Frequently Asked Questions on 556 & 558

Must the notice of results include information on licenses that have been denied?

Yes. The notice of results must include not only licenses that have been denied but also licenses that have been previously revoked even if they have been subsequently reinstated. 556.6(b)(2)(iii).

After a tribe submits a notice of results must they wait to hear back from the NIGC before issuing a license?

No. A tribe may issue a license at anytime after they submit a notice of results to NIGC. 558.3(a)

Must tribes send a notice separate from the background investigation notice of results that they have issued a license?

Yes. IGRA requires tribe to submit two notices to the NIGC: (1) a notice of results of the background investigation; and (2) notice of license decision.

Can the two submissions be made at the same time?

No. IGRA mandates that tribes can only issue a license after the background investigation notice of results has been submitted to the NIGC.

Is a tribe required to notify NIGC if it does not license an individual?

Yes. Part 558.3(d) requires tribes to notify the NIGC if it does not license an individual.

Are tribes required to license seasonal workers or volunteers?

The regulations do not distinguish between seasonal workers or volunteers and other casino workers. Part 556 does not apply to licenses that are issued for less than a 90 day period.

Is there a specific method by which tribes are required to designate individuals as key employees or primary management employees?

No. The regulations do not specify how a tribe must designate an individual only that they must be designated as such by the tribe. We recommend that tribes either amend their gaming ordinance or gaming regulations or have the tribal gaming regulatory agency maintain a list.

Is there a deadline for tribes to have current key employees and primary management officials sign an updated Privacy Act notice form?

No. The regulations do not set a deadline for having current key employees and primary management officials sign an updated Privacy Act notice form.

For the purposes of 556.4(a)(8) and 556.6(b)(2)(iii)(D) is a deferred sentence considered ongoing prosecution or a conviction?

Under 556.4(a)(8) and 556.6(b)(2)(iii)(D) a deferred sentence is considered an ongoing prosecution.