



MAR 13 2001

B. Cheryl Smith
Tribal Chief
Jena Band of Choctaw Indians
P.O. Box 14
Jena, LA 71342-0014

Dear Ms. Smith:

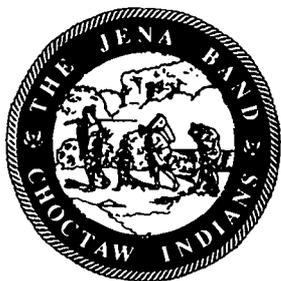
This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Jena Band of Choctaw Indians First Amended Class II and Class III Gaming Ordinance and the First Amended Procedures for Background Investigations of Key Employees and Primary Management Officials. The amended ordinance and background procedures were adopted by the Jena Band of Choctaw Indians on February 22, 2001, and received in this office on February 26, 2001. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,

A handwritten signature in black ink that reads "Montie R. Deer". The signature is written in a cursive style.

Montie R. Deer
Chairman



Jena Band of Choctaw Indians

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

FEB 26 2001

JENA BAND OF CHOCTAW INDIANS TRIBAL COUNCIL RESOLUTION NO. JBC 01-2001-0202

WHEREAS the Jena Band of Choctaw Indians is a federally-recognized Indian tribe;

WHEREAS the Tribal Council is the governing body of the Jena Band of Choctaw Indians;

WHEREAS the Tribal Council has submitted to the National Indian Gaming Commission an ordinance for the operation of Class II and Class III gaming operations on its tribal lands; and

WHEREAS the National Indian Gaming Commission has indicated that the Jena Band of Choctaw Indians must amend its gaming ordinance to comply with the Indian Gaming Regulatory Act.

NOW BE IT RESOLVED that the Tribal Council hereby approves the Jena Band of Choctaw Indians First Amended Class II and Class III Gaming Ordinance ("Gaming Ordinance");

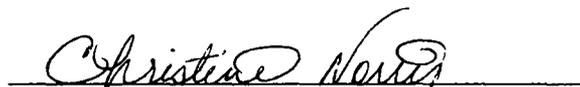
NOW BE IT FURTHER RESOLVED that the Tribal Council hereby approves the First Amended Procedures for Background Investigations of Key Employees and Primary Management Officials ("Procedures for Background Investigations"); and

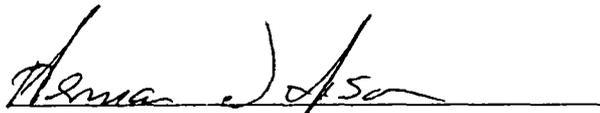
NOW BE IT FURTHER RESOLVED that the Tribal Chief, B. Cheryl Smith, is hereby authorized to submit the amended Gaming Ordinance and amended Procedures for Background Investigations to the National Indian Gaming Commission for approval.

CERTIFICATION

This resolution was considered and adopted at a duly called meeting of the Tribal Council held on this 22nd day of February, 2001, at which a quorum was present, and that the same was adopted by a vote of 5 in favor, 0 opposed, ___ abstaining, and ___ absent.











**THE JENA BAND OF CHOCTAW INDIANS
FIRST AMENDED CLASS II AND CLASS III GAMING ORDINANCE**

I. Purpose.

The Jena Tribal Council is the Governing Body of the Jena Band of Choctaw Indians. The Jena Tribal Council is empowered by the Tribe's Constitution to enact ordinances, THEREFORE this body hereby enacts this ordinance in order to set the terms for Class II and Class III gaming operations on tribal lands.

II. Gaming Authorized.

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

III. Ownership of Gaming.

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance. The Tribe may own and operate the gaming operation either directly or through a wholly-owned, tribally-chartered organization.

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 tribal 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. § 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.

The 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.

VI. Licenses for Key Employees and Primary Management Officials.

The Tribe shall ensure 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:

A. Definitions

For the purposes of this section, the following definitions apply:

I. Key employee means

(A) A person who performs one 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; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(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.

B. 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 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.

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. The Tribe shall notify in writing existing key employees and primary management officials 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. Upon receipt of a completed application and any required fee, the Commission shall conduct or cause to be conducted a background investigation pursuant to the "Procedures for Background Investigations of Key Employees and Primary Management Officials" and to Subsection D, below, to ensure that the applicant is qualified for licensing.

2. The background investigation shall be at least as stringent as is required by any valid and effective Compact that the Tribe enters into and 25 C.F.R. Part 556, and shall provide all available information necessary to the determination required under 25 C.F.R. § 558.2. In particular, the Commission shall cause a thorough criminal history check to be made of each applicant by requesting the Louisiana State Police to conduct a background check of applicant and by having the National Indian Gaming Commission process the applicant's fingerprint card through the Federal Bureau of Investigation.

3. The Tribe 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 and 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 by the Louisiana State Law Enforcement Department consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

4. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination. The Tribe 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 in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

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 operation authorized by this ordinance, the Tribe 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 Tribe 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 operation shall not employ as a key employee or primary management official a person who does not have a 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 Tribe 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 Tribe 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 Tribe:
 - (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 Tribe 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 tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
2. The Tribe 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 Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and

investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe 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 Tribe 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 Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribe 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 Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

VII/ Patron Disputes and Visitor Claims.

A. Procedures for Resolving Patron Disputes. Whenever any patron of any Class II or Class III Gaming activity being conducted by the Tribe under the provisions of this Gaming Ordinance believes that he or she should not have lost any money, or has not received any winnings to which the patron believes he or she was entitled, or in any other respect was treated wrongly or unfairly, any employee to whom the patron communicates the complaint shall refer the patron to the Manager. The Manager shall investigate the matter thoroughly and shall attempt to resolve the complaint amicably, promptly, and in keeping with the spirit of this Gaming Ordinance. The Manager's proposed action shall be communicated to the person in writing no less than ten (10) days after the complaint is brought to the Manager. If the person is dissatisfied with the resolution proposed by the Manager, the patron may, within ten (10) days of receipt of the Manager's decision, appeal to the Commission. The Commission shall investigate the facts underlying the complaint and the actions of the Manager thereon and shall make a final decision, in writing, either to affirm the Manager's proposed resolution, or to take some different action (but in no case shall the Commission's decision be less favorable to the patron than the Manager's proposal). If the patron is still dissatisfied, he or she may request that the dispute be referred to binding arbitration, either by a single arbitrator (if the parties agree on one) or by a panel of three (3) arbitrators, one appointed by the patron, one appointed by the Manager, and a third appointed by the other two arbitrators; provided, that if the arbitration results in a decision that is no more favorable to the patron than the decision of the Commission, the patron shall bear one-half of the costs of the arbitration. The arbitration shall proceed in accordance with the rules of the American Arbitration Association, unless the patron and the gaming enterprise agree to follow different procedures.

B. Posting of Notice. The gaming enterprise shall prominently post a notice, bearing the title, "PATRON DISPUTE AND VISITOR CLAIMS PROCEDURES," informing patrons and visitors of the remedies set forth in this Section, and setting forth the language of Subsections (A) and (B) of this Section, in every room of every gaming facility where Class II and Class III Gaming is conducted under the provisions of this Gaming Ordinance.

C. Public Health and Safety. Each gaming facility and additions thereto shall comply with health, safety, and construction standards that are at least as stringent as the current editions of the National Electrical Code, the Uniform Building Code, the Uniform Mechanical Code, the Uniform Fire Code, and the Uniform Plumbing Code. The Tribe shall cause inspections to be conducted with respect to these standards at least annually.

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VIII. License Locations.

The Tribe 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
IX. Sovereign Immunity.

Nothing in this Gaming Ordinance shall be deemed to be a waiver of the Tribe's sovereign immunity.

x
X. Repeal.

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

**FIRST AMENDED PROCEDURES FOR
BACKGROUND INVESTIGATIONS
OF
KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS**

I. Jena Band of Choctaw Indians Gaming Commission.

The Jena Band of Choctaw Indians Gaming Commission is created to promulgate, implement, and enforce rules that it determines to be necessary and proper for the issuance, revocation, and suspension of gaming licenses, the regulation of the gaming activities, and to take any other actions necessary to carry out the purposes of the Gaming Ordinance. The Commission may also promulgate rules necessary to other investigations and inspections into the conduct of the games and the license and the maintaining of the equipment as the Commission may deem necessary and proper. In assisting the Commission in determining the suitability of an application, the Commission may request the Louisiana State Police to verify all information to be used in background checks obtained from applicants seeking employment with the Jena Band of Choctaw Indian Tribe, in the conduct of Class II and Class III Gaming on Tribal Lands, including interviews with references and/or former employees.

II. Gaming Commission Procedures.

A. The Jena Band of Choctaw Gaming Commission is responsible for the conduct of the background investigations and suitability determinations.

B. Background checks of applicants will be performed pursuant to the following procedures:

1. The Commission will provide applications to potential applicants upon request and shall collect and maintain the applications;

2. The Commission shall investigate or cause to be investigated the information provided in the applications. Such investigation will include: (i) contacting persons or entities identified in the application and verifying by written or oral communication that the information contained in the application is accurate; (ii) interviewing a sufficient number of knowledgeable people, such as former employers, partners, business associates, and others referred to in the application, to provide a basis for the Commission to make a determination on whether the applicant meets applicable eligibility requirements; (iii) reviewing relevant financial records of the applicant for the three (3) years preceding the application; and (iv) contacting any state, federal, or other government agency that is referred to in the application.

3. The Commission shall document any information obtained that calls into question an applicant's eligibility under the Gaming Ordinance. The documentation of these

problem areas shall be supported in detail, indicating the follow-up investigations performed and the result of such investigations.

4. The Commission will review the results of the investigation for all persons subject to licensing, including a determination as to the scope of the investigation and whether sufficient information was obtained and verified. If such information is found to be insufficient, the Commission may perform additional investigations.

5. Once the investigation is complete, the Commission will decide whether the applicant meets the eligibility requirements under the Gaming Ordinance.

6. In conducting a background investigation and review, the Commission and its agents and all persons privy to the information shall keep confidential the identity of each person interviewed in the course of investigation.

C. The 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 in a gaming operation. If the Commission determines that a person applying for a key employee or primary management official position 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 Commission shall not issue a license to that person.

D. The Commission may hold regular and special meetings at such times and places as it may deem convenient, but at least one regular meeting shall be held quarterly. A majority of the appointed members constitute a quorum of the Commission, and a special meeting may be called by any two members.

E. The Commission may hold executive and closed meetings for any of the following purposes:

1. Considering applications for licensing when discussing the background investigations or personal information;

2. Meeting with gaming or law enforcement officials of other jurisdictions regarding the investigation of persons or entities who are licensed or have applied for a license to do business with gaming operators.

3. Consulting with the Executive Director, employees, and agents of the Commission regarding the investigation of persons or entities who are licensed or have applied for a license to do business with the gaming operation.

4. Deliberating after hearing evidence in a contested case necessary to reach a decision; and

5. Discussing business strategies of a license or pricing strategies of a licensee if public discussion may be harmful to the competitive position of the licensee or applicant for license for the purpose of overseeing and defining gaming contracts.

F. Commission Powers shall be as follows:

1. To promulgate regulations that it may determine necessary and proper for the issuance, revocation, and suspension of gaming licenses, the conduct and operation of the gaming activities, and to take any other action necessary to carry out the purposes of the Gaming Ordinance;

2. To hire and fire employees. If the 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 Commission shall not employ that person or allow that person to be employed in a key employee or primary management official position;

3. To issue licenses, oversee, and define the contract of the licensees;

4. To inspect and examine all premises where gaming is conducted or gaming devices or equipment are sold or distributed,

5. To inspect, examine, and photocopy all papers, books, and records of applicants and licensees;

6. To contract for such legal counsel to advise it as it may choose;

7. To enter into cooperation agreements with law enforcement officials of the State of Louisiana, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies for the purpose of conducting background investigations.

8. To suspend, or revoke for cause, any gaming license;

9. To require all primary management personnel and key employees of all management personnel to undergo investigations; and

10. To enforce preferential treatment to Native Americans, then persons domiciled in the State of Louisiana, as per the provisions of any valid and effective Tribal-State Compact that the Tribe enters into.

III. Commission Positions.

The Commission shall consist of three (3) citizens of Louisiana, all of whom shall be appointed by the Tribal Chairperson with the authorization of the Tribal Council. The Commission members may be members of the Jena Band of Choctaw Indians. The initial members to be appointed shall draw lots to see who holds the two for-year terms and the one two-year term. Thereafter, each member shall serve no more than two consecutive full terms. The Commission shall select from among its members a chairperson who shall preside over the meeting of the Commission. The Commission members may be removed, upon substantive proof of wrong doing by majority vote of the Tribal Council.

The Commission shall appoint an Executive Director who shall be responsible for the conduct of the Commission's administrative matters. The Commission shall enter into a contract of employment and set the annual salary of the Executive Director

IV Gaming Commission Policies

A. Appeal of Commission Actions. Any action of the Commission is subject to appeal to a court of competent jurisdiction. Notice of appeal shall be filed in writing with the Commission and the Clerk of Court, within ten (10) days from written notice of any action of the Commission. Failure to timely appeal shall make the action final.

B. Disclosure Required. A disclosure of total ownership documentation shall be required to accompany all applications for licenses as an operator.

C. Approval of Licenses. The Commission may approve or disapprove any application for license, depending upon whether it deems the applicant a suitable person to hold the license and whether it considers the proposed location suitable. Among other things, failure of the applicant to provide information necessary to allow consideration into his background is grounds for denial of the license.

D. Conflict of Interest. No officer, agent, or employee of the Commission may hold a license under the Gaming Ordinance if the duties of such office, agency, or employment have to do with the enforcement of the gaming law and rules. This prohibition applies to the Commission, all of its employees, and all law enforcement officials and officers. No license may employ any person in any capacity while that person is in the employment of a law enforcement agency to the Commission.

V. Investigation Fees.

1. Application Fee. The Commission may establish an application fee which shall include the cost of the investigation. The fee may vary with the type of license for which application is made and is non-refundable. The application inform will be promulgated by the

Commission and shall include a waiver of any right of confidentiality and shall allow access to law enforcement records of any state. The waiver of confidentiality shall extend to any financial or personal record wherever maintained.

2. Reimbursement to Commission for Investigation. Any applicant for a license under the Gaming Ordinance shall reimburse the Commission for any costs of investigation over and above the initial license fee charged at the time of application to determine if he is a suitable licensee under the Gaming Ordinance. By signing and filing an application for a license, the applicant authorizes the Commission to obtain information from other states regarding prior license applications, or conduct of the applicant or any of its shareholders, partners, agents, or employees of the results of all such investigations.