gaming Commission 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 Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission may issue a license to such applicant.
2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The

Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the National Indian Gaming Commission of its decision.

IX. License Locations

- A. The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.

X. Repeal

- A. All prior gaming ordinances are hereby repealed.

XI. Compliance With Tribal-State Compacts

- A. The Tribal Gaming Commission shall adopt regulations and take all actions necessary to ensure that Class III gaming conducted on the lands of the Tribe complies in all respects with the Tribal/State Compact.

XII. Conduct of Class II and Class III Games

- A. All Class II and Class III games operated under this Ordinance shall be conducted in accordance with this Ordinance and regulations adopted by the Tribal Gaming Commission.

XIII. Initial Regulations Governing Class II and Class III Gaming

- A. The initial regulations governing Class II and Class III gaming on the Tribe's reservation shall be as described in the Gaming Compact between the State of Kansas and the Tribe. Following approval of this Gaming Ordinance by the National Indian Gaming Commission, the Tribal Gaming Commission may amend these regulations in accordance with the provisions of this Ordinance.