

Slide 1



**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

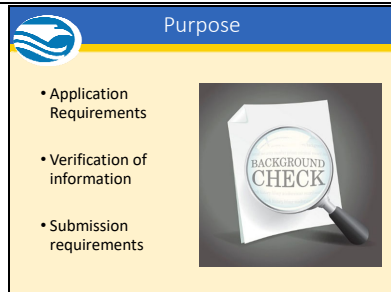
Promoting tribes’ capacity to plan for risks to tribal gaming assets including natural disaster threats, the need to modernize and enhance regulatory and gaming operation workforces, or public health and safety emergencies.

Outreach

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

This training reinforces these four emphasis areas and the agency’s commitment to the Indian gaming industry and Indian Country.

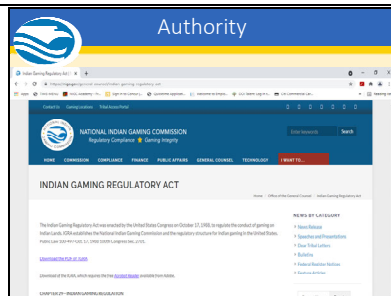
Slide 2



**PARTICIPANT GUIDE**

- Application Requirements
- Verification of information
- Submission requirements

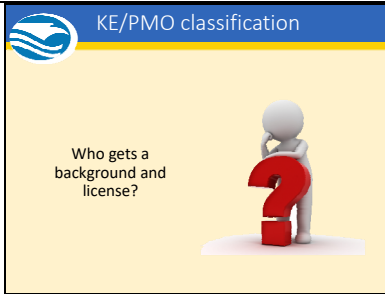
Slide 3



**PARTICIPANT GUIDE**

See <https://nigc.gov/general-counsel/indian-gaming-regulatory-act>

The hyperlink to Part 556 and 558 can be found on the NIGC website at <https://nigc.gov/general-counsel/commission-regulations>

**PARTICIPANT GUIDE****§502.10 Gaming operation.**

*Gaming operation* means each economic entity that is licensed by a tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a tribe directly; by a management contractor; or, under certain conditions, by another person or other entity.

**§502.14 Key employee.**

*Key employee* means:

(a) A person who performs one or more of the following functions:

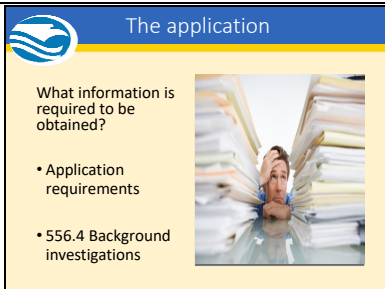
- (1) Bingo caller;
  - (2) Counting room supervisor;
  - (3) Chief of security;
  - (4) Custodian of gaming supplies or cash;
  - (5) Floor manager;
  - (6) Pit boss;
  - (7) Dealer;
  - (8) Croupier;
  - (9) Approver of credit; or
  - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or,
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.
- (d) Any other person designated by the tribe as a key employee.

**§502.19 Primary management official.**

*Primary management official* means:

- (a) The person having management responsibility for a management contract;
- (b) Any person who has authority:
- (1) To hire and fire employees; or
  - (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.
- (d) Any other person designated by the tribe as a primary management official.

For CJIS compliance purposes, please refer to the KE/PMO Classification at [https://www.nigc.gov/images/uploads/20201120\\_KE\\_PMO\\_classification\\_fingerprint\\_guideFinal.pdf](https://www.nigc.gov/images/uploads/20201120_KE_PMO_classification_fingerprint_guideFinal.pdf)

**PARTICIPANT GUIDE****§556.4 Background investigations.**

A tribe shall perform a background investigation for each primary management official and for each key employee of a gaming operation.

(a) A tribe shall request from each primary management official and from each key employee all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous five years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(2) of this section;
- (4) Current business and residence telephone numbers;

- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  - (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  - (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
  - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a)(8) or (a)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
  - (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  - (12) A photograph;
  - (13) Any other information a tribe deems relevant; and
  - (14) Fingerprints consistent with procedures adopted by a tribe according to §522.2(h) of this chapter.
- (b) If, in the course of a background investigation, a tribe discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the tribe has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the tribe may rely on those materials and update the investigation and investigative report under §556.6(b)(1).
- (c) In conducting a background investigation, a tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

Slide 6

**Required notices**



- 556.2 – Privacy Notice
- 556.3 – False Statements

**PARTICIPANT GUIDE**

**§556.2 Privacy notice.**

(a) A tribe shall place the following notice on the application form for a key employee or a primary management official before that form 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 (NIGC) 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's being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(b) A tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (1) Complete a new application form that contains a Privacy Act notice; or
- (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- (c) All license application forms used one-hundred eighty (180) days after February 25, 2013 shall comply with this section.

**§556.3 Notice regarding false statements.**

- (a) A tribe shall place the following notice on the application form for a key employee or a primary management official before that form 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).
- (b) A tribe shall notify in writing existing key employees and primary management officials that they shall either:
  - (1) Complete a new application form that contains a notice regarding false statements; or
  - (2) Sign a statement that contains the notice regarding false statements.
- (c) All license application forms used 180 days after February 25, 2013 shall comply with this section.

Slide 7

**PARTICIPANT GUIDE**

The fingerprint process is described at <https://nigc.gov/finance/fingerprint-process>

Fingerprint card submissions for FBI CHRI from the NIGC is limited to key employees and primary management officials, consistent with Parts 502.14 (a)-(c) and 502.19 (a)-(c).

Slide 8

**POLL QUESTION**  
Does your background investigation include an interview of the applicant?  
a. Yes  
b. No

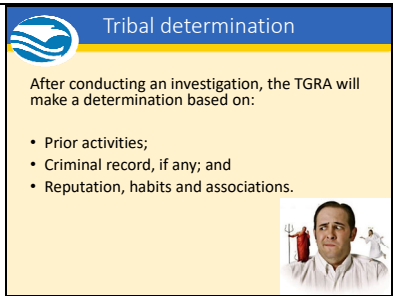

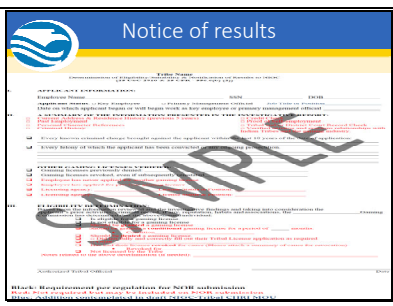
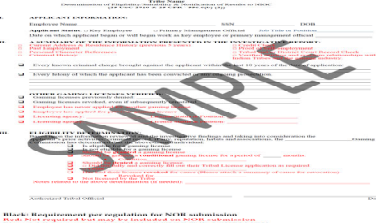
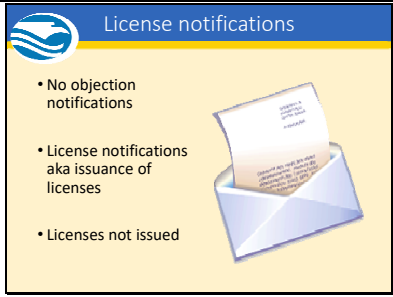

**PARTICIPANT GUIDE**




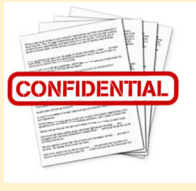


Why is an interview with the applicant important?

Slide 9

**PARTICIPANT GUIDE**

What do you do with all the information gathered? Step by step process or checklist program indicating completion.  
Explanation of results obtained, include areas of concern or negative information obtained during investigation. A statement as conclusions reached. Areas of concern. The basis or justification of conclusion.

<p>Slide 10</p>	 <p><b>Tribal determination</b></p> <p>After conducting an investigation, the TGRA will make a determination based on:</p> <ul style="list-style-type: none"> <li>• Prior activities;</li> <li>• Criminal record, if any; and</li> <li>• Reputation, habits and associations.</li> </ul> 	<p><b>PARTICIPANT GUIDE</b></p> <p><b>§556.5 Tribal eligibility determination.</b></p> <p>A tribe shall conduct an investigation sufficient to make an eligibility determination.</p> <p>(a) To make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license, an authorized tribal official shall review a person's:</p> <ol style="list-style-type: none"> <li>(1) Prior activities;</li> <li>(2) Criminal record, if any; and</li> <li>(3) Reputation, habits, and associations.</li> </ol> <p>(b) If the authorized tribal official, in applying the standards adopted in a tribal ordinance, determines that licensing of 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 and methods and activities in the conduct of gaming, an authorizing tribal official shall not license that person in a key employee or primary management official position.</p>
<p>Slide 11</p>	 <p><b>Notice of results</b></p> 	<p><b>PARTICIPANT GUIDE</b></p> <p>The NIGC website has a sample NOR template that is color coded for required information.</p> <p>See <a href="https://www.nigc.gov/images/uploads/Sample_NOR_11042020.docx">https://www.nigc.gov/images/uploads/Sample_NOR_11042020.docx</a></p>
<p>Slide 12</p>	 <p><b>License notifications</b></p> <ul style="list-style-type: none"> <li>• No objection notifications</li> <li>• License notifications aka issuance of licenses</li> <li>• Licenses not issued</li> </ul> 	<p><b>PARTICIPANT GUIDE</b></p> <p><b>§558.2 Review of notice of results for a key employee or primary management official.</b></p> <p>(a) Upon receipt of a complete notice of results for a key employee or primary management official as required by §556.6(b)(2) of this chapter, the Chair has 30 days to request additional information from a tribe concerning the applicant or licensee and to object.</p> <p>(b) If the Commission has no objection to issuance of a license, it shall notify the tribe within thirty (30) days of receiving notice of results pursuant to §556.6(b)(2) of this chapter.</p> <p>(c) If, within the 30-day period described in paragraph (a) of this section, the Commission provides the tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the tribe has provided a notice of results, the tribe shall reconsider the application, taking into account the objections itemized by the Commission. The tribe shall make the final decision whether to issue a license to such applicant.</p> <p>(d) If the tribe has issued the license before receiving the Commission's statement of objections, notice and hearing shall be provided to the licensee as provided by §558.4.</p> <p><b>§558.3 Notification to NIGC of license decisions and retention obligations.</b></p> <p>(a) After a tribe has provided a notice of results of the background check to the Commission, a tribe may license a primary management official or key employee.</p> <p>(b) Within 30 days after the issuance of the license, a tribe shall notify the Commission of its issuance.</p> <p>(c) A gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) days.</p> <p>(d) If a tribe does not license an applicant—</p> <ol style="list-style-type: none"> <li>(1) The tribe shall notify the Commission; and</li> <li>(2) Shall forward copies of its eligibility determination and notice of results, under §556.6(b)(2) of this chapter, to the Commission for inclusion in the Indian Gaming Individuals Record System.</li> </ol>

<p>Slide 13</p>	<p> Record retention</p> <p>A tribe shall retain the following for no less than three years from the date of termination of employment:</p> <ul style="list-style-type: none"> <li>(1) Applications for licensing;</li> <li>(2) Investigative reports; and</li> <li>(3) Eligibility determinations.</li> </ul> 	<p><b>PARTICIPANT GUIDE</b></p> <p><b>§558.3 Notification to NIGC of license decisions and retention obligations.</b></p> <p>(e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment:</p> <ul style="list-style-type: none"> <li>(1) Applications for licensing;</li> <li>(2) Investigative reports; and</li> <li>(3) Eligibility determinations.</li> </ul>
<p>Slide 14</p>	<p> Confidentiality</p> 	<p><b>PARTICIPANT GUIDE</b></p> <p>Do not share:</p> <ul style="list-style-type: none"> <li>• Criminal History Record Information (CHRI). This information is prohibited from being disclose to anyone other than who is involved in the licensing process.</li> <li>• Credit information</li> <li>• Specific information regarding licensing actions should not be discussed with tribal leadership, operation or anyone.</li> <li>• Specifics regarding ongoing investigations</li> </ul>
<p>Slide 15</p>	<p> Questions?</p> <p>If you need additional technical assistance training on this topic please contact your region office or email us at <a href="mailto:traininginfo@nigc.gov">traininginfo@nigc.gov</a></p> 	<p><b>PARTICIPANT GUIDE</b></p> <p>If you need additional technical assistance training please contact your region office or email us at <a href="mailto:traininginfo@nigc.gov">traininginfo@nigc.gov</a></p> <p>Thank you for attending and please take the survey at the conclusion of this training.</p>