JUN 25 2008

The Honorable Christine Norris
Tribal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342-0014
Fax: 318-992-8244

Re: Approval, Jena Band of Choctaw Indians amended class II & class III gaming ordinance.

Dear Chief Norris:

This letter responds to your request that the National Indian Gaming Commission (NIGC) Chairman review and approve the Jena Band of Choctaw Indians' (Band) First Amended Class II/Class III Gaming Ordinance of June 17, 2008 (Ordinance), adopted by the Band's Council by resolution # JBC 2008-0617 on April 17, 2008. The Ordinance is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and the NIGC's implementing regulations. Accordingly, the Ordinance is hereby approved.

I would also like to take this opportunity to extend my congratulations to the Band on acquiring a reservation, 72 Fed. Reg. 15711, and note that as an initial reservation, the land is eligible for gaming pursuant to IGRA. 25 U.S.C. §§ 2703(4) and 2719(b)(1)(B)(ii).

Thank you for submitting the amended ordinance for review and approval. The NIGC staff and I wish the Band luck in its pursuits and look forward to working with you on future gaming issues.

Sincerely,

Philip N. Hogen
Chairman

Jena Band of Choctaw Indians

P. O. Box 14 • Jena, Louisiana 71342-0014 • Phone: 318-992-2717 • Fax: 318-992-8244

TRIBAL COUNCIL RESOLUTION
JBC 2008- 0617

JUN 18 2008

WHEREAS, the Jena Band of Choctaw Indians is a sovereign federally recognized Indian tribe, Acknowledged as a Sovereign Indian Nation by the United States Government; and

WHEREAS, the Tribal Council of the Jena Band of Choctaw Indians (the "Tribal Council") is the governing body of the Jena Band of Choctaw Indians (the "Tribe"); and

WHEREAS, the Tribal Council is authorized by the Tribal Constitution to act and exercise Tribal Authority on behalf of the Tribe; and

WHEREAS, the Tribal Council has the duly authorized right to promote self-government on the Jena Band of Choctaw Tribal Lands; and

WHEREAS, on April 2, 2007, pursuant to the authorities granted by the Reorganization Act, the Secretary of the Department of the Interior proclaimed all lands held in trust by the United States of America to be the reservation of the Tribe; and

WHEREAS, the Tribal Council desires to amend the Jena Band of Choctaw Indians Class II, Class III Gaming Ordinance adopted and enacted on July 17, 1997 and approved by the National Indian Gaming Commission on March 13, 2001 provide a more complete regulatory structure of the gaming to be conducted on the Tribe's Indian Lands.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council does hereby adopt the Jena Band of Choctaw Indians First Amended Class II/Class III Gaming Ordinance dated June 17, 2008 to authorize and regulate all classes of gaming on the Tribe's Indian Lands.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Tribal Council does hereby authorize the Tribal Chief, Christine Norris, to submit the Jena Band of Choctaw Indians First Amended Class II/Class III Gaming Ordinance dated June 17, 2008 to the National Indian Gaming Commission for approval and to request an Indian lands opinion from the Chairman, in connection therewith.

CERTIFICATION

The stated resolution was enacted and adopted on the 17th day of June, 2008, by the Jena Band of Choctaw Indians Tribal Council, with a quorum present; the vote was 5 (for), 0 (against), and 0 (absent).

Christine Norris

Cheryl Smith

Jerry D. Jackson

Christy Murphy

Leon Allen

THE JENA BAND OF CHOCTAW INDIANS
FIRST AMENDED CLASS II/CLASS III GAMING ORDINANCE
JUNE 17, 2008

An Ordinance to authorize, license, and regulate all classes of gaming on lands of the Jena Band of Choctaw Indians and to create a Tribal Gaming Commission.

CHAPTER 1
GENERAL PROVISIONS

Section 101. Purpose.

The Tribal Council of the Jena Band of Choctaw Indians (the "Tribe") is empowered by the Tribe's Constitution to enact ordinances. The Tribal Council of the Jena Band of Choctaw Indians hereby enact this First Amended Class II/Class III gaming Ordinance ("Ordinance") in order to govern Class II and Class III gaming operations on the Tribe's Indian lands.

Section 102. Declaration of Policy.

The policy of the Jena Band of Choctaw Indians in promulgating this Ordinance is as follows:

(a) That all classes of gaming shall be permitted upon the Tribe's Indian Lands.

(b) That gaming on the Tribe's Indian Lands shall be regulated in a manner that adequately protects the environment, the public health, welfare and morals of all persons residing on the Indian Lands, all invitees to the gaming establishment and the Tribe from any adverse effects that may derive from unregulated gaming;

(c) That there shall be continuing effort to maximize the potential for revenue from any Tribal gaming establishment and to sustain the highest achievable levels of that revenue in order:

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

(d) That the Tribe shall have the sole proprietary interest in and responsibility for the conduct of all gaming activities on the Indian Lands; and

(e) That the conduct of gaming activities provided for within this Ordinance shall comply with the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701, *et seq.* , and any relevant

regulations promulgated by the National Indian Gaming Commission ("NIGC") or the Bureau of Indian Affairs ("BIA").

Section 103. Definitions.

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 500 *et seq.* Specifically:

(a) **Class I gaming** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, tribal ceremonies or celebrations.

(b) **Class II gaming** means:

(1) the game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith):

(A) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
(B) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
(C) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) card games that:

(A) are explicitly authorized by the laws of the State of Louisiana; or
(B) are not explicitly prohibited by the laws of the State of Louisiana and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The terms "Class II Gaming" does not include:

(A) any banking card games, including bacarat, chemin de fer, or blackjack (21), or
(B) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

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

(d) **Commission** means the Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

(e) **Commissioner** means a Tribal Gaming Commissioner.

(f) **Compact** means a Tribal-State Compact concerning Class III Gaming approved by the Secretary of the Department of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).

(g) **Complimentary** shall have the meaning as set forth 25 C.F.R. § 542.2(a).

(h) **Directly related to** means a spouse, child, parent, grandchild, aunt, uncle or first cousin.

(i) **Indian Lands** means:

All lands proclaimed on April 2, 2007, pursuant to the authorities granted by the Indian Reorganization Act, to be the reservation of the Jena Band of Choctaw Indians (72 Fed. Reg. 15711) are Indian Lands eligible for gaming and are:

(1) all lands within the limits of the Tribe's reservations;

(2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Indian Tribe exercises governmental power; and

(3) for all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719.

(j) **Key Employee** means:

(1) A person who performs one or more of the following functions:

(A) Bingo caller;
(B) Counting room supervisor;
(C) Chief of security;
(D) Custodian of gaming supplies or cash;
(E) Floor manager;
(F) Pit boss;

(G) Dealer;
(H) Croupier;
(I) Approver of credit; or
(J) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) If not otherwise included, any other person whose total cash compensation is in excess of fifty thousand dollars ($50,000.00) per year;

(3) If not otherwise included, the four (4) most highly compensated persons in gaming operation; or

(4) Any other employee of any gaming operation that the Commission designates by its rules as a key employee.

(k) **Management Contract or Agreement** means any contract, subcontract, or collateral agreement between the Tribal enterprise and a contractor or between a contractor and a subcontractor, if such contract or agreement provides for the management of all or part of a gaming establishment.

(l) **Management Contractor** means the person designated by the management contract as having management responsibility for the gaming establishment, or a portion thereof.

(m) **Net Revenues** mean gross gaming revenues of an Indian gaming operation less

(1) Amounts paid out as, or paid for, prizes; and
(2) Total gaming-related operating expenses, excluding management fees.

(n) **Person Having a Direct or Indirect Financial Interest in a Management Contract** means

(1) When a person is a party to a management contract, any person having a direct financial interest in such management contract;
(2) When a trust is a party to a management contract, any beneficiary or trustee;
(3) When a partnership is a party to a management contract, any partner;
(4) When a corporation is a party to a management contract, any person who is a director or who holds at least ten percent (10%) of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child, or sibling; or
(5) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

(o) **Primary Management Official** means

(1) The person(s) having management responsibility for a management contract;
(2) Any person who has authority:

(A) To hire and fire employees; or
(B) To set up working policy for the gaming experience;

(3) The Chief Financial Officer or other person who has financial management responsibility.

(p) **Tribe** means the Jena Band of Choctaw Indians.

Section 104. Gaming Authorized.

Class II and Class III gaming are hereby authorized.

Section 105. Ownership of Gaming.

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

Section 106. Use of Gaming Revenue.

Net Revenues from tribal gaming shall be used only for the following purposes:

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

Section 107. Per Capita Payments.

(a) "Per Capita Payment" means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming authority.

(b) If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

(1) The Tribe shall authorize and issue such payments only in accordance with a

revenue allocation plan submitted to and approved by the Secretary of the Department of the Interior under 25 U.S.C. § 2710(b)(3).

(2) The Tribe shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved, and that the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person, under a plan approved by the Tribal Council and the Secretary of the Department of the Interior. The Tribe must also establish criteria and a process for a withdrawal of funds by the parent or legal guardian.

(3) The Tribal Council shall designate or create a Tribal court system, forum, or administrative process for resolution of disputes concerning the allocation of net revenues and the distribution of per capita payments will explain how it will correct deficiencies.

(4) The Tribal Council shall ensure that the Tribal revenue allocation plan reserves an adequate portion of net gaming revenues from the tribal gaming activity to do one or more of the following purposes: fund Tribal government operations or programs; provide for the general welfare of the Tribe or its members; promote tribal economic development; donate to charitable organizations; or to help fund operations of local government.

(5) The Tribal Council shall ensure that distributions of per capita payments are made according to specific eligibility requirements.

(6) The Tribal Council shall ensure that Tribal members are notified of the tax liability for per capita payments and how taxes will be withheld.

Section 108. Tribal Internal Control Standards.

The Tribe shall adopt and implement Internal Control Standards (ICS) for the operation of its Tribal gaming operation in accordance with applicable law. The Tribe's ICS shall be set out in separate regulations to be reviewed and approved by the Tribal Council.

Section 109. Audit.

(a) The Tribe shall cause an annual outside independent audit of gaming operations to be conducted, 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 twenty-five thousand ($25,000.00) annually, except contracts for professional legal and accounting services, shall be included within the scope of the audit that is described in subsection (a) above.

Section 110. Environment and Public Health and Safety.

(a) Gaming facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.

b) The Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety.

Section 111. Complimentary Items.

(a) The use of complimentary items shall be governed by regulations established by the Tribal Gaming Commission.

(b) No Key Employee, Primary Management Official, Management Contractor, Tribal Council member, member of the gaming authority or Tribal Gaming Commission, or any person directly related to or sharing a residence with the persons, shall be authorized to receive complimentary items other than food and beverages valued at under five dollars ($5.00) or, if at a public event held at the gaming facility, the free food and beverages offered to the general public.

(c) Complimentary items shall be included in the annual budget for the gaming operation, with maximum limits specified, and shall be subject to approval by the Tribal Council.

Section 112. Compliance with Federal Law.

The Tribe will comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. § 5311 et seq.

CHAPTER 2
TRIBAL GAMING COMMISSION

Section 201. Commission Established.

(a) The Tribe hereby establishes a Tribal Gaming Commission which shall be known as the Jena Band of Choctaw Indians Gaming Commission and whose duty it is to regulate tribal gaming operations. The Tribal Gaming Commission shall consist of three (3) members selected by the Tribal Council. There shall be among them a Chairperson, Vice-Chairman, and at least one additional Commissioner.

(b) The purpose of the Tribal Gaming Commission is regulatory, not managerial. The Commission will ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations. The Commission shall serve as the licensing authority for individuals employed in the gaming operations and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with internal controls for the gaming operations and in tracking revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operations and to all records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.

Section 202. Appointment of Commissioners; Terms of Office; Filling of Vacancies.

(a) Tribal Gaming Commissioner positions shall be filled through appointment by the Tribal Council. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate suitability determination before appointing an individual to a position as a Tribal Gaming Commissioner.

(b) Nominees for positions of Tribal Gaming Commission must satisfy the suitability standards set forth for Management Contractors, Key Employees and Primary Management Officials found in Section 306 of this Ordinance. Such background investigations shall be performed either directly or indirectly by the Tribal Police Department or, if the Tribal Police Department has not been established, such other law enforcement agency designated by the Tribal Gaming Commission.

(c) Terms of Office for Tribal Gaming Commissioners shall be as follows: the Chair shall serve an initial term of three years, with subsequent Chairs serving three-year terms. The Vice-Chair shall serve an initial term of two (2) years, with subsequent Vice-Chairs serving three-year terms. The Commissioner shall serve an initial term of one year, with subsequent Commissioners serving three-year terms.

(d) The independence of the Tribal Gaming Commission is essential to a well-regulated gaming operation. For that reason, Commissioners may only be removed from office by the Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered. A vote of the Tribal Council on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected Commissioner to compensation for expenses incurred in an appeal and any pay withheld.

Section 203. Meetings; Quorum.

Meetings shall be held at such times and places as may be necessary for the proper discharge of the Commission's duties. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for any final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission. The Commission shall keep a written record of all its meetings.

Section 204. Salaries of Commissioners.

The Tribal Gaming Commissioners shall be compensated at a level determined by the Tribal Council. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

Section 205. Certain Persons Ineligible to be Commissioners.

The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be and act independently and autonomously from the Tribal Council in all matters within its purview. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe hereby finds that, at a minimum the following individuals may not serve on the Gaming Commission:

(1) A member of the Tribal Council or Tribal Gaming Authority;

(2) A member directly related to or living with any Tribal Council member, Tribal gaming authority member, or gaming contractors;

(3) Employees of the gaming operation, while serving as such;

(4) Gaming contractors (including any principal of a management or other contracting company);

(5) Persons directly related to or sharing a residence with any of the above;

(6) Persons ineligible to be Key Employees, Management Contractor, or Primary Management Officials; and

(7) Persons previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud).

Section 206. Commissioners Prohibited from Participating in Tribal Gaming or Accepting Complimentary Items.

No member of the Tribal Gaming Commission shall be permitted to participate in any gaming activity within any Tribal gaming establishment except for any such participation engaged in solely for educational or instructional purposes. Tribal Gaming Commission members are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under five dollars ($5.00).

Section 207. Ethics.

The Tribe recognizes that the duties of the Tribal Gaming Commission include making decisions on highly sensitive issues. As such, the Tribe has determined that the Gaming Commission shall be held to extremely high ethical standards. Prior to taking their positions on the Commission ("Members"), the Members shall agree to be bound by the following principles:

(1) Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.

(2) Members shall not engage in financial transactions using non-public information or allow the improper use of such information by others on their behalf to further any private interest.

(3) Members shall not solicit or accept any gift or other item of monetary value, including complimentary items or services (see Section 206 above), from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the Member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Members' duties;

(4) Members shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe;

(5) Members shall not use their positions for private gain.

(6) Members shall act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons not related to Members.

(7) Members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.

(8) Members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

(9) Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(10) Members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.

(11) Members shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the Member shall not take part in any decision related to the conflict.

Section 208. Penalty for Divulging Certain Information.

Any Commissioner who divulges any fact or information coming to his or her knowledge not generally known by the public respecting any aspect of his or her duties as a Commissioner, except insofar as he or she may be authorized by the Commission or a court of competent jurisdiction, or a judge thereof, is guilty of class C misdemeanor.

Section 209. Powers and Duties of the Commission.

(a) The rights, powers, authority, jurisdiction, and duties conferred by this Chapter upon the Commission shall be exclusive and shall be exercised so far as they may be exercised consistently with the Constitution of the Jena Band of Choctaw Indians and all other Tribal law.

(b) The Tribal Gaming Commission shall have the authority and responsibility to:

(1) Conduct or cause background investigations to be conducted on, at a minimum, Management Contractor, Primary Management Officials, Executive Director, and Key Employees;

(2) Review and approve all investigative work conducted;

(3) Report results of background investigations to the NIGC;

(4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;

(5) Make licensing eligibility determinations, which shall be signed by the Chairman of the Gaming Commission;

(6) Issue gaming licenses to management officials and employees of the operation, consistent with the eligibility determination;

(7) Establish standards for licensing Tribal gaming operations;

(8) Issue and renew facility gaming licenses to Tribal gaming operations;

(9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;

(10) Ensure compliance with all Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming;

(11) Investigate any suspicion of wrongdoing associated with any gaming activities;

(12) Hold hearings on patron complaints and on violations of this Ordinance, in compliance with procedures established in this Ordinance and other Tribal gaming regulations;

(13) Comply with any and all reporting requirements under the IGRA, Tribal-State compact to which the Tribe is a party, and any other applicable law;

(14) Promulgate and issue regulations necessary to comply with applicable internal control standards;

(15) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;

(16) Promulgate and issue regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of the gaming ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations; and

(17) Establish a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming;

(18) Establish a list of persons who have voluntarily asked to be excluded from the Tribal gaming facility and create regulations for enforcing this exclusion.

(19) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;

(20) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy;

(21) Promulgate regulations exempting vendors from the licensing and/or background investigation requirements, if they have received a license from a recognized regulatory authority;

(22) Enforce and administer all provisions of this Ordinance;

(23) Revoke, suspend, condition, or deny an application or gaming license for any reason specified within this Ordinance;

(24) Require that a bond in an amount of up to $1,000,000.00 be posted by a Management Contractor to ensure performance of a Management Contract and to ensure conformance with all applicable rules and regulations;

(25) Require the bonding of Primary Management Officials, Key Employees, or other employees as deemed necessary;

(26) Require at its discretion any Management Contractor to allow a person of the Commission's choosing in any room of the establishment who shall have a full opportunity to monitor operations at all times the establishment is in operation;

(27) Enforce and administer all provisions of any other document entered into by the Tribe or a Tribal enterprise relating to gaming;

(28) Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and

(29) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Ordinance.

(c) The Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities.

This Section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.

Section 210. Civil Enforcement.

(a) The Commission may take any one or a combination of the following actions with respect to any person who violates any provision of this Ordinance:

(1) Impose a civil penalty to the maximum extent allowable under Tribal law. If such violation is a continuing one, each day of such violation may be deemed a separate offense.

(2) Suspend or revoke any gaming license issued by the Commission.

(3) The Commission has the authority to impose one or more of the following sanctions:

(i) seizure of any gaming apparatus, proceeds or other property of a licensee connected with the gaming activities engaged in by the licensee;

(ii) in the case of any nonmember of the Tribe, expulsion from the Tribe's Indian Lands;

(iii) collection of any unpaid fees, interest, or penalties;

(iv) execution on any nonexempt property of a violator located within the exterior boundaries of the Tribe's Indian Lands;

(v) a penalty of one hundred dollars ($100.00) per day for failure to file any report when due and one thousand dollars ($1000.00) per day for failure to file such report after notice and demand; or

(vi) any other action deemed necessary or appropriate by the Tribal Court.

(b) Every person who applies for and accepts a gaming license shall be deemed responsible for reading and adhering to all rules and regulations relating to the conduct of gaming on Indian Lands.

Section 211. Hearings and Appeals.

(a) Where deemed appropriate and if requested, before taking any action regarding a possible violation of this Ordinance, the Commission shall hold a hearing allowing the violator an opportunity to be heard.

(b) The Commission shall employ its best efforts to notify the alleged violator, in person or by letter delivered to his or her last known address, of the charges against him or her. If the

alleged violator fails to respond, or cannot be found, the Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate.

(c) Any person aggrieved by a decision made or action taken by the Commission after notice and opportunity for a hearing, may petition the Tribal Council for a rehearing. Such petition shall specifically set forth the reasons for aggrievement, and be filed with the Tribal Council no later than sixty (60) days after the Commission's decision and action.

(d) Any person aggrieved by a decision made or action taken by the Commission without notice and opportunity for a hearing, may petition the Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action. The Commission shall grant a prompt hearing upon receiving such a petition, and shall reconsider its decision or action in light of evidence and argument presented at a hearing.

(e) Any licensee paying a penalty for late filing or failing to file a report for which there is an acceptable explanation may petition the Commission for credit or refund. The petition shall be filed within thirty (30) days afer the petitioner knew or should have known that the payment was excusable, but not more than six (6) months after payment in any case.

Section 212. Sovereign Immunity.

The Tribal Gaming Commission is an instrumentality of the Jena Band of Choctaw Indians, a federally recognized Indian tribe. Accordingly, the Commission shares the same sovereign immunity from unconsented suit as the Tribe. That immunity may be waived by the Tribal Council upon a recommendation of the Commission setting forth the reason for and the scope of the proposed waiver. The Tribal Council may approve that waiver, with or without modifications, or it may deny such recommendation. Any recommendation by the Commission for a waiver and a decision of the Tribal Council on that recommendation shall be made within fifteen (15) days of the filing of a petition authorized by Section 211 of this Ordinance.

Section 213. Patron Dispute Resolution.

Patrons who have complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Gaming Commission shall hold a hearing within 30 days of receipt of petitioner's complaint. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and all such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of $50,000.00 per occurence, and a cumulative limit of $100,000.00 per patron in any twelve (12) month period, except disputes relating to a patron's entitlement to a game prize,

which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

CHAPTER 3
EXECUTIVE DIRECTOR

Section 301. Qualifications of Executive Director and Salary.

(a) The position of Executive Director of the Commission is hereby created. The Commission shall appoint the Executive Director, and the Executive Director shall serve at the will and pleasure of the Commission.

(b) No member of the Tribal Council, no person holding any elective office, nor any officer or official of any political party is eligible for the appointment of Executive Director.

(c) The Executive Director must have at least five (5) years of responsible administrative experience in public or business administration or possess broad managerial skills and have a MBA, J. D., or higher degree of education.

(d) The Executive Director shall devote his or her entire time and attention to the duties imposed under this Chapter and the business of the Commission and shall not pursue and other business or occupation or hold any other office of profit.

(e) The Executive Director shall be pecuniarily interested in any businesses or company holding a license under this Chapter or doing business with any person licensed under this Chapter.

(f) The Executive Director is entitled to an annual salary in the amount specified by the Tribal Council.

Section 302. Authority of Executive Director.

(a) The Executive Director shall furnish to the Commission such administrative and clerical services and such furnishings, equipment, supplies, stationary, books, and all other things that the Commission may deem necessary or desirable in carrying out its functions.

(b) The Executive Director shall employ division directors that possess at least two (2) years of training and experience in the fields of accounting, investigation, law enforcement, law, or gaming.

(c) The Executive Director in the pursuit of the attainment of the objectives and the purposes of this Chapter may

(1) Direct and supervise all administrative actions of the Commission;

(2) Perform such other duties which he or she may deem necessary to effectuate the purposes of this Chapter.

Section 303. Files and Records to be Maintained by the Executive Director. Confidentiality of Information.

(a) The Executive Director shall maintain a file of all applications for licenses under this Ordinance, together with a record of all actions taken with respect to those applications.

(b) The Commission and Executive Director may maintain such other files or records as they deem desirable.

(c) The following information and data are confidential and may only be revealed in whole or in part in the course of the necessary administration of this Ordinance or upon the lawful order of a court of competent jurisdiction:

(1) Required by the Commission or the Executive Director to be furnished to them under this Ordinance or which may otherwise be obtained relative to the finances, earnings, or revenue of any applicant or licensee;

(2) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the Commission or the Executive Director from any source;

(3) Provided to the members of the Commission or the Executive Director of his employees by a governmental agency or an informer or on the assurances that the information will be held in confidence and treated as confidential; or

(4) Obtained by the Executive Director or the Commission from a supplier relating to the manufacturing of gaming devices or gaming goods.

Section 304. Removal of Executive Director from Office.

The Executive Director may be removed from office by the Commission upon a majority vote of the Commission after a showing of cause.

CHAPTER 4
FACILITY AND GAMING LICENSES

Section 401. Facility Licenses.

The Tribal Gaming Commission shall issue a separate license under this Ordinance once every three (3) years to each place, facility, or location on Indian Lands where Class II and/or Class III gaming is conducted. A separate license shall also issue for each class of gaming sought to be licensed. The Tribal Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official of the facility, and the initial application shall include a legal description of the lands whereon the facility is located, and a certification that said premises constitute "Indian lands" as specified in IGRA, and shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith. Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health, and public safety standards, and include current certifications of compliance therewith. The Tribal Gaming Commission shall only issue such licenses if the applications therefor include the required information and certifications and such further conditions as the Tribal Gaming Commission shall have specified.

Section 402. Licenses for Management Contractors, Key Employees and Primary Management Officials.

(a) A Tribal gaming license shall be required of all employees of a gaming establishment including each Key Employee, Primary Management Official and alternate Primary Management Official, any Management Contractor, and Tribal gaming enterprise.

(b) All licenses issued under this Ordinance to a Management Contractor or a Tribal gaming enterprise must be posted by the licenses and kept posted at all times in a conspicuous place in the establishment for which issued until replaced by a place at all times while working in the establishment.

(c) The Tribe shall ensure that the policies and procedures set out in this Chapter are implemented with respect to Key Employees, Primary Management Officials, and Management Contractors employed at any gaming enterprise operated on Indian Lands. The Tribe will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558.

Section 403. License Application Forms.

(a) Each applicant for an initial gaming license shall complete an application. Such application shall request and contain the information specified in this Ordinance. Each applicant

seeking renewal of an existing license shall also complete an application, however, such application shall require less detail. All applications shall be signed by the applicant if a natural person; or where the applicant is an association or partnership, by a member or partner thereof; or where the applicant is a Tribal gaming enterprise, by an authorized board member thereof; or where the applicant is a corporation to sign the application, in which case written evidence of authority to bind the applicant shall be attached. If any change is made in that authority, before or after a license is issued, the Commission shall be immediately informed in writing. Until that information is filed with the Commission, any action of or commitment made by the representative shall be binding upon the applicant.

(b) Before a Management Contractor can be issued a gaming license, a background investigation must be successfully completed on each person having a direct or indirect financial interest in a management contract. In the event of a proposed change in the persons having a direct or indirect financial interest in a management contract, the Commission must be immediately notified and a background investigation shall be conducted on the proposed person prior to any change.

(c) Before a Tribal gaming enterprise can be issued a gaming license, a background investigation must be successfully completed on each board member of such enterprise. In the event of a proposed change in the board members, the Commission must be immediately notified and a background investigation shall be conducted on the proposed person prior to any change.

(d) In addition to the information requested in subsection (a), an application shall also request the following information;

(1) The location of where a Management Contractor will operate a gaming enterprise or where a Primary Management Official or a Key Employee will be employed; and

(2) If the applicant is a corporation, association, partnership or other group, the names and interests of any person having a direct or indirect financial interest in the business; and

(3) If the applicant is a Tribal gaming enterprise, the names of each board member; and

(4) Each applicant for a license who has or will have a contract with the Tribe to manage a Tribal gaming establishment shall state whether or not applicant has a management contract to operate a gaming establishment that competes for patrons within the market area of the Tribe's gaming establishment, which shall be deemed to be the area within a 400 mile radius of the Tribe's gaming establishment; and

(5) Each applicant for a license who has or will have a contract with the Tribe to manage a Tribal gaming establishment shall file an organizational chart of its management organization; and

(6) Such other information and details as the Commission may require in order to properly discharge its duties.

(e) Each application shall be submitted to the person indicated on such application accompanied by payment of the appropriate non-refundable application fee as specified in Section 304.

(f) The following notice shall be placed on the application form for a Key Employee or a Primary Management Official:

> In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the Tribe and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when necessary 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 investigation of activities while associated with a Tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to hire you in a primary management official or key employee position.
>
> The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(g) The following notice shall be placed on the application form for a Key Employee, a Management Contractor, or a Primary Management Official:

> 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)

Section 404. License Fees.

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing Management Contractors, Key Employees and Primary Management Officials of the gaming operation.

Section 405. Fingerprints.

Each applicant for a Management Contractor, Key Employee or Primary Management Official position shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by a law enforcement agency designated by the Tribal Council. Fingerprints will then be forwarded to the NIGC for processing through the FBI and NIGC to determine the applicant's criminal history, if any.

Section 406. Background Investigations.

(a) The Tribal Gaming Commission is responsible for conducting background investigations and eligibility determinations.

(b) The Tribal Gaming Commission shall request from each Management Contractor, from each Primary Management Official and from each Key Employee all of the following information:

(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 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 3 personal references, including one personal reference listed under paragraph (b)(2) of this Section;

(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 was an ongoing prosecution or a conviction within 10 years of the date of the application, 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 charge, 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 charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (b)(8) or (b)(9) of this Section, 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 photograph taken within the last year; and

(13) Any other relevant information the Tribe deems relevant.

Section 407. Eligibility Determination.

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 Management Contractor, Key Employee or Primary Management Official for employment in a gaming operation. 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, a tribal gaming operation shall not employ that person in a Management Contractor, Key Employee or Primary Management Official position.

Section 408. Procedures for Forwarding Applications and Reports for Management Contractors, Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) When a Management Contractor, Key Employee or Primary Management Official is employed to work at a gaming operation authorized by this Ordinance, the Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Section 307.

(b) The gaming operation shall not employ as a Management Contractor, Key Employee or Primary Management Official a person who does not have a license after 90 days.

Section 409. Report to the National Gaming Commission.

(a) The Tribal Gaming Commission shall prepare and forward a report on each background investigation to the NIGC. An investigative report shall include all of the following:

(1) Steps taken in conducting a background investigation;
(2) Results obtained;
(3) Conclusions reached; and
(4) The bases for those conclusions.

(b) The Commission shall forward the completed investigative report to the NIGC within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Ordinance by the Chairman of the NIGC.

(c) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Tribe that the submission of the eligibility determination is not necessary. This determination shall include a Statement describing how the information submitted by the applicant was verified; a Statement of results following an inquiry into th applicant's prior activities, criminal record, if any, and reputation, habits, and associations; a Statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Tribal Gaming Commission to make a finding concerning the eligibility for licensing required for employment in a gaming operation; and a Statement documenting the disposition of all potential problem areas noted and disqualifying information obtained.

(d) If a license is not issued to an applicant, the Tribal Gaming Commission:

(5) Shall notify the NIGC; and
(6) Shall forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Record System.

(e) With respect to all employees and in particular Management Contractors, 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 NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

Section 410. Granting a Gaming License.

(a) If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a Management Contractor, a Key Employee or a Primary Management Official for whom the

Tribe has provided an application and investigative report to the NIGC, the Tribal Gaming Commission, acting for the Tribe, may issue a license to such applicant.

(b) The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Management Contractor, a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph (a) of this Section until the Chairman of the NIGC receives the additional information.

(c) If, within the thirty (30) day period described above, the NIGC provides the Tribe with a Statement itemizing objections to the issuance of a license to a Management Contractor, Key Employee or to a Primary Management Official for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribe shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 411. License Suspension.

(a) If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the NIGC reliable information including that a Management Contractor, Key Employee or a Primary Management Official is not eligible for employment, the Tribal Gaming Commission shall suspend such license ad shall notify in writing the license of the suspension and the proposed revocation.

(b) The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(c) After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision.

CHAPTER 5
VENDOR LICENSES

Section 501. Licenses for Vendors.

(a) Vendors of gaming services or supplies with a value of twenty-five thousand dollars ($25,000.00) or more annually must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

(b) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(c) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Tribal Gaming Commission shall create a regulation dealing which vendors fall into this category and shall maintain a register of the non-gaming vendors who: 1) are a Tribal, Local, State, or Federal government agency; 2) are regulated by the State of Louisiana or the Tribe; or 3) will provide goods of insubstantial or insignificant amounts or quantities if the Tribal Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Section 502. Submission of a Vendor License Application.

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own ten percent (10%) or more of the stock or are the ten (10) largest stockholders, and the on-site supervisor or manager under the agreement with the Tribe, if applicable.

Section 503. Contents of the Vendor License Application.

(a) Applications for gaming vendor licenses must include the following:

(1) Name of business, business address, business phone, federal tax ID number (of SSN, if a sole proprietorship), main office address, if different from business address, any other names the applicant has done business under, type of service applicant will provide;

(2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

(3) If the applicant is a corporation, the state of incorporation, and the qualification to do business in the State of Louisiana, if the gaming operation is in a different state than the state of incorporation;

(4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;

(5) General description of the business and its activities;

(6) Whether the applicant will be investing in or loaning money to the gaming operation and, if so, how much;

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

(8) A list of Indian tribes with which the vendor has existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;

(9) Names, addresses, and phone numbers of three (3) business references with whom the company had regularly done business for the last five (5) years;

(10) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(11) If the business has ever had a license revoked for any reason, the circumstances involved;

(12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;

(13) List the business' funding sources and liabilities of fifty thousand dollars ($50,000.00) or more;

(14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and

(15) Any further information the Tribe deems relevant.

(b) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

(c) A vendor must submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit in writing any changes in the information since the other license application was filed and any information requested by the Tribe not contained in the other application.

Section 504. Vendor Background Investigation.

The Tribal Gaming Commission shall conduct or cause to be conducted an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

(a) Verify the business' incorporation status and qualification to do business in the State of Louisiana;

(b) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;

(c) Conduct a check of the business' credit history;

(d) Call each of the references listed in the vendor application; and

(e) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

Section 505. Vendor License Fee.

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover the expenses in investigating and licensing vendors of the gaming operation.

Section 506. Vendor Background Investigation Report.

The Tribal Gaming Commission shall complete or cause to be completed an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Tribal Gaming Commission.

Section 507. Exemption for Vendors Licensed by Recognized Regulatory Authorities.

The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

Section 508. Licenses for Non-Gaming Vendors.

For non-gaming vendors, the Tribal Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as laid out in Section 306. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.

CHAPTER 6
FINANCIAL MANAGEMENT AND ACCOUNTING PROCEDURES

Section 601. Records and Reports.

(a) Prior to operation of any gaming establishment, a written cash management and internal control system adequate to safeguard all funds of the establishment shall be established and implemented by the Tribe. If such system is established and/or implemented by an outside entity, the Commission or any Tribal enterprise shall have the right to approve such system and, shall, at

any time once implemented, have the right to monitor this system whether directly or through an agent. This includes the right to inspect and examine all accounting records and books off accounting pertaining to the gaming establishment as well as all source documentation for these records. Such cash management and internal control system shall include procedures relating to the handling of internal bankroll and cash receipts, deposits to the bank accounts of the establishment, disbursements from such bank accounts, and all other necessary accounting and auditing procedures relating thereto.

(b) All financial data, records, and accounts are the property of the Tribe and shall be kept on the premises of the gaming establishment. The Commission shall have access, either directly or through an agent, to the daily operations of the establishment, and shall have the right to verify the daily gross revenues and income earned from all Tribal gaming activities. The Commission shall also have access to any other gaming-related information the Commission deems appropriate.

(c) No person shall falsify or cause to be falsified any books or records relating to any transaction connected with the conduct of gaming activities.

(d) Upon request, the Commission shall be provided with copies of all documents, reports, or other related paperwork produced in the operation of a gaming establishment. Such items shall be furnished to the Commission no later than one (1) week after the request is made or no later than one (1) week after the items are produced. These items will include, but not be limited to, verifiable financial reports showing the revenues and expenses of the establishment, balance sheets, operational budgets and projections, tour bus attendance and compensation, tax reports, and all items completed for the NIGC or any other governmental agency.

(e) An independent audit, conducted by a certified public accountant approved by the Commission, shall be performed at least annually of all financial information. The results of such audit shall be submitted to the NIGC. All gaming related contracts that result in purchases of supplies, services, or concessions for more than twenty-five thousand dollars ($25,000.00) in any one (1) year (excluding contracts for professional legal or accounting services) shall be specifically included within the scope of the audit.

(f) All financial and accounting aspects of each gaming establishment shall be in compliance with the operational procedures of the particular establishment.

CHAPTER 7
MISCELLANEOUS PROVISIONS

Section 701. Applicable law.

All controversies arising under this Ordinance or otherwise relating to gaming on the Tribe's Indian Lands, shall be resolved in accordance with the laws of the Tribe.

Section 702. Indian Lands.

All lands proclaimed on April 2, 2007, pursuant to the authorities granted by the Indian Reorganization Act to be the reservation of the Jena Band of Choctaw Indians (72 Fed. Reg. 15711) are Indian Lands eligible for gaming,

Section 703. Agent for Service of Process.

The Tribe hereby designates the Tribal Chief as agent for service of process, who may be contacted at: 1052 Chanaha Hina Street, Trout, Louisiana 71371.

Section 704. Tribal Access to Financial Information.

A copy of the Tribal gaming operation annual audit will be made available for review, upon request, to enrolled Tribal members.

Section 705. Savings Provision.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not effect other provisions or application of the Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

Section 706. Amendment.

Any amendment to this Ordinance shall be submitted to the NIGC for approval within fifteen (15) days after adoption.

Section 707. Effective Date.

This Ordinance shall be effective on the date of enactment and adoption by the Tribal Council.

Section 708. Repeal.

To the extent that they are inconsistent with this Ordinance, all prior gaming ordinances are hereby repealed.