



July 29, 2011

*Via Facsimile and U.S. Mail*

Ronald Twohatchet, Chairman  
Kiowa Tribe of Oklahoma  
P.O. Box 369  
Carnegie, OK 73015  
Facsimile: (580) 654-2188

Dear Chairman Twohatchet:

This letter responds to your request to review and approve amendments to the Kiowa Tribe's gaming ordinance. The amendments were enacted by Resolutions No. CY-2010-614 and CY-2011-57 on October 14, 2010, and May 20, 2011. The amendments replace the prior gaming ordinance.

We appreciate that the Tribe brought these amendments to our attention and provided us a copy of the updated ordinance. The Tribe's amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require assistance, please contact Dorinda Hanrahan, Staff Attorney, at (202) 632-7003

Sincerely,

A handwritten signature in cursive script, appearing to read "Stevens".

Tracie L. Stevens  
Chairwoman



# Kiowa Tribe of Oklahoma

P.O. Box 369 • Carnegie, Oklahoma • 73015  
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## Kiowa Business Office

OCT 21 2010

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### RESOLUTION NO. CY-2010-614

#### RESOLUTION OF THE KIOWA BUSINESS COMMITTEE REPEALING THE AMENDED AND RESTATED KIOWA GAMING ORDINANCE OF 2005, AND SUBSEQUENT AMENDMENTS THERETO, AND FOR OTHER PURPOSES AND ENACTING AND APPROVING THE KIOWA GAMING ORDINANCE OF 2010

**WHEREAS,** the Kiowa Indian Tribe of Oklahoma (the "Tribe") is a sovereign nation and from time immemorial has been a sovereign nation; and

**WHEREAS,** the Tribe is federally recognized by the Secretary of the Interior of the United States as having powers of self government and as being eligible for the special programs and services provided by the United States to Indians, and its sovereignty is thereby recognized by the United States, all as evidenced by order of the Associate Commissioner of Indian Affairs, dated March 13, 2070, approving the Constitution and Bylaws of the Tribe (the "Constitution"); and

**WHEREAS,** pursuant to the Constitution and specifically pursuant to Article V, section 2, the Tribe has delegated to its elected representatives, the Business Committee ("Business Committee"), the responsibility and authority to take all necessary action to promulgate and enforce ordinances and codes to protect the general welfare of the Tribe and its members; and

**WHEREAS,** pursuant to Ballot Issue 94-A-5, passed on the 18<sup>th</sup> day of June, 1994, the Kiowa Indian Council authorized the Kiowa Business Committee to develop and enact a Gaming Ordinance to authorize, license and regulate Class II and Class III gaming on Tribal Land of the Kiowa Indian Tribe of Oklahoma; and

**WHEREAS,** by Resolution No. CY-95-39 and CY-95-40, both dated June 26, 1995, the Business Committee, acting pursuant to the aforesaid delegated power, enacted resolutions to approve and adopt the Kiowa Indian Tribe of Oklahoma Gaming Ordinance of 1995 and the Kiowa Indian Tribe of Oklahoma Gaming Facility Bonding Ordinance of 1995 (together, as amended, the "Indian Gaming Ordinance"); and

**WHEREAS,** as required under Federal law, the Initial Gaming Ordinance was approved by the Chairman of the National Indian Gaming Commission (the "NIGC"), as indicated by that Chairman's publication of a notice of approval of Class III tribal gaming ordinances, in Volume 61, Federal Register, page 31963, on Friday, June 21, 1996; and

**WHEREAS**, on July 21, 2001, by Resolution No. CY-2001-045, the Business Committee exercised its authority, as delegated to it by the Kiowa Indian Council and by the Constitution, to amend, in accordance with Article XIV of the Initial Gaming Ordinance, in certain particulars, the Initial Gaming Ordinance; and

**WHEREAS**, by letter dated September 7, 2001, the NIGC granted its approval of the amendment to the Initial Gaming Ordinance; and

**WHEREAS**, pursuant to Federal law, on September 8, 2005, the Chairman of the NIGC approved the Amended and Restated Gaming Ordinance of 2005; and

**WHEREAS**, it has come to the attention of the Kiowa Business Committee that the Amended and Restated Kiowa Gaming Ordinance of 2005 together with all amendments thereto, has resulted in confusion regarding the allocation of authority between the Kiowa Tribe of Oklahoma, the Kiowa Business Committee, the Kiowa Casino Operations Authority, and the Kiowa Gaming Commission and that it would be in the best interest of the Kiowa Tribe of Oklahoma ("the Tribe") to repeal the Amended and Restated Kiowa Gaming Ordinance of 2005, and all subsequent amendments; and

**WHEREAS**, the Kiowa Business Committee believes that it would be in the best interest of the Tribe to enact the Kiowa Gaming Ordinance of 2010 to govern all gaming in Kiowa Tribal Territory and at all gaming facilities situate thereon.

**NOW, THEREFORE IT BE AND IT IS HEREBY RESOLVED** that the Amended and Restated Kiowa Gaming Ordinance of 2005, and all subsequent amendments thereto are hereby repealed.

**AND BE IT FURTHER RESOLVED**, that the Kiowa Gaming Ordinance of 2010 be and the same is enacted and approved by the Kiowa Business Committee;

**AND BE IT FURTHER RESOLVED**, that to the extent that any ordinance, regulation, policy or practice of the Kiowa Tribe is inconsistent with this Resolution hereby enacted, such ordinance, regulation, policy or practice is hereby superseded and repealed;

**AND BE IT FURTHER RESOLVED**, that the Tribal Chairman and the Tribal Secretary be and they are hereby authorized and directed to submit this Resolution together with the Gaming Ordinance to the National Indian Gaming Commission for approval as required by and pursuant to Title 25 Code of Federal Regulations, Section 522.1—522.12 inclusive and to the Assistant Secretary for Indian Affairs or his authorized representative, pursuant to Article V, Subsection 2(g) of the Tribal Constitution;

**AND BE IT FURTHER RESOLVE**, that the foregoing becomes effective on the date on which it is approved by NIGC Chairman pursuant to those regulations and by Assistant Secretary for Indian Affairs or his authorized representative, pursuant to Article V, Subsection 2(g) of the Tribal Constitution ("effective date");

**AND BE IT FURTHER RESOLVED**, that promptly following the effective date the Tribal Business Committee be and hereby authorized and directed to make the appointments to the Gaming Commission pursuant to the Kiowa Gaming Ordinance of 2010;

**AND BE IT FURTHER RESOLVED**, that any part of these resolutions be found by a court of competent jurisdiction to be inconsistent with the Tribal Constitution then only that part found to be so inconsistent shall be void an of no effect (but only to the extent of such inconsistency), and all other parts of this Resolution shall remain in full force and effect.


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**CERTIFICATION**

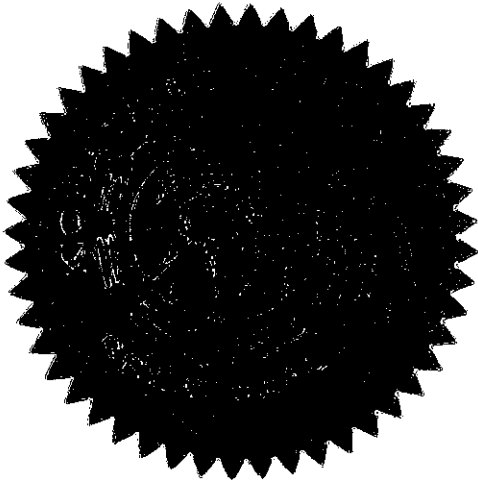
The foregoing Resolution No. **CY-2010-614** was duly adopted at a **Special** Kiowa Business Committee meeting, held on **October 14, 2010**, at the Kiowa Tribal Complex, located in Carnegie, Oklahoma, with majority vote of ( **6** ) for, ( **0** ) against and ( **0** ) abstentions, a quorum being present.

**ATTEST:**

**WITNESS:**

  
\_\_\_\_\_  
Sharon Pena, Tribal Secretary

  
\_\_\_\_\_  
Ronald Twohatchet, Tribal Chairman



# Kiowa Tribe of Oklahoma



## The Kiowa Gaming Ordinance of 2010

## Table of Contents

§ 100.1 Purpose .....	4
§ 100.2 Definitions.....	4
§ 100.3 Gaming Authorized .....	9
§ 100.4 Ownership of Gaming .....	9
§ 100.5 Use of Gaming Revenue.....	9
§ 100.6 Board of Trustees .....	10
§ 100.7 Gaming Commission .....	10
§ 100.8 Ethics.....	15
§ 100.9 Complimentary Items .....	16
§ 100.10 Audit .....	17
§ 100.11 Environment and Public Health and Safety.....	17
§ 100.12 Guest Dispute Resolution.....	17
§ 100.13 Tribal Internal Control Standards .....	18
§ 100.14 Facility Licenses .....	18
§ 100.15 Agent for Service of Process.....	19
§ 100.16 Compliance with Federal Law.....	19
§ 100.17 Repeal .....	19
§ 100.18 Tribal Access to Financial Information .....	19
§ 100.19 Licenses for Key Employees and Primary Management Officials .....	19
§ 100.20 License Application Forms.....	20
§ 100.21 License Fees.....	20
§ 100.22 Fingerprints .....	21
§ 100.23 Background Investigations .....	21
§ 100.24 Procedures for Conducting a Background Check on Applicants .....	22
§ 100.25 Eligibility Determination .....	23
§ 100.26 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.....	23
§ 100.27 Report to the National Indian Gaming Commission .....	23

§ 100.28 Granting a Gaming License.....	24
§ 100.29 License Suspension/Revocation .....	25
§ 100.30 Licenses for Vendors .....	25
§ 100.31 Submission of a Vendor License Application.....	26
§ 100.32 Contents of the Vendor License Application .....	26
§ 100.33 Vendor Background Investigation .....	27
§ 100.34 Vendor License Fee .....	27
§ 100.35 Vendor Background Investigation Report .....	28
§ 100.36 Exemption for Vendors Licensed by Recognized Regulatory Authorities.....	28
§ 100.37 Licenses for Non-Gaming Vendors.....	28
§ 100.38 Criminal Prosecution of Gaming Crimes.....	28
§ 100.39 Consent to Jurisdiction.....	28
§ 100.40 Prohibited Acts .....	28
§ 100.41 Criminal Acts .....	30
§ 100.42 Civil Enforcement.....	31
§ 100.43 Hearings and Appeals .....	32
§ 100.44 Age Prohibition.....	33
§ 100.45 Security and Surveillance .....	33
§ 100.46 Unclaimed Winnings .....	33
§ 100.47 Denial of Waiver of Sovereign Immunity .....	34
§ 100.48 Amendment of Kiowa Gaming Commission Ordinance.....	34

## § 100.1 Purpose

The Kiowa Business Committee, empowered by the Kiowa Tribe of Oklahoma's Constitution to enact ordinances, hereby enacts this ordinance in order to govern Class II and Class III gaming operations on the Tribe's Indian lands.

## § 100.2 Definitions

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, and its regulations, 25 C.F.R. § 500 *et seq.* Specifically:

- Board of Trustees** means the members of the Kiowa Casino Operations Authority, who shall serve as primary management officials in overseeing the General Manager and the day-to-day non-regulatory aspects of the gaming operation.
- Cheating** means operating or playing a game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for himself/herself or someone in privity with him/her an advantage over and above the chance of the game.
- Class I Gaming** means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.
- Class II Gaming** means:
- (1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):
    - (i) Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
      - (1) In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
      - (2) 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

(3) Card games that:

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

(b) Are not explicitly prohibited by the laws of the State 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.

(c) The term "class II gaming" does not include:

(i) Any banking card games, including baccarat, chemin de fer, or blackjack (21), or

(ii) Electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

**Class III Gaming**

means all forms of gaming that are not class I gaming or class II gaming.

**Commission**

means the Kiowa Gaming Commission established under Article 8 hereof to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

**Commissioner**

means a duly appointed member of the Kiowa Gaming Commission.

**Compact**

means a Tribal-State Compact 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).

**Complimentary**

means a service or item provided at no cost, or at a reduced cost, to a guest of the gaming facility.

**Directly Related to**

means a spouse, child, parent, grandparent, grandchild, aunt, uncle.

<b>Gaming Facility</b>	means the building, buildings or structure wherein gaming is permitted, performed, conducted or operated and associated and adjacent real property owned by the Tribe.
<b>Gaming Operation</b>	means the definition set forth in 25 C.F.R. § 502.10.
<b>Gaming Ordinance</b>	means this Tribal Gaming Ordinance of the Kiowa Tribe of Oklahoma, as amended from time to time, and any rules promulgated thereunder.
<b>Gaming Site</b>	means the tract or tracts of land upon which the Gaming Facility is located.
<b>Guest</b>	means any person, other than an employee, who is on the premises of the gaming facility.
<b>IGRA</b>	means the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701 et seq, as amended from time to time.
<b>Indian Lands</b>	means: <ul style="list-style-type: none"> <li>(1) All lands within the limits of the Tribe's reservation;</li> <li>(2) Any land's 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 Indian Tribe exercises governmental power; and</li> <li>(3) For all lands acquired into trust for the benefit of an Indian tribe after October 17, 1988, the lands meet the requirements set forth in 25 U.S.C. § 2719.</li> </ul>
<b>In Privity With</b>	means one who acts jointly with another or as an accessory before the fact to an act committed by the other or as a co-conspirator with the other.
<b>Indian Tribe or Tribe</b>	means the Kiowa Tribe of Indians of Oklahoma.
<b>Tribal Court</b>	means a court duly constituted under the Constitution of the Kiowa Indian Tribe of Oklahoma, or so long as there be no such

court, the Court of Indian Offenses sitting in Anadarko, Oklahoma, together with all tribunals provided for the appeal of the decisions of such court under federal law.

**Kiowa Business Committee**

an eight (8) member representative body empowered to act on those matters outlined in Article V, Section 2, Constitution and Bylaws of the Kiowa Tribe of Oklahoma.

**KCOA**

means the Kiowa Casino Operations Authority

**Kiowa Casino Operations  
Authority**

means the commercial enterprise of the Tribe for the purposes of exclusively developing, construction and operating the gaming hospitality and resort operations of the Tribe and adopted a charter of the KCOA.

**Kiowa Indian Council**

means the members of the Kiowa Tribe of Oklahoma as defined by Article I, Definition of Terms, Section 2, Constitution and ByLaws of the Kiowa Tribe of Indians of Oklahoma.

**KIC**

means the Kiowa Indian Council.

**Key Employee**

means 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;
- (11) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(12) If not otherwise included, the four most highly compensated persons in the gaming operation.

<b>License</b>	means any authorization granted by the Commission, pursuant to this Ordinance, to any person, which is required for such person to perform certain acts or engage in certain activities. The issuance of a license shall not create a property or liberty interest in such license for the benefit of the licensee.
<b>Licensee</b>	means any person who has been issued a valid and current license pursuant to the provisions of Section 100.28
<b>Net Revenues</b>	means gross gaming revenues of an Indian gaming operation less (1) Amounts paid out as, or paid for, prizes; and (2) Total gaming-related operating expenses, excluding management fees.
<b>National Indian Gaming Commission</b>	means the independent federal regulatory agency of the United States as established pursuant to the Indian Gaming Regulatory Act of 1988 (Act).
<b>NIGC</b>	means the National Indian Gaming Commission.
<b>Ordinance</b>	means this Tribal Gaming Ordinance of the Kiowa Tribe of Oklahoma, as amended from time to time, and any rules promulgated thereunder.
<b>Primary Management Official</b>	means (1) The person(s) having management responsibility for a management contract; (2) Any person(s) who has authority: (i) To hire and fire employees; or (ii) To set up working policy for the gaming operation; or (iii) The chief financial officer or other person who has financial management responsibility.

<b>Principal</b>	means, with respect to any entity, its sole proprietor or any partner, trustee, beneficiary or shareholder holding five percent (5%) or more of its beneficial or controlling ownership, either directly or indirectly or any officer, director, principal management employee, or key employee thereof.
<b>State</b>	means the State of Oklahoma
<b>Threat to the Proper Conduct of Gaming Operations</b>	means a Person whose activities, criminal record, if any, or reputation, habits, and associations would create or enhance the dangers of unsuitable, unfair, or illegal practiced and methods and activities in the conduct of gaming; and which would not be in the best interest of the public or effective regulation of gaming.
<b>TICS</b>	means the Tribal Internal Control Standards.
<b>Tribal Internal Control Standards</b>	means a set of standards developed by the Kiowa Gaming Commission to meet or exceed those established by the National Indian Gaming Commission 25 C.F.R. § 542.3.

### § 100.3 Gaming Authorized

(a) Class II and Class III gaming is hereby authorized.

### § 100.4 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.

### § 100.5 Use of Gaming Revenue

(a) Net revenues from tribal gaming shall be used only for the following purposes:

- (1) To fund tribal government operations and programs;
- (2) To provide for the general welfare of the Tribe and its members;
- (3) To promote tribal economic development;
- (4) To donate to charitable organizations; or
- (5) To help fund operations of local government agencies.

- (b) If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).(4).

#### **§ 100.6 Board of Trustees**

- (a) In addition to the General Manager for the facility, the Kiowa Business Committee shall establish a Kiowa Casino Operations Authority which shall serve in a management oversight role over the General Manager and the day-to-day operations of the gaming operation.
- (1) In the event that the Tribe enters into a management contract approved by the NIGC, the Board of Trustees may delegate some or all duties to the approved management contractor.
  - (2) The Board of Trustees shall oversee all non-regulatory aspects of the gaming operation.
  - (3) Regulation of the gaming operation shall be the sole responsibility of the Kiowa Gaming Commission.
- (b) The members of the Board of Trustees shall be subject to the same background requirements as key employees and primary management officials, and must be licensed accordingly.

#### **§ 100.7 Gaming Commission**

- (a) The Tribe hereby establishes a Kiowa Gaming Commission whose duty is to regulate tribal gaming operations.
- (b) The Kiowa Gaming Commission shall consist of three (3) members.
- (1) There shall be among them a Chairperson, Vice-Chairperson, Secretary/ Treasurer.
- (c) The purpose of the Kiowa Gaming Commission is regulatory, not managerial/operational.
- (1) The Kiowa Gaming Commission will conduct oversight to ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations.
  - (2) The Kiowa Gaming Commission will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process.
  - (3) The Kiowa Gaming Commission will also have a role in ensuring compliance with the internal controls for the gaming operation.
  - (4) In order to carry out its regulatory duties, the Kiowa Gaming Commission shall have unrestricted access to all areas of the gaming operation and to all records.
  - (5) The Kiowa Gaming Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.
  - (6) The Kiowa Gaming Commission reserves the right to perform all Kiowa Gaming Commission personnel actions, except for the position of Executive Director. The Kiowa Business Committee reserves the right to approve the employment of the Executive Director.

- (d) The Kiowa Business Committee recognizes the importance of an independent Kiowa Gaming Commission in maintaining a well-regulated gaming operation.
- (1) The Commission shall be and act independently with the regulatory function only but shall be subject to administrative orders from the Kiowa Business Committee in all matters within its purview.
  - (2) No prior or subsequent review by the Kiowa Business Committee of any actions of the Kiowa Gaming Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance.
  - (3) To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Kiowa Business Committee hereby finds that, at a minimum:
    - (i) Members of the Kiowa Gaming Commission are prohibited from gambling in the facility; and
    - (ii) Members of the Kiowa Gaming Commission are prohibited from accepting complimentary items from the gaming operation, except food and beverages being internally charged and valued at Fifty (50) dollars or less.
- (e) Kiowa Gaming Commissioner positions shall be filled through appointment by the Kiowa Business Committee.
- (f) Nominees for positions of Kiowa Gaming Commission must satisfy the standards for appointed and elected officials set forth for in the Kiowa Constitution and Bylaws.
- (1) Background investigations shall be performed under the direction of the Executive Director of the Kiowa Gaming Commission.
- (g) The person selected by the Kiowa Gaming Commission to serve in the position of Kiowa Gaming Commission Executive Director, shall be subject to the approval of the Kiowa Business Committee prior to that person assuming the position of Executive Director of the Kiowa Gaming Commission.
- (h) The Kiowa Gaming Commission personnel shall:
- (1) Conduct or cause background investigations to be conducted on, at a minimum, primary management officials and key employees;
  - (2) Review and approve all investigative work conducted, subject to approval of the Kiowa Gaming Commissioners;
  - (3) Report results of background investigations to the NIGC;
  - (4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
  - (5) Make licensing suitability determinations, subject to approval of the Kiowa Gaming Commission, which shall be signed by any officer of the Kiowa Gaming Commission;
  - (6) Issue gaming licenses to primary management officials and key employees of the operation, consistent with the suitability determination, subject to approval of the Kiowa Gaming Commission;

- (7) Establish standards for licensing Tribal gaming operations, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee;
- (8) Issue facility gaming licenses to Tribal gaming operations, subject to approval of the Kiowa Gaming Commission;
- (9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment, subject to approval of the Kiowa Gaming Commission;
- (10) Ensure compliance with all Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming on Kiowa Indian lands;
- (11) Investigate any suspicion of wrongdoing associated with any gaming activities, subject to approval of the Kiowa Gaming Commission;
- (12) Hold hearings on gaming guest complaints, in compliance with procedures established in the gaming ordinance and other Tribal gaming regulations, subject to approval of the Kiowa Gaming Commission;
- (13) Comply with any and all reporting requirements under the IGRA, Tribal-State compact to which the Tribe is a party, and any other applicable law;
- (14) Promulgate and issue regulations necessary to comply with applicable internal control standards, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee;
- (15) Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee;
- (16) Promulgate and issue regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of the gaming ordinance, or any other Tribal, Federal, or State, if applicable, gaming regulations, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee; and
- (17) Establish a list of persons not allowed to game in Tribal gaming facilities in order to maintain the integrity of the gaming, subject to approval of the Kiowa Gaming Commission;
- (18) Establish a list of persons who have voluntarily asked to be excluded from Tribal gaming facility, subject to approval of the Kiowa Gaming Commission and create regulations for enforcing this exclusion, subject to approval of the Kiowa Business Committee;
- (19) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions;
- (20) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Commission recognizes as trustworthy, subject to approval of the Kiowa Gaming Commission;



- (21) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee;
  - (22) Retain legal counsel on behalf of the Kiowa Gaming Commission when necessary, subject to approval of the Kiowa Gaming Commission and Kiowa Business Committee;
  - (23) Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation, no Kiowa Tribe Gaming facility shall be closed, shutdown or etc. without the approval of the Kiowa Business Committee; and
  - (24) Promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Ordinance, subject to the approval of Kiowa Business Committee.
- (i) The Kiowa Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes.
  - (j) 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.
    - (1) This 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.
  - (k) Terms of Office for Kiowa Gaming Commissioners shall be as follows:
    - (1) There shall be a Kiowa Gaming Commission composed of (3) officers, Chairman; Vice-Chairman; and Secretary/Treasurer.
    - (2) The term of office shall be for a period of two (2) years and each officer shall be eligible to serve two consecutive terms, a Commissioner shall not be eligible for re-appointment to fill a vacancy on the Commission until a period of two (2) years has elapsed.
    - (3) Chairman – term of office October \_\_\_\_\_, 2008, ending September \_\_\_\_\_, 2010; Vice-Chairman – term of office October \_\_\_\_\_, 2009, ending September \_\_\_\_\_, 2011; and Secretary/Treasurer – term of Office October \_\_\_\_\_ 2010, ending September \_\_\_\_\_, 2012.
    - (4) The Kiowa Gaming Commission shall receive a \$300.00 meeting stipend for twenty-four (24) meeting per year twelve (12) monthly and (12) special.
  - (l) The following persons are not eligible to serve as Kiowa Gaming Commissioners:
    - (1) Kiowa Business Committee members, while serving as such;
    - (2) Employees of the gaming operation, while serving as such;
    - (3) Gaming contractors (including any principal of a management or other contracting company);
    - (4) Tribal members previously convicted of a felony, of embezzlement, or theft, or of any other money-related crime or honesty-related crime (such as fraud).
  - (m) The Kiowa Business Committee shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate

suitability determination before appointing an individual to a position as a Kiowa Gaming Commissioner.

- (n) The independence of the Kiowa Gaming Commission is essential to a well-regulated gaming operation.
  - (1) For that reason, Kiowa Gaming Commissioners may be removed from office by the Kiowa Business Committee prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, violation of this Ordinance, or other acts that would render a Commissioner unqualified for his/her position. This shall apply to any employee or staff member of the Kiowa Gaming Commission. If any Commissioner of the Kiowa Gaming Commission, Executive Director, and any staff or employee of the Kiowa Gaming Commission attempts, in any manner, to affect, control or manage, the management and operations of any Kiowa Gaming Facility, he or she shall be subject to removal and/or termination from his or her position.
  - (2) Members of the Kiowa Gaming Commission, the Executive Director, and employees of the Kiowa Gaming Commission shall be subject to the provisions of Article IV, Constitution and Bylaws of the Kiowa Indian Tribe of Oklahoma regarding "Recall and Removal of any elected or appointed official or any Tribal Employee".
  - (3) Any allegations of neglect of duty, misconduct, malfeasance, violation of this Ordinance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. The proof of the allegations that any Commissioner, Executive Director, and any staff or employee of the Kiowa Gaming Commission did attempt, in any manner, to affect, control or manage, the management and operations of any Kiowa Gaming Facility must be substantiated by a preponderance of evidence.
  - (4) Kiowa Gaming Commissioners and or employee/staff will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered.
  - (5) A vote of the Kiowa Business Committee on the validity of the removal shall be final and not subject to further appeal.
- (o) A majority of the Kiowa Gaming Commission shall constitute a quorum and the concurrence of a majority of the members appointed to the Kiowa Gaming Commission shall be required for any final determination by the Commission.
  - (1) The Kiowa Gaming Commission may act in its official capacity even if there are vacancies on the Commission, however a quorum of a majority of the members must be established.
- (p) The Kiowa Gaming Commissioners shall have an annual budget determined and approved by the Kiowa Business Committee. Any surplus remaining in the Kiowa Gaming Commissioner's budget at the end of the budget year shall be returned to the Kiowa Business Committee. Any fees, fines or other charges collected by the Kiowa Gaming Commissioner during the budget year will off set or be deducted from the budget amount determined by the Kiowa Business Committee for the following budget year, and the off set amount shall be refunded to the Kiowa Business Committee.

- (q) The Kiowa Gaming Commission shall keep a written record of minutes for all its meetings and forward to Kiowa Business Committee Tribal Secretary.
- (r) The Kiowa Gaming Commission shall meet and decide all matters by majority vote of the full commission. The Chairperson or Vice-Chairperson in the Chairperson's absence shall preside at each meeting. The presence of two (2) Commissioners of the Kiowa Gaming Commission shall constitute a quorum for a meeting. The vote of two (2) Commissioners shall constitute as a majority vote and shall be binding on the Kiowa Gaming Commission.

## § 100.8 Ethics

- (a) The Kiowa Business Committee recognizes that the duties of the Kiowa Casino Operations Authority and the Kiowa Gaming Commission include making important decisions on highly sensitive issues; as a result the Kiowa Business Committee has determined that the Kiowa Casino Operations Authority and the Kiowa Gaming Commission shall be held to extremely high ethical standards.
- (b) Prior to taking their positions on the Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall agree to be bound by the following principles:
  - (1) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.
  - (2) Kiowa Casino Operations Authority the Kiowa Gaming Commission members 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.
  - (3) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members 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 member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Kiowa Gaming Commission and Kiowa Casino Operations Authority members' duties.
  - (4) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall make no unauthorized commitments or promises of any kind purporting to bind the Kiowa Business Committee.
  - (5) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall not use their positions for private gain.
  - (6) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members 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 to any persons related to Kiowa Gaming Commissioners or Kiowa Gaming Commission personnel.

- (7) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.
- (8) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.
- (9) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (10) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
- (11) Kiowa Casino Operations Authority and the Kiowa Gaming Commission members shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.
- (12) Those persons who hold elected office of the Tribe or are otherwise employees of the Tribe, and also any member of the Tribe who has been recalled from elected office of the Tribe or previously removed for a good cause, from the Gaming Commission, shall be ineligible to serve as Commissioners. Any person whose relative is employed by the Tribe as a Key Employee or Primary Management Official of a Tribal Gaming Facility, a Management Contractor, or the Kiowa Casino Operations Authority, shall be ineligible to serve as a Commissioner during such relative's employment. No person who is ineligible to be a Key Employee or Primary Management Official and no person convicted of a felony, embezzlement, theft, or any other money-related crime or a crime of moral turpitude (such as fraud) may serve on the Gaming Commission.

### **§ 100.9 Complimentary Items**

- (a) The use of complimentary items shall be governed by regulations established by the Kiowa Gaming Commission and approved by the Kiowa Business Committee.
- (b) No Key Employee, Primary Management Official, Kiowa Casino Operations Authority member or Kiowa Gaming Commissioner or Kiowa Gaming Commission personnel, or any person directly related to, immediate family, shall be authorized to receive complimentary items other than food and beverages valued at Fifty (50) dollars or less or, if at a public event held at the gaming facility, the free food and beverages offered to the general public.
- (c) Complimentary Items shall be included in the annual budget for the gaming operation, with maximum limits specified, and shall be subject to approval by the Kiowa Business Committee.
- (d) Kiowa Gaming Commissioners may accept food and beverage provided by vendors at vendor sponsored events valued at Fifty (50) dollars or less.

## **§ 100.10 Audit**

- (a) The Kiowa Business Committee shall cause an annual outside independent audit of gaming operations to be conducted, and shall submit the resulting audit reports to the National Indian Gaming Commission.
- (b) The Kiowa Gaming Commission shall select the audit firm, subject to approval of the Kiowa Business Committee, to complete the annual audit. The audit firm must have tribal gaming regulatory experience.
- (c) The Gaming Operation will be responsible for payment of the required annual audit.
- (d) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$50,000.00 annually, except contracts for professional legal and accounting services or other companies exempted by definition of the Kiowa Gaming Commission due to the level of regulation already adhered to by those companies, shall be specifically included within the scope of the audit that is described in subsection (a) above. Exemptions will come at the request of the gaming operation and further approved by the Kiowa Gaming Commission and the Kiowa Business Committee.

## **§ 100.11 Environment and Public Health and Safety**

- (a) Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.
- (b) The Kiowa Gaming Commission shall develop standards, subject to approval of the Kiowa Business Committee, that assure adequate protection of the environment and the public health and safety.
- (c) Prior to licensing and in accordance with the standards of the Kiowa Gaming Commission and the National Indian Gaming Commission the Gaming Operation must adopt standards to assure adequate protection of the environment and the health and safety of the general public.

## **§ 100.12 Guest Dispute Resolution**

- (a) Guests who have complaints against the gaming operation as it relates to gaming disputes shall have as their sole remedy the right to file a petition for relief with the Kiowa Gaming Commission. Guests will have three (3) business days after the occurrence of the alleged dispute to file a complaint with the Kiowa Gaming Commission.
- (b) Complaints shall be submitted in writing, and at the discretion of the Kiowa Gaming Commission, the petitioner may be allowed to present evidence.
- (c) The Kiowa Gaming Commission shall notify guest of hearing date within 30 days of receipt of petitioner's complaint.
- (d) Petitioner may have counsel present at such hearing.
- (e) The Commission shall render a decision within 30 days of the hearing and all such decisions will be final when issued.

- (f) All claims by guests shall be limited to a maximum recovery of \$500 per occurrence, and a cumulative limit of \$1,000 per guest in any twelve (12) month period, except disputes relating to a guest's entitlement to a game prize, which shall be limited to the amount of such prize.
- (1) The Commission's decision shall constitute the petitioner's final remedy.

### **§ 100.13 Tribal Internal Control Standards**

- (a) The Kiowa Gaming Commission shall develop and implement Tribal Internal Control Standards (TICS) for the operation of its Tribal gaming operation in accordance with applicable law. The Tribe's TICS shall be set out in separate regulations to be reviewed and approved by the Kiowa Business Committee.
- (b) The Kiowa Gaming Commission shall be responsible for the development, revision, and enforcement of the Tribal Internal Control Standards, with the approval of the Kiowa Business Committee.
- (c) In addition to the Tribal Internal Control Standards adopted, the Kiowa Gaming Commission has the authority to develop and implement any other policy or procedure deemed necessary as it applies to the regulation of the gaming operations, subject to approval of the Kiowa Business Committee.

### **§ 100.14 Facility Licenses**

- (a) The Kiowa Gaming Commission shall issue a separate license to each gaming site on Indian lands where Class II and/or Class III gaming is conducted under this ordinance for a period defined in the regulations.
- (b) The Kiowa Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the highest management official of the gaming operation, and the initial application shall include a legal description of the lands where on the facility is located, and a certification that said premises constitute "Indian lands" as specified in the Indian Gaming Regulatory Act, and shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith.
- (c) Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health and safety standards, and include current certifications of compliance therewith.
- (d) The Kiowa Gaming Commission shall only issue such licenses if the applications therefore include the required information and certifications and such further conditions as the Kiowa Gaming Commission shall have specified.
- (e) Fees for the licensing of gaming operations shall be based on size and reasonable industry rates and will be set forth in the Kiowa Gaming Commission regulations as approved by the Kiowa Business Committee.

(f) All license fees shall be approved by the Kiowa Business Committee.

### **§ 100.15 Agent for Service of Process**

(a) The Kiowa Tribe of Oklahoma hereby designates Chairman of the Kiowa Casino Operations Authority and the Chief Operating Officer of the Kiowa Casino Operations Authority as agent for service of process, who may be contacted at:

(1) Chief Operating Officer

Kiowa Casino Operations Authority

SH 36/E. 1980 Rd.

P.O. Box 100

Devol, OK. 73531

### **§ 100.16 Compliance with Federal Law**

(a) The Kiowa Gaming Commission and the Kiowa Business Committee will comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 et seq, state liquor laws, tribal liquor laws and any other applicable regulations.

### **§ 100.17 Repeal**

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

### **§ 100.18 Tribal Access to Financial Information**

(a) A copy of the Tribal gaming operation annual audit as well as any financial records of the Kiowa Gaming Commission will be made available for review, upon request, to the Kiowa Business Committee and the Kiowa Gaming Commission.

### **§ 100.19 Licenses for Key Employees and Primary Management Officials**

(a) The Kiowa Gaming 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 gaming enterprise operated on Indian lands.

(b) The Kiowa Gaming Commission will issue licenses and perform background investigations according to requirements at least as stringent as 25 C.F.R. Parts 556 and 558 including the prohibition of any applicants that have been convicted of a felony.

## § 100.20 License Application Forms

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

(1) In compliance with the Privacy Act of 1974, the following information must be provided:

(i) "Solicitation of the information on this form is authorized by 25 U.S.C. §2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the Kiowa Gaming Commission and the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when necessary pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigation 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 hire you in a primary management official or key employee position."

(i) "The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a 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:

(1) "A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment." (U.S. Code, Title 18, Section 1001)

(c) The Kiowa Gaming Commission shall notify in writing existing key employees and primary management officials who have not completed an application containing the notices set forth above 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 that notice.

## § 100.21 License Fees

(a) The Kiowa Gaming Commission may charge a license fee, to cover its expenses in investigating and licensing Key Employees and Primary Management Officials of the gaming operation. All license fee amounts and license fee category (facility, key employee, etc.) shall be approved by the Kiowa Business Committee.



## **§ 100.22 Fingerprints**

- (a) Each applicant for a Key Employee or Primary Management Official shall be required to have fingerprints taken as part of the license application procedure.
- (b) The Kiowa Gaming Commission shall be equipped to perform fingerprinting for all key employees and primary management officials.
- (c) Should the Kiowa Gaming Commission become unable or choose not to perform the required fingerprinting, fingerprints shall be taken by the Bureau of Indian Affairs or other available law enforcement agency and will then be forwarded to the NIGC for processing through the FBI and NCIC to determine the applicant's criminal history, if any.

## **§ 100.23 Background Investigations**

- (a) The Kiowa Gaming Commission is responsible for conducting background investigations and suitability determinations.
- (b) The Kiowa Gaming Commission shall request from each primary management official and from each key employee 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 (b)(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 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 was 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 the date of the application and is not otherwise listed pursuant to paragraph (b)(8) or (b)(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 photograph taken within the last year; and
- (13) Any other information the Kiowa Gaming Commission deems relevant.

### **§ 100.24 Procedures for Conducting a Background Check on Applicants**

- (a) As part of the review procedure, the Kiowa Gaming Commission or its agent shall employ or engage a private investigator to conduct a background investigation on each applicant sufficient to allow the Kiowa Gaming Commission to make an eligibility determination.
- (b) The investigator shall:
  - (1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;
  - (2) Contact each personal and business reference provided in the License Application, when possible;
  - (3) Obtain a personal credit check;
  - (4) Conduct a civil history check;
  - (5) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten years;
  - (6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
  - (7) Verify the applicant's history and status with any licensing agency by contacting the agency; and
  - (8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.
- (c) The investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.
- (d) The Kiowa Gaming Commission and its investigator shall promise to keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or State law.

### **§ 100.25 Eligibility Determination**

- (a) The Kiowa Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation.
- (b) If the Kiowa Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

### **§ 100.26 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission**

- (a) When a key employee or primary management official is employed to work at a gaming operation authorized by this ordinance, the Kiowa Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment, a completed background investigation and a report on the determination referred to in this section.
- (b) The gaming operation shall not employ as a key employee or primary management official a person who does not have a permanent license after 90 days.

### **§ 100.27 Report to the National Indian Gaming Commission**

- (a) The Kiowa Gaming Commission shall prepare and forward a report on each background investigation to the National Indian Gaming Commission including 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.
- (b) The Kiowa Gaming Commission shall forward the completed investigative report to the National Indian Gaming Commission within 60 days after an employee receives a temporary license from the Kiowa Gaming Commission or begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- (c) The Kiowa Gaming Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Kiowa Gaming Commission that the submission of the eligibility determination is not necessary.
  - (1) The eligibility determination shall include the following:
    - (i) A statement describing how the information submitted by the applicant was verified;
    - (ii) A statement of results following an inquiry into the applicant's prior activities,

- (iii) Criminal record, if any, and reputation, habits and associations;
  - (iv) A statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Kiowa Gaming Commission to make a finding concerning the eligibility for licensing required for employment in a gaming operation;
  - (v) A statement documenting the disposition of all potential problem areas noted and disqualifying information obtained.
- (d) If a license is not issued to an applicant, the Kiowa Gaming Commission must notify the Kiowa Business Committee and NIGC; and must forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.
- (e) With respect to all employees, and in particular key employees and primary management officials, the Kiowa Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

#### **§ 100.28 Granting a Gaming License**

- (a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Kiowa Gaming 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 Kiowa Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Kiowa Gaming Commission, acting for the Kiowa Tribe of Oklahoma, may issue a permanent license to such applicant.
- (b) The Kiowa Gaming 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.
- (1) Such a request shall suspend the 30-day period under paragraph (a) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Kiowa Gaming 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 Kiowa Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Kiowa Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Kiowa Gaming Commission shall make the final decision whether to issue a license to such applicant.

## **§ 100.29 License Suspension/Revocation**

- (a) If, after the issuance of a gaming license, the Kiowa Gaming 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, the Kiowa Gaming Commission shall suspend such license and notify in writing the licensee of the suspension and the proposed revocation within 3 business days of receipt of the notice from the National Indian Gaming Commission.
- (b) The Kiowa Gaming Commission shall notify the licensee in writing by certified mail of a time and a place for a hearing on the proposed revocation of a license.
- (c) Within 3 business days of the revocation hearing, the Kiowa Gaming Commission shall decide to revoke or to reinstate a gaming license:
  - (1) The Kiowa Gaming Commission shall notify the NIGC of its decision.
  - (2) The Kiowa Gaming Commission shall notify the affected key employee or primary management official of its decision.
  - (3) The licensee, affected Key Employee and Primary Management Official may appeal the decision of the Gaming Commission to the Tribal Court, as defined by this Ordinance, within ten (10) days of the date of decision of the Kiowa Gaming Commission or said decision will become final.

## **§ 100.30 Licenses for Vendors**

- (a) Vendors of gaming services or supplies with a value of \$25,000 or more on a fiscal year basis must have a vendor license from the Kiowa Gaming Commission in order to transact business with the Tribal gaming operation.
  - (1) Contracts for professional legal and accounting services or vendors that have obtained an exemption from the Kiowa Gaming Commission are excluded from this section.
- (b) Vendors of non-gaming services or supplies with a value of \$25,000 or more on a fiscal year basis must have a vendor license from the Kiowa Gaming Commission in order to transact business with the Tribal gaming operation.
  - (1) Contracts for professional legal and accounting services or vendors that have obtained an exemption from the Kiowa Gaming Commission are excluded from this section.
- (c) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services and gaming equipment.
- (d) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal gaming operations. As example, but not limited to, media advertising, facility maintenance workers, linen and laundry services, food and beverage suppliers, etc.
  - (1) The Kiowa Gaming Commission shall create a regulation, subject to Kiowa Business Committee approval, detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses.

- (e) The regulation may exempt from licensing requirements non-gaming vendors who:
- (1) Are a Tribal, Local, State, or Federal government agencies;
  - (2) Are regulated by the Tribe, Local, State or Federal regulations; or
  - (3) Will provide services or supplies under \$25,000 annualized (based on the fiscal year of the gaming operation).

### **§ 100.31 Submission of a Vendor License Application**

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

### **§ 100.32 Contents of the Vendor License Application**

- (a) Applications for gaming vendor licenses must include the following:
- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the applicant has done business under, type of service applicant will provide;
  - (2) Whether 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 Oklahoma if the gaming operation is in a different State than the State of incorporation.
  - (4) Trade name, other names ever used, names of any wholly owned subsidiaries or other 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 Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;
  - (9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five 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) List 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 and telephone numbers, title, and percentage of ownership in the company; and
  - (15) Any further information the Kiowa Gaming Commission deems relevant.
- (b) The following notices shall be placed on the application form for a vendor and its principals:
- (1) Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Kiowa Gaming Commission's vendor license.
  - (2) All Vendors seeking licensing with the Kiowa Gaming Commission shall be subject to the jurisdiction of the Kiowa Tribe of Oklahoma and the Tribal Court as defined in this Ordinance.
- (c) A vendor may submit 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 Kiowa Gaming Commission not contained in the other application.

### **§ 100.33 Vendor Background Investigation**

- (a) The Kiowa Gaming Commission shall employ or otherwise engage a private investigator complete an investigation of the gaming vendor that contains, at a minimum, the following steps:
- (1) Verify of the business' incorporation status and qualification to do business in the State where the gaming operation is located;
  - (2) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;
  - (3) Conduct a check of the business' credit history;
  - (4) Call each of the references listed in the vendor application; and
  - (5) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

### **§ 100.34 Vendor License Fee**

- (a) The Kiowa Gaming Commission may charge a license fee to cover its expenses in investigating and licensing vendors of the gaming operation. The amount of the license fee and the name of the vendor shall be furnished to the Kiowa Business Committee for approval.

### **§ 100.35 Vendor Background Investigation Report**

- (a) The private investigator 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 Kiowa Gaming Commission.

### **§ 100.36 Exemption for Vendors Licensed by Recognized Regulatory Authorities**

- (a) The Kiowa Gaming Commission may develop regulations, subject to approval of the Kiowa Business Committee, naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

### **§ 100.37 Licenses for Non-Gaming Vendors**

- (a) For non-gaming vendors, the Kiowa Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation.
  - (1) The Kiowa Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring the gaming operations purchases.

### **§ 100.38 Criminal Prosecution of Gaming Crimes**

- (a) All crimes including, but not limited to, gaming cheats, scams, embezzlement, etc., are subject to prosecution under the jurisdiction of the Kiowa Tribe of Oklahoma and the Tribal Court as defined in this Ordinance.

### **§ 100.39 Consent to Jurisdiction**

- (a) Any person who applies for a license under this Ordinance, applies for employment in any gaming facility, enters into any contract or agreement related to gaming, or participates in any gaming on the Reservation, shall be deemed to consent to the civil jurisdiction of the Tribe, the Gaming Commission and the Tribal Court. Nothing in this Section shall limit the Jurisdiction of the Tribe, the Gaming Commission or the Tribal Court under any circumstances not explicitly contemplated in the Section.

### **§ 100.40 Prohibited Acts**

- (a) In addition to other civil and criminal acts that may be regulated or prohibited by this Ordinance, the Tribal-State Compact, other Tribal Law or applicable Federal law, the following shall constitute prohibited activities and unauthorized gaming under this Ordinance and shall subject any



perpetrator to Kiowa Gaming Commission action including, but not limited to, the imposition of civil penalties, referral to appropriate law enforcement authorities for criminal proceedings, and license suspension or revocation.

- (1) Altering or misrepresenting the outcome of gaming or other event on which wagers have been made after the outcome of such gaming or event has been determined but before such outcome is revealed to the players;
- (2) Placing or increasing a bet or wager after acquiring knowledge of the outcome of the gaming or event which is the subject of the bet or wager, including past-posting and pressing bets;
- (3) Aiding anyone in acquiring such knowledge referred to in subsection (b) or subsection (f) of this Article for the purposes of increasing or decreasing any bet or wager, or for the purpose of determining the course of play;
- (4) Claiming, collecting or taking, or attempting to claim, collect or take, money or anything of value in or from a game with intent to defraud or claiming, collecting or taking an amount greater than the amount actually won in such game;
- (5) Knowingly enticing or inducing another to go to any place where gaming is conducted or operated in violation of the provisions of this Ordinance, with the intent that the other person play or participate in such gaming;
- (6) Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;
- (7) Manipulating, with intent to cheat or defraud, any component or part of a game in a manner contrary to the designed and normal functional purpose for such component or part, with knowledge that such manipulation will affect the outcome of the game, or with knowledge of any event that affects the outcome of the game;
- (8) Defrauding the Tribe, any licensee or any participant in any gaming facility;
- (9) Participating in any gaming not authorized under this Ordinance or the Tribal-State Compact;
- (10) Knowingly providing false information or making any false statement with respect to an application for employment or for any license, certification or determination provided for in this Ordinance;
- (11) Knowingly providing false or misleading information or making any false or misleading statement to the Tribe or the Gaming Commission in connection with any contract for services or property related to gaming;
- (12) Knowingly making any false or misleading statement in response to any official inquiry by the Commission or its agents;
- (13) Offering or attempting to offer any thing of value to a licensee in an attempt to induce the licensee to act or refrain from acting in a manner contrary to the official duties of the licensee under this Ordinance, other Tribal laws or regulations, or applicable Federal law;
- (14) Acceptance by a licensee of any thing of value with the expectation that receipt of such thing of value is intended, or may be perceived as intended, to induce the licensee to act or refrain from

- acting, in a manner contrary to the official duties of the licensee under this Ordinance, other Tribal laws or regulations, or applicable Federal law;
- (15) Falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a gaming facility in ways other than is provided in approved internal control procedures;
  - (16) Taking any action which interferes with or prevents the Kiowa Gaming Commission, the Trustees of the KCOA, or the Tribe from fulfilling its duties and responsibilities under this Ordinance, other Tribal law or regulations, or Federal law;
  - (17) Entering into any contract, or making payment of any contract for the delivery of goods or services to a gaming facility, when such contract fails to provide for or result in the delivery of goods or services of fair value for the payment made or contemplated;
  - (18) Operating or conducting Class II or Class III Gaming on Kiowa Indian lands without a Gaming License issued by the Kiowa Gaming Commission;
  - (19) Possessing or carrying a firearm in a Gaming Facility on Kiowa Indian lands unless such person is a sworn law enforcement officer or security personnel duly licensed to carry a firearm by the State of Oklahoma
  - (20) Knowingly or intentionally violating any provision of this Ordinance, any rules, orders, or regulations promulgated by the Kiowa Gaming Commission or any provision of the Indian Gaming Regulatory Act or any rule, order, or regulation promulgated by the NIGC;
  - (21) Using bogus or counterfeit cards, or substitute or use any game cards that have been tampered with;
  - (22) Employ, possess or have on one's person any cheating device to facilitate cheating in a gaming activity; and
  - (23) Except as specifically permitted by the Kiowa Gaming Commission, possessing with the intent to use in connection with gaming, either individually, or in concert with others, any calculator, computer, or other electronic or mechanical device to assist in projecting the outcome or odds of such gaming, to keep track of or analyze cards, or to change probabilities of any game or the playing strategies regularly utilized in such gaming.

#### **§ 100.41 Criminal Acts**

- (a) In addition to other civil and criminal acts that may be regulated or prohibited by this Ordinance, the Tribal-State Compact, other Tribal Law or applicable Federal law, and to the extent consistent with federal law, the following shall constitute criminal acts under this Ordinance and shall subject any perpetrator to prosecution in Tribal Court;
  - (1) Altering or misrepresenting the outcome of gaming or other event on which wagers have been made after the outcome of such gaming or event has been determined but before such outcome is revealed to the players;

- (2) Placing or increasing a bet or wager after acquiring knowledge of the outcome of the gaming or event which is the subject of the bet or wager, including past-posting and pressing bets;
  - (3) Aiding anyone in acquiring such knowledge referred to in subsection (b) or subsection (f) of this Article for the purposes of increasing or decreasing any bet or wager, or for the purpose of determining the course of play;
  - (4) Claiming, collecting or taking, or attempting to claim, collect or take, money or anything of value in or from a game with intent to defraud or claiming, collecting or taking an amount greater than the amount actually won in such game;
  - (5) Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;
  - (6) Manipulating, with intent to cheat or defraud, any component or part of a game in a manner contrary to the designed and normal functional purpose for such component or part, with knowledge of any event that such manipulation will affect the outcome of the game, or with knowledge of any event that affects the outcome of the game;
  - (7) Defrauding the Tribe, any licensee or any participant in any gaming facility;
  - (8) Knowingly making any false or misleading statement in response to any official inquiry by the Commission or its agents;
  - (9) Falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a gaming facility in ways other than is provided in approved internal control procedures;
  - (10) Taking any action which interferes with or prevents the Kiowa Gaming Commission, the Trustees of the KCOA, or the Tribe from fulfilling its duties and responsibilities under this Ordinance, other Tribal laws or regulations, or Federal law
  - (11) Possessing or carrying a firearm in a Gaming Facility on Kiowa Indian lands unless such person is a sworn law enforcement officer or security personnel duly licensed to carry a firearm by the State of Oklahoma
  - (12) Using bogus or counterfeit cards, or substitute or use any game cards that have been tampered with;
  - (13) Employ, possess, or have on one's person any cheating device to facilitate cheating in a gaming activity
- (b) Any person convicted by the Tribal Court of an offense under this Section may be sentenced to up to one year imprisonment and a fine of not more than Five Thousand Dollars (\$5,000.00) or both, for each separate violation or offense. Nothing in this section shall prevent the prosecution of any person for the violation of any provision of the laws of the Tribe.

#### **§ 100.42 Civil Enforcement**

- (a) The Kiowa Gaming Commission may take any one or a combination of the following actions with respect to any person who violates any provision of this Ordinance

- (1) Impose a civil fine not to exceed Five Thousand Dollars (\$5,000.00) for each violation, and if such violation is a continuing violation, for each day of such violation
- (2) Suspend or revoke any gaming license issued by the Kiowa Gaming Commission
- (3) Bring an action in the Tribal Court for imposition of civil fines and remedial relief including (but not limited to)
  - (i) restriction of further conduct of Gaming on Kiowa Indian lands;
  - (ii) suspension, revocation, or termination of the License and issuing an order suspending further conduct of Gaming on Kiowa Indian lands or other activities
  - (iii) seizure of any gaming apparatus, proceeds, or other property if a Licensee or other person connected with the Gaming Operations engaged in by the licensee;
  - (iv) in case of any non-member of the Tribe, expulsion and debarment of such persons from Kiowa Indian lands;
  - (v) collection of any unpaid fees together with interest at the rate of one percent (1%) per month or fraction of a month;
  - (vi) execution of any nonexempt property of a violator located within the exterior boundaries of the Kiowa Indian lands; o
  - (vii) a civil penalty of Fifty Dollars (\$50.00) per day for failure to file any report required under this Ordinance when due and Five Hundred Dollars (\$500.00) per day for failure to file such report after notice and demand.
- (b) The Tribal Court shall have jurisdiction over any civil action brought by the Kiowa Gaming Commission under this Ordinance, and also shall have the authority to impose any and all sanctions imposed by the Kiowa Gaming Commission pursuant to this Ordinance. Upon a finding that a violation of this Ordinance has occurred, the Tribal Court may impose a civil penalty as provided in this Section for each separate violation in addition to any or all actual damages, administrative costs, court costs, and attorney's fees. Each day during which unlawful gaming is conducted on Kiowa Indian lands shall be deemed a separate violation.

### **§ 100.43 Hearings and Appeals**

- (a) **Petition for Payment of Penalty.** Any Licensee paying a penalty for late filing or failure to file a report for which there is an acceptable excuse may petition the Kiowa Gaming Commission for a credit. The petition shall be filed within thirty (30) days after the petitioner knew or should have known that payment was excusable, but not more than six (6) months after payment in any case.
- (b) **Petition for Hearing and Reconsideration.** Any person or entity aggrieved by a decision made or action taken by the Kiowa Gaming Commission without the notice and opportunity for hearing, may petition the Kiowa Gaming Commission or a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action.

(c) Petition for Review. Any person or entity aggrieved by a decision made or action taken by the Kiowa Gaming Commission after notice and opportunity for hearing shall have the right of appeal to the Tribal Court. Petitions for such appeal shall specifically set forth the reasons for aggrieving, and be timely only if filed with the Tribal Court no later than ninety (90) days after the Kiowa Gaming Commission's decision or action. The Tribal Court shall set the matter for hearing promptly after receipt of the petition, and may, upon establishing that it has jurisdiction and finds good cause, affirm, modify, reverse and or vacate the Kiowa Gaming Commission's order, or order such other or further relief as the Tribal Court determines is just. The Tribal Court shall have no jurisdiction to award money damages against the Tribe, the Kiowa Gaming Commission or any Commissioner thereof, or the KCOA or any Trustee thereof, except for an equitable accounting and the civil and criminal sanctions expressly provided for in this Ordinance. Except in cases where this Ordinance expressly authorizes de novo review of actions of the Kiowa Gaming Commission, the Tribal Court shall review actions of the Kiowa Gaming Commission upon the same basis as that which applies under Federal law to judicial review of actions of Federal administrative agencies.

#### **§ 100.44 Age Prohibition**

(a) No persons under the age of twenty-one (21) shall be permitted to participate in any gaming either as a player or as an employee at any Gaming Facility, and no person under the age of twenty-one (21) working as an employee of a Gaming Facility shall be permitted to work on or near the Gaming Area or to dispense or serve Alcoholic Beverages in a Gaming Facility.

#### **§ 100.45 Security and Surveillance**

(a) Each gaming facility must provide for full security and video surveillance within the gaming facility at all times. The security and surveillance departments shall interact when necessary to carry out their official duties and to coordinate their activities in order to best protect gaming patrons and the Tribal and management interests and assets of the facility.

#### **§ 100.46 Unclaimed Winnings**

(a) Any winnings, whether property or cash, which are due and payable to a participant in any gaming activity, and which remain unclaimed at the end of a gaming session, shall be held in safekeeping for the benefit of such participant if his or her identity is known. Such winnings shall be held for 12 months or such longer period as the Kiowa Gaming Commission deems reasonable in consideration of all relevant facts and circumstances. The Kiowa Gaming Commission shall make such efforts as are reasonable under the circumstances to locate such participant. At the end of the safekeeping period, such winnings shall revert to the ownership of the KCOA.

(b) In the event the identity of a participant entitled to unclaimed winnings is unknown, the Kiowa Gaming Commission shall use its best efforts to learn the identity of such individual; provided,

however, if after six months from the time the winnings were payable, the Kiowa Gaming Commission has been unable to identify the individual entitled thereto, such winnings shall revert to the ownership of the KCOA.

**§ 100.47 Denial of Waiver of Sovereign Immunity**

(a) The Kiowa Business Committee, by enacting and approving this Ordinance, does not waive the Sovereign Immunity of the Kiowa Tribe of Indians of Oklahoma, the Kiowa Indian Council, the Kiowa Business Committee, the Kiowa Casino Operations Authority, the Kiowa Gaming Commission or any other Kiowa Tribal Entity.

**§ 100.48 Amendment of Kiowa Gaming Commission Ordinance**

(a) The Kiowa Business Committee hereby reserves the power and authority to amend this Ordinance.



# Kiowa Tribe of Oklahoma

P.O. Box 369 • Carnegie, Oklahoma • 73015

Phone: (580) 654-2300 • Fax: (580) 654-2188

**KIOWA BUSINESS COMMITTEE**

MAY 26 2011

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## RESOLUTION NO. CY-2011-57

### RESOLUTION OF THE KIOWA BUSINESS COMMITTEE AMENDING THE KIOWA GAMING ORDINANCE OF 2010

**WHEREAS**, the Kiowa Indian Tribe of Oklahoma (the "Tribe") is a sovereign nation and from time immemorial has been a sovereign nation; and

**WHEREAS**, the Tribe is federally recognized by the Secretary of the Interior of the United States as having powers of self government and as being eligible for the special programs and services provided by the United States to Indians, and its sovereignty is thereby recognized by the United States, all as evidenced by order of the Associate Commissioner of Indian Affairs, dated March 13, 2070, approving the Constitution and Bylaws of the Tribe (the "Constitution"); and

**WHEREAS**, pursuant to the Constitution and specifically pursuant to Article V, section 2, the Tribe has delegated to its elected representatives, the Business Committee ("Business Committee"), the responsibility and authority to take all necessary action to promulgate and enforce ordinances and codes to protect the general welfare of the Tribe and its members; and

**WHEREAS**, pursuant to Ballot Issue 94-A-5, passed on the 18<sup>th</sup> day of June, 1994, the Kiowa Indian Council authorized the Kiowa Business Committee to develop and enact a Gaming Ordinance to authorize, license and regulate Class II and Class III gaming on Tribal Land of the Kiowa Indian Tribe of Oklahoma; and

**WHEREAS**, by Resolution No. CY-95-39 and CY-95-40, both dated June 26, 1995, the Business Committee, acting pursuant to the aforesaid delegated power, enacted resolutions to approve and adopt the Kiowa Indian Tribe of Oklahoma Gaming Ordinance of 1995 and the Kiowa Indian Tribe of Oklahoma Gaming Facility Bonding Ordinance of 1995 (together, as amended, the "Indian Gaming Ordinance"); and

**WHEREAS**, as required under Federal law, the Initial Gaming Ordinance was approved by the Chairman of the National Indian Gaming Commission (the "NIGC"), as indicated by that Chairman's publication of a notice of approval of Class III tribal gaming ordinances, in Volume 61, Federal Register, page 31963, on Friday, June 21, 1996; and

**WHEREAS**, on July 21, 2001, by Resolution No. CY-2001-045, the Business Committee exercised its authority, as delegated to it by the Kiowa Indian Council and by the Constitution, to amend, in accordance with Article XIV of the Initial Gaming Ordinance, in certain particulars, the Initial Gaming Ordinance; and

**WHEREAS**, by letter dated September 7, 2001, the NIGC granted its approval of the amendment to the Initial Gaming Ordinance; and

**WHEREAS**, pursuant to Federal law, on September 8, 2005, the Chairman of the NIGC approved the Amended and Restated Gaming Ordinance of 2005; and

**WHEREAS**, the Kiowa Gaming Ordinance of 2010 was approved on the 14<sup>th</sup> day of October, 2010, by Kiowa Business Committee Resolution No. CY-2010-614, repealing all prior Kiowa Gaming Ordinances together with the amendments thereto and the same was submitted to the National Indian Gaming Commission pursuant to Federal Law and Regulation; and

**WHEREAS**, the National Indian Gaming Commission did, by letter, dated December 10<sup>th</sup>, 2010, contact Ronald Twohatchet, Chairman of the Kiowa Tribe of Indians of Oklahoma and did state that it would be necessary for the Kiowa Gaming Ordinance of 2010 to be amended before the same would be approved by the National Indian Gaming Commission; and

**WHEREAS**, the Business Committee for the Kiowa Tribe of Indians of Oklahoma find no objection to the amendments requested by the National Indian Gaming Commission and hereby make the following amendments to the Kiowa Gaming Ordinance of 2010:

1. §100.10(d), Page 17 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits. 25 U.S.C. §2710(b)(2)(D).
2. §100.20(a)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

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.

3. §100.20(b)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:  
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).

**NOW, THEREFORE IT BE AND IT IS HEREBY RESOLVED** that the Kiowa Gaming Ordinance of 2010 be and the same is hereby amended in the following particulars, to-wit:

1. §100.10(d), Page 17 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:  
All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits. 25 U.S.C. §2710(b)(2)(D).
2. §100.20(a)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:  
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.

3. §100.20(b)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

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).

**AND BE IT FURTHER RESOLVED**, that all other sections and provisions of the Kiowa Gaming Ordinance of 2010 shall remain in full force and effect.

\*\*\*\*\*

**CERTIFICATION**

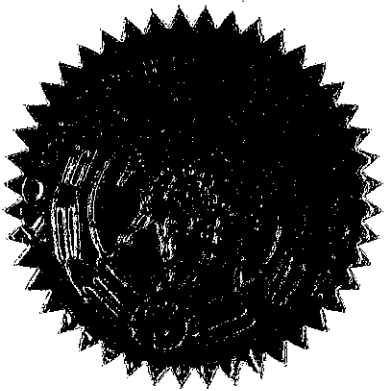
The foregoing Resolution No. **CY-2011-57** was duly adopted at a Special Kiowa Business Committee meeting, held on **May 11, 2011**, at the Kiowa Tribal Complex, located in Carnegie, Oklahoma, with majority vote of ( **5** ) for, ( **0** ) against and ( **0** ) abstentions, a quorum being present.

**ATTEST:**

**WITNESS:**

  
Charlotte Bointy, Secretary

  
Ronald D. Twohatchet, Chairman





# Kiowa Tribe of Oklahoma

P.O. Box 369 • Carnegie, Oklahoma • 73015

Phone: (580) 654-2300 • Fax: (580) 654-8714

**KIOWA BUSINESS COMMITTEE**

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## **FIRST AMENDMENTS TO THE KIOWA GAMING ORDINANCE OF 2011**

Pursuant to a Resolution No. CY-2011-614, of the Kiowa Business Committee of the Kiowa Tribe of Indians of Oklahoma, passed and enacted on the 14<sup>th</sup> day of October, 2010, the Kiowa Gaming Ordinance of 2010, was enacted and the same is hereby amended as follows:

1. §100.10(d), Page 17 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to such gaming shall be subject to such independent audits. 25 U.S.C. §2710(b)(2)(D).

2. §100.20(a)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

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.

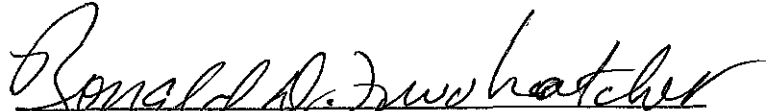
3. §100.20(b)(1), Page 20 of the Kiowa Gaming Ordinance of 2010, is hereby amended as follows:

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).

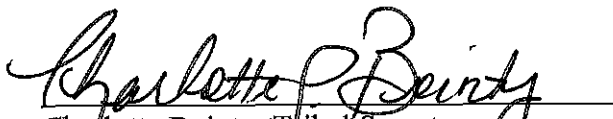
All other sections and provisions of the Kiowa Gaming Ordinance of 2010 shall remain in full force and effect.

Approved and executed this 11th day of May 2011.

**WITNESS:**

  
\_\_\_\_\_  
Ronald D. Twohatchet, Chairman  
Kiowa Tribe of Indians of Oklahoma  
PO Box 369  
Carnegie, OK 73015  
580-654-1729

**ATTEST:**

  
\_\_\_\_\_  
Charlotte Bointy, Tribal Secretary

