



July 3, 2012

Via U.S. Mail and Facsimile

John Zachary, Tribal Attorney
Coushatta Tribe of Louisiana
P.O. Box 818
Elton, LA 70532
Fax: (337) 584-1507

Re: Coushatta Tribe of Louisiana Amended Gaming Ordinance

Dear Mr. Zachary:

This letter responds to your request on behalf of the Coushatta Tribe of Louisiana for the National Indian Gaming Commission Chairwoman to review and approve the Tribe's amended Gaming Ordinance.

The Coushatta Tribal Council approved Resolution No. 2012-28 on April 5, 2012. The gaming ordinance was completely revised and makes substantial revisions to the definition section, audit provisions, structure and powers of the Tribal Gaming Commission, conflicts of interest, and licensing of employees.

Thank you for bringing the amended gaming ordinance to our attention. The gaming ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations.

If you have any questions, please contact Staff Attorney Esther Dittler at (202) 420-9229.

Sincerely,

A handwritten signature in blue ink that reads "Stevens".

Tracie L. Stevens
Chairwoman

APR - 6 2012

**COUSHATTA TRIBE OF LOUISIANA
TRIBAL COUNCIL RESOLUTION NO. 2012- 28**

RE: A RESOLUTION TO AMEND, COMPILE, AND RESTATE THE COUSHATTA TRIBE OF LOUISIANA GAMING ORDINANCE

WHEREAS, the Coshatta Tribe of Louisiana is a sovereign Indian Nation and recognized as such by the United States of America, and;

WHEREAS, the Coshatta Tribal Council is the duly elected governing body of the Coshatta Tribe of Louisiana, and;

WHEREAS, the Coshatta Tribe of Louisiana is sovereign entity whose existence antedates that of the United States of America and the State of Louisiana, and

WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq. authorizes the Tribe to enact an Ordinance to regulate certain types of Class II and Class III gaming activities as defined in that Act on land within the jurisdiction of the Tribe, and

WHEREAS, the terms of Tribal-State compact governing Class III gaming activities on lands within the jurisdiction of the Tribe have been established in accordance with the provisions of the Indian Gaming Regulatory Act, and

WHEREAS, the Coshatta Tribe of Louisiana desires to regulate the conduct of Class II and Class III Gaming Activities on Coshatta Tribe of Louisiana Reservation by the enactment of Rules and Regulations as set forth in Gaming Ordinance 92-01, as amended.

NOW THEREFORE BE IT RESOLVED, by the Tribal Council that the attached Gaming Ordinance be hereby enacted, in obedience to the requirement of Section 11 of the Indian Gaming Regulatory Act and that any and all previous ordinances, resolutions, and regulations of the Coshatta Gaming Commission that are inconsistent with this Ordinance are hereby repealed, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the attached Gaming Ordinance includes all tribal gaming regulations pursuant to the Indian Gaming Regulatory Act and 25 C.F.R. Part 522, and


BE IT FURTHER RESOLVED, that the dispute resolution procedures contained in the Tribal-State Compact apply to both Class II and Class III gaming activities, and

BE IT FURTHER RESOLVED, that Kevin Sickey, as the Chairman of the Coshatta Tribe of Louisiana, is hereby authorized and directed to execute and deliver such other documents and take such other actions as may be necessary and appropriate to carry out the foregoing resolution and to obtain any necessary approvals from the Department of Interior, National Indian Gaming Commission, and/or from the Bureau of Indian Affairs.


BE IT FURTHER RESOLVED, that Resolution 2012-04 and Gaming Ordinance No. 2012-01, as well as any other resolution, ordinance, or policy that are inconsistent with this Resolution, be and hereby are terminated and/or rescinded.

CERTIFICATION

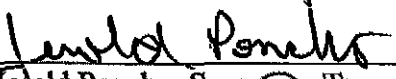
This resolution was duly acted upon by the Coushatta Tribal Council at a meeting held on April 5, 2012, with a quorum present.



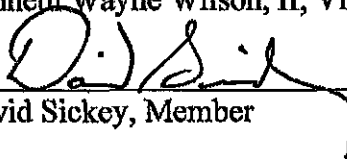
Kevin Sickey, Chairman



Kenneth Wayne Wilson, II, Vice-Chairman



Jerold Poncho, Secretary-Treasurer



David Sickey, Member



Michelle Litteral, Member

**REVISED AND RESTATED
COUSHATTA TRIBE OF LOUISIANA
GAMING ORDINANCE NO. 2012-02
(Replacing Ordinance No. 92-01, as amended by No. 2003-54)**

- 1) **Title.** This Ordinance shall be known as the Coushatta Tribe of Louisiana Gaming Ordinance or the "Gaming Ordinance." It is promulgated pursuant to governmental authority of the Coushatta Tribe of Louisiana.

- 2) **Purpose.** The Coushatta Tribe of Louisiana (the "Tribe"), is a federally recognized Indian Tribe with sovereign authority to enact ordinances and regulations and hereby amends its Gaming Ordinance setting forth the terms for Class II and Class III gaming operations on Tribal lands including lands acquired by the United States in trust for the benefit of the Tribe after October 18, 1988 (a) if the Secretary of Interior ("Secretary") has determined such lands to be contiguous to the Tribe's Reservation pursuant to the Indian Gaming Regulatory Act, Public Law 100-447, §20(a)(1), 25 U.S.C. §2719(a)(1) ("IGRA"), or (b) if the Secretary has made the determination required by §20 (b)(1)(A) of the IGRA, 25 U.S.C. §2719(b)(1)(A), and the Governor of Louisiana has concurred in such determination.

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

 - b) **Class II gaming** means:
 - i) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith,
 - (1) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
 - (2) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
 - (3) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

 - ii) Card games that:
 - (1) are explicitly authorized by the laws of the State of Louisiana, or

- (2) are not explicitly prohibited by the laws of the State of Louisiana and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.
- iii) The term "class II gaming" does not include:
- (1) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
- (2) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.
- c) **Class III gaming** means all forms of gaming that are not class I gaming or class II gaming and that are permitted under the Tribal-State Compact.
- d) **Commission** means the Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal and applicable State regulations.
- e) **Commissioner** means a Tribal Gaming Commissioner.
- f) **Compact** means the Tribal-State Compact between the Coushatta Tribe of Louisiana and the State of Louisiana concerning class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).
- g) **Gaming facility** means any place or location in which class II¹ or class III gaming activities occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to the storage of those records, and financial institutions). Gaming facility does not include rooms and areas in which no class II or class III gaming activities occur and no records of the gaming operation are maintained, even if such areas are adjacent to a place or location in which class II or III gaming activities occur.
- h) **Gaming operation** means the economic entity that is authorized by the Tribe to operate class II² and class III gaming, receive gaming revenues, issue prizes, and pay

¹ Clarification: The Compact authorizes and provides for the regulation of class III gaming; it does not bear on class II gaming. Accordingly, as used in the Compact, the term "gaming facility" means any place or location in which class III gaming activities occur, or in which the business records, receipts, or other funds of the class III gaming operation are maintained (but excluding offsite facilities primarily dedicated to the storage of those records, and financial institutions), and does not include rooms and areas in which no class III gaming activities occur and no records of the gaming operation are maintained, even if such areas are adjacent to a place or location in which class III gaming activities occur.

² Clarification: The Compact authorizes and provides for the regulation of class III gaming; it does not deal with class II gaming. Accordingly, as used in the Compact, the term "gaming operation" refers to the economic entity that is authorized by the Tribe to operate class III gaming, receive class III gaming revenues, issue class III prizes, and pay expenses related to class III gaming. If the economic entity authorized by the Tribe to operate class III

expenses related to gaming. If the economic entity authorized by the Tribe to operate class II and III gaming also operates additional, non-gaming enterprises, the term "gaming operation" refers only to those employees and records of the economic entity that are authorized by the Tribe to operate class II and class III gaming, receive gaming revenues, issue prizes, and pay expenses related to gaming.

i) Indian lands means:

- i) all lands within the limits of the Tribe's reservation;
- ii) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation and over which the Tribe exercises governmental power; and
- iii) for all lands acquired into trust for the Tribe's benefit after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719.

j) Key Employee means

- i) A person who performs one or more of the following functions:
 - (1) Bingo caller
 - (2) Counting room supervisor
 - (3) Chief of security
 - (4) Custodian of gaming supplies or cash
 - (5) Floor manager
 - (6) Pit boss;
 - (7) Dealer;
 - (8) Croupier;
 - (9) Approver of credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices.
- ii) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- iii) If not otherwise included, the four most highly compensated persons in the gaming operation.

gaming also operates additional, non-gaming and/or class II enterprises, the term "gaming operation" as used in the Compact refers only to those employees and records of the economic entity that are authorized by the Tribe to operate class III gaming, receive class III gaming revenues, issue class III prizes, and pay expenses related to class III gaming.

- k) **Net Revenues**³ means gross gaming revenues of the gaming operation less
 - i) Amounts paid out as, or paid for, prizes, and
 - ii) Total gaming-related operating expenses, excluding management fees.
 - l) **Primary Management Official** means
 - i) The person(s) having management responsibility for a management contract;
 - ii) Any person who has authority:
 - (1) To hire and fire employees; or
 - (2) To set up working policies for the gaming operation; or
 - (3) The chief financial officer or other person who has financial management responsibility.
 - m) **Tribe** means the Coushatta Tribe of Louisiana.
- 4) Gaming Authorized. Class II and class III gaming are hereby authorized.
 - 5) Ownership of Gaming. The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Gaming Ordinance.
 - 6) Use of Gaming Revenue.
 - a) The Tribe shall have access to all financial information relevant to gaming and/or the Tribal-State Compact, and the Tribe shall conduct annual reviews of all revenues and expenses.
 - b) Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.
 - 7) Per Capita Payments
 - a) "Per capita payment" means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.
 - b) If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the requirements of 25 CFR

³ Clarification: The term "net revenues" has a different meaning for purposes of the Compact than it does for purposes of this Ordinance. For purposes of the Compact, "net revenues" are calculated as defined therein.

Part 290 are met and that such payments are authorized and issued only in accordance with the Tribe's approved Revenue Allocation Plan.

8) Audit.

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

9) Protection of the Environment. Public Health and Safety.

- a) Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety, and in compliance with all Coushatta and applicable Louisiana laws.
- b) The Tribal Council shall adopt standards that assure adequate protection of the environment and the public health and safety. Such standards shall address at least the following: (1) emergency preparedness; (2) food and water; (3) construction and maintenance; (4) hazardous and other materials; and (5) sanitation. The Tribal Gaming Commission shall monitor the enforcement of such standards.

10) Gaming Commission.

- a) Members and Terms. There is hereby created the Coushatta Tribe Of Louisiana Gaming Commission (hereinafter the "Commission"). The Tribal Chairman, with the approval of the Tribal Council, shall appoint three (3) citizens of Louisiana to serve as members of the Commission, and those members may or may not be members of the Coushatta Tribe of Louisiana and one of which will be appointed to serve as the Chairperson of the Commission. The members shall serve staggered four (4) year terms, with the Chairperson and one member appointed, and the other member's term staggered so that the reappointment will be two (2) years later. No member shall serve more than two full terms, whether consecutive or non-consecutive terms.
- b) Removal. Commissioners may be removed, upon proof of wrong-doing, by majority vote of the Tribal Council. Any Commissioner whose removal is sought by the Tribal Council shall be notified in writing at least three (3) days before any vote shall be taken regarding that Commissioner's removal. A Commissioner so notified may request an informal hearing before the Council prior to a vote on this or her removal from the Commission. The Council's decision to remove a Commissioner is final and may not be appealed.
- c) Purpose and Power of Gaming Commission. The purpose of the Tribal Gaming Commission is regulatory, not managerial, and the Commission's powers are limited to the powers described in this Ordinance. The Commission will regulate Tribal

gaming facilities and the Tribal gaming operation to ensure their compliance with Federal, Tribal, and any applicable State law.

- d) Finances of Gaming Commission. No monies may be expended by the Commission until a budget has been submitted for review and approval by the Tribal Council. The Gaming Commission shall provide a monthly report to the Tribal Council to include the following:
- i) Actual to Budget financial report of the Gaming Commission operation representing the previous month and year to date financial performance of the Commission;
 - ii) Prior month operational activities of the Commission.
 - iii) The Commission shall maintain accurate and complete records of the financial affairs of the Commission, and the Chairman of the Commission shall cause an annual audit of the Commission's financial affairs to be conducted by a Certified Public Accountant in accordance with generally accepted accounting principles, consistently applied, and shall furnish an annual budget, an annual balance sheet, and complete financial report of the Commission to the Tribal Council, through the Tribal Chairman, within three months of close of the Tribe's fiscal year.

11) Gaming Commission Rule-Making Authority.

The Commission may promulgate rules as required to execute its obligations under this Ordinance. Any such final rules must be approved by the Tribal Council before they become final and are implemented, and must be submitted to the National Indian Gaming Commission.

12) Gaming Commission Meetings.

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

All formal meetings of the Commission shall be memorialized by maintaining "minutes" of the meeting. Minutes of the previous meeting shall be reviewed and adopted at the subsequent meeting.

The Commission may hold executive or closed meetings for any of the following purposes:

- a) Considering applications for licensing when discussing the background investigations or personal information;

- b) Meeting with gaming officials of other jurisdictions, the Attorney General and law enforcement officials relating to possible criminal violations;
 - c) Consulting with employees or agents of the Commission concerning possible criminal violations; Deliberations after hearing evidence on a contested matter necessary to reach a decision; and
 - d) Discussing an applicant for a license if public discussion may be harmful to the competitive position of the licensee or applicant for a license.
- 13) Commission Powers. The Commission's powers are limited to the powers explicitly granted in this Ordinance. In addition to any other power granted in this Ordinance, the Commission has the power to:
- a) Conduct or cause to be conducted background investigations on, at a minimum, primary management officials and key employees;
 - b) Report results of background investigations of primary management officials and key employees to the NIGC;
 - c) Ensure that fingerprints are obtained and processed as required under this Ordinance;
 - d) Make licensing suitability determinations;
 - e) Issue licenses to those employees and vendors required by this Ordinance, federal law or the Tribal-State Compact to be licensed by the Tribe;
 - f) Issue facility gaming licenses to Tribal gaming facilities;
 - g) Inspect and examine all premises where gaming is conducted or gaming devices or equipment are sold or distributed to assure compliance with this Ordinance and the Tribal-State Compact;
 - h) Inspect, examine and monitor all gaming activities;
 - i) Inspect, examine, and photocopy all papers, books, and records of applicants and licensees and require verification of income, if required;
 - j) Suspend or revoke, for cause, any gaming license for violation of the Tribal-State Compact or this Ordinance;
 - k) Investigate suspected violations of the Compact or Ordinance or other applicable law by all licensees;
 - l) Investigate any suspicion of wrongdoing associated with any gaming activities;
 - m) License gaming equipment vendors and non-gaming vendors as required by the Tribal-State Compact to be licensed;

- n) Handle patron disputes that are related to gaming, under rules promulgated by the Commission, as provided in the Tribal-State Compact;
- o) Enforce preferential treatment in hiring and in contracts, relative to gaming, to members of Louisiana federally-recognized Indian Tribes, then to persons domiciled in the State of Louisiana as provided in the Tribal-State Compact;
- p) Employ duly qualified inspectors who shall report to the Commission regarding any failure by the Tribal gaming facilities or operation to comply with any provisions of the Tribal-State Compact, or with any applicable laws, ordinances or regulations, and to convey any gaming patron complaints to the Commission, as provided in the Tribal-State Compact and this Ordinance;
- q) Comply with any and all reporting requirements under the Indian Gaming Regulatory Act, the Tribal-State Compact, and any other applicable law;
- r) Direct the terms and conditions of compliance to the Tribal gaming facilities and operations as authorized by the Tribal-State Compact; and
- s) Provide for and perform the functions established in Section 8(A) of the Compact in connection with class III gaming activities, namely:
 - i) Ensure the physical safety of patrons in the class III gaming facilities and class III gaming operation;
 - ii) Ensure the physical safety of personnel employed by the class III gaming facilities and class III gaming operation;
 - iii) Ensure the physical safeguarding of assets transported to and from the class III gaming facilities and cashier's cage department;
 - iv) Protect the class III gaming facilities and class III gaming operation from illegal activity;
 - v) Identify all people and entities that may be involved in illegal activity for the purpose of notifying the State of Louisiana;
 - vi) Record all unusual occurrences within the class III gaming facilities and class III gaming operation, subject to the provisions of the Compact.

14) Appeal of Commission Actions.

Written notice of Commission action shall be mailed on the same day the decision is issued by the Commissioners. Any final action of the Commission is subject to appeal to the Coushatta Tribal Court. Notice of Appeal shall be filed in writing with the Commission and with the Clerk of Court, within ten (10) days from written notice of any action of the Commission. Failure to timely file an appeal shall make the action final.

15) Approval of Licenses.

The Commission may approve or disapprove any application for license, depending upon whether it objectively deems the applicant a suitable person to hold the license and whether it considers the proposed location suitable, subject to the provisions of Sections 19 and 20. Among other things, failure of the applicant to provide information necessary to allow consideration into his background, is grounds for denial of the license.

16) Conflict of Interest.

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

- a) Commissioners shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators. Per Capita distributions are not considered financial interests that would conflict with the conscientious performance of duty by a manager or regulator.
- b) Commissioners shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.
- c) Commissioners shall not solicit or accept any gift or other item of monetary value, including "complimentary items" or services, from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the Commissioner's organization, or whose interests may be substantially affected by the performance or nonperformance of the Commissioners' duties.

Complimentary items do not include: food and beverages valued at under five dollars, or, at a public event held at the gaming facility, the free food and beverages offered to the general public

- d) Commissioners shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
- e) Commissioners shall not use their positions for private gain.
- f) Commissioners shall act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including any persons related to Commissioners.
- g) Commissioners shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

- h) Commissioners shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- i) Commissioners shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
- j) Commissioners shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the Commissioner shall not take part in any decision related to the conflict.

17) Application Fee.

The Commission may establish an application fee which shall include the cost of investigation. The fee may vary with the type of license for which application is made and is non-refundable. The application form will be promulgated by the Commission and shall include a waiver of any right of confidentiality and shall allow access to law enforcement records of any state. The waiver of confidentiality shall extend to any financial or personnel record wherever maintained.

18) Reimbursement to Commission for Investigation

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

19) Licenses for Key Employees and Primary Management Officials

- a) The Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming facility operated on Indian Lands. Only key employees and management officials are required to be licensed as described in this section. Persons or entities that are not key employees or primary management officials, but which are required under the Compact to be licensed by the Commission, shall be licensed pursuant to Section 20 of this Ordinance.
- b) The Commission will issue licenses and perform background investigations of key employees and primary management officials according to requirements that are at least as stringent as 25 CFR Parts 556 and 558.
- c) License Application Forms.
 - i) The following notice shall be placed on the application form for a key employee or primary management official:

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be 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 to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the 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’s 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 a SSN may result in errors in processing your application.”

- ii) The following additional notice shall be placed on the application form for a key employee or primary management official:**

“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).”

- iii) The Commission shall notify in writing existing key employees and primary management officials that they shall either:**

- (1) Complete a new application form that contains both the Privacy Act and False Statement notices; or**
- (2) Sign a statement that contains the Privacy Act and False Statement notices and consent to the routine uses described in the Privacy Act notice.**

- d) Fingerprints. Each applicant for a key employee or primary management official position shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Louisiana State Police Department. The Commission will then forward the fingerprints to the NIGC for processing through the FBI and NCIC to determine the applicant’s criminal history, if any.**

e) Background Investigations.

- i) The Commission shall request from each key employee or primary management official all of the following information:
- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (2) Currently and for the previous 5 years; business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 - (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (e)(i)(2) of this section;
 - (4) Current business and residence telephone numbers;
 - (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (6) A description of any existing or 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 and disposition if any;
 - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
 - (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of date of the application and is not otherwise listed pursuant to paragraph (e)(i)(8) or (e)(i)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition.

- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - (12) A current photograph;
 - (13) Any other information the Tribe deems relevant; and
 - (14) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. Section 522.2(h), will be taken by the Louisiana State Police Department.
- ii) The Coushatta Tribe of Louisiana through the Commission as set forth herein shall be solely responsible for conducting background investigations and determining the suitability of applicants as determined herein. The Commission shall conduct a sufficient investigation to make a determination under subsection f below. In conducting a background investigation, the Commission shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- f) Eligibility Determination. The Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license. If the Commission determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall not license that person in a key employee or primary management official position, and a tribal gaming operation shall not employ that person in a key employee or primary management official position.
- g) Forwarding Applications of Key Employees and Primary Management Officials to National Indian Gaming Commission:
- When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment containing all required statements and the information listed in Section 19(e)(i), conduct a background investigation, and determine the eligibility of the key employee or primary management official for continued employment in a gaming operation.
- h) Report to the National Indian Gaming Commission:
- i) Before issuing a license to a primary management official or to a key employee, the Commission shall forward to the National Indian Gaming Commission an ~~investigative report on each background investigation. An investigative report~~ shall include all of the following:

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

When the Commission forwards its report to the NIGC it shall include a copy of the eligibility determination made under subsection f of this section.

- ii) The Commission shall forward the completed investigative report to the National Indian Gaming Commission within 60 days after a key employee or primarily management official begins work or within 60 days of the approval of this Ordinance by the Chairman of the NIGC.
- iii) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.
- iv) If a license is not issued to an applicant, the Commission:
 - (1) Shall notify the NIGC; and
 - (2) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- v) With respect to key employees and primary management officials, the Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designation for no less than three (3) years from the date of termination of employment.

i) Granting a Gaming License

- i) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a license to such applicant.
- ii) The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (i)(i) of this section

until the Chairman of the National Indian Gaming Commission receives the additional information.

- iii) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

j) License Suspension

- i) If, after the issuance of a gaming license, the Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment, or if the Commission deems such suspension to be in the public interest as defined under Section 7 of the Tribal-State Compact, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- ii) The Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- iii) After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

20) Licenses for Persons and Entities Other than Key Employees and Primary Management Officials. Any person or entity other than a Primary Management Official or Key Employee that is required to be licensed under the Tribal-State Compact shall apply for a Tribal license as follows.

- a) The applicant shall submit to the Commission an application for a Tribal Gaming License on forms prepared by the Commission and approved by the Tribal Council.
- b) The applicant shall attach a copy of all gaming license application forms submitted to the State of Louisiana, including all supporting documents and fingerprint cards.
- c) The Commission may require additional documentation and information, and may conduct background investigations, as it deems necessary, in regulations approved by the Tribal Council.
- d) The Commission shall consider the suitability of each applicant and shall make a final determination on the application.

- e) License Suspension and Revocation
- i) The Commission may suspend, revoke or deny a license under this section for any reason it deems to be in the public interest as defined in Section 7(C) of the Compact.
 - ii) The Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
 - iii) After a revocation hearing, the Commission shall decide to revoke or reinstate a gaming license.
- 21) License Locations. The Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.
- 22) Age Limit for Play. Any participant in any Class II or in any Class III authorized games of chance shall be twenty-one (21) or older at the time of his or her participation.
- 23) Exemption from 15 U.S.C. Section 1171. Pursuant to Section 2 of an Act of Congress of the United States entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce", approved January 2, 1951, designated 15 U.S.C. Sections 1171 to 1177, inclusive, and in effect January 1, 1989, the Tribe, acting by and through its elected members, does hereby, and in accordance with and in compliance with the provisions of Section 2 of the Act of Congress, declare and proclaim that it is exempt from the provisions of Section 2 of that Act of Congress of the United States as above mentioned, as regards gaming devices operated and used within the Reservation. This exemption shall be effective upon the execution of a Tribal-State compact for gaming pursuant to the Indian Gaming Regulatory Act.
- 24) Exemption from 15 U.S.C. Section 1171 to 1177. All shipments of gaming devices, including video gaming devices, onto the Coushatta reservation, the registering, recording and labeling of which has been duly had by the manufacturer of dealer thereof in accordance with Sections 3 and 4 of an Act of Congress of the United States entitled "An Act to prohibit transportation of gambling devices in interstate and foreign commerce," approved January 2, 1951, designated as 15 U.S.C. Sections 1171 to 1177, inclusive, and in effect on January 1, 1989, shall be deemed legal shipments thereof, for use only within the Reservation. This exemption shall be effective upon the execution of a Tribal-State compact for gaming pursuant to the Indian Gaming Regulatory Act.
- 25) Illegal Games and Activities. It is unlawful for any person playing or conducting any authorized game of chance, conducted by a licensee to:
- a) Use bogus or counterfeit chips, tokens, devices or coins;
 - b) Employ or have on one's person any cheating device to facilitate cheating in any game of chance;
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- c) Use any fraudulent scheme or technique; or
 - d) Have located on the premises, equipment for gaming that is not licensed by the Commission under this Ordinance except equipment exempted by the Commission, this Ordinance or other statutes.
- 26) Records of Commission. The Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities. This section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.
- 27) Communications between Commission and Council. Communications between the Commission and the Council relating to licensing, disciplining of licensees, or violations by licensees are privileged and confidential if made lawfully and in the course of and in furtherance of the business of the Commission, except pursuant to court order after an in-camera review. The Council, the Commission or any member of the Commission may claim this privilege.
- 28) Inspectors. The Commission shall employ qualified inspectors under the authority of the Commission, in accordance with the Tribal-State Compact. These inspectors shall be independent of the Tribal gaming operation, and shall be supervised by and accountable only to the Commission and Tribal Council. Their purpose is to observe and report theft of Tribal assets relating to the gaming operation and facility, and to report violations of the Tribal-State Compact or applicable laws and regulations. Inspectors shall also receive gaming-related patron complaints and assist in seeking the voluntary resolution of such complaints.

A Commission inspector shall be present in the gaming facility during all hours of gaming operation, and shall have immediate access to any and all areas of the gaming facility for the purpose of ensuring compliance with the provisions of the Tribal-State Compact and Coushatta Gaming Ordinance. Any violation(s) of the provisions of the Tribal-State Compact or this Ordinance by a management contractor, casino management, a gaming employee, or any person in the gaming facility, whether or not associated with the Tribal gaming operation, shall be reported immediately to the Commission, which shall further report them to the manager of gaming operations within a reasonable time and to the State of Louisiana within twenty-four hours. Violations of a serious nature shall be reported immediately to the manager of gaming operations and the State of Louisiana.

- 29) Exclusion or Ejection of Certain Persons from Gaming Establishment. The Tribe hereby declares that the exclusion or ejection of certain persons from licensed gaming facilities

is necessary to carry out the policies of this Ordinance and to maintain effectively the strict regulation of licensed gaming.

The Commission may provide for the establishment of a list of persons who are to be excluded or ejected from any licensed gaming facility, including any person whose presence in the facility is determined to pose a threat to the interest of the Tribe, the State or to licensed gaming, and the General Manager of the Casino may have persons added to the list at his or her request for the same reason(s). In making the determination for exclusion, the Commission may consider any of the following:

- a) Prior conviction of a felony, a misdemeanor involving moral turpitude or a violation of the gaming laws of any state, the United States, any of its possessions or territories including Indian Tribes;
- b) A violation, attempt to violate or conspiracy to violate the provisions of this Ordinance relating to the failure to disclose an interest in a gaming establishment for which the person must obtain a license or make disclosures to the Commission; or intentional evasion of fees or taxes; and
- c) Notorious or unsavory reputation that would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive influences.

The Commission may establish procedures for such excluded persons to have their names removed from the list of excluded persons.

- 30) Revisions. This ordinance may be revised by the Tribal Council. Any such revision will become effective upon approval by the National Indian Gaming Commission.
- 31) Conflicts with Tribal-State Compact. The Tribe shall adopt regulations and take all actions necessary to ensure that the Class III gaming conducted on Indian lands complies in all respects with the Tribal-State Compact for the Conduct of Class III gaming between the Coshatta Tribe of Louisiana and the State of Louisiana.
- 32) Patron Disputes. The Commission shall maintain reasonable procedures for the disposition of patron disputes arising from the refusal to award an alleged prize or pay an alleged win to a patron.
- 33) Gaming Equipment Deliveries. The Commission shall maintain reasonable procedures for the notification of shipment or receipt of gaming equipment.
- 34) No State Authority over Class II Gaming. The Tribe shall have the sole and exclusive authority to regulate class II gaming facilities and operations.
- 35) Gaming Employee Identification Cards. All gaming employees shall wear in plain view an identification card displaying the employee's name, photograph, unique identification number, a Tribal seal or signature, and an expiration date.


- 36) Service of Process. The Coushatta Tribal Chairman shall be designated as agent for service of process, and as official recipient of a written communication reflecting the gaming activities of the Tribe at the following address:

Office of the Coushatta Chairman
1940 CC Bel Road P.O. Box 818
Elton, LA 70532

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

CERTIFICATE

I HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Coushatta Gaming Ordinance as amended and adopted this 5th day of April, 2012.


Jerold Poncho, Secretary/Treasurer