November 24, 2026

Michael Dolson, Chairman
P.O. Box 278
Pablo, Montana 59855

Re: Confederated Salish and Kootenai Tribes of the Flathead Nation Gaming Ordinance 92F

Dear Chairman Dolson:

I am writing with respect to the request of the Confederated Salish and Kootenai Tribes of the Flathead Nation (Tribes) to the National Indian Gaming Commission (NIGC) to review and approve the Tribes' amended gaming ordinance, Gaming Ordinance 92F (Ordinance), adopted by the Tribal Council and received by the NIGC on August 25, 2026.

Pursuant to the Indian Gaming Regulatory Act (IGRA), the NIGC Chair has 90 days from the date of submission to either approve or disapprove a gaming ordinance or amendment.[1] Any gaming ordinance or amendment not acted upon at the end of the 90-day period is considered to have been deemed approved by operation of law, but only to the extent such ordinance or amendment is consistent with IGRA and NIGC regulations.[2] Because the position of the NIGC Chair is currently vacant, no action could be taken within the 90-day period and the gaming ordinance is now deemed approved.

Additionally, it is my opinion that the Ordinance, while technically consistent with IGRA and NIGC regulations, would benefit from clarifications to Sections 22(C) and 7(N) to explicitly comply with 25 C.F.R. Parts 556 and 558. Specifically:

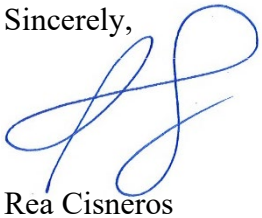
1. Section 22(C), reads: "The Commission shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment. Send copies of license revocations for inclusion to the Indian Gaming Individuals Records System." We recommend that the Tribes clarify this provision of the Ordinance by explicitly stating that the Confederated Salish and Kootenai Tribal Gaming Commission shall send copies of license revocations to the NIGC for inclusion in the Indian Gaming Individuals Record System as required under 25 C.F.R. § 558.3(e)(2).

2. The Ordinance contains conflicting records retention provisions with regard to primary management officials (PMOs) and key employees (KEs). NIGC regulation 25 C.F.R. §

558.3(f) requires the retention of records for PMOs and KEs for at least three years after termination of such employee. Section 23(A) complies with NIGC regulations. However, Section 7(N), while establishing records retention for the Confederated Salish and Kootenai Tribal Gaming Commission in general, explicitly mentions applications and requires them to be maintained for only three years without regard to the date of termination. We recommend clarifying Section 7(N) of the Ordinance to align with Section 23(A) of the Ordinance.

We encourage the Tribes to address the provisions identified above the next time the Tribes amend its gaming ordinance. If you have any questions concerning this letter, please contact Senior Attorney Jennifer Lawson at 202-418-9814.

Sincerely,



Rea Cisneros
General Counsel (Acting)

cc: Yolanda Page, Staff Attorney

Gaming Ordinance 92F
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The Confederated Salish and Kootenai Tribe
Gaming Ordinance 92F

Section 1. Short Title.

This Ordinance shall be known and maybe cited as the "Confederated Salish and Kootenai Gaming Ordinance."

Section 1.1 Purpose.

The Tribal Council of the Confederated Salish and Kootenai Tribes ("Tribes"), empowered by the Tribes' Constitution and Bylaws to enact ordinances, hereby enacts this ordinance in order to govern and regulate all forms of Gaming on the Tribes' Indian lands and hereby enacts this ordinance to promote tribal economic development, self-sufficiency and sovereignty.

Section 1.2 Public Policy.

A. All Gaming which is conducted within the Tribes' Indian lands and which is otherwise authorized by law shall be regulated and licensed pursuant to the provisions of this Ordinance.

B. The Tribal Council hereby finds and declare it to be the public policy of the Tribes to:

1. regulate gaming so that it is conducted honestly and that gaming is free from criminal and corruptive elements;

2. provide statutory basis for the operation of all gaming by the Tribes as means to promote tribal economic development; and

3. ensure public confidence and trust by enacting strict regulations of all persons, locations, practices, associations and activities related to the operation where gaming is conducted so that it be controlled to protect the public health, safety, morals, good order and general welfare of the Tribes.

Section 2. Applicability

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to all gaming on the Tribe's Indian lands.

Section 3. Definitions.

All terms not otherwise defined below shall have the same meaning and effect as those same terms as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et seq., and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 et seq., if they are defined in IGRA and the NIGC's regulations.

A. **"Commission"** means the Confederated Salish and Kootenai Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state regulations.

B. **"Commissioner"** means an individual member of the Commission.

C. **"Directly related to"** shall have the same meaning as "Immediate family" as defined in Tribal Ordinance No. 69D, as may be amended from time to time.

D. **"Executive Director"** means the Chief Administrative officer assigned to aid the Commission in the administration of the duties and responsibilities created by this Ordinance.

E. **"Tribal-State Compact"** means the Class III gaming compact between the State of Montana and the Confederated Salish & Kootenai Tribes under 25 U.S.C. § 2710(d), and deemed approved by Secretary of Interior as of November 23, 2025, to be effective upon publication in the Federal Register as required by 25 CFR § 293.14.

F. **"Tribes"** means the Confederated Salish and Kootenai Tribes of the Flathead Reservation, which may be abbreviated as "CSKT".

G. **"Tribal Council"** means the governing body of the Confederated Salish and Kootenai Tribes.

H. **"S&K Gaming Board"** means the Confederated Salish and Kootenai Tribes gaming operations governing board that oversees Tribal Gaming facilities.

Section 4. Gaming Authorized.

A. Class II Gaming Authorized. Class II gaming is authorized to be conducted by the Tribes only and in accordance with this Ordinance, IGRA and any other applicable laws and regulations.

B. Class III Gaming Authorized. Class III gaming is authorized to be conducted by the Tribes only in accordance with the provisions of this Ordinance, the Tribal-State Compact, IGRA and any other applicable laws or regulations.

Section 5. Ownership of Gaming

A. The Tribes shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except as expressly provided in this Ordinance.

B. Not less than 60 percent of the net revenue of the gaming operation is income to the Tribes.

Section 6. Use of Net Gaming Revenues

A. Net revenues from Tribal gaming shall be used only for the following purposes:

1. To fund Tribal government operations or programs;
2. To provide for the general welfare of the Tribes 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.

Section 7. Gaming Commission

A. The Tribes hereby establishes and the Tribal Council appoints the Confederated Salish and Kootenai Tribal Gaming Commission ("Commission") to regulate the Tribes' gaming operations.

1. The Commission shall consist of five (5) Commissioners.
2. A Commissioner shall serve a three (3) year term.
3. A Commissioner must be an enrolled member of the Confederated Salish and Kootenai Tribes and be physically residing within the exterior boundaries of the Reservation during the duration of their three (3) year term.
4. A Commissioner must be at least twenty-one years (21) of age.
5. The Commission shall select a Chairperson from its membership on an annual basis by a majority vote. The Chairperson shall have the ability to appoint an acting chairperson from the Commission in the event they will be absent from the Reservation for more than forty-eight (48) hours.
6. Vacancies of the Commission shall be filled within (30) days by nomination and majority vote of the Tribal Council.
7. A Commissioner may be removed from office prior to the end of the term by the Tribal Council with or without cause and by a majority vote.

B. The Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records. The

Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.

C. The following persons are not eligible to serve as Commissioners: Tribal Council members, while serving as such; current employees of the gaming operation; gaming contractors (including any principal of a management, or other contracting company); persons directly related to, or sharing a residence with, any of the above; and persons ineligible to be key employees or primary management officials. Non-tribal members, previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character.

D. The Tribes shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.

E. The Tribal Council recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Tribal Council in all matters within its purview. No prior, or subsequent, review by the Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribes require that, at a minimum:

1. No member of the Tribal Council or S&K Gaming Board Members may serve on the Commission;

2. No member directly related to, or living with, any Tribal Council member or S&K Gaming Board member may serve on the Commission;

3. Members of the Commission and the S&K Gaming Board Members are prohibited from gambling in the facilities they oversee;

4. Commissioners are prohibited from accepting complimentary items from the gaming operation, Licensee or Applicants.

F. Prior to appointment of a Commissioner positions must satisfy the eligibility standards set forth for primary management officials and key employees found in Section 21 of this ordinance. All requisite background investigations shall be performed under the direction of the Commission Office through the Executive Director or Staff.

G. The Commission shall:

1. Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;

2. Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;

3. Create and maintain investigative reports based on the background investigations of primary management officials and key employees;

4. Be the entity responsible to obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation, pursuant to NIGC regulations;

5. Make licensing eligibility determinations, which shall be signed by the Executive Director of the Commission;

6. Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;

7. Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;

8. Establish standards for licensing Tribal gaming facilities;

9. Issue gaming licenses to Tribal gaming facilities;

10. Inspect, examine and monitor all of the Tribes' gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;

11. Ensure compliance with all Tribal, federal and applicable state laws, rules and regulations regarding Indian gaming;

12. Investigate any suspicion of wrongdoing associated with any gaming activities;

13. Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;

14. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any tribal-state compact to which the Tribes are a party, and any other applicable law;

15. Promulgate and issue regulations necessary to comply with applicable internal control standards;

16. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;

17. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any Tribal, federal or applicable state gaming regulations;

18. Ensure that a list of persons not allowed to game in the Tribes' gaming facilities is established in order to maintain the integrity of the gaming operation;

19. Ensure a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and create regulations for enforcing the exclusions;

20. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions;

21. Create a list of regulatory authorities that conduct background investigations of, and licenses, vendors who are recognized as trustworthy;

22. Draft regulations exempting vendors and vendor technicians from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;

23. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and

24. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.

H. Before adopting, amending and repealing regulations, the Commission shall give ten (10) days notice of any such proposed action to the Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.

I. The Commission shall ensure that all records and information obtained as a result of an employee background investigation, including but not limited to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes.

J. The confidentiality requirements in Section 7 subsection (I), above, do not apply to requests for such records or information from any Tribal, federal or state law enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.

K. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners shall be required for any final determination by the Commission.

The Commission may act in its official capacity, even if there are vacancies on the Commission. The Chairperson may vote on any issue.

L. Commissioners shall be compensated at a level determined by the Tribal Council. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.

M. The Commission shall keep a written record of all its meetings.

N. Commission Record-Keeping. The Commission shall maintain complete records for at least three (3) years regarding the following:

1. Applications, financial statements, fingerprints, contracts, Licenses, suspension and cancellation notices and correspondences of all Applicants, including Management Entities or Controlling Shareholders, Gaming Establishments and Suppliers of Gaming Goods and Services;
2. Commission Licenses;
3. Meeting minutes from all Commission meetings;
4. Compact compliances;
5. Reports relating to customer disputes, complaints or other issues that affect the integrity of the Gaming Operation;
6. Commission budget and expenditures;
7. Council communications and correspondences;
8. Gaming Device list pursuant to this Ordinance; and
9. Any other records or documents the Commission deems necessary or appropriate.

O. Commissions Reports. The Commission shall make quarterly reports to the Council within thirty (30) days after the end of each quarter. Such Reports shall contain the following information:

1. number and types of Licenses issued during the previous quarter;
2. information regarding License denials, suspensions or revocations;
3. report of any events of non-compliance, breach or violations of this Ordinance, the Rules, the Compact, IGRA, License or any other law or regulation; provided, however, that these reports are not the subject of or relating to a pending investigation being conducted by the Commission, or hearing before the Commission;
4. a report of Commission expenditures for the prior quarter;

5. a summary of any Commission travel and training;

6. all other information which the Commission deems relevant in order to keep the Council informed and current on all Gaming regulatory matters. Nothing in this Section shall authorize or permit the Commission to provide the Council with any information pertaining to a pending investigation being conducted by the Commission or hearing before the Commission. All such information shall be kept confidential. Any willful or careless breach of this provision shall present due cause for removal of the person from office and a penalty of up to $5,000.00 (FIVE THOUSAND DOLLARS) for each offense. Claims of such disclosure shall be presented to the Commission within 60 days of the act complained of, or within 60 days the disclosure becomes known, whichever is later.

P. Commission Budget. The Commission shall establish a budget for its operations and submit it to the Tribal Budget Department Council for review and Council approval. It shall acquire such furnishings, equipment, supplies, stationery, books and other items as it deems necessary or desirable to carry out its functions, and incur such other expenses, within the limit of funds available to it, as it deems necessary. Such Commission budget shall be funded annually through the normal Confederated Salish and Kootenai Tribal government administration funding process to operate in conjunction with the Tribal fiscal year of October 1 to September 30. Any surplus remaining in the Commission's budget at the end of any budget year shall be transferred to the Tribal General fund.

Q. Powers. The Commission shall:

1. Exercise all powers necessary to effectuate the purposes of this Ordinance and all other powers provided for in this Ordinance;

2. Promulgate Rules pursuant to this Ordinance, for the operation of gaming and the control of internal fiscal affairs of Gaming Operations and the conduct of all business properly brought before the Commission;

3. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the operation and administration of all Gaming;

4. In accordance with this Ordinance, the Commission shall have the power and authority to deny any application for License, to limit, cancel, revoke, terminate, condition, modify, suspend, or restrict any License;

5. Make findings of suitability;

6. Impose fines or sanctions for any cause deemed reasonable by the Commission upon any Licensee;

7. Conduct, or cause to be conducted, background investigations on all Applicants and Licensees;

8. Hold administrative licensing hearing pursuant to this Ordinance.

9. Have the power, upon duly recorded vote, to grant limited waivers of the Commission's sovereign immunity status, including the limited waiver of sovereign immunity contained in Section 32(B) of this Ordinance.

10. Employ staff in accordance with Ordinance 69C, Tribal Personnel Policies and Procedures, or contract for the services of, such professional, technical and operational personnel and consultants as the execution of the Commission's duties may require.

11. Use the Tribal Legal Department as its legal counsel to maintain consistency and the furtherance of Tribal policy as embodied in this Ordinance.

12. The Commission may on its own initiative investigate any aspect of the gaming operations of a license in order to protect the integrity of such gaming activities and to assure compliance with this Ordinance, its implementing rules, and other applicable laws or the Compact, and shall investigate any report of a failure of the licensee to so comply. The Commission may order the licensee to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the licensee to appear before it and to provide such information, documents, or other materials as may be in their possession to assist in any investigation.

13. The Commission shall recommend to the Council for adoption a plan for the protection of public safety and the physical security of patrons in each gaming facility, following consultation with appropriate law enforcement agencies and with any management officials of the gaming facility.

14. The Commission shall approve any floor plans and surveillance systems required for gaming facilities and, with respect to such plans and systems for Class II and Class III gaming activities.

15. The Commission shall monitor an established list of individuals barred from licensed gaming facilities because of their criminal history or association with career offenders or career offender organizations that pose a threat to the integrity of licensed gaming activities as well as the in-house barred and banned patrons.

16. The Commission shall enforce any health and safety standards, promulgated by rule, applicable to the gaming facilities of any licensee.

17. The Commission shall carry on a continuous study and annually report to Tribal Council the investigation of Reservation gaming activities for the purposes of:

    a. Ascertaining any defects in or abuses of the provisions of this Ordinance, or its implementing regulations, or Standards of Operation and Management;

b. formulating recommendations for changes in the Ordinance or regulations; and

c. preventing abuses and evasions of the same.

18. Conduct or cause to be conducted, the review and approval of investigative work.

19. Verify or cause to be verified, information submitted by licensee applicants.

R. Promulgation of Gaming Rules. The Commission may promulgate Rules governing the conduct of all games authorized by the Compact or IGRA, including Rules governing the equipment, (tokens, chips, cards, tiles, etc.), used in such games. The Rules of each authorized game offered at any duly licensed Gaming Establishment shall be posted in a conspicuous location in such Gaming Establishment.

S. Promulgation of Auditing and Internal Control Rules. The Commission may promulgate Rules governing the control of internal fiscal affairs of Gaming Operations as provided in this Ordinance.

T. Commission Executive Director

1. Qualifications of Executive Director and Salary

a. The position of Executive Director of the Commission is hereby authorized to be created. The Commission shall appoint the Executive Director, and the Executive Director shall serve at the will and pleasure of the Commission.

b. No-member of the Tribal Council, no person holding any elective office, nor any officer or official of any political party is eligible for the appointment of Executive Director.

c. The Executive Director must have at least five (5) years of responsible administrative experience in public or business administration or possess broad management skills and at minimum a Bachelor's degree in business education in a business related field.

d. The Executive Director shall devote his or her entire time and attention to the duties imposed under this subsection T and the business of the Commission and shall not pursue any other business or occupation or hold any other position of profit.

e. The Executive Director shall not have pecuniary interested in any businesses or company holding a license under this Ordinance or doing business with any person licensed pursuant to this Ordinance.

f. The Executive Director is entitled to an annual salary in the amount specified by the Tribal Council.

2. Authority of Executive Director.

a. The Executive Director shall furnish to the Commission such administrative and clerical services and such furnishings, equipment, supplies, stationery, books and all other things that the Commission may deem necessary or desirable in carrying out its functions.

b. The Executive Director may employ division directors that possess at least two (2) years of training and experience in the fields of accounting, investigation, law enforcement, law or gaming.

c. The Executive Director in pursuit of the attainment of the objectives and the purposes of this Ordinance may:

(1) Organize and aide administrative actions of the Commission.

(2) Sue on behalf of the Commission.

(3) Upon approval of the Commission, make, execute and effectuate any and all agreements or contracts, including contracts for the purchase of good and services as are necessary.

(4) Upon approval of the Commission, employ the services of such person(s) as is considered necessary for purposes of consultation or investigation and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants.

(5) Consult with the Tribal Legal Department for any legal advice, counsel, legal work or action necessary on behalf of the Commission

(6) Perform such other duties which he or she may deem necessary to effectuate the purposes of this Ordinance.

3. Files and Records to be maintained by the Executive Director:

Confidentiality of Information:

a. The Executive Director shall maintain a digital file of all applications for licenses under this Ordinance, together with a record of all actions taken with respect to those applications.

b. The Commission and Executive Director may maintain such other files or records as they deem desirable.

c. All information and data:

(1) Required by the Commission or the Executive Director to be furnished to them under this Ordinance or which may otherwise be obtained relative to the finances, earnings or revenue of any applicant or licensee;

(2) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the Commission or the Executive Director from any source;

(3) Provided to the members of the Commission or the Executive Director of their employees by a governmental agency or an informer or on the assurances that the information will be held in confidence and treated as confidential; or

(4) Obtained by the Executive Director or the Commission from a supplier relating to the manufacturing of gaming devices or gaming goods; are confidential and may be revealed in whole or in part only in the course of the necessary administration of this Ordinance or upon the lawful order of a court of competent jurisdiction.

4. Removal of Executive Director from Office. The Executive Director being hired by the Commission may be removed from office by the commission upon a majority vote of the Commission after a showing of cause.

Section 8. Audits

A. The Tribes shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.

B. Annual audits shall conform to generally accepted auditing standards.

C. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than $25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 8(A) of this ordinance.

D. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.

Section 9. Environment and Public Health and Safety

A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.

B. The Commission shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility or location, to ensure adequate protection of the environment and the health and safety of the public.

Section 10. Patron Dispute Resolution

A. Patrons with complaints against the gaming establishment specifically related to currency, tokens, coins, or other things of value related to gaming shall have as their sole remedy the right to file a petition for relief with the Commission.

B. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. Disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

Section 11. Facility Licenses for Class II and Class III

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

B. The Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.

C. The Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.

D. The Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application.

E. A legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.

F. The Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribes.

G. The Tribes or Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Tribal Gaming Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where Class II and/or Class III gaming will occur.

H. The Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.

I. The Tribes shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

Section 12. Agent for Service of Process

The Tribes designates the Chairperson of the Commission as the agent for service of any official determination, order or notice of violation. The Chairperson shall promptly report any such service to the Commission and shall promptly provide the Commission with a copy of any complaints or other documents served.

Section 13. License Application Forms

A. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C.§§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply 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 before it is filled out by an applicant:

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

Section 14. License Fees

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

Section 15. Background Investigations

A. The Tribes shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to allow the Commission to make an eligibility determination under Section 18 of this ordinance.

B. The Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.

C. The Tribes shall request fingerprints from each primary management official and key employee. The Commission is designated to take fingerprints and submit fingerprints to the FBI as required by NIGC regulations and according to the Criminal History Record Information.

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

1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written);

2. Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;

3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (D)(2) of this Section;

4. Current business and residential telephone numbers, and all cell phone numbers;

5. A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses;

6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;

9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;

10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (D)(8) or (D)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;

11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

12. A photograph;

13. Any other information the Tribes deem relevant; and

14. Fingerprints obtained in accordance with procedures adopted by the Tribes

E. When a primary management official or key employee is employed by the Tribes, a complete application file, containing all of the information listed in Section 18, shall be maintained.

F. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Section 16. Procedures for Conducting Background Investigations

A. The Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigator shall:

1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;

2. Contact each personal and business reference provided in the license application, when possible;

3. Conduct a criminal history records check;

4. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;

5. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;

6. Verify the applicant's history and current status with any licensing agency by contacting the agency; and

7. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

Section 17. Investigative Reports

A. A Tribes shall create and maintain an investigative report for each background investigation prior to licensing of a primary management official or key employee.

B. Investigative reports shall include all of the following information:

1. Steps taken in conducting the investigation;

2. Results obtained;

3. Conclusions reached; and

4. The basis for those conclusions.

Section 18. Eligibility Determinations

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

B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.

C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

Section 19. Notice of Results of Background Investigations

A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results (NOR) of the applicant's background investigation to submit to the NIGC.

B. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribes.

C. The notice of results shall include the following information:

1. The applicant's name, date of birth and social security number;

2. The date on which the applicant began, or will begin, working as a primary management official or key employee;

3. A summary of the information presented in the investigative report, including:

   a. licenses that have previously been denied;

   b. gaming licenses that have been revoked, even if subsequently reinstated;

   c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and

   d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and

4. A copy of the eligibility determination made in accordance with Section 20.

Section 20. Granting Gaming Licenses

A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribes.

B. The Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.

C. The Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by this Ordinance.

D. The Commission shall notify the NIGC of the issuance of a license (IOL) to a primary management official or key employee within 30 days of issuance.

E. The Tribes shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.

F. The Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation. This is the Notice of License issued by NIGC (NOL), an NOL is issued by NIGC regardless of objection or acceptance within 30 days of receiving the NOR.

G. The Commission shall take the NIGC's objections into account when reconsidering a license application.

H. The Tribes will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.

I. If the Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections (NOL), notice and a hearing shall be provided to the licensee, as required by this Ordinance.

Section 21. Denying Gaming Licenses

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

1. Poses a threat to the public interest;

2. Poses a threat to the effective regulation of gaming; or

3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.

B. When the Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses after reconsideration, it shall:

1. Notify the NIGC; and

2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 22. Gaming License Suspensions and Revocations

A. If, after a license is issued to a primary management official or a key employee, the Commission receives notice from the NIGC or information from any other source that the primary management official or key employee is not eligible for employment, the Commission shall do the following:

1. Immediately suspend the license;

2. Provide the licensee with written notice of the suspension and proposed revocation; and

3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.

B. Following a revocation hearing, the Commission shall decide whether to revoke or reinstate the license at issue.

C. The Commission shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment. Send copies of license revocations for inclusion to the Indian Gaming Individuals Records System.

Section 23. Records Retention

A. The Commission shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribes, the following documentation:

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

Section 24. Licenses for Vendors

Vendors of gaming services or supplies, with a value of $25,000 or more annually, must have a vendor license from the Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

Section 25. Submission of a Vendor License Application

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

Section 26. Contents of the Vendor License Application

A. Applications for gaming vendor licenses must include the following:

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

6. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;

7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

8. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;

9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;

10. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

11. If the business has ever had a license revoked for any reason, the circumstances involved;

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

13. A list of the business' funding sources and any liabilities of $50,000 or more;

14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and

15. Any further information the Tribes deems relevant.

B. The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribes' vendor license.

C. A vendor may submit to the Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribes not contained in the other application.

Section 27. Vendor Background Investigations

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

A. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;

B. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;

C. Conducting a check of the vendor's business' credit history;

D. Calling and questioning each of the references listed in the vendor application; and

E. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

Section 28. Vendor License Fees

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

Section 29. Vendor Background Investigation Reports

The 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 Commission.

Section 30. Vendors Licensed by Recognized Regulatory Authorities

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

Section 31. Rules of Procedures for Hearings

A. Scope of Rules of Procedure. All License hearings, enforcement hearings and exclusion hearings conducted pursuant to this Ordinance shall be governed by this Section.

B. Hearings:
   1. The Commission shall afford an Applicant an opportunity for a hearing prior to any final action by the Commission on an Application, other than an unconditional grant of a License.
   2. The Commission shall afford a Licensee the opportunity for a hearing prior to taking final action resulting in the revocation of the License or the imposition of any penalties which the Commission is authorized to impose pursuant to these Rules and the Ordinance.
   3. Nothing in this Section shall limit the Commission's authority to summarily suspend or revoke a License without a hearing pursuant this Ordinance.

C. Notice of Hearing.

The Commission shall provide written notice to the Applicant or Licensee of the hearing at least ten (10) days prior to the date set for the hearing. The day the Applicant or Licensee receives the notice shall be considered a full day's notice under this Section. The notice shall be sent by registered or certified mail, or may be personally served upon the Applicant or Licensee. The notice shall state the date, time and place of the hearing. The notice shall also contain an indication of the action(s) being considered by the Commission, including, but not limited to:

a. whether the Commission is holding the hearing for the purpose of obtaining further information from the Applicant;
b. whether the Commission will be considering the grant or denial of the License Application;
c. whether the Commission will be examining any alleged violations of the Ordinance, the Compact, the IGRA, the conditions of any License issued by the Commission, any order by the Commission, or any other applicable laws, regulations or agreements; or
d. whether any other sanctions or penalties will be considered. The notice shall also contain a short, plain statement of the reasons the Commission determines the hearing is necessary.

D. Ex Parte Communications.

1. No ex parte communication relative to the action(s) being considered by the Commission, or a threat or offer of reward shall be made, before a decision is rendered, to any member of the Commission by or on behalf of the Applicant or Licensee, or any legal representative or counsel of the Applicant or Licensee.

2. Nothing in this Section shall prohibit the Applicant, Licensee or its authorized agent from communicating with the Commission's legal counsel, its investigators or other authorized agents.

3. Any member of the Commission who receives an ex parte communication shall immediately report such communication to the Commission's legal counsel.

4. For purposes of this Section only, the action(s) being considered by the Commission shall be those matters identified in the written notice as provided in this Ordinance, as well as any other matters that are actually considered by the Commission during a hearing. All matters identified in the written notice shall be subject to the prohibition against ex parte communications. All matters not identified in the written notice that are considered by the Commission during a hearing become subject to the prohibition against ex parte communications as soon as they are discussed during the hearing.

5. The Commission shall have the power to impose any sanction pursuant to this Section upon its determination that an Applicant or Licensee has made an ex parte communication in violation of this Section.

E. Appearance through Counsel.

1. Parties to all hearings governed by this Section may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless his/her attendance has been waived, in writing, by the Commission.

2. When a party has appeared through an attorney, service of all notices, motions, orders, decisions and other papers shall thereafter be made upon the attorney, unless the party requests otherwise in writing.

3. When a party is represented by an attorney, the attorney shall sign all motions, notices, requests, and other papers on behalf of the party, including a request for subpoenas.

4. Any attorney appearing before the Commission must be duly admitted to practice law in the Tribal Court of the Confederated Salish and Kootenai Tribes.

F. Discovery Procedures for Enforcement Hearings.

1. The Commission's legal counsel and the Licensee shall exchange a list of persons that each party intends to call as witnesses no later than five (5) business days before a scheduled enforcement hearing. The day the list is received shall be considered a full day's notice under this Section. Each witness shall be identified by name, if known, position, and business address. If no business address is available, a home address for the witness shall be provided. Any witness not identified in accordance with this Section may be prohibited from testifying at a hearing in the Commission's discretion.

2. The Commission's legal counsel and the Licensee shall exchange a copy of all documents or tangible things that they intend to offer as evidence in support of the party's case in chief. This exchange shall be made to the opposing party no later than five (5) business days before a scheduled enforcement hearing. The day the documents are received shall be considered a full day's notice under this Section. Failure to make available any document or tangible thing in accordance with this section may, in the Commission's discretion, be grounds to deny the admission into evidence of such document or tangible thing.

G. Confidential Materials.

1. Prior to making any documents available to the Commission's legal counsel or designated agent, the Applicant or Licensee may designate any document it believes to contain confidential information as "Subject to a Confidentiality Claim" by so marking the document prior to providing a copy of the document to the Commission's legal counsel.

2. Documents provided to the Commission's legal counsel or designated agent which have been marked in accordance with Subsection G(1) above and any non-public information contained within the document, shall not be made a part of the public

record of the Commission proceedings otherwise disclosed by the Commission to any person (except as may be required under any applicable law, rule, regulation, court or administrative order, or the Compact), without first providing the applicant or licensee with the opportunity to seek a ruling by the Commission that the document or nonpublic information contained therein should not be made public. The request for such a ruling and any discussions relating to the document shall be heard and ruled upon by the Commission in an Executive Session meeting. If the request for such a ruling is made during a public hearing session, the hearing session shall be adjourned and the Commission shall conduct an Executive Session meeting in order to hear and rule upon the applicant's or respondent's request. The Applicant or Licensee may present to the Commission in Executive Session written and oral argument regarding the confidentiality claim, along with any facts the Applicant or Licensee believes to be relevant to such argument.

3. In determining whether a document marked in accordance with Subsection G(1) above should be made part of the public record of the Commission proceedings on the Application, the Commission will balance the Applicant's claimed confidentiality concerns against the materiality of the information to the Application, the public's right to be made aware of the information, and the Commissioner's need to make the information part of the public record in order to remain fully accountable for the licensing decision. In making this determination, the Commission shall consider all facts and circumstances relevant to making a proper ruling.

4. In the event that the Commission rules during executive session that the document in question and/or information contained therein should be made part of the public record of the Commission's proceedings on the Application, the document and/or information contained therein will be made part of the public record unless the Applicant withdraws the document from the Commission's possession.

5. In the event the Applicant chooses to withdraw the document from the Commission's possession, the Commission will then weigh the withdrawal along with the other evidence in making its determination on the Application. Withdrawal of documents from the application process shall be looked upon by the Commission with disfavor, and depending on the facts and circumstances, the Commission may deem the withdrawal of any document to be sufficient cause in and of itself for denial of the License.

6. In the event that the Commission rules during Executive Session that the document and/or information contained therein should not be made part of the public record, the document shall be designated "Confidential" and will not be made part of the public record. The Commission may consider the document and information contained therein in camera in making its determination on the Application.

7. At the conclusion of the Commission proceedings on the License application, the Commission will return to the Applicant all documents marked as "Subject to a Confidentiality Claim" pursuant to Subsection G(3) above that were not (i) made part of the public record of the gaming License application or (ii) designated as "Confidential" and considered by the Commission camera.

H. Subpoenas.

1. The Commission has the power and discretion to issue subpoenas and to impose such reasonable penalties for noncompliance
2. Subpoenas may be issued to compel any person to appear at the hearing on the merits of the case, to give oral testimony, or to produce documents or other tangible things.

I. Hearing Procedures.

1. The Chairperson of the Commission shall preside over all hearings, and shall call the proceedings to order, control the presentation of evidence, the appearance of witnesses, and the order of the proceedings.

2. The Commission may require any person, including, but not limited to, any Applicant or Licensee, or any agent, employee or representative of any Applicant or Licensee, to appear and testify before it with regard to any matter within its jurisdiction at such time and place as it may designate. Such testimony shall be under oath and may include any matters which the Commission deems relevant to the discharge of the Commission's official duties. Testimony shall be recorded and transcribed and may be used by the Commission as evidence in any proceeding or matter before the Commission. Failure to appear and testify fully at the time and place designated may result in sanctions. Failure to appear may constitute grounds for:

   a. the refusal to grant a License to the person summoned, and /or that person's principal, or employer;

   b. the revocation or suspension of a License held by the person summoned, and/or that person's principal, or employer; or

   c. the inference that the testimony of the person summoned would have been adverse to that person and for that person's principal or employer.

3. Any party to the hearing may call and examine witnesses. The Commission shall exercise its discretion to limit the testimony of witnesses where that testimony is argumentative or repetitive.

4. The Commission shall have the authority to eject from the hearings any person who is disruptive, disorderly, or who shows a lack of proper respect for the Commission or the nature of the proceedings.

5. Persons shall be permitted to speak only when recognized by the Chair.

6. Any member of the Commission may ask questions of witnesses, and may request or allow additional evidence at any time.

7. Any party to the hearing may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

8. All hearings held under this Ordinance shall be open to the public

9. The Commission, in its discretion, has the power to sequester witnesses.

J. Evidence.

1. In hearings governed by this Section, the Commission shall not be bound by technical rules relating to evidence and witnesses. The Commission shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. The Commission shall give effect to the rules of privilege unless such privilege is waived. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

2. All evidence, including records and documents in the possession of the Commission or which the Commission desires to avail itself, shall be duly offered and made a part of the record in the case. Every party shall be afforded adequate opportunity to rebut or offer countervailing evidence.

3. The Commission may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified either before or during the hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.

4. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy to the original.

5. The record in a hearing governed by these Rules shall include:

   a. All Applications, intermediate rulings and exhibits and appendices thereto.
   b. Evidence received or considered, stipulations and admissions, including but not limited to confidential evidence received pursuant to Section 31 Subsection G of this Ordinance.
   c. A statement of matters officially noticed.
   d. Questions and offers of proof, objections, and rulings thereon.
   e. Any decision, opinion, findings or report by the Commission.

f. The transcript prepared by court reporter and designated personnel.

K. Determinations by the Commission.

1. The Commission shall make all determinations of issues before it by a majority vote of the Commission.

2. All determinations made by the Commission involving the grant, denial, cancellation or revocation of a License, a finding of a violation of this Ordinance, the Rules, the Compact, IGRA, the conditions of any License issued by the Commission, any order by the Commission, or any other applicable laws, regulations or agreements, and the imposition of any sanctions or penalties shall be made by motion and on the record.

3. A copy of any resolution reached pursuant to Subsection K (2) of this Ordinance shall be served upon the Applicant or Licensee by registered or certified mail, or may be served personally

L. Sanctions.

If any party or its attorney fails to comply with any provision of this Ordinance, the Rules, the Compact, IGRA, the conditions of any license issued by the Commission, any order by the Commission, or any other applicable laws, regulations or agreements, including, but not limited to any agreement, regarding any matter, including, but not limited to, discovery matters and the failure to appear at a hearing at the scheduled time, the Commission upon motion or upon its own initiative, may in its discretion impose upon such party or attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including, but not limited to, the following:

1. An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited or exchanged pursuant to these Rules or any order of the Commission;
2. An order that designated facts shall be taken to be established;
3. An order that the disobedient party may not support or oppose designated claims or defenses;
4. An order striking any pleadings or parts thereof, or staying further proceedings or dismissing the proceeding or any part thereof, or entering a judgment by default against the disobedient party;
5. A finding against the disobedient party; or
6. Any sanction otherwise set forth in this Ordinance.

Section 32. Appeals

A. Right of Appeal. A Person directly affected by any finding of the Commission pursuant to Section 31 subsection (K) of this Ordinance, or any licensing decision of the Commission under this Ordinance, shall have the right to appeal such finding by filing for a rehearing before the Commission. Any such appeal must be filed with the

Commission in writing on or before the tenth (10th) day following receipt by such affected Person of the written finding of the Commission. The Commission shall certify the hearing record within thirty (30) days of the date of the filing of the appeal. In any case which comes before the Commission for final action, the Commission may determine to review all findings of facts and of law, or proceed pursuant to a de novo standard. The Commission's decision on rehearing shall be appealable to the Confederated Salish & Kootenai Tribal Court.

B. Sovereign Immunity of the Commission. The Confederated Salish and Kootenai Tribes, acting through the Tribal Council, confers on the Commission all of the Tribe's rights, privileges, immunities and sovereign immunity from suit, to the same extent that the Tribes would have such rights, privileges, and immunities, if it engaged in the activities undertaken by the Commission.

C. Limited Waiver of Sovereign Immunity of the Commission. The Commission hereby expressly waives its sovereign immunity from suit: in any suit against the Commission wherein relief is limited to injunctive or declaratory relief against the Commission.

Section 33. Exclusion or Rejection of Individuals

Right to Exclude or Remove. If the Commission deems it in the best interest of the Tribes, the Commission may exclude or remove any persons from the premises of any Gaming Operation. Any person so excluded shall be entitled to a hearing as provided for by this Ordinance and shall have the rights provided to an "Applicant" therein. The Manager of any Gaming Operation shall also have the authority to exclude or remove any person from the Gaming Establishment, and all such actions shall be reported to the Commission within 24 hours of the taking of such action.

Section 34. Prohibited Acts

A. Prohibited Acts. In addition to other civil and criminal acts that may be regulated or prohibited by this Ordinance, the 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 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 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 A(2) of this Section 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 to entice or induce 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 plays 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 operational 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 Tribes, any Licensee or any participant in any Gaming;
9. participating in any Gaming not authorized under this Ordinance and the 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 Tribes, the Commission or the Executive Director 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 anything 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, the Rules, Tribal and Federal law or specifically IGRA;
14. acceptance by a Licensee of anything 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, the Rules, Tribal and Federal law or IGRA;
15. falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a Gaming Operation in ways other than is provided in approved internal control procedures;
16. taking any action which interferes with or prevents the Commission or the Council from fulfilling its duties and responsibilities under this Ordinance, the Rules, or IGRA; and
17. entering into any contract, or making payment on any contract for the delivery of goods or services to a Gaming Operation, 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.

B. Prohibition Against Electronic Aids. Except as specifically permitted by the Commission, no person shall possess, 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.

C. Prohibition Against Embezzlement. Any delay or action of any kind which, in the opinion of the Commission, is effectuated by any Licensee to unlawfully or improperly divert Gaming or other proceeds properly belonging to the Tribes, shall constitute grounds for taking disciplinary action against that Licensee. If the Commission finds an unlawful diversion was attempted, it may sanction the Licensee, report the matter to appropriate law enforcement and gaming regulatory agencies for further action and take such other action as it deems necessary or appropriate. Sanctions may include the imposition of fines, and/or the revocation, suspension, or limitation of, or refusal to renew, any License.

D. Age Restrictions on Gaming Activities. No person under the age of eighteen (18) shall participate in any Class II or Class III gaming activity.

Section 35. National Indian Gaming Commission and Compact

A. National Indian Gaming Commission-Regulation. Notwithstanding any provision in this Ordinance or the Rules, the Commission is hereby fully empowered to comply with all regulations promulgated by the NIGC, including, but not limited to, reporting requirements relating to ordinances, contracts, license applications, background checks, and other information.

B. National Indian Gaming Commission-Assessment. Notwithstanding any provision in this Ordinance or the Rules, the Commission is hereby fully empowered to comply with all assessments authorized all assessments authorized by the NIGC. Such assessments shall be payable solely from funds of Gaming Operation revenues as an operating expense.

C. Compact with the State of Montana. Notwithstanding any provision in this Ordinance or the Rules, the Commission is hereby fully empowered to comply with the provisions of the Compact, including, but not limited to, any licensing, approval, or monitoring requirements contained in the Compact.

Section 36. General Requirements

A. Security and Surveillance. Each relevant NIGC Tier (25 CFR Part 542) Gaming Establishment must provide for full security and surveillance within the Gaming Establishment at all times. All security personnel in a Gaming Establishment must be licensed by the Commission. The security and surveillance departments shall interact when necessary to carry out their official duties and to coordinate their activities in order

to effectuate the best protection for the gaming patrons and the Tribal and management interests and assets of the enterprise.

B. Amendments. All provisions of this Ordinance are subject to amendment by the Council. All Rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendments to this Ordinance shall be effective upon the date of passage by the Council and approved by the NIGC.

C. Severability. If any provision of this Ordinance, or any portion of any provision to this Ordinance, is found to be invalid by any court of competent jurisdiction, the full remainder of such provision(s) shall not be affected.

D. Repeal. To the extent that they are inconsistent with this Ordinance, all prior gaming laws, rules, ordinances or regulations of the Tribes are hereby repealed.

E. Unclaimed Winnings.

1. 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 twelve months or such longer period as the Commission deems reasonable in consideration of all relevant facts and circumstances. The 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 Tribal Government and shall be transferred to the account or place designated by the Executive Treasurer

2. In the event the identity of a participant entitled to unclaimed winnings is unknown, the Commission shall use its best efforts to learn the identity of such individual and shall follow the procedure set forth in Section 10 if the Commission is able to identify such individual with reasonable certainty; provided. However, if after six months from the time the winnings were payable, the Commission has been unable to identify the individual entitled thereto, such winnings shall revert to the ownership of the Tribal Government.

F. Consent to Jurisdiction. Any person who applies for a License under this Ordinance, applies for employment in any Gaming Establishment, 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 Tribes, the Commission and the Tribal Court. Nothing in this Section shall limit the jurisdiction of the Tribes, the Commission or the Tribal Court under any circumstances not explicitly contemplated in the Section.

G. Comity and Concurrent Jurisdiction. The Commission is empowered to seek comity and enforcement of the orders of the Commission by the courts of any other jurisdiction whose assistance may be required to give effect to the orders of the Commission. The

Commission is also empowered to issue orders to enforce the lawful orders of other gaming regulatory agencies and the courts of foreign jurisdictions.

H. Other Powers of Commission. In addition to and in conjunction with the powers and responsibilities listed in this Ordinance, Rules and other applicable laws and regulations the Commission shall have power to:

1. issue orders of temporary closure of gaming activities for violations of this gaming ordinance or of contractual obligations to the Tribes, the IGRA or the approved Class III compact or orders of permanent closure of gaming activities for violations of this gaming ordinance, Tribal gaming regulations or contractual obligations to the Tribes;

2. initiate civil and criminal actions in court to enforce provisions of this ordinance, Tribal gaming regulations or the IGRA;

3. approve management agreements for Class II gaming to be submitted to the Tribal Council for approval by Tribal Council resolution;

4. approve, deny or revoke gaming licenses for Class II or Class III gaming;

5. monitor all gaming activities conducted on the Reservation lands on a continuing basis;

6. insure that background investigations are conducted as required by this ordinance and the IGRA as well as conduct such additional investigations as the Commission may deem necessary;

7. demand access to and inspect, examine, copy and audit all papers, books and records concerning activities and revenues of any gaming activity conducted on the Reservation and any other matters necessary to carry out their duties under this ordinance;

8. conduct such hearings as the Commission may deem appropriate in carrying out its duties, including administering oaths or affirmations to witnesses and issuing subpoenas to compel witnesses to appear at such hearings;

9. when information is received through audits or other investigations that indicates a violation of Tribal, Federal or applicable State ordinances, laws or regulations, to treat as confidential and provide such information to the appropriate law enforcement officials;

10. adopt regulations deemed necessary to clarify or enforce the provisions of this Ordinance or Tribal rights and interests established in approved management agreements or an approved Class III Compact; and

11. adopt Confederated Salish and Kootenai Tribal Class II and Class III gaming license applications.

I. Enforcement Provisions.

1. All matters and occurrences which indicate that a criminal act under the Tribes' Code(s), Tribal Law, Federal Law or State Law may have occurred in or around any gaming establishment shall be immediately reported to the appropriate law enforcement agency and the Commission.

2. All matters and occurrences contrary to this Ordinance, rules or regulations promulgated by the Commission which are not covered under a Criminal Code shall be deemed to be a Civil violation. The Commission is hereby authorized to establish a civil violations list of penalties and fines which shall be imposed by the Commission for all such civil violations with the violator afforded the rights to a hearing as provided in Section 32 herein.

J. Indemnification of Commissioners, Officers, and Employees

1. The Tribes shall indemnify any person who was or is a party or is under threat to be made a party to any pending or completed action, suit or proceeding either civil, criminal, administrative or investigative solely by the reason of the fact that they are or were Commissioners, officer, agent or employee acting on behalf of the Commission, or they are or were serving at the request of the Commission, as a director or officer, against expenses (including attorney's fees), judgments fees, judgments, fines and amounts paid in settlements actually and reasonably incurred by them in connection with such action, suit or proceeding.

2. However, the Tribes shall not indemnify such Commissioner or officer if the Tribal Council shall determine that the Commissioner or officer failed to act in good faith and with the degree of diligence, care and skill which an ordinarily prudent person would exercise under similar circumstances in like positions. The right of indemnification provided for herein shall not be deemed exclusive of any other rights to which such Commissioner or officer may be entitled and shall inure to the benefit of the heirs, executors, and administrators of any such person

K. Ethical Standards. All persons employed by or associated with any gaming activity on Tribal Lands shall conduct themselves with honesty, integrity, and with such decorum and manners as may be necessary to reflect positively on the Tribes, its citizens and the gaming activity involved. Any failure to abide by such standards, or any violation of any rule, Tribal Code Title, Tribal law, custom or tradition of the Tribe, or other applicable laws and regulations on the Tribal Lands, or in the gaming activity, or the terms or conditions of the license, may be grounds for immediate suspension or revocation of any license issued hereunder.

Section 37. Compliance with Federal Law

The Tribes shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 et seq.

Section 38. Repeal

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

Section 39. Effective Date

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

Section 40. Tribal Sovereign Immunity and Jurisdiction Preserved

Except as provided in Section 32, nothing in this Ordinance shall be construed as a waiver of the sovereign immunity of the Confederated Salish and Kootenai Tribes, the Tribal Council, the Commission or any other Tribal gaming authority, or corporation acting under the authority of the Tribes or the Tribal Council. Nothing in this Ordinance shall be construed as a grant of jurisdiction to the United States or to a State, local or other tribal government.

Section 41. Indian Preference

All Gaming Operations shall follow the Tribes' Indian Preference Ordinance, Tribal Ordinance No. 101A, as may be amended from time to time.

CERTIFICATION

The foregoing Ordinance 92F was adopted by the Tribal Council on August 25, 2026, with a vote of 7 for, 0 opposed, and 1 not voting pursuant to authority vested in it by Article VI, Section 1 (i), (n) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

Michael Dotson

Chairman, Tribal Council

ATTEST:

Tribal Secretary