SEP 13 2006

President Susan LaFernier
Keweenaw Bay Indian Community
107 Beartown Road
Baraga, MI 49908

Dear President LaFernier:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the Keweenaw Bay Indian Community's (Tribe) Amended Gaming Ordinance, which was received on August 28, 2006. The Tribe adopted the amendments to the ordinance on August 24, 2006. The Amended Gaming Ordinance cures deficiencies in the Tribe's June 15, 2006 submission. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA.

Thank you for submitting the Amended Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA. If you have questions or require further assistance, please contact Maria Getoff at 202-632-7003.

Sincerely,

Phil N. Hogen
Chairman

cc: John R. Baker, Tribal Attorney
John Bussey, Executive Director

ORDINANCE 2006 – 2

AUG 28 2006

Introduced by Councilperson Warren C. Swartz, JR.

PURPOSE: TO AMEND AND RESTATE ORDINANCE 2006 – 1 (TITLE 18 CHAPTER B) AND TO PROVIDE A COMPLETE SUBSTITUTE

TITLE 18
CHAPTER B
GAMING REGULATORY ORDINANCE

An ordinance of the Keweenaw Bay Indian Community adopted under the authority of the Constitution and By-Laws of the Keweenaw Bay Indian Community for the purpose of authorizing Class I, Class II and Class III Gaming and for the purpose of licensing and regulating Class II and Class III Gaming Establishments.

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SECTION ONE
AUTHORITY

§18B.101. Gaming Authorized.

Class I, Class II and Class III Gaming are hereby authorized subject to the provisions of this Ordinance.

SECTION TWO
DEFINITIONS

§18B.201. Definitions.

As used in this Ordinance, the following words and phrases shall have the following meanings:

1. "Any Thing Of Value" means any money or property, favor, gratuity, discount, service, payment, advance, forbearance, loan, gift, or promise of future employment. It includes services as well as gifts of transportation, travel, meals, and lodging, whether provided in-kind or as reimbursement after the expense has been incurred. It does not include anything paid for by a local, state, or the federal government or anything for which fair market value is paid by the recipient.

2. "CFR" means the Code of Federal Regulations.

3. "Cheating" or "Cheats" means an individual's operating or playing in any Game in a manner in violation of the written or commonly understood rules of the Game, with the intent to create for the individual or someone In Privity With the individual an advantage over and above the chance of the Game.

4. "Class I Gaming" means:

(A) Social Gaming solely for prizes of minimal value or traditional forms of Indian Gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

(B) Raffles shall be considered Class I Gaming if both of the following requirements are met:

(a) the Person conducting the raffle is sponsoring a single event and there is no presale of tickets before the event; and

(b) the total aggregate retail value of the prize or prizes to be awarded at the raffle on that day is $100 or less.

(C) If either of the requirements listed in this subsection 18B.201(4) is not met, raffles shall be considered Class II Gaming.

5. "Class II Gaming" means:

(A) The Game of Chance commonly known as bingo (whether or not electronic, computer, or other technologic 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, punchboards, tip jars, instant bingo, and other games similar to bingo.

(B) Card Games that are:

(a) explicitly authorized by the laws of the State of Michigan, or

(b) not explicitly prohibited by the laws of the State of Michigan and are played at any location in the State of Michigan but only if such card Games are played in conformity with those laws and regulations (if any) of the State of Michigan regarding hours or periods of operation of such card Games or limitations on wagers or pot sizes in such card Games; and

(C) all card Games operated by the Community prior to May 1, 1988.

(D) The term "Class II Gaming" does not include:

(a) any banking card Games, including baccarat, chemin de fer, or blackjack (21), or

6. "Class III Gaming" means all forms of Gaming that are not Class I Gaming or Class II Gaming.

7. "Commissioner" means a Tribal Gaming Commissioner.

8. "Community" means the Keweenaw Bay Indian Community.

9. "Contested Cases" means a proceeding before the Gaming Commission in which an opportunity for a hearing before the Gaming Commission is required by Tribal law. Contested Cases shall also include all cases where a license issued by the Commission is revoked, suspended or modified, or in which the granting of an application is protested by a person having the right to contest such matter under the law.

10. "Executive Director" means the Executive Director of the Gaming Commission.

11. "Game" or "Game of Chance" means any Game or activity which falls within the definition of "Gaming" or "Gaming Activity".

12. "Gaming" or "Gaming Activity" means any activity, operation or Game of Chance in which any valuable consideration may be wagered upon the outcome determined by chance, skill, speed, strength or endurance, and in which any valuable prize is awarded to the Player so wagering.

13. "Gaming Apparatus" or "Gaming Equipment" means the objects and mechanical or electromechanical devices used to determine or assist in determining the winners of prizes in Gaming Activities.

14. "Gaming Commission" means the Gaming Commission of the Keweenaw Bay Indian Community.

15. "Gaming Establishment" means any location or structure where Gaming is conducted in accordance with this Ordinance.

16. "Gaming Establishment License" means any license issued by the Gaming Commission under Section Three of this Ordinance.

17. "Gaming Laws" means laws and regulations providing for the licensing and regulation of Gaming Establishments.

18. "Gaming Management" means the management of Gaming Establishments.

19. "Gaming Vendors" means vendors of Gaming Equipment or services, including cash-related services, to a Gaming Establishment or Operator with a value of $5,000 or more annually.

20. "Gross Gaming Revenues" means all money collected or received from lawful Gaming Activity.

21. "Hearing Procedures For Contested Cases" means hearing procedures adopted by the Gaming Commission for Contested Cases.

22. "IGRA" or "Indian Gaming Regulatory Act" means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. 2701, et seq. (1988), as amended.

23. "Immediate Family Member" means, with respect to a person, the father, mother, sibling, spouse or children of the person.

24. "In Privity With" means a relationship involving a person who acts jointly with another person, or as an accessory before the fact, to commit an act or as a co-conspirator with the other person to commit the act.

25. "Investigative Report" means the Investigative Report created pursuant to Subsection 18B.510 (C) of this Ordinance.

26. "IRS" means the United States Internal Revenue Service.

27. "Key Employee" means:

(A) 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;

(B) If not otherwise included, any other person whose total cash compensation is in excess of fifty thousand dollars ($50,000) per year; or

(C) If not otherwise included, the four most highly compensated persons in the Gaming Establishment.

28. "Management Contract" means any contract, subcontract or agreement between the Community 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.

29. "MICS" means the Minimum Internal Control Standards adopted by the NIGC from time to time.

30. "National Crime Information Center" means an FBI nationwide information system which, among other things, stores and searches right index fingerprints.

31. "Net Proceeds" means gross gaming revenues less:

(A) Amounts paid out as, or paid for, prizes; and

(B) Total Gaming related operating expenses, excluding management fees.

32. "NIGC" or "National Indian Gaming Commission" means the National Indian Gaming Commission established by the Indian Gaming Regulatory Act.

33. "Operator" in capitalized form, means a Person which has obtained a Gaming Establishment License under this Ordinance.

34. "Ordinance" means the Gaming Regulatory Ordinance of the Keweenaw Bay Indian Community.

35. "Participate" or "Participation" or "Participating" in any Gaming Activity means operating, directing, financing or in any way assisting in the establishment of or operation of any class of Gaming on any site at which such Gaming is being conducted, directly or indirectly, pursuant to this Ordinance, whether at the site in person or off the site.

36. "Person" means any individual, legal or quasi-legal entity and any governmental entity, including any subsidiary or affiliated entity of any of the foregoing; provided, however, that the term does not include the federal government and any agency thereof.

37. "Player" means a Person participating in a Game of Chance with the hope of winning money or other benefits, but does not include an Operator, or any assistant of an Operator.

38. "Primary Management Official" means:

(A) The person having management responsibility under the provisions of a Management Contract;

(B) Any person who has authority:

(a) To hire and fire employees;

(b) To set up an operating policy for the Gaming Establishment; or

(c) For financial management.

39."Secretary" means the Secretary of the Department of the Interior.

40. "State" means the State of Michigan.

41. "TICS" means the Tribal Internal Control Standards adopted by the Gaming Commission, as amended from time to time.

42. "Tribal" or "Tribally" means relating to the Community.

43. "Tribal Court" means the Tribal Court of the Community.

44. "Tribal/State Compact" means any Gaming Compact between the Community and the State of Michigan authorized by the Indian Gaming Regulatory Act, as amended from time to time.

45. "WICS" means Written Internal Control Standards developed by the Gaming Establishment and approved by the Gaming Commission, as amended from time to time.

SECTION THREE
GAMING ESTABLISHMENT LICENSES

§18B.301. Applicability.

The application for a Gaming Establishment License, the operation of a Gaming Establishment, the conduct of Gaming, the employment by a Gaming Establishment, and the participation by patrons in Gaming at a Gaming Establishment shall be deemed a consent by all such Persons to the jurisdiction of the Gaming Commission and the Tribal Court in all matters arising from the conduct of such Gaming and all matters arising under any of the provisions of this Ordinance or other Tribal laws.

§18B.302. License Required.

Separate Gaming Establishment Licenses shall be issued by the Gaming Commission for each Gaming Establishment where Class II Gaming and/or Class III Gaming are conducted.

§18B.303. Application Procedure.

A) Except as provided for in §18B.303(B), an applicant for a Gaming Establishment License shall file with the Gaming Commission an application for a Class II and/or Class III Gaming Establishment License, whichever is appropriate, which shall identify the name of the proposed Gaming Establishment, its location, a legal description of the lands whereon the proposed

Gaming Establishment will be located and all other information that is required by this Ordinance to be included in the application. If the Operator is a legal entity, the Operator shall furnish a copy of its Articles of Incorporation or other basic instrument, and any amendment thereto, to the Gaming Commission. The Gaming Commission shall specify the form, conditions and content for the application for such licenses.

(B) The Gaming Establishments listed in this paragraph shall not be required to file an application for a Gaming License under this Ordinance. These Gaming Establishments are:

(1) The Ojibwa Casino Resort, 797 Michigan Avenue (Hwy. M-38), Baraga, Baraga County, MI, which includes the Big Bucks Bingo facility.

(2) The Ojibwa II, 105 Acre Trail, Marquette, Marquette County, MI.

(C) The Gaming Commission shall only issue such Gaming Establishment Licenses if the applications therefore include the information and certifications required by this section and such further conditions as the Gaming Commission shall have specified.

(D) The Gaming Commission may take such additional actions as may be necessary to insure the integrity and compliance of a Gaming Establishment with the requirements of this Ordinance.

§18B.304. Term of License.

(A) The Gaming Establishment Licenses listed in this subsection 18B.304 which were granted pursuant to previous laws of the Community shall be valid until revoked or suspended by the Gaming Commission. These Gaming Establishments Licenses are:

(1) Class II and Class III Gaming Establishment Licenses for the Ojibwa Casino Resort, 797 Michigan Avenue (Hwy. M-38), Baraga, Baraga County, MI, which includes the Big Bucks Bingo facility;

(2) Class II and Class III Gaming Establishment Licenses for the Ojibwa II, 105 Acre Trail, Marquette, Marquette County, MI;

(B) All other Gaming Establishment Licenses shall be valid for a period of 1 year from the date of issuance.

§18B.305. License Renewal.

(A) Each annual Gaming Establishment License must be renewed prior to its expiration. In order

to obtain a renewed license, the Operator shall submit a written renewal application to the Gaming Commission at least 90 days prior to the expiration on a form provided by the Gaming Commission.

(B) Each application for renewal of a Gaming Establishment License shall identify any changes or additions to said legal description.

§18B.306. Annual Reports.

(A) Each Operator who possesses a Gaming Establishment License must file an annual report with the Gaming Commission for the year ended September 30, which report shall be filed with the Gaming Commission on or before January 15 of the following year. The report shall be filed on the annual report form provided by the Gaming Commission and shall include, at a minimum, the following information:

(1) Financial statements, audit reports and other documents specified by the Gaming Commission and prepared by an independent certified public accountant.

(2) The names and addresses of the persons who are current Primary Management Officials or Key Employees and a statement of any changes in the Primary Management Officials or Key Employees.

(3) Written proof that the Operator has paid to the NIGC such fees as Tribal and Federal law may require.

(4) A sworn statement that the Operator has complied with all requirements of the Internal Revenue Code with respect to the Gaming Establishment operated by the Operator.

§18B.307. Record Keeping Requirements.

Each Operator of a Gaming Establishment shall maintain and keep for not less than three years books of accounts and records of the Gaming Establishment relating to the certified annual audits that are filed with the Gaming Commission, including books of accounts and records that establish the gross and net income, deductions, expenses, receipts and disbursements of the Gaming Establishment for those years.

§18B.308. Suspension or Revocation of Gaming Establishment License.

(A) If the Gaming Commission determines that the immediate suspension of a Gaming Establishment License is necessary to protect the interests of the Community, the Gaming Commission may immediately suspend the Gaming Establishment License on a temporary basis and the issue of permanent revocation shall be determined by a formal hearing before the Gaming Commission conducted pursuant to the Hearing Procedures for Contested Cases.

(B) In either case of temporary suspension or permanent revocation, the licensee shall immediately cease and desist operating the Gaming Establishment.

SECTION FOUR
TRIBAL GAMING MANAGEMENT

§18B.401. Management Contracts.

Unless authorized by law, the Community shall not enter into a Management Contract which may provide for, among other matters, the management of the operation of the Community's Gaming Establishment(s) by a Person who is not an employee of the Community.

SECTION FIVE
GAMING EMPLOYEE LICENSES

§18B.501. License Required.

(A) Each Primary Management Official and Key Employee of a Class II or Class III Gaming Establishment shall possess a current and valid Gaming Employee License.

(B) The application for a Gaming Employee License shall be deemed a consent to the jurisdiction of the Commission and the Tribal Court in all matters arising from such license and employment and all matters arising under any provisions of this Ordinance or other applicable Tribal or federal law.

§18B.502. Existing Gaming Employee Licenses.

All Gaming Licenses issued to Primary Management Officials and Key Employees, under previously existing laws of the Community, who are employed by a Gaming Establishment on the date of the adoption of this Ordinance shall continue in full force and effect until September 30 of the year in which this Ordinance is adopted.

§18B.503. Application Procedure.

(A) Applications for new Gaming Employee Licenses shall be submitted to the Gaming Commission on a form approved by the Gaming Commission in such manner as the Gaming Commission may require. At a minimum, the application shall contain the following information:

(1) The applicant's full name (including aliases), current home and work addresses and telephone numbers, Social Security Number, place and date of birth, citizenship, as well as the address of the applicant's personal residences over the past five years. Each application shall be accompanied by a photograph of the applicant taken within the last year.

(2) The title and job description the applicant is applying for.

(3) Currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and valid picture identification cards.

(4) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses.

(5) A description of any existing and previous business relationships with the Gaming industry generally, including ownership interests in those businesses.

(6) 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.

(7) 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.

(8) For each felony for which there was an arrest, an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any.
(9) For each misdemeanor for which there was an arrest, an ongoing prosecution or a conviction within ten years of the date of the application, the name and address of the court involved and the date of disposition.
(10) For each criminal charge, whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to subparagraphs (8) and (9) above, the criminal charge, the name and address of the court involved and the date of disposition.
(11) The names and current addresses and telephone numbers of at least three personal references. The references must not be related to the applicant and must not be residing at the applicant's address(es).
(12) A description of any previous employment relationship with an Indian tribe, including the position held, name of the Indian tribe and name, address and telephone number of a person who can attest to the accuracy of the information provided.
(13) Written permission giving the Gaming Commission or its designee the right to investigate the applicant's background, including his criminal record, civil and criminal judgments, and credit history.
(14) A complete disclosure of any past, pending or anticipated civil action or suit, involving collection for fraud, misrepresentation or embezzlement, against the applicant, including the name, address and telephone number of the court involved.
(15) Any other information that the Gaming Commission shall require by regulation.
(B) As part of the applications procedure, the Gaming Commission or its designee shall conduct a personal interview with the applicant to verify that the information contained in the application is complete.
(C) Each application shall be accompanied by a sworn statement that if the license will be issued, the applicant will submit to the jurisdiction of the Commission and the Tribal Court, and the applicant will abide by all applicable Tribal and Federal laws, regulations and policies.
(D) The following notices shall be placed on the application form by the Gaming Commission:

(1) "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 Establishment. The information will be used by the Community 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 Employee License, or investigation of activities while associated with a tribe or a Gaming Establishment. Failure to consent to the disclosures indicated in this notice will result in the Community 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) "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."

(E) The Gaming Commission shall notify existing Primary Management Officials and Key Employees who have not completed an application containing the notices set forth in paragraph (D) above, that they must file with the Gaming Commission, within fifteen days after the date of the notice from the Gaming Commission, a statement, signed by the Primary Management Officials or Key Employees, that contains the notices and consent required in Section (D).

§18B.504. Application Fee.

The Community may charge a license fee, to be established by the Gaming Commission to cover the Gaming Commission's expenses in investigating and licensing Primary Management Officials and Key Employees.

§18B.505. Provisional Gaming Employee License

If a preliminary review of the application and the fingerprint check show no criminal history of the applicant, then the Gaming Commission may issue a provisional Gaming Employee License to the applicant for a period not to exceed 90 days. The provisional Gaming Employee License authorizes the applicant to perform the employment duties for which the license is sought, pending the Gaming Commission's action on the applicant's license application.

§18B.506. Term of License.

A Gaming Employee License issued pursuant to this Section shall be effective until September 30th of the year in which the license is issued. If the Gaming Employee License is issued after June 30th in any year, the license shall remain effective until September 30th of the year following the year in which it was issued.

§18B.507. License Renewal.

A holder of a Gaming Employee License shall apply to the Gaming Commission for a renewal of the Gaming Employee License at least ninety days prior to the expiration of the employee's existing Gaming Employee License by filing with the Gaming Commission a renewal application, updating all information contained in the original application.

§18B.508. Contents and Scope of License.

The Gaming Employee License shall state on its face the name of the employee, the location at which the employee is licensed to work, the license number, the employee's job title, the date on which the license became effective and the date on which the license expires. A Gaming Employee License issued pursuant to this Section shall be effective only for the person to whom it is issued and only with respect to the Gaming Establishment specified in the license. Any such

license may be transferred to a new Gaming Establishment only upon prior approval by the Gaming Commission upon the written request of the licensee identifying the proposed new Gaming Establishment.

§18B.509. Fingerprints.

Each applicant for a Primary Management Official or Key Employee position shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Gaming Commission and shall then be forwarded by the Gaming Commission to the NIGC for processing through the FBI and National Crime Information Center to determine the applicant's criminal history, if any.

§18B.510. Background Investigations.

(A) The Gaming Commission is responsible for conducting background investigations and eligibility determinations concerning the issuance of Gaming Employee Licenses to applicants.

(B) The Gaming Commission shall conduct a background investigation on each applicant to enable the Gaming Commission to make an eligibility determination for the issuance of a Gaming Employee License. The background investigation shall include:

(1) Verifying the information provided by the applicant in the application form.

(2) Contacting each personal and business reference provided in the application.

(3) Obtaining a personal credit check and conduct a civil court history check.

(4) Conducting a criminal history check via the submission of the applicant's fingerprints to the NIGC pursuant to subsection 18B.509.

(5) Inquiring into any previous or existing business relationships of the applicant with the Gaming industry and Indian tribes by contacting the entities or tribes.

(6) Verifying the applicant's history and status with any licensing agency by contacting the agency.

(7) Taking other appropriate steps to verify the accuracy of information provided, focusing on problem areas noted.

(C) In connection with the background investigation, an Investigative Report shall be created that

shall include all of the following:

(1) Steps taken in conducting a background investigation

(2) Results obtained

(3) Conclusions reached

(4) The bases of those conclusions

(D) The Gaming Commission may require asset and liability disclosure by the applicant when it deems that information necessary to adequately protect the Gaming Establishment and determine the suitability of a particular individual for employment or continued employment.

(E) The Gaming Commission and its staff shall keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal or Tribal law or pursuant to the Tribal/State Compact.

§18B.511. Notification of Application to NIGC.

When an individual applies for a Gaming Employee License, the Gaming Commission shall forward to the NIGC a completed application for the Gaming Employee License, conduct a background investigation provided for in §18B.510 and make the determination referred to in §18B.512.

§18B.512. Eligibility Determination.

The Gaming Commission shall review the applicant's prior activities, criminal record, if any, and reputation, character, habits and associations to make a finding concerning the eligibility of the applicant for a Gaming Employee License. If the Gaming Commission determines that employment of the applicant in a licensed position with a Gaming Establishment shall not pose a threat to the public interest or to the effective regulation of Gaming, or shall not create or enhance dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, the Gaming Commission shall determine if the applicant is eligible for employment as a Primary Management Official or Key Employee with the Gaming Establishment.

§18B.513. Report to NIGC.

After the background investigation has been completed and after the Gaming Commission has made an eligibility determination pursuant to §18B.512, the Gaming Commission shall forward the Investigative Report together with the eligibility determination to the NIGC within 60 days after the applicant begins work at the Gaming Establishment, unless the NIGC shall have advised the Gaming Commission that the submission of any or either of these reports is not necessary.

§18B.514. Grant or Denial of Gaming Employee License.

(A) If, within a 30-day period after the NIGC receives the Investigative Report, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a Gaming Employee License pursuant to a Gaming Employee License application filed by a Primary Management Official or Key Employee for whom the Gaming Commission has provided an application and Investigative Report to the NIGC, the Gaming Commission may issue a Gaming Employee License to the applicant.

(B) The Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Primary Management Official or Key Employee who is the subject of an Investigative Report. Such a request shall suspend the 30-day period under §18B.514(A) until the Chairman of the NIGC receives the additional information.

(C) If, within the 30-day period described in §18B.514(A) above, the NIGC provides the Gaming Commission with a statement itemizing objections to the issuance of a Gaming Employee License for whom the Gaming Commission has provided an application and Investigative Report to the NIGC, the Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Gaming Commission shall make the final decision whether to issue a Gaming Employee License to such applicant.

(D) If a Gaming Employee License is denied by the Gaming Commission, the Gaming Commission shall notify the NIGC of the denial and shall forward a copy of the Eligibility Determination to the NIGC for inclusion in the Indian Gaming Individuals Records System.

§18B.515. Record Keeping Requirements.

With respect to Primary Management Officials and Key Employees, the Gaming Commission shall retain applications for employment and reports of background investigations for three years from the date of termination of employment of the Primary Management Official or Key Employee.

§18B.516. Suspension or Revocation of Gaming Employee License.

(A) If the Gaming Commission determines that the immediate suspension of a Gaming Employee License is necessary for the reasons listed in paragraph (B) below, the Gaming Commission may immediately suspend the Gaming Employee License on a temporary basis and the issue of permanent revocation may be determined by a formal hearing before the Gaming Commission.

(B) Any Gaming Employee License may be immediately suspended and subsequently revoked by the Gaming Commission, in its discretion, if any of the following has occurred:

(1) The licensee has violated any provision of the Gaming Laws, including, but not limited to, the MICS the TICS, or the WICS.

(2) The licensee's continued employment as a Primary Management Official or Key Employee at the Gaming Establishment poses a threat to the general public.

(3) The licensee has made a material false statement in his/her application.

(4) The licensee has failed to comply with any lawful order, inquiry or directive of the Gaming Commission or the Tribal Court.

(5) The licensee has failed to provide the Gaming Commission with any change in status with regards to the information originally submitted in the employee's application.

(6) The licensee has failed to immediately notify the Operator and the Gaming Commission of any criminal charges that have been filed against the licensee after the Gaming Employee License has been issued by the Gaming Commission.

(7) The Gaming Commission has received notification from the NIGC indicating that reliable information exists that a licensee is not eligible for a Gaming Employee License.

(8) The licensee has been convicted of or entered a plea of guilty or no contest to any offense that may result in a bar to obtaining a Gaming Employee License, including, but not limited to, a

crime involving Gaming, fraud, theft, embezzlement or the sale or possession of illegal narcotics or controlled substances.

(9) The Gaming Commission finds that after issuance of a Gaming Employee License the licensee develops a reputation, character, habits and associations, including any activity considered unlawful under §18B.901, that pose a threat to the public interest or to the effective regulation of Gaming or creates or enhances dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming.

§18B.517. Procedure for Suspension or Revocation of Gaming Employee License.

(A) If the Gaming Commission suspends a Gaming Employee License pursuant to §18B.516 above, the Gaming Commission shall send a Notice of Suspension to the licensee. The notice shall state the reasons for which the suspension is issued.

(B) If a Notice of Revocation has been issued, the Notice of Revocation may state the time and place for a hearing before the Gaming Commission and that the licensee shall have an opportunity to present testimony and cross-examine opposing witnesses at that hearing, and to present any other evidence as to why a revocation order should not be issued by the Gaming Commission.

(C) After a Notice of Suspension or a Notice of Revocation has been issued, the Gaming Commission shall revoke or reinstate the Gaming Employee License. The licensee and the Gaming Establishment shall be notified of the decision of the Gaming Commission.

(D) When the Gaming Commission suspends or revokes a Gaming Employee License pursuant to this Ordinance, the licensee shall immediately cease and desist from performing work for any Gaming Establishment or Operator.

SECTION SIX

GAMING VENDOR LICENSES

§18B.601. Gaming Vendor Licenses.

Gaming Vendors must have a current and valid Gaming Vendor license issued by the Gaming Commission in order to transact business with the Gaming Establishment. The Gaming Commission shall maintain a register of the Gaming Vendors.

§18B.602. Application for Gaming Vendor License.

(A) Any person seeking a Gaming Vendor license shall submit an application to the Gaming Commission on such form and in such manner as the Gaming Commission may require.

(B) The Gaming Commission shall conduct a background investigation of the applicant for a Gaming Vendor License and its principals.

(C) Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor or manager under an agreement with the Community, if applicable.

(D) Upon receipt of a completed application, the Gaming Commission shall forward a copy thereof to the NIGC for an FBI criminal information check through the FBI National Criminal Information Center.

(E) Notwithstanding any other provisions of this Ordinance, Gaming Vendor Licenses existing on the date of adoption of this Ordinance shall continue to be valid until they expire in accordance with their own terms.

§18B.603. Contents of Gaming Vendor License Application.

(A) Applications for Gaming Vendor licenses shall include the following information:

(1) Name of business, business address, business phone, federal tax ID number (or Social Security Number 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 applicant is a sole proprietorship, corporation, partnership, limited liability company, or other entity.

(3) If the applicant is a corporation, the state of incorporation, and the qualification to do business in that state 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 business owned by the applicant or its principals.

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

(6) Whether the applicant will be investing in or lending money to the Gaming Establishment and, if so, how much.

(7) A description of any existing or previous business relationships with the Gaming industry generally, including ownership interests in those businesses.

(8) A list of Indian tribes with which the applicant has an existing or previous business relationship, including ownership, financial or management interests in non-Gaming activities. If the applicant has extensive interaction with Indian tribes, the above list shall include only the ten largest business relationships determined by Gross Gaming Revenues.

(9) Names, addresses and phone numbers of three business references with whom the applicant has regularly done business within the last five years.

(10) Name and address of any licensing or regulatory agency with which the applicant has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted.

(11) Whether the applicant has ever had a license or permit revoked or suspended for any reason and the circumstances involved.

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

(13) A complete financial statement showing all sources of income for the previous three years, and assets, liabilities, and net worth as of the date of the submission of the application.

(14) A list of the principals of the applicant, their Social Security Numbers, addresses and telephone numbers, title, and percentage of ownership in the applicant.

(15) A list of the applicant's funding sources and any liabilities of $100,000.00 or more.

(16) Any further information the Gaming Commission deems relevant.

(B) The following notice shall be placed on the application form: "Inclusion of false or misleading information in the Gaming Vendor application may be grounds for denial or revocation of the Gaming Vendor License."

(C) An applicant may submit a copy of a recent license application to another jurisdiction if it contains all of the information listed above. The applicant 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 Gaming Commission not contained in the other license application.
(D) Unless waived by the Gaming Commission, each application shall be accompanied by a sworn statement that if the Gaming Vendor license will be issued, the applicant will submit to the jurisdiction of the Gaming Commission and the Tribal Court, and the applicant will abide by all applicable Tribal and Federal laws, regulations and policies.

§18B.604. Background Investigation.

(A) Upon receipt of an application for a Gaming Vendor license, the Gaming Commission shall conduct a background investigation of the applicant and each of its principals. This investigation shall contain, at a minimum, each of the following procedures:
(1) Verification of the applicant's incorporation status and qualification to do business in the State of Michigan.
(2) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the applicant.
(3) Conduct a check of the applicant's credit history.
(4) Call each of the references listed in the application.
(5) Conduct an investigation of the principals of the applicant, including a criminal history check, a credit report, and interviews with the personal references listed.
(B) The Gaming Commission shall conduct such other investigation of the applicant and its principals as it may deem appropriate.

§18B.605. Investigative Report.

The Gaming Commission shall complete an investigative report covering each of the procedures taken in the background investigation of the applicant and its principals.

§18B.606. Application Fee.

The Community may charge a license fee, to be set by the Gaming Commission, to cover its expenses in investigating and licensing Gaming Vendors.

§18B.607. Recognized Licensing Authorities and Adherence to Technical Equipment Standards.

(A) An applicant for a Gaming Vendor license who provides the Gaming Commission with a certified copy of a Gaming Vendor license or similarly designated license granted by the States of Nevada, Minnesota, Wisconsin, New Jersey or Michigan, shall be granted a Gaming Vendor license by the Gaming Commission without being required to meet the requirements set forth in §18B.602 through §18B.605 and §18B.607 through §18B.608 of this Section.

(B) A Gaming Vendor license granted pursuant to paragraph (A) above shall be valid until the Gaming Vendor license or similarly designated license issued by the States of Nevada, Minnesota, Wisconsin, New Jersey or Michigan expires or is suspended or revoked by the proper authority; provided that the Gaming Commission's authority pursuant to §18B.609 shall apply to all Gaming Vendor licenses granted pursuant to paragraph (A) above.

(C) No Game of Chance, Gaming Equipment or Gaming supplies, pertaining to Class III Gaming may be purchased, leased or otherwise acquired by any Operator unless the Game of Chance, Gaming Equipment or Gaming supplies meet the technical equipment standards of either the State of Nevada or the State of New Jersey.

§18B.608. Action by Gaming Commission.

(A) Except as provided in subsection 18B.602(E) above, the Gaming Commission shall, as soon as practicable after completion of the background investigation either grant or deny a Gaming Vendor license.

(B) The Gaming Commission may deny a Gaming Vendor license to any applicant upon a determination that the applicant, or any principal identified with the applicant:

(1) Is a Person whose prior activities, criminal record, if any, or reputation, character, habits and associations pose a threat to the effective regulation of Gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the Gaming Activities

permitted hereunder; or

(2) Has failed to provide information reasonably required to investigate the applicant's suitability for a Gaming Vendor license or has failed to reveal any fact material to such application or has furnished any information that is untrue or misleading in connection with such application.

§18B.609. Duration and Renewal of Gaming Vendor License.

(A) Any Gaming Vendor license issued by the Gaming Commission pursuant to this section shall expire on the date one (1) year from the date of issuance of the license; provided, that a Gaming Vendor licensee who has applied for renewal of a license prior to its expiration may continue to provide Gaming Equipment or services under the expired Gaming Vendor license until the Gaming Commission takes final action on the renewal application.

(B) Previously licensed applicants for a Gaming Vendor license or applicants for renewal of a Gaming Vendor license shall provide currently updated application material but will not be required to resubmit historical data already on file with the Gaming Commission.

(C) The Gaming Vendor license shall be subject to a review consisting of such investigations as the Gaming Commission shall determine necessary.

(D) No additional background investigation of an applicant for the renewal of a Gaming Vendor license shall be required unless information concerning the applicant's continuing suitability or eligibility for a Gaming Vendor license has been presented to the Gaming Commission which indicates that the applicant is not suitable or otherwise eligible for a Gaming Vendor License; except that a new credit check shall be performed and the status of the licensee's regulatory licenses in other jurisdictions, if applicable, shall be checked and a litigation check shall be performed.

§18B.610. Suspension or Revocation of Gaming Vendor License.

The Gaming Commission may investigate any licensee or any principal of any licensee at any time and the Gaming Commission may suspend or revoke any Gaming Vendor license issued under this section if based upon that investigation information is discovered by the Gaming Commission that would justify suspension or revocation of an original Gaming Vendor license or any renewal thereof.

§18B.611. Procedure for Suspension or Revocation of Gaming Vendor License.

(A) When the Gaming Commission has reasonable cause to believe that a Person holding Gaming Vendor license did not qualify for said license or that the Person or any principal of the Person has engaged in activities that would justify denial of the renewal of said license, the Gaming Commission shall either issue a Notice of Suspension or a Notice of Revocation of such Person's Gaming Vendor License. The Notice of Revocation may, in the discretion of the Gaming Commission, be followed by a hearing before the Gaming Commission. The Notice shall be served upon the licensee at its principal place of business.

(B) The Notice of Suspension or the Notice of Revocation shall state the grounds upon which the suspension or revocation is ordered.

(C) If a Notice of Revocation has been issued, the Notice of Revocation shall state the time and place for a hearing before the Gaming Commission and that the licensee shall have an opportunity to present testimony and cross-examine opposing witnesses at that hearing, and to present any other evidence as to why a revocation order should not be issued by the Gaming Commission.

(D) When the Gaming Commission suspends or revokes a Gaming Vendor license pursuant to this Section, the licensee shall immediately cease and desist from providing Gaming Equipment or services to any Gaming Establishment or Operator.

SECTION SEVEN

PATRONS

§18B.701. Patron Dispute Resolution.

A patron who has a complaint against a Gaming Establishment shall make every effort to attempt to resolve the complaint through discussions with the Gaming Establishment pursuant to internal procedures established by the Gaming Establishment for this purpose. If the complaint is not resolved through discussions with the Gaming Establishment, the patron shall have as his or her sole remedy the right to file a petition for relief with the Gaming Commission. Any petition by a patron concerning a complaint against a Gaming Establishment must be submitted to the Gaming Commission within thirty (30) days after the incident giving rise to the complaint. Petitions shall

be submitted in writing. The Gaming Commission may hold a hearing within thirty (30) days of receipt of the petition; provided, that the Gaming Commission determines that there is probable cause to believe that the complaint against the Gaming Establishment is a valid complaint. At the discretion of the Gaming Commission, the petitioner may be allowed to present evidence at the hearing. Petitioner may have counsel present at such hearing. The Gaming Commission shall render a decision on the petition within thirty (30) days after the date of the hearing, if any. The Gaming Commission's decision shall constitute the petitioner's final remedy and is not appealable to Tribal Court.

SECTION EIGHT
MISCELLANEOUS

§18B.801. Provisions of General Applicability to all Operators.

(A) Each Operator shall respond immediately to and obey all inquiries, subpoenas or orders of the Tribal Court or the Gaming Commission.

(B) No license issued to any Person pursuant to this Ordinance shall be sold, lent, assigned or otherwise transferred without the prior approval of the Gaming Commission after conducting a hearing on a request therefore.

(C) An Operator shall immediately suspend any employment relationship with any employee who is charged with a crime of theft, embezzlement, fraud, a Gaming-related crime or any other crime which threatens the fairness or integrity of Gaming or creates a threat to the public, or any crime related to the use, sale, possession, manufacture or transport of illegal drugs. The Operator shall also immediately notify the Gaming Commission in writing of the name of the employee, the pending charges and/or the outcome of the case. If the employee is convicted or pleads no contest to the charges or a reduced or substituted charge that that is the same as or includes any of the foregoing charges the employee's employment shall be terminated by the Operator immediately after receiving notice of thereof .

(D) A Gaming Establishment shall only sell liquor in accordance with the provisions of the laws of the Community applicable thereto.

(E) Consideration for the opportunity to take part in any Gaming Activity as a Player shall only

be cash, complimentary chips, tokens or electronic card approved by the Gaming Commission and shall be presented at the time when a Game is played. No other form of consideration shall be allowed unless approved by the Gaming Commission in advance.

(F) Gaming chips, tokens of value and electronic cards shall only be sold and redeemed by the Operator and only for full value. Complimentary chips or other tokens issued and approved by the Gaming Commission for promotional purposes shall not be redeemed for cash and shall only be played or used in the Gaming Establishment for which they were intended.

(G) Any Player's winnings shall be paid in cash or by check. The winnings shall be paid within three (3) days after the date of the winnings.

(H) Each Operator shall comply with all applicable revenue reporting laws.

(I) Evidence of any win by any Player above taxable thresholds shall be provided to such Player in such form as is acceptable by the appropriate taxing authority.

(J) Each Operator shall keep accurate books and records of all moneys received and paid out and provide the Gaming Commission with copies of or access to the same upon request.

(K) Each Operator shall make the Gaming Establishment and its books and records available for inspection by the Gaming Commission during normal business hours.

(L) In compliance with Section 4(K)(2) of the Tribal/State Compact, a representative authorized in writing by the Governor of the State shall have the right to inspect all Tribal Class III Gaming Establishments and all Tribal records related to Class III Gaming, including those records set forth in Section 4(F) of the Tribal/State Compact, subject to the conditions set forth in Section 4(K)(2)(a) through (c) of the Tribal/State Compact.

(M) Each Gaming Establishment shall be subject to patrol and inspection by the Tribal Police Department for the purpose of enforcing Tribal law, and each Operator shall cooperate at all times with the Tribal Police Department.

(N) Each Operator shall post in a conspicuous location in the Gaming Establishment its Gaming Establishment License and shall post in a conspicuous place near where any Gaming Activity is being conducted, or shall otherwise provide the general public with, an explanation of the rules of play of every Game of Chance played in the Gaming Establishment.

(O) Each Operator is prohibited from exchanging any Gaming Equipment which might affect the integrity of the Game the equipment is used for, without obtaining the prior written approval of

the Gaming Commission.

(P) Each Operator is prohibited from renting or lending Gaming Equipment to any Person without the prior written approval of the Gaming Commission.

(Q) Each Operator shall provide adequate security for the Gaming Establishment to protect the welfare of the general public.

(R) Each Operator shall, at all times, maintain an orderly, clean and neat Gaming Establishment, both inside and outside.

(S) No person under the age of 18 shall be allowed to participate in Class II Gaming or Class III Gaming.

(T) A person under the age of 18 may take part in Class I Gaming in private homes, and attend and participate in sporting contests, ticket drawings, stick games and traditional gaming tournaments.

(U) Each Operator who anticipates the printing, assembly, reassembly, manufacture, construction or reconstruction of any Gaming Equipment shall first notify the Gaming Commission of the Operator's intention and shall have the finished product approved by the Gaming Commission before it is placed into service at a Gaming Establishment.

(V) Each Operator proposing to conduct a Gaming Activity on premises that the Operator does not own, shall file with the Gaming Commission, prior to conducting the Gaming Activity at such premises, a written agreement attested to by both the Operator and the owner of such premises, setting forth the terms under which the Operator is permitted to use the premises.

(1) At a minimum, such agreement shall contain the following information and provisions:

(a) The name of the person who is the legal owner of the premises. If the Operator is to be a sublessee, then the name of the lessee must also be included.

(b) The name of the Operator and the term and conditions for its use of the premises.

(c) The monetary consideration to be paid for such use of the premises, if any.

(d) A precise description of the premises granted to or leased by the Operator.

(e) The following provision: "The grantor/lessor hereby agrees that neither he/she, his/her spouse, nor any employee or agent of the grantor/lessor shall participate in the selling, distributing, conducting, assisting or participating in any Gaming Activity at the premises herein granted/leased without the prior written approval of the Gaming Commission".

(2) The rental provision of such agreement must establish a fixed monthly rental dollar amount unless otherwise approved in writing by the Gaming Commission.

(3) A graduated lease rate for the use of the premises is prohibited unless approved in writing by the Gaming Commission.

(4) Other remuneration, in lieu of money, for the use of the premises is prohibited unless approved in writing by the Gaming Commission.

(5) No Game of Chance shall be operated in conjunction with the conduct of the grantor's or lessor's business operation unless approved in writing by the Gaming Commission.

(6) Any revisions or modifications to the agreement shall be furnished to the Gaming Commission prior to its effectiveness.

§18B.802. Use of Gaming Proceeds.

(A) Net Proceeds 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 Community and its members;

(3) To promote economic development for the Community;

(4) To donate to charitable organizations; or

(5) To help fund operations of local government agencies.

§18B.803. Audit.

(A) Each Operator shall provide to the Gaming Commission, within ninety (90) days after the end of the last fiscal year of the Gaming Establishment, on an annual basis an independent audit of the financial operations of its Gaming Establishments by a certified public accountant computed in accordance with generally accepted accounting principles, constantly applied, for review by the Gaming Commission. The Operator shall submit a copy of the certified audit to the NIGC at the same time it submits the audit to the 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 §18B.803(A) above.

(C) The Gaming Commission may, at its discretion, conduct its own audit of all Gaming Establishments in addition to the independent audit provided for in paragraph (A) above. Within two weeks after completion of the audit conducted by the Gaming Commission, the Gaming Establishment(s) audited by the Gaming Commission shall pay to the Gaming Commission all costs incurred by the Gaming Commission for the audit.

§18B.804. Environment and Public Health and Safety.

The Operator shall be responsible for constructing, maintaining and operating its Gaming Establishment in a manner that adequately protects the environment and the public health and safety. The Gaming Commission may inspect the premises of each Gaming Establishment to enforce the forgoing requirement and may issue cease and desist orders to the Operator in connection with any noncompliance with the requirements of this Section.

§18B.805. Notices.

Any notice required under this Ordinance shall be in writing. Service of the notice shall be by personal service or by registered or certified mail, return receipt requested.

§18B.806. Proprietary Interest in Gaming Operation.

Except as provided in federal law, the Community shall have the sole proprietary interest in and responsibility for the conduct of any Gaming operation authorized by this Ordinance.

SECTION NINE
ENFORCEMENT

§18B.901. Unlawful Acts.

(A) It shall be unlawful for any Person to:

(1) Conduct or participate in any Class II or Class III Gaming Activity which is not authorized by this Ordinance.

(2) Knowingly make a false statement or withhold material information on an application for any license provided in this Ordinance.

(3) Knowingly provide false testimony to the Gaming Commission or its authorized representative while under oath.

(4) Offer, promise, or give Any Thing Of Value to a Person with the intent that the offer, promise, or giving of Any Thing Of Value will influence the actions of the Person to whom the offer, promise, or giving of Any Thing Of Value was made to affect or attempt to affect the outcome of a Game of Chance, or to influence official action of a member of the Gaming Commission.

(5) Solicit or knowingly accept or receive a promise from another Person of Any Thing Of Value while the Person is employed by or licensed for a Gaming Establishment with the intent that the promise by the other Person of Any Thing Of Value will influence the actions of the Person to affect or attempt to affect the outcome of a Game of Chance.

(6) Offer, promise or give Any Thing Of Value to a member, employee, or representative of the Gaming Commission with the intent that the offer, promise or giving of Any Thing Of Value will influence the official action of the member, employee, or representative of the Gaming Commission to whom the offer, promise or giving of Any Thing Of Value was made pertaining to the administration, licensing, regulation or enforcement of this Ordinance.

(7) Solicit or knowingly accept or receive a promise of Any Thing Of Value while the person is a member, employee, or representative of the Gaming Commission pursuant to an understanding or arrangement or with the intent that the promise of Any Thing Of Value will influence the official action of the member, employee, or representative of the Gaming Commission pertaining to the enforcement of this Ordinance.

(8) Except as otherwise expressly authorized by the Gaming Commission, use or possess, or have the intent to use or possess a device that will assist the Person in doing any of the following:

(i) Projecting the outcome of a Game of Chance.

(ii) Keeping track of the cards played in a Game of Chance.

(iii) Analyzing the probability of the occurrence of an event relating to a Game of Chance.

(iv) Analyzing the strategy for playing or betting to be used in a Game of Chance.

(9) Cheat at a Game of Chance.

(10) Sell or distribute cards, chips, dice or a Game of Chance, without first having obtained a license from the Gaming Commission for such activity.

(11) Alter or misrepresent the outcome of a Game of Chance on which wagers have been made after the outcome is determined but before it is revealed to the Players.

(12) Place a bet on a Game of Chance after acquiring knowledge of the outcome of the Game of Chance or to aid or assist a Person in acquiring the knowledge of the outcome of a Game of Chance for the purpose of permitting the Person to place a bet on the Game of Chance after that Person has acquired advance knowledge of outcome of the Game of Chance.

(13) Claim, collect, take, or attempt to claim, collect, or take money or Any Thing Of Value in or from a Game of Chance, with intent to defraud, without having made a wager contingent on winning a Game of Chance, or claim, collect, or take an amount of money or Any Thing Of Value which has greater value than the amount won after betting on a Game of Chance.

(14) Use counterfeit chips or tokens in a Game of Chance.

(15) Possess a key or device designed for the purpose of opening, entering, or affecting the operation of a Game of Chance, drop box, or an electronic or mechanical device connected with the Game of Chance or for removing coins, tokens, chips, or other contents of a Game of Chance. This Section shall not apply to a Gaming Establishment Licensee or employee of a Gaming Establishment Licensee acting in furtherance of the employee's employment.

(16) Knowingly make a wager if the Person making the wager is under 18 years of age or to permit a person under 18 years to make a wager on a Game of Chance.

(17) Willfully fail to appear before or provide an item to the Gaming Commission at the time and place specified in a subpoena or summons issued by the Gaming Commission.

(18) Willfully refuse, without just cause, to testify or provide items in answer to a subpoena, subpoena duces tecum or summons issued by the Gaming Commission.

(19) Conduct or permit a Person who is not licensed pursuant to this Ordinance to conduct activities required to be licensed under this Ordinance.

(20) Falsify any books or records pertaining to any transaction connected with any Gaming Activity.

(21) Accept consideration other than money or other consideration approved by the Gaming Commission for the opportunity to participate in any Gaming Activity.

(22) Alter or counterfeit any license relating to this Ordinance.

(23) Use a device for any Gaming Activity if the use of the device violates this Ordinance.

(B) A conviction for a violation of a provision of this section shall constitute a Class A misdemeanor under Title Two of the Tribal Code and the Person found in violation hereof shall be forever barred from receiving or maintaining a license under this Title 18 Chapter B.

(C) The acts prohibited under paragraph (A) of this subsection §18B.901 are in addition to the criminal offenses set forth under Title Three of the Tribal Code.

§18B.902. Civil Fines.

(A) The Gaming Commission is hereby authorized to impose civil fines for a violation of any provision of this Ordinance in an amount not to exceed $5,000.00 for each and every violation, except for violations of the provisions of §18B.901 which shall be within the exclusive jurisdiction of the Tribal Court

(B) The civil fines imposed under this Ordinance are intended to be remedial and not punitive in nature and are designed to compensate the Community for the damage done to the peace, security, economy and general welfare of the Community and to compensate the Community for the costs incurred by the Community in enforcing this Ordinance.

(C) All civil fines accruing under this Ordinance shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, judgment, penalty, forfeiture or damages, nor bar any criminal prosecution, of any Person for a violation of an unlawful act specified in this Ordinance.

(D) The amount of any civil fine levied or assessed by the Gaming Commission pursuant to this subsection §18B.902 may be recovered in a civil action brought by the Gaming Commission in the Tribal Court.

§18B.903. Seizure, Confiscation, Destruction, or Forfeiture of Property.

Any Gaming Equipment, Gaming device, money, proceeds, substituted proceeds, or real or personal property used, obtained or received in violation of this Ordinance shall be subject to seizure, confiscation, destruction, or forfeiture.

§18B.904. Repealing of Prior Ordinances, Resolutions and Motions.

The Community's Gaming Ordinance approved by the NIGC on March 3, 1994, and all amendments thereto and any other ordinance regulating Gaming, are hereby repealed. All resolutions and motions of the Tribal Council pertaining to Gaming or ordinances repealed by this Ordinance, which were adopted prior to the effective date of this Ordinance, are hereby rescinded.

§18B.905. Effective Date.

This Ordinance shall take effect on October 1, 2006.

Motion By: Warren C Swartz, JR. Seconded by: Toni J. Minton

Ayes 5 Nays 2 Abstained 0 Not Present 4

Adopted __X__ (Yes) ____ (No)

Date: August 24, 2006