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National Indian Gaming Commission



Kickapoo Gaming Commission  
License Revocation Case Study

Industry Integrity Agency Accountability Preparedness Outreach

**PARTICIPANT GUIDE**

Chairman Simermeyer promotes four emphasis areas in the Agency’s work, and he is committed to being more engaged and accountable to the Indian gaming industry and Indian Country.

Industry Integrity

Protecting the valuable tool of Indian gaming that in many communities creates jobs, is the lifeblood for tribal programs, and creates opportunities for tribes to explore and strengthen relationships with neighboring jurisdictions.

Agency Accountability

Meeting the public’s expectation for administrative processes that uphold good governance practices and support efficient and effective decision making to protect tribal assets.

Preparedness

Promoting tribes’ capacity to plan for risks to tribal gaming assets including natural disaster threats, the need to modernize and enhance regulatory and gaming operation workforces, or public health and safety emergencies.

Outreach

Cultivating opportunities for outreach to ensure well-informed Indian gaming policy development through diverse relationships, accessible resources, and government-to-government consultation.

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National Indian Gaming Commission




The Kickapoo Gaming Commission protects the assets of the Kickapoo Lucky Eagle Casino and ensures the integrity and security of the gaming activities, in accordance with Tribal laws and regulations.

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The mission of the Kickapoo Gaming Commission is to protect the assets of the Tribal Gaming Facility. The Kickapoo Gaming Commission is committed to ensuring Integrity and Security of gaming conducted at the Kickapoo Lucky Eagle Casino. The Kickapoo Gaming Commission promotes economic development of the Tribe by ensuring gaming operations are conducted in accordance with Tribal laws and regulations.

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National Indian Gaming Commission





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Does this look like bingo?

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National Indian Gaming Commission



Loteria will be held tonight  
Happy Birthday quarantine people!!!

Who wants to play?!	Who wants to play?!
10.00 a number must be able to pay thru fb messenger.	5.00 a number must be able to pay thru fb messenger.
First place: 150.00	First place: 100.00
Second: 70.00	Second: 50.00
Third: 30.00	

Industry Integrity Agency Accountability Preparedness Outreach

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Anonymous complaint alleged licensee was conducting a gambling activity operated via Facebook Messenger.



KGC regulations provided the basis to investigate and confirm the allegations

## PARTICIPANT GUIDE

See <https://kickapootexas.org/boards-and-commissions/>

### Regulation 6 - Investigations

#### I. Overview

A. KGC Executive Director shall investigate any alleged violations of the Gaming Ordinance, Tribal Internal Control Standards, KGC Regulations, and all applicable Tribal, Federal and state laws and regulations.

B. Investigations may include interviews in which KGC Executive Director may take testimony or receive evidence.

C. All licensees and/or work permit holders have an affirmative responsibility and continuing duty to be fully cooperative with KGC investigations.

1. Failure or refusal to answer questions or otherwise provide requested information during any KGC investigation may be grounds for immediate suspension of their KGC Gaming license or work permit.

Additional disciplinary action could include license revocation.

2. Any licensee or work permit holder who has knowledge of a violation of the Gaming Ordinance, Tribal Internal Control Standards, KGC Regulations, or all applicable Tribal, Federal, state laws and regulations by another employee(s) must immediately disclose that information.

Failure to do so may be grounds for immediate suspension of their KGC Gaming license or work permit. Additional disciplinary action could include license revocation.



KGC regulations provided for the licensee revocations after good cause was established

## PARTICIPANT GUIDE

See <https://kickapootexas.org/boards-and-commissions/>

### Regulation 7 - Notice of Violations

#### I. Filing a Formal Notice of Violation

A. After advising the Commissioners of the results of an investigation, the KGC Executive Director may file a notice of violation claiming that a person or persons has engaged or is engaged in conduct constituting grounds for action on his/their license(s).

B. The notice of violation must be a written statement of charges which set forth in ordinary concise language the acts or omissions with which the respondent is charged. It must specify the laws and/or regulations which the respondent is alleged to have violated.

C. KGC Executive Director shall serve a notice of violation(s) and KGC Hearing Procedures upon the respondent.

D. The KGC Executive Director will forward a copy of the Notice of Violation to the KLEC General Manager.

#### II. Licensee Written Response

A. If respondent chooses to respond to the notice of violation, a response from the respondent must be submitted in writing response within fifteen business days upon receipt of the notice of violation. In response to the allegations, the respondent must: admit, deny or explain their actions.

B. Failure to answer the notice of violation will constitute an admission by the licensee of all the facts alleged in the notice of violation. KGC may take action without further notice to the licensee. If KGC takes action based on such admission, it shall include in the record which evidence was the basis for the action.

#### III. License Suspensions

A. A KGC gaming license is a privilege, not a right and thus may be suspended prior to receiving the response from the licensee and without a prior hearing for good cause except as set forth below:

1. A KGC gaming license may only be suspended by the Kickapoo Gaming Commissioners upon review of the violations in accordance with the requirements of these regulations and procedures.
2. A KGC gaming license may be suspended in an emergency situation as defined by KGC without a prior review by:
  - a. Kickapoo Gaming Commissioner
  - b. KGC Executive Director (limited to a 48 hour period unless extended by any Kickapoo Gaming Commissioner.

#### IV. Notice of Suspension

- A. KGC Executive Director shall serve a notice of suspension upon the licensee within one business day of the suspension.
- B. The licensee whose gaming license has been suspended is not permitted to be in the gaming operation or its surroundings through the duration of their suspension.

#### V. Revocations

- A. Unless the licensee has voluntarily submitted a statement to KGC Executive Director admitting the facts alleged in the notice of suspension are untrue, such facts constitute a sufficient basis of revocation of that person's license.
- B. A KGC gaming license is a privilege, not a right and thus may be revoked without a prior hearing for good cause except as set forth below:
  1. A KGC gaming license may only be revoked by the KGC after a review of violations in accordance with the requirements of these regulations and procedures.

#### Regulation 37 –Administrative Investigations

##### I. Progressive Measures

###### A. Notice of Concern

1. Notice of Concern will be issued on any potential violations which will serve as a written warning. Notice of Concern(s) (NOC) may be issued by the KGC to KGC licensee(s), registration holder(s), temporary work permit holder(s) and/or work permit holder(s) and exempted vendors.
2. A NOC contains:
  - a. Description of a potential violation(s);
  - b. A response from the licensee;
3. For any NOC(s) issued KGC Executive Director will deliver via hand delivery, registered or certified mail the original document of the NOC to the person or entity.

###### B. Notice of Violation

1. Notice of Violation(s) (NOV), may be issued by the KGC to KGC licensee(s), registration holder(s), temporary work permit holders(s) and/or work permit holder(s) and exempted vendors.
2. A NOV contains:
  - a. Citing of violations
  - b. Description of the violation(s);
  - c. Fines or other penalties; and
3. For any NOV(s) issued KGC Executive Director will deliver via hand delivery, registered or certified mail the original document of the NOV to the person or entity.
4. In the case of repeated violations, KGC may deem each infraction as a separate violation for the purpose of imposing a fine and/or penalty assessment.

##### II. Notice of Violation Classification

A. Violations shall be categorized in three classes (Class A, Class B, and Class C) in order of severity as determined by the KGC:

1. Class A - These violations shall be considered the most severe and consist of, but not limited to, the following:
  - a. Theft, embezzlement, conspiracy or attempt to commit same;
  - b. Offering, accepting unauthorized gratuity, bribery, compensation, conspiracy to attempt the same;
  - c. Conducting unauthorized gaming;
  - d. Failure to remit fees assessed by KGC;
  - e. Failure to adhere to approved policies and procedures;
  - f. Internal Revenue Service (IRS) tax reporting, withholding, or remittance regulation, including but not limited to a failure to file forms W-2, W-2G, 1099, and 1042-S, or to remit any tax related to such filing;
  - g. Allowing any individual or vendor to do business with, provide payment, and provide goods/services prior to obtaining the appropriate KGC License/Permit; and
  - h. Tampering with any record(s) or/and equipment utilized at the gaming facilities.
  - i. Misuse of Gaming Facility funds;
  - j. Knowingly submitting false or misleading information to the KGC.
2. Class B - Violations shall be considered of medium severity and consist of, but not limited to, the following:
  - a. Refusing to allow an authorized representative of KGC to enter or inspect a gaming operation or its records;
  - b. Performing job duties in a manner that impacts the integrity of a fair game offered for play to a Gaming Facilities' patron (cheating);
3. Class C - Violations shall consider the least severe and consist of, but not be limited to, the following:
  - a. Failure to fully cooperate with KGC as a witness or as a party to any investigation or process;
  - b. Violating health and safety codes, regulations or procedures, the act or omission of which poses immediate threat to the health or safety of any individual;
  - c. Working in a position without proper KGC notification and concurrence;
  - d. Working without KGC Badge; and
  - e. Failure to report criminal matters to KGC licensing department, Executive Director or Commissioners within 48 hours or the next business day after having been released, including via email notification.

### III. Fines or Penalty Assessment

A. Class A Violation(s) are subject to gaming licensing action(s) and/or fine(s):

1. Licensee – Minimum fines of \$500 per occurrence, and/or suspension or revocation of License/Permit;
2. Casino – Minimum fines of \$10,000 per occurrence, temporary closure of all or part of department facility;
3. Vendor – Minimum fines of \$25,000 per occurrence, and/or suspension or revocation of License/Permit.

B. Class B Violation(s) are subject to gaming licensing action(s) and/or fine(s):

1. Licensee –Minimum fines of \$250 per occurrence, and/or suspension or revocation of License/Permit;

- 2. Casino – Minimum fines of \$5,000 per occurrence, temporary closure of all or part of facility department, or both;
- 3. Vendor – Minimum fines of \$12,500 per occurrence, and/or suspension or revocation of License/Permit.

C. Class C Violation(s) are subject to gaming licensing action(s) and/or fine(s):

- 1. Licensee – Minimum fines of \$125 per occurrence, and/or suspension of License/Permit;
- 2. Casino – Minimum fines of \$2500 per occurrence;
- 3. Vendor – Minimum fines of \$6,250 per occurrence, and/or suspension of License.

IV. Appeal Hearings

A. If a hearing is requested, the Commission shall schedule a hearing and shall give the parties written notice of hearing specifying the date, time and place of the hearing and the particular matter to be heard.

B. The hearing request should be received in the KGC office within seven (7) business day of the person receiving a notice of violation.


Failure to timely request a hearing to appeal shall be deemed a waiver of all rights to challenge such action.

C. Upon receipt of the request for a hearing to appeal, KGC shall within seven (7) business days set a hearing date and time. KGC Executive Director will notify the appealing party of the hearing date, time, and place by registered or certified mail. A hearing shall be held within ninety (90) days of the written request for a hearing except where the hearing would conflict with Kickapoo Tribal ceremonies.

D. Prior to the scheduled hearing, both parties will provide information regarding the use of an attorney in the hearing, witnesses to be called, and the acceptance of documents for exhibits at least seven (7) days prior to the hearing date.

E. When the scheduled hearing is held at a designated date and time, and the appellant fails to attend or notify of tardiness, after fifteen (15) minute the Commission will rule based on the information that they have.

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NIGC Training Resource Page

<https://nigc.gov/training/>

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If you need technical assistance training please contact your region office or email us at [traininginfo@nigc.gov](mailto:traininginfo@nigc.gov)

Thank you for attending and please take the survey at the conclusion of this training.