



July 11, 2022

Beverly Cook
Michael Conners
Ronald LaFrance Jr.
Tribal Chiefs
Saint Regis Mohawk Tribe
71 Margaret Terrance Memorial Way
Akwesasne, NY 13655

Re: Saint Regis Mohawk Tribal Gaming Ordinance amendments, Resolution 2022-14

Dear Chiefs Cook, Conners, and LaFrance:

This letter responds to your request dated May 3, 2022, on behalf of the Saint Regis Mohawk Tribe for the National Indian Gaming Commission Chairman to review and approve amendments to the Tribe's gaming ordinance.

Resolution 2022-14 replaces the Tribe's current gaming ordinance, TCR 1993-102, with a wholly revised and updated version. This newly amended ordinance reflects recent amendments to NIGC background and licensing provisions, the Tribe's intent to allow only tribally owned gaming on its lands, and other updates deemed necessary by the Tribe in the twenty years since the last amendment.

The amendments are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations and are hereby approved. If you have any questions concerning this letter or the ordinance review process, please contact Jennifer Lawson at jennifer_lawson@nigc.gov.

Sincerely,

A handwritten signature in blue ink that reads "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer
Chairman



Saint Regis Mohawk Tribe

Chief Beverly Cook
Chief Michael Conners
Chief Ronald LaFrance, Jr.
Sub-Chief Kenneth Jock
Sub-Chief Agnes Jacobs
Sub-Chief Benjamin Herne

TRIBAL COUNCIL RESOLUTION 2022-14

TO AMEND THE SAINT REGIS MOHAWK TRIBAL GAMING ORDINANCE

WHEREAS, the Saint Regis Mohawk Tribal Council (“Tribal Council”) is the duly recognized governing body of the Saint Regis Mohawk Tribe (“Tribe”) and is responsible for promoting the health, safety, education and general welfare of all community members; and


WHEREAS, the Tribe adopted and ratified a gaming ordinance establishing the Tribal Gaming Commission and other regulatory structures to coordinate Tribal gaming on the Saint Regis Mohawk Reservation pursuant to Tribal Council Resolution (“TCR”) 1993-102; and


WHEREAS, the Saint Regis Mohawk Tribal Council now wishes to amend TCR 1993-102 and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED:

1. The Saint Regis Mohawk Tribal Council hereby adopts and ratifies the Amended Tribal Gaming Ordinance, as attached hereto, and authorizes it to be submitted to the National Indian Gaming Commission for final approval; and
2. This Amendment supersedes TCR 1993-102 and any prior amendments.

SAINT REGIS MOHAWK TRIBAL COUNCIL


Beverly Cook
Tribal Chief

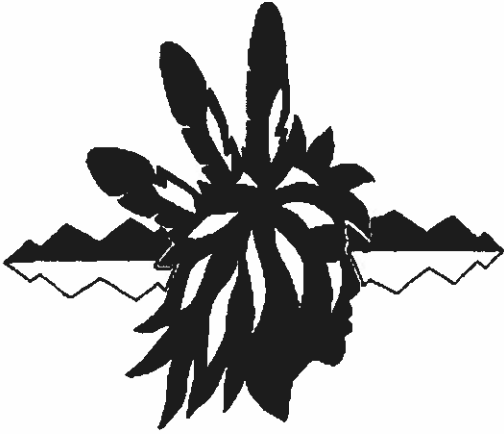

Michael Conners
Tribal Chief


Ronald LaFrance Jr.
Tribal Chief

CERTIFICATION: This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.


Summer Bero, Tribal Clerk


Date



Saint Regis Mohawk
Tribal Gaming
Ordinance

Revised DATE HERE

TCR: 2022-***

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SECTION 1: AUTHORITY

Pursuant to the authority vested in the Saint Regis Mohawk Tribe, (hereinafter referred to as the "Tribe") and its Tribal Council, by virtue of the Tribe's inherent powers of self-government recognized by the federal government in the Treaty with the Seven Nations of Canada, 7 Stat. 55 (May 31, 1796) and the power of a majority of the Tribal Council to act on behalf of the Tribe pursuant to the customs and traditions of the Tribe, the Tribe hereby authorizes the operation of a variety of Class II and Class III games (as defined by IGRA and this Ordinance) as a means to promote the Tribe's economic development, self-sufficiency, and strong Tribal government and establishes a public body known as the Saint Regis Mohawk Tribal Gaming Commission (hereinafter referred to as the "Tribal Gaming Commission") to regulate such gaming.

SECTION 2: PURPOSE

The Saint Regis Mohawk Tribal Gaming Commission of the Saint Regis Mohawk Tribe, to enact ordinances, hereby enacts this Ordinance to promote tribal economic development, self-sufficiency, and sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operator and players.

SECTION 3: APPLICABILITY

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to Class II and Class III gaming on the Tribe's tribal lands.

SECTION 4: DEFINITIONS

The following terms, wherever used or referred to in this Ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

A. Class I gaming means:

1. Social games played solely for prizes of minimal value; or
2. Traditional forms of Tribal gaming when played by individuals in connection with tribal ceremonies or celebrations.

B. **Class II gaming** means:

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn, or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
 - d. Pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo, if played in the same location as bingo or lotto;
2. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;
3. Card games played in the states of Michigan, North Dakota, South Dakota, or Washington, if:
 - a. A tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - b. The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair;
4. Individually owned class II gaming operations:
 - a. That were operating on September 1, 1986;
 - b. That meet the requirements of 25 U.S.C. § 2710(b)(4)(B);
 - c. Where the nature and scope of the game remains as it was on October 17, 1988; and
 - d. Where the ownership interest or interests are the same as on October 17, 1988

- C. **Class III gaming** means all forms of gaming that are not class I or class II gaming, including, but not limited to:
1. Any house banking game, including but not limited to:
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
 2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;
 3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
 4. Lotteries.
- D. **Compact** means an agreement between a Tribe and State about Class III gaming under 25 U.S.C. § 2710(d).
- E. **Enterprise** shall have the meaning set forth in Section 2 (f) of the Compact.
- F. **Executive Director** means the Executive Director of the Saint Regis Mohawk Tribal Gaming Commission.
- G. **Facility License** means a separate license by the Tribe to each place, facility, or location on Tribal lands where the Tribe elects to allow Class II or Class III gaming.
- H. **Gaming employee** means any natural person employed in the operation or management of Class II or Class III gaming authorized by this Ordinance or as defined in Section 2 (g) of the Compact, whether employed by the Tribe or by any enterprise or management contractor providing on-site services to the Tribe within a Class II or Class III gaming facility.
- I. **Gaming facility** means any place, facility or location in which Class II or Class II gaming is conducted on Tribal land.
- J. **Gaming operation** means any business or activity operated by or for the Tribe on Tribal lands for the purpose of conducting any

form of Class II or Class III gaming in any Class II or Class III gaming facility.

K. **Gaming service** shall have the meaning set forth in Section 2 (k) of the Compact.

L. **IGRA** means the Indian Gaming Regulatory Act; Pub. L. 100-497, 102 Stat. 2467, codified at 25 U.S.C. §§ 2701-21 and 18 U.S.C. §§ 1166-68.

M. **Key employee** means:

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

- a. Bingo caller;
- b. Counting room supervisor;
- c. Chief of Security;
- d. Custodian of gaming supplies or cash;
- e. Floor manager;
- f. Pit boss
- g. Dealer;
- h. Croupier;
- i. Approver of credit; or
- j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices;

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

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

4. Any other person designated by the Commission as a key employee.

N. **Licensee** means a tribally owned Class II or Class II gaming operation or a person licensed by the Tribal Gaming Commission as a primary management official, key employee, or other gaming employee under the provisions of this Ordinance.

O. **Licensing** means the permission to be employed in or operate a tribally-owned gaming operation and includes the suspension or revocation of that permission for cause.

P. **Management Contract** means any contract, subcontract, or collateral agreement between a Tribe 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 operation.

Q. **Net revenues** mean the gross revenues of a Tribal gaming operation less:

1. Amount paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operation expense and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

R. **Ordinance** means this Saint Regis Mohawk Tribal Gaming Ordinance.

S. **Primary Management Official** means:

1. The person(s) having management responsibility for a management contract.
2. Any person who has authority:
 - a. To hire and fire employees; or
 - b. To set up working policy for the gaming operation; or
 - c. The chief financial officer or other person who has financial management responsibility.
 - d. Any other person designated by the Commission as a primary management official.

T. **Saint Regis Mohawk Tribal Gaming Commission** or Commission means the Tribal Gaming Commission established pursuant to IGRA; which is the same as the Tribal Gaming Agency or Commission as defined in Section 2 (s) of the Compact. The Commission is established to perform regulatory oversight and to monitor with tribal, federal, and state regulations.

U. **Saint Regis Mohawk Tribal Gaming Commissioner** means a Tribal Gaming Commissioner.

V. **State** shall mean the State of New York.

W. **Tribal Council** means the official governmental body of the Saint Regis Mohawk Tribe recognized by the United States federal government as the governmental body of the Tribe.

X. Tribal lands mean:

1. Land with the limits of Tribal reservation; or
2. Land over which the Tribe exercises governmental power and that is either;
 - a. Held in trust by the United State for the benefit of any Tribe or individual; or
 - b. Held by the Tribe or individual subject to restriction by the United States against alienation.

Y. Tribe means the Saint Regis Mohawk Tribe.

SECTION 5: GAMING AUTHORIZED

Class II and Class III gaming are authorized to be conducted on the Tribe's lands, if such gaming is conducted in accordance with this Ordinance, the Indian Gaming Regulatory Act (IGRA), the NIGC's regulations, and any other applicable laws or regulations.

SECTION 6: OWNERSHIP OF GAMING

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

SECTION 7: USE OF NET GAMING REVENUES

- A. Net revenues from Tribal gaming shall be used only for the following purposes:
1. To fund Tribal government operations or programs;
 2. To provide for the general welfare of the Tribe and its members to include per capita payments if they comply with Section 8 below;
 3. To promote Tribal economic development;
 4. To donate to charitable organizations; or
 5. To help fund operations of local government agencies.

SECTION 8: PER CAPITA PAYMENTS

- A. Net revenues from any Class II and/or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:
1. The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by Section 7(A) of this Ordinance;
 2. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in Sections 7(A)(1) and 7(A)(3) of this Ordinance;
 3. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
 4. The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

SECTION 9: GAMING COMMISSION

- A. The Saint Regis Mohawk Tribal Gaming Commission ("Commission") shall be composed of a minimum of three (3) persons, each of whom shall carry the title "Tribal Gaming Commissioner," Tribal Gaming Commission Executive Director, the Tribal Gaming Commission employees
- B. The Tribal Gaming Commissioners shall be appointed, and may be reappointed, by majority vote of the Tribal Council. A Resolution of the Tribal Council as to the appointment or reappointment of any Tribal Gaming Commissioner shall be conclusive evidence of the due and proper appointment of the member.
- C. The following must be met to qualify to be appointed as a Commissioner:
1. Enrolled member of the Saint Regis Mohawk Tribe;
 2. Twenty-one (21) years of age;

- D. The following persons are not eligible to serve as Commissioners:
1. Current employees of the gaming operation;
 2. Gaming contractors (including principal of a management, or other contracting company);
- E. The Tribe recognizes the importance of an independent Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Saint Regis Mohawk Tribal Council in all matters within its purview. No prior, or subsequent, review by the Saint Regis Mohawk Tribe of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:
1. No member of the Saint Regis Mohawk Tribal Council or gaming board may serve on the Commission;
 2. No member directly related to, or living with, any Saint Regis Mohawk Tribal Council member or gaming board member may serve on the Commission; and
 3. The Commission and its employees are prohibited from accepting complimentary items from the gaming operation, except food and beverages items valued under 100 dollars (\$100.00) or less.
- F. The term of office shall be three years and may be staggered. In the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. If physically able, each Tribal Gaming Commissioner shall hold office until his/her successor has been appointed.
- G. The Commission shall name one of the Tribal Gaming Commissioners as the Chairman of the Commission. The Chairman of the Commission shall have the authority to call meetings of the Commission and shall preside over such meeting. The Commission shall select from among its Tribal Gaming Commissioners, a Vice Chairman, and no Tribal Gaming Commissioner may hold the positions of both Chairman and Vice Chairman. In absence of the Chairman, the Vice Chairman shall preside.
- H. A Tribal Gaming Commissioner may be removed before the end of his/her term with or without good cause.

- I. No Tribal Gaming Commissioner or employee of the Commission shall participate as a player in any gaming activity conducted by the Tribe.
- J. The Tribal Gaming Commissioners may receive compensation for their services and shall be entitled to compensation for their expenses, including travel expenses, incurred in the discharge of their duties.
- K. A majority of the full Tribal Gaming Commission shall constitute a quorum for the transaction of business, considering any vacancies which may exist.
- L. Meetings of the Commission shall be held at regular intervals as provided in the by-laws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that at least a quorum exists and that there is a majority vote of those Tribal Gaming Commissioners present with respect to the proposed action.
- M. Any action required or permitted to be taken at a meeting of the Tribal Gaming Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission and shall have the same effect as consent obtained at a meeting.
- N. Commissioners may participate in a meeting of the Tribal Gaming Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meetings can hear each other, and participation in a meeting in such manner by any Tribal Gaming Commissioner who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person of that Tribal Gaming Commissioner at such meeting.

SECTION 10: POWERS AND DUTIES OF THE TRIBAL GAMING COMMISSION

The Commission shall be responsible for the regulation of any gaming activity authorized by this Ordinance and shall have the following powers that it may exercise consistent with the purposes for which it is established and in compliance with the Compact:

- A. To adopt written standards of operation and management as provided in the compact to govern all authorized gaming which shall include:
 - 1. The rules of each game of chance operated by the Tribe or licensed gaming facility;

2. Permissible methods of payment;
3. Procedures to license gaming employees, to conduct or cause to be conducted background investigations on employees and management officials; and to train and instruct gaming employees;
4. Internal organization and management of the gaming operations;
5. Security and surveillance methods;
6. Accounting and cash control procedures; and
7. Other record keeping requirements.

Such standards shall protect the public interest in the integrity of the gaming operations, and shall reduce the dangers of unsuitable, unfair, or illegal practices and methods in the conduct of gaming.

- B. With regards to subpoena powers, the Commission may in order to investigate any aspect of a gaming operation, issue subpoenas, and in doing so, require and review records of or concerning any gaming operation, and to compel any gaming person employed by any such operation, or doing business with such operations to appear before it, and to provide such information, records or other materials as may be in their possession to assist in any investigation.
- C. To license any gaming facility on Tribal Land where the Tribe elects to allow Class II or Class III gaming and to enter and inspect at any time such gaming facility in which games are operated pursuant to this Ordinance. Such inspections may be conducted by non-uniformed inspectors employed by and under the direction of the Tribal Gaming Commission.
- D. To require an annual audit by a certified public accounting firm of all gaming activities and gaming facilities and such other audits as it deems necessary.
- E. To license any gaming employee.
- F. To acknowledge the registration of gaming service enterprises by the State for purposes of contracting with the Tribe and to assist the State in the registration of gaming service enterprises that seek to do business with a Tribal gaming operation.

- G. To ensure that background investigations and licensing procedures are conducted on primary management officials and key employees of the gaming operations in accordance with IGRA and the Compact, and to oversee such officials and their management on an ongoing basis.
- H. To prohibit undesirable conduct from occurring in, and undesirable persons from admission to, any gaming facility.
- I. To coordinate and cooperate with any legitimate law enforcement effort to protect the Tribe and its gaming operations from harm.
- J. To provide information to the federal and state governments in accordance with IGRA and the Compact.
- K. To ensure that the construction and maintenance of all gaming facilities and the operation of all gaming activities is conducted in a manner that adequately protects the environment and the public health and safety of all individuals.
- L. To carry out each responsibility and duty of the Commission set forth in IGRA and the Compact not otherwise set forth in this Ordinance.
- M. Customer Disputes: Any person who has any dispute, disagreement or other grievance that involves currency, tokens, coins, or any other thing of value and is between the customer or player and the Gaming Operation, may raise such dispute with the following persons and in the following recommended order:
 - 1. Employees of the Gaming Operations.
 - 2. The supervisor in the area in which the dispute arose.
 - 3. The General Manager of the Gaming Operation.
 - 4. The Tribal Gaming Commission.

At each level, the complainant has the right to explain his/her side of the dispute, and to present witnesses in connection with any factual allegation. At each level, if the dispute remains unresolved, the complainant shall be given a copy of the impartial dispute resolution procedures adopted by the Commission or as agreed to in the Tribal/State Compact. The complainant shall be informed of the right to take the dispute to the next higher level.

Resolution of any dispute by an employee of the Gaming Operation should always involve two or more employees, one of which should

involve the next immediate supervisor. All disputes, whether resolved or not, should be subject to a documented detailed report by all employees involved and submitted to their supervisors, or, in the case of the General Manager, to the Gaming Commission.

The Commission's action on customer disputes. All disputes which are submitted to the Commission shall be decided by the Commission based on information provided by the complainant, any witnesses, documents provided by the complainant, or by the General Manager, or any other person who has relevant information to provide. The decision of the Commission shall be in writing, within a reasonable amount of time after submission of the matter to the Commission, and shall be provided to the General Manager of the Gaming Operation and to the complainant.

- N. The Commission may adopt an annual operating budget and may in accordance with that budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance. The Commission shall appoint an individual to serve as a full-time Executive Director of the Commission to administer its responsibilities on a day to day basis and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. The Commission may delegate to the Executive Director those powers not expressly limited to the Commission. The Commission may also enlist legal counsel and other professional services, including investigative services, available to the Tribe, to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- O. To undertake and carry out studies and analyses of Tribal gaming operations.
- P. To adopt such by-laws as the Commission deems necessary and appropriate.
- Q. The Commission shall submit an annual report, in written form, signed by the Chairman of the Commission, to the Tribal Council showing:
 - 1. A summary of the year's activities
 - 2. The financial condition of the gaming operations
 - 3. Any significant problems and accomplishments
 - 4. Plans for the future
 - 5. Such other information as the Tribal Gaming Commission or the Tribal Council may deem pertinent

- R. To oversee and implement any responsibilities of the Tribe or Commission pursuant to any management or service agreement with a third party for the management of Tribal gaming operations.
- S. To take such further actions as are commonly engaged in by public bodies of this character as the Commission may deem necessary and desirable to effectuate its purposes, including without limitation the power of adopt rules and regulations governing the procedures for the meetings of the Commission.
- T. To oversee the Gaming Operations and assure compliance with established operating procedures that protect the integrity of the games played. Controls and procedures must be strictly adhered to in order to protect the Tribe from corrupt influences, and to ensure that any Class II and Class III gaming is conducted fairly and honestly by all parties involved.
- U. The Commission is empowered to levy fines and penalties for violations of the Ordinance, the Compact and the Act (I.G.R.A.), and to issue subpoenas through its delegated licensing authority. Further, the Commission has the power to adopt rules and regulations governing procedures that enhance the Tribe's effectiveness to self-regulate their Gaming Operations. The Commission may impose any of the following civil penalties:
1. Termination, suspension, or exclusion from employment in any Gaming Operations or other appropriate employee discipline;
 2. Exclusion from admittance into any Class II or Class III Gaming Operation;
 3. A fine (penalty) of not more than \$10,000 per violation, the exceptions are a general manager, owner or controlling person, or a party to a management contract, shall be subject to a fine of not more than \$25,000 per violation, and actual damages to the Tribe or its Gaming Operations.
- V. The Commission has the final authority and responsibility to interpret and implement the Gaming Ordinance and its rules and proceedings before it including Tribal Internal Control Standards.
- W. The Executive Director shall be responsible for the following, which may delegate, in whole or in part:
1. Implement and enforce all applicable rules, procedures, policies, regulations adopted by the Commission.
 2. Adopt an annual operating budget and submit to the Tribe.

3. Oversight of Commission employees and taking personnel action.
4. Taking all licensing actions including issuance, renewal, suspension and revocation for any applicant or licensee.
5. Establish and implement Tribal Internal Control Standards (TICS).

SECTION 11: AUDITS

- A. The Commission shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
- B. Annual audits shall conform to generally accepted auditing standards.
- C. All gaming-related contracts that result in the purchase of supplies, services, or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 11(A) of this Ordinance.
- D. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services, or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.

SECTION 12: ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

- A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- B. The Commission shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility, or location, to ensure adequate protection of the environment and the health and safety of the public.

SECTION 13: FACILITIES LICENSES

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

- B. The Commission is responsible for issuing new or renewed facility licenses to each place, facility, or location.
- C. The Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility, or location.
- D. The Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions, and content of a facility license application.
- E. The Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. The Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Commission. This notice must be submitted at least 120 days before the opening of any new place, facility, or location on Tribal lands where Class II and/or Class III gaming will occur.
- G. The Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other documentation.
- H. The Commission shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

SECTION 14: AGENT FOR SERVICE OF PROCESS

The Commission designates the Executive Director as the agent for service of any official determination, order or notice of violation.

SECTION 15: LICENSE APPLICATION FORMS

- A. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it 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 granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by 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 by the Tribe or the NIGC 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 NIGC in connection with the issuance, denial, 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 being unable to license you for a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply an SSN may result in errors in processing your application.

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

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

SECTION 16: LICENSE FEES

The Commission may charge a license fee, to be set by the Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

SECTION 17: BACKGROUND INVESTIGATIONS

- A. The Commission shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to allow the Commission to make an eligibility determination under Section 21 of this Ordinance.
- B. The Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- C. The Commission shall request fingerprints from each primary management official and key employee. The law enforcement agency

designated to take fingerprints is the Saint Regis Mohawk Tribal Police Department.

D. The Commission shall request from each primary management official and key employee all of the following information:

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

and is not otherwise listed pursuant to paragraphs (D)(8) or (D)(9) of this Section, the criminal charge, the name, and address of the court involved, and the date of disposition, if any;

11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 12. A photograph;
 13. Any other information the Commission deems relevant; and
 14. Fingerprints obtained in accordance with procedures adopted by the Commission.
- E. When a primary management official or key employee is employed by the gaming operation, a complete application file, containing all of the information listed in Section 19(D) of this Ordinance, shall be maintained.
- F. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

SECTION 18: PROCEDURES FOR CONDUCTING BACKGROUND INVESTIGATIONS

With regards to Class III gaming, background investigations and the issuance of licenses/registrations to gaming employees and to gaming service enterprises shall be conducted pursuant to Section 5 and 6 of the Compact.

- A. The Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigator shall:
1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 2. Contact each personal and business reference provided in the license application, when possible;
 3. Conduct a personal credit check;
 4. Conduct a civil history check;

5. Conduct a criminal history records check;
6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
9. Take other appropriate steps to verify the accuracy of the information focusing on any problem areas noted.

SECTION 19: INVESTIGATIVE REPORTS

- A. The Commission shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
- B. Investigative reports shall include all of the following information:
 1. Steps taken in conducting the investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. The basis for those conclusions.

SECTION 20: ELIGIBILITY DETERMINATIONS

- A. Before a license is issued to a primary management official or key employee, an authorized Commission official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits, and associations.

- B. If the authorized Commission official, in applying the standards adopted in this Ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

SECTION 21: NOTICE OF RESULTS OF BACKGROUND INVESTIGATIONS

- A. Before issuing a license to a primary management official or key employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- B. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Commission.
- C. The notice of results shall include the following information:
1. The applicant's name, date of birth and social security number;
 2. The date on which the applicant began, or will begin, working as a primary management official or key employee;
 3. A summary of the information presented in the investigative report, including:
 - a. Licenses that have previously been denied;
 - b. Gaming licenses that have been revoked, even if subsequently reinstated;
 - c. Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. Every felony offense of which the applicant has been convicted or any ongoing prosecution.
 4. A copy of the eligibility determination made in accordance with Section 21 of this Ordinance.

SECTION 22: GRANTING GAMING LICENSES

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Commission.
- B. The Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by this Section.
- D. The Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of its issuance.
- E. The Commission shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
- G. The Commission shall take the NIGC's objections into account when reconsidering a license application.
- H. The Commission will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- I. If the Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 28 of this Ordinance.

SECTION 23: DENYING GAMING LICENSES

- A. The Commission shall not license a primary management official or key employee if an authorized Commission official determines, in applying the standards in Section 21 of this Ordinance for making a license eligibility determination, that licensing the person:

1. Poses a threat to the public interest;
 2. Poses a threat to the effective regulation of gaming; or
 3. Creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses after reconsideration, it shall:
1. Notify the NIGC; and
 2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

SECTION 24: GAMING LICENSE SUSPENSIONS AND REVOCATIONS

- A. If, after a license is issued to a primary management official or a key employee, the Commission receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Commission shall do the following:
1. Immediately suspend the license;
 2. Provide the licensee with written notice of the suspension and proposed revocation; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. Following a revocation hearing, the Commission shall decide whether to revoke or reinstate the license at issue.
- C. The Commission shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

SECTION 25: RECORDS RETENTION

- A. The Commission shall retain, for no less than three years from the date a primary management official or key employee is

terminated from employment with the gaming operation, the following documentation:

1. Application for licensing;
2. Investigative Reports; and
3. Eligibility Determinations.

SECTION 26: CONFIDENTIALITY

Communications, documents, records, and other information obtained by the Commission and Commission staff relating to licensing matters are confidential and shall not be disclosed except in furtherance of the duties of the Commission and Commission staff or pursuant to a court order. This Section does not apply to requests for such information for investigatory or law enforcement purposes from tribal, federal, or state law enforcement agencies.

SECTION 27: HEARINGS

- A. The Commission shall provide an applicant for a license an opportunity for a hearing prior to a final action denying such application and shall provide a licensee, or any other person subject to this Ordinance, the opportunity for a hearing prior to taking final action resulting in the revocation, suspension, or limitation of a license or any other adverse action, provided that the Commission may summarily suspend temporarily or extend suspension of a license for 30 days in those cases where such action is deemed appropriate by the Commission. In cases where a license is suspended prior to a hearing, an opportunity for a hearing shall be provided.
- B. Whenever upon specific factual finding, the Commission determines to take any final action, the Commission shall make a certification of findings and provide a copy thereof and a notice of hearing to the subject of that determination prior to a hearing. The Commission shall hold the hearing within 30 days of provision of the certification of findings and notice of hearing to the subject.
- C. At the hearing, it shall be the obligation of the subject to show cause why the Commission's determination to take final action should not be upheld. At the hearing, the subject shall be afforded access to evidence upon which any determination to take final action is based, to present the subject's own evidence and to confront witnesses.

- D. Within 30 days of the hearing, the Commission shall provide the subject written notice of its determination.

SECTION 28: LICENSES FOR VENDORS

Vendors of gaming services or supplies must have a vendor license from the Commission in order to transact business with the Gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

SECTION 29: SUBMISSION OF A VENDOR LICENSE APPLICATION

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

SECTION 30: CONTENTS OF THE VENDOR LICENSE APPLICATION

- A. Applications for gaming vendor licenses must include the following:
1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
 2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
 3. If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of New York, if the gaming operation is in a different state then the state of incorporation.
 4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
 5. General description of the business and its activities;

6. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;
 7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 8. A list of Tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
 9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
 10. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 11. If the business has ever had a license revoked for any reason, the circumstances involved;
 12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
 13. A list of the business' funding sources and any liabilities of \$50,000 or more;
 14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company; and
 15. Any further information the Commission deems relevant.
- B. The following notice shall be placed on the application form for a vendor and its principals: Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Commission's vendor license.
- C. A vendor may submit to the Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Commission not contained in the other application.

SECTION 31: VENDOR BACKGROUND INVESTIGATIONS

The Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:

- A. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
- B. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
- C. Conducting a check of the vendor's business' credit history;
- D. Calling and questioning of the references listed in the vendor application; and
- E. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references.

SECTION 32: VENDOR LICENSE FEES

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

SECTION 33: VENDOR BACKGROUND INVESTIGATION REPORTS

The Commission employees shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the Commission.

SECTION 34: VENDORS LICENSED BY RECOGNIZED REGULATORY AUTHORITIES

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

SECTION 35: COMPLIANCE WITH FEDERAL LAW

The Commission shall comply with all applicable federal laws.

SECTION 36: SURVEILLANCE

The Surveillance Department and all surveillance staff shall be employees of and report only to the Commission. All surveillance systems, equipment, room, etc. shall be under the exclusive control and jurisdiction of the Commission.

SECTION 37: REPEAL

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

SECTION 38: EFFECTIVE DATE

This ordinance shall take effect immediately upon its approval by the NIGC Chair.



St. Regis Mohawk Tribe

Tribal Chiefs
L. David Jacobs
John S. Loran
Norman J. Tarbell

Community Building
Hogansburg, New York 13655
Tel 518-358-2272
Fax 518-358-3203

Tribal Clerk
Carol Herne
Tribal Administrator
Angus N. McDonald

Tribal Council Resolution

93 - 102

WHEREAS, the St. Regis Mohawk Tribe, a federally recognized Indian Tribe pursuant to the Treaty with the Seven nations of Canada, 7 Stat. 55 (May 31, 1796) and possess sovereign governmental power over the St. Regis Reservation;


WHEREAS, the Tribal Council is the federally recognized governing body on behalf of the St. Regis Mohawk Tribe with authority to issue ordinances and regulations;

WHEREAS, the Tribe has executed a Compact with the State of New York which has been approved by the Secretary of the Interior on December 4, 1993;

WHEREAS, the Tribe wishes to establish a Tribal Gaming Commission to supervise and license the operation of Class II and Class III gaming facilities on its reservation;

WHEREAS, the Tribal Council, in order to supervise and extend the governmental authority over the Tribal gaming operations has adopted and ratified a Gaming Ordinance which establishes the Tribal Gaming Commission and other regulatory structures to coordinate Tribal gaming on the Reservation;

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby adopts and ratifies the Tribal Gaming Ordinance attached hereto and hereby authorizes it to be submitted to the Indian Gaming Commission for its review and approval.



L. David Jacobs, Head Chief

12/16/93

Date



John S. Loran, Chief

12-16-93

Date

Norman J. Tarbell, Chief

Date

Tribal Council Resolution

93 - 102

CERTIFICATION: This is to certify that the above resolution was duly passed by the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein.

Carol Herne
Carol Herne, Tribal Clerk

Dec. 16, 1993
Date

**NATIONAL
INDIAN
GAMING
COMMISSION**

MAR 16 1994

L. David Jacobs, Head Chief
St. Regis Mohawk Tribe
Akwesasne Community Building
Hogansburg, NY 13655

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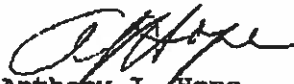
Dear Chief Jacobs:

Enclosed you will find a copy of the notice of class III tribal gaming ordinances approved by the Chairman of the National Indian Gaming Commission (NIGC). The notice of approval was published in the Federal Register on December 14, 1993, pursuant to section 2710(d)(2)(B) of the Indian Gaming Regulatory Act (IGRA).

Section 2710(d)(2)(B) of the IGRA requires the NIGC to publish approved class III gaming ordinances in the Federal Register. Effective upon publication, all class III gaming activity is fully subject to the terms and conditions of a Tribal-State compact. The NIGC believes that publication of a notice of approval of each class III gaming ordinance is sufficient to meet the requirements of section 2710(d)(2)(B).

Please feel free to contact Susan Carletta at (202)632-7057 if you have any questions regarding this matter.

Sincerely,



Anthony J. Hops
Chairman

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ordinances available to the public upon request. Requests can be made in writing to: National Indian Gaming Commission, 1850 M St., NW., suite 250, Washington, DC 20036.

The Chairman has approved tribal gaming ordinances authorizing class III gaming for the following Indian tribes:

- Cherokee Indian Tribe
- Cheyenne-Arapaho Indian Tribes of Oklahoma
- Crow Indian Tribe
- Fort Mojave Indian Tribe
- Keweenaw Bay Indian Community
- Mescalero Indian Tribe of Wisconsin
- Ojibwa Sioux Tribe
- Prairie Band of Missouria and Winnebago Indians
- Sioux Tribe
- Red Cliff Band of Lakes Superior Chippewes
- Red Lake Band of Chippewa Indians
- St. Regis Mohawk Tribe
- Anthony J. Hope, Chairman.

(FR Doc. 94-4816 Filed 3-2-94; 8:45 am)

NATIONAL INDIAN GAMING COMMISSION

Approval of Class III Tribal Gaming Ordinances

AGENCY: National Indian Gaming Commission.

ACTION: Notice of approval of class III gaming ordinances.

SUMMARY: The purpose of this notice is to inform the public of class III gaming ordinances approved by the Chairman of the National Indian Gaming Commission.

FOR FURTHER INFORMATION CONTACT: Susan Carletta at (202) 633-7003 ext. 34, or by facsimile at (202) 632-7088 (not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2701 *et seq.*, was signed into law on October 17, 1988. The IGRA established the National Indian Gaming Commission (the Commission), Section 2710 of the IGRA authorizes the Commission to approve class II and class III tribal gaming ordinances. Section 2710 (d)(2)(B) of the IGRA as implemented by 25 CFR 522.9 (58 FR 5911 (January 22, 1993)), requires the Commission to publish, in the Federal Register, approved class III gaming ordinances.

The IGRA requires all tribal gaming ordinances to contain the same requirements concerning ownership of the gaming activity, use of net revenues, annual audits, health and safety, background investigations and licensing of key employees. The Commission, therefore, believes that publication of each ordinance in the Federal Register would be redundant and result in an unnecessary cost to the Commission. The Commission believes that publishing a notice of approval of each class III gaming ordinance is sufficient to meet the requirements of 25 U.S.C. 2710(d)(2)(B). Also, the Commission will make copies of approved class III