



June 21, 2017

Via First Class Mail

Earl S. Howe III
Chairman, Tribal Business Committee
Ponca Tribe of Oklahoma
20 White Eagle Drive
Ponca City, OK 74601

Re: Ponca Tribal Resolution Nos. 14-05052017 and 18-060222017, and Ponca Tribal Gaming Ordinance of 2017 (Adopted May 5, 2017 and Revised June 2, 2017)

Dear Chairman Howe,

This letter responds to your May 3, 2017 and June 2, 2017 requests on behalf of the Ponca Tribe of Oklahoma for the National Indian Gaming Commission Chairman to review and approve a gaming ordinance amendment. Ponca Tribal Resolution No. 14-05052017 (dated May 5, 2017) adopted the Ponca Tribal Gaming Ordinance of 2017 and repealed all prior ordinances, resolutions, regulations, orders or laws relating to gaming. Ponca Tribal Resolution No. 18-06022017 (dated June 2, 2017) amended one section of the newly adopted Ponca Tribal Gaming Ordinance of 2017.

The gaming ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter or the ordinance review process, please contact Steve Iverson at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink, reading "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman

cc: Jason Aamodt, Tribal Counsel (*via email only*)



Gaming Ordinance

2017

Adopted by the Resolution of the Business Committee of the Ponca Tribe of Indians of Oklahoma, Resolution No. 14-05052017 in a special meeting on May 5, 2017 at White Eagle, Ponca Indian Reservation.

As revised by the Resolution of the Business Committee of the Ponca Tribe of Indians of Oklahoma, Resolution No. 18-06022017 in a special meeting on June 2, 2017 at White Eagle, Ponca Indian Reservation

EXHIBT A

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Section 1. Purpose

The Business Committee of the Ponca Tribe of Indians of Oklahoma ("Tribe"), empowered by its inherent authority and as described in its Constitution, hereby enacts this ordinance in order to govern and regulate the operation of Class II and Class III gaming operations on the Tribe's Indian lands, thereby promoting Tribal economic development, self-sufficiency and sovereignty; to shield the cooperation of gaming from organized crime and other corrupting influences ensuring that gaming is conducted fairly and honestly by both the operator players.

Section 2. Applicability

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to Class II and Class III gaming on the Tribe's Indian Lands.

Section 3. Definitions

The following terms shall have the same meaning and effect as those same terms are 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. Business Committee. The governing body of the Ponca Tribe of Indians of Oklahoma as set out in the Constitution for the Tribe.

B. Class I gaming. "Class I gaming" means:

1. Social games played solely for prizes of minimal value; or
2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

C. Class II gaming.

1. Bingo or lotto (whether or not electronic, computer or other

technologic aids are used) when players:

- a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;
4. Individually owned class II gaming operations –
 - a. That were operating on September 1, 1986;
 - b. That meet the requirements of 25 § U.S.C. 2710(b)(4)(B);
 - c. Where the nature and scope of the game remains as it was on October 17, 1988; and
 - d. Where the ownership interest or interests are the same as on October 17, 1988.

D. Class III gaming. All forms of gaming that are not class I or class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to –

- a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
- b. Casino games such as roulette, craps, and keno;
- c. Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
- d. Any sports betting and parimutuel wagering, including, but not limited to, wagering on horse racing, dog racing or jai alai; or

1. Lotteries.

- E. Commission.** The Ponca Gaming Commission is hereby established to perform regulatory oversight and to monitor compliance with tribal, federal, and applicable state regulations.
- F. Commissioner.** Ponca Gaming Commissioner. There shall be three (3) Ponca Gaming Commissioners as set out in Section 8, herein.
- G. Complimentary.** A service or item provided at no or reduced cost to an individual.
- H. Directly related to.** A spouse, child, parent, grandparent, grandchild, aunt, uncle or first cousin.
- I. Director.** Any person so seeks a license as a Primary Management Official.
- J. Facility License.** A separate license issued by the Tribe to each place, facility or location on Indian lands where the Tribe elects to allow class II or III gaming.
- K. Gaming Facility.** Any place where a Gaming Operation is issued a Facility License.
- L. Gaming Operation.** Each economic entity that is licensed by the Tribe,

operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.

M. Indian lands.

- a. Land within the limits of an Indian reservation; or
- b. Land over which an Indian tribe exercises governmental power and that is either:
 - a. Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - b. Held by an Indian tribe or individual subject to restriction by the United States against alienation.

N. Key Employee.

- 1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
- 2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
- 3. If not otherwise included, the four most highly compensated persons in the gaming operation; or

4. Any other person designated by the Tribe as a key employee.

O. Licensee. A tribally owned class II or class III gaming operation or a person licensed by the Tribal Gaming Commission as a primary management official, key employee or other gaming employee under the provisions of this ordinance.

P. Management Contract. Any contract, subcontract or collateral agreement between an Indian tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

Q. Net Revenues. Gross gaming revenues of an Indian gaming operation less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

R. Primary Management Official.

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

S. Tribal-State Compact. “Tribal-State compact” means an agreement between a tribe and state about class III gaming under 25 U.S.C. § 2710(d).

T. Tribe. “Tribe” means the Ponca Tribe of Indians of Oklahoma.

Section 4. Gaming Authorized

Class II and Class III gaming are authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.

Section 5. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

Section 6. Use of Net Gaming Revenues

A. Net revenues from 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 Indian tribe and its members;
3. to promote tribal economic development;
4. to donate to charitable organizations; or
5. to help fund operations of local government agencies;

Section 7. Per Capita Payments

- A. Net revenues from any Class II or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:
 - 1. The Tribe has prepared a plan to allocate revenues to one or more of the five uses authorized by section 6(A) of this ordinance;
 - 2. The plan is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 6(1) and 6(3) of this ordinance;
 - 3. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
 - 4. The per capita payments are subject to Federal taxation and the Tribe notifies its members of such tax liability when payments are made.

Section 8. Gaming Commission

- A. The Tribe hereby establishes a Tribal Gaming Commission ("Commission") to regulate the Tribe's gaming operations. The Commission shall consist of three (3) members, who shall be a Chair, Vice-Chair and Secretary.
- 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 shall be supported by qualified staff. 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 at all times. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate. The Commission shall have the authority necessary to implement each of the requirements of this Ordinance.

- C. Commissioner positions shall be filled in the following manner:
1. Each Commissioner shall be 25 years of age or older when appointed by a majority vote of the Business Committee for a term of years.
 2. The primary appointments of the Ponca Gaming Commissioners under this Ordinance shall occur on the same day.
 3. Commissioners must satisfy a background check as required in Section 18 of this Ordinance, below. Commissioners may not participate in matters relating to their background investigation. Such background investigations shall be under the direction of the Business Committee or its designee. All information obtained in relation to a background check must be held confidentially, may not be revealed to any person who does not have a legitimate need to know the information, and can only be discussed by the Ponca Tribal Business Committee in an executive session. However, the vote to appoint a Commissioner shall be in open session of the Ponca Tribal Business Committee (without reference to the discussion in Executive Session). A Commissioner shall be appointed by a majority vote of the Business Committee.
 4. The Commissioners as a whole shall designate who shall serve as the Chairman, Vice-chairman and who shall serve as Secretary. The Chairman shall serve a primary term of 3 years. The Vice Chairman shall serve a primary term of 2 years. The Secretary shall serve a primary term of 1 year.

5. After the primary term, each Commissioner may be reappointed to subsequent 3 year terms, which shall each commence on the day following the expiration of the primary term for that Commissioner, or on the day of the expiration of that term thereafter.
6. The Business Committee may, in the 90 days prior to the expiration of the term of any Commissioner, including the day of expiration of office, appoint a different person to serve as that Commissioner. If no person is appointed in the 90 day period, the Commissioner who holding the seat on the date of the expiration of a term is automatically reappointed for a 3 year term.
7. Once confirmed, a Gaming Commissioner of the Ponca Tribe may be removed by a two-third majority vote of the Ponca Business Committee and only upon the following listed grounds:
 - a. Conviction or guilty plea entered to a felony involving theft, embezzlement
 - b. Conviction or guilty plea entered to a charge of destruction of property, assault or battery upon another person, or
 - c. Conviction or guilty plea entered to a drug or alcohol related charge
 - d. Falsifying information on an application for employment or license pursuant to this ordinance.
 - e. Failure to properly perform the duties of the office of the Gaming Commission and to enforce and uphold the Ponca Tribal Gaming Ordinance.
8. If, however, a Commissioner fails to attend 3 consecutive regularly scheduled meetings of the Ponca Gaming Commission, he shall have resigned from his position as Commissioner and the Business Committee shall appoint a replacement Commissioner as soon thereafter as is reasonable. If the Commissioner(s) in attendance agree, (she) they may

decide there is a reasonable basis to excuse an absence, and if an absence is excused, then the absence shall not count for the purposes of this subsection.

9. Should any Commissioner resign or be incapacitated such that he cannot serve, the Business Committee shall appoint a replacement Commissioner as soon thereafter as is reasonable.
 10. Any person appointed to replace a Commissioner who was removed, resigned or incapacitated shall serve the remaining term of that Commission office, and is eligible for reappointment as set out above.
- D. The following persons are not eligible to serve as Commissioners: Business Committee Members, while serving as such; any Director, current employees of the gaming operation; any staff, agent or employee of the Ponca Gaming Commission; any staff, agent or employee of the Ponca Indian Economic Development Board; any owner, agent or employee of any licensee or vendor, any gaming contractors (including any employee, agent or 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. No person previously convicted in the prior ten years of any crime of moral turpitude, such as fraud, may serve as a Commissioner. The Ponca Tribal Business Committee 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. If a Commissioner is convicted of a crime of moral turpitude while in office, he shall be incapacitated to continue to serve and his seat shall be vacant upon conviction.
- E. The Tribe 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 Ponca Tribal Business Committee in all matters within its purview. No prior, or subsequent,

review by the Ponca Tribal Business Committee 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 Tribe requires that, at a minimum:

1. No person ineligible to serve as a Commissioner (other than staff, agents or employees of the Tribal Gaming Commission), nor any member of the Tribal Business Committee, nor any Director, nor any licensee be employed by the Tribal Gaming Commission directly or indirectly;
 2. No person directly related to, or living with, an active Commissioner may serve on the Tribal Gaming Commission or be employed by the Tribal Gaming Commission directly or indirectly.
 3. All Gaming Commissioners and all Directors are prohibited from gambling in any facility licensed by the Commission;
 4. All members of the Ponca Tribal Business Committee, all Commissioners and all Directors are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued in any one day under one hundred dollars (\$100.00); and
- F. Before taking office, and at all times thereafter, each Commissioner 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 Business Committee.
- G. The Tribal Gaming 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. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
5. Make licensing eligibility determinations, which shall be signed by the Chair 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 Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
11. Ensure compliance with all Tribal, state and federal 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 Tribe is a party, and any other applicable law;
15. Promulgate and issue regulations necessary to comply with applicable internal control standards;
16. The exclusive authority to promulgate and issue rules and regulations relating to surveillance at any Gaming Facility;
17. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
18. 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 state gaming regulations, if applicable;
19. Establish a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation;
20. Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facility, and create regulations for enforcing the exclusions;
21. 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;
22. Create a list of regulatory authorities that conduct background investigations of, and license, vendors who are recognized as trustworthy;
23. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;

24. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and
 25. 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.
 26. Maintain an administrative office that is separate and apart from all other offices of the Tribe or any Director or Licensee. No person, except those authorized by the Tribal Gaming Commission may enter any administrative office or access any of the records of the Tribal Gaming Commission of the Tribal Gaming Commission without permission from a Gaming Commissioner.
- H. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Ponca Tribal Business Committee, 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 shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Tribal gaming operation on a need-to-know basis, for actions taken in their official capacities.
- J. The confidentiality requirements in Section 8(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.
- 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. The Commission shall ensure compliance with the Tribe's liquor control ordinance.
- O. Consistent with the budget for the Commission, to employ such staff as are required to perform the duties of the Commission.
- P. The Ponca Business Committee is hereby authorized to appropriate such sums as deemed necessary for the adequate operation of the Commission.
- Q. The Commission shall establish a procedure for record retention and confidentiality in accordance with Section 26 of this Ordinance, below.

Section 9. Audits

- A. The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
 - 1. Annual audits shall conform to generally accepted auditing standards.
- B. 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 9(A) of this ordinance.

- C. 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 10. 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 11. Patron Dispute Resolution

- A. Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. 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 placed in the United States Mail to the patron who may complain. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of \$10,000 per occurrence, and a cumulative limit of \$30,000 per patron in any 12-month period, except 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.
- B. Patrons having a tort claim for personal injury or property damage

against the Gaming Operation arising out of incidents occurring at a Gaming Establishment/Facility or Gaming Operation, hereinafter “tort claim”, shall be afforded due process in seeking and receiving just and reasonable compensation as outlined within the Tribal-State Compact (ENR.S.B. No. 1252, Part 6 A “Tort Claims”).

Section 12. Facility Licenses

- A. The Tribe shall issue a separate license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.
- B. The Tribal Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The Tribal Gaming 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 Tribal Gaming 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. The application shall include:
 - 1. 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, NIGC Office of General Counsel and DOI Solicitor Offices’ Indian lands legal opinions, judicial decisions and any other applicable law.
- E. The Tribal Gaming 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 Tribe.
- F. The Tribe or Tribal Gaming 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 or Class III gaming will occur.

- G. The Tribal Gaming 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.
- H. The Tribe 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 13. Agent for Service of Process

The Tribe designates the Tribal Chairperson as the agent for service of any official determination, order or notice of violation.

Section 14. Tribal Access to Financial Information

A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to the Tribe's Business Committee.

Section 15. 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).”

And

“By submitting this Vendor License Application, you and every person listed as a principal in your Business hereby agrees to the application of the Jurisdiction of the Ponca Tribe of Indians of Oklahoma to you and you specifically agree that any action needed to be taken may be brought in the Courts of the Ponca Tribe of Indians of Oklahoma against You or any principal of your Business.”

Section 16. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming

Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

Section 17. Fingerprints

The Tribe shall perform a background investigation for each primary management official and key employee of the gaming operation. The Tribe shall request fingerprints from each primary management official and key employee. Fingerprints shall be taken by the Commission. Fingerprints will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation ("FBI") and the National Criminal Information Center to determine the applicant's criminal history, if any.

Section 18. Background Investigations

- A. The Tribe shall perform a background investigation for each Commissioner, primary management official and key employee in its gaming operation.
- B. The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees.
- C. The Tribal Gaming Commission shall obtain 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 (C)(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 the businesses;
6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the 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 ten 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 (C)(8) or (C)(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 Tribe deems relevant; and
 14. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).
- D. When a Commissioner, primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 18(c), shall be maintained.

Section 19. Procedures for Conducting Background Investigations

- A. The Tribal Gaming 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 investigation must be sufficient to allow the Tribal Gaming Commission to make an eligibility determination under Section 22 of this ordinance. 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 personal credit check;
 4. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
 5. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement agency for forwarding to the FBI to perform a criminal history

records check utilizing the FBI's data base;

6. 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 ten (10) years;
7. 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;
8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

Section 20. Investigative Reports

- A. The Tribe shall create and maintain an investigative report for each background investigation 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 21. Eligibility Determinations

- A. Before a license is issued to a primary management official or key

employee, an authorized Tribal Gaming Commissioner 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 Gaming Commissioner, 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 22. 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 of the applicant's background investigation to submit to the NIGC.
 - 1. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.
- B. 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 21.

Section 23. Granting Gaming Licenses

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.
- B. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming 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 Section 22.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribe 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 Tribal Gaming 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.

1. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- G. The Tribal Gaming Commission will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- H. If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 25.

Section 24. Denying Gaming Licenses

- A. The Tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 21 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 Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license 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 25. Gaming License Suspensions and Revocations

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Tribal Gaming 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. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- C. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- D. The Tribe 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.

Section 26. Records Retention

- A. The Tribal Gaming 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 Tribe, the following documentation:
 - 1. Applications for licensing;

2. Investigative Reports; and
3. Eligibility Determinations.

Section 27. 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 Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

Section 28. 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 (ten)10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

Section 29. 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 jurisdiction of the Ponca Tribe pursuant to the Law of the Ponca Tribe of Indians of Oklahoma.

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 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 Tribal Gaming Commission 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 Tribe’s vendor license.”

And,

“By submitting this Vendor License Application, you and every person listed as a principal in your Business hereby agrees to the application of the Jurisdiction of the Ponca Tribe of Indians of Oklahoma to you and you specifically agree that any action needed to be taken may be brought in the Courts of the Ponca Tribe of Indians of Oklahoma against You or any principal of your Business.”

C. A vendor may submit to the Tribal Gaming 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 Tribe not contained in the other application.

Section 30. Vendor Background Investigations

The Tribal Gaming 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 31. Vendor License Fees

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

Section 32. 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 Tribal Gaming Commission.

Section 33. Exemption for Vendors Licensed by Recognized Regulatory Authorities

The Tribal Gaming 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 34. Compliance with Federal Law

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

Section 35. Ponca Tribal Corporation

- A. It shall be the duty of "Ponca Tribal Corporation", or "PTC", or its subsidiary, appointed by the Business Committee, to manage and conduct all Class II and Class III Games of a Tribal Gaming Operation in a fiduciary capacity to maximize the Revenues of said operation, to cause to be prepared and submitted to the Ponca Business Committee such reports as may be required by law, to account for all monies and property entrusted to the Tribal Gaming Operation, to collect and pay over all taxes due the Tribe and all assessments due to the National Indian Gaming Commission and the Ponca Tribal Gaming Commission, and to perform any other duties as may be required by law.
- B. The PTC shall oversee and control all non-regulatory aspects of the Tribe's gaming operations through oversight of the Executive Management of the facilities and adoption of policies and procedures to govern the gaming operations.
- C. The actions and duties of the PTC shall not violate applicable gaming laws or interfere with the Commission's regulation of the Tribe's gaming operations by the Commission.
- D. All PTC Board Members shall be fully licensed by the Commission, prior to any PTC Board member assuming the appointment from the Business Committee.
- E. The Board members of the PTC and any of PTC's subsidiaries that engage in gaming activities shall be subject to the same background check and license eligibility requirements as Key Employees and Primary Management Officials, found within this Ordinance and regulations promulgated hereunder, and each must be fully licensed accordingly in order to qualify for and retain office after appointment by the Business Committee.
- F. Such background investigation shall be performed at the direction of the Business Committee by a duly appointed agent of the Committee. Upon completion of the background investigation, the Commission shall review and make recommendations to the Business Committee for issuance or denial of license, and the Committee shall by majority vote, either:

1. issue a license, or
2. notice to the Applicant for a hearing before the Committee, or
3. deny the license.

- G. An Appointee of the PTC or a PTC Subsidiary must be a person of the utmost honesty and integrity, must never have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and must be persons whose prior activities, reputation, habits and associations shall not in any way jeopardize the effective regulation of gaming or the Tribes' and the public's trust, confidence or interests. The appointee shall not be affiliated with or employed by the Gaming Enterprise in any capacity, and shall not gamble in any Gaming Facility run by the Tribal Gaming Enterprise nor assume any personal financial interest in any gambling by any patron of the Gaming Facility.
- H. Neither the PTC or its Board members nor any of the PTC's Subsidiary or Subsidiary Board members shall have any pecuniary interest in any business or company holding a license under this Ordinance or doing business with any person licensed under this Ordinance.
- I. Neither the PTC or its Board members nor any of the PTC's Subsidiary or Subsidiary Board members shall obtain or hold any interest in real property, to include but not limited to, the lease, sale or use of that real property for gaming purposes.

Section 36. Enforcement

- A. The Commission shall have the exclusive authority for enforcing any and all violations of this Ordinance or any Unlawful Acts as set out in Section 36 (F). The Commission's decisions to enforce or to not enforce shall be final, and shall not be appealable or challengeable by any person, entity, court or tribunal, including the Ponca Tribal Business Committee.

- B. The Commission may enter into executive session at any meeting to address questions of enforcement to discuss enforcement with any person requesting enforcement or to discuss the matter with legal counsel. All matters discussed in executive session are privileged and many not be communicated with any person.
- C. Any violations of this Ordinance may be subject to Civil Penalties, as authorized. The Commission is authorized to bring a civil action in any court of competent jurisdiction, including the Tribal Court, against any Person violating the provisions of this Ordinance. Upon finding that a violation has occurred, the Tribal Court may impose a civil penalty as provided in Section 12 or each separate violation in addition to any or all actual damages, administrative costs, and the fees of counsel retained by the Commission to prosecute such offense. Each game played at which a continuing violation occurs shall be deemed a separate violation.
- D. Any person subject to the criminal jurisdiction of the Ponca Tribe violating the provisions of this Ordinance shall be guilty of a criminal offense and shall, upon conviction thereof, be punished by confinement for a period of not more than one (1) year, and a fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment for each separate violation.
- E. A violation of this Ordinance by any natural person shall be deemed an independent violation by their employer, principal, or any person with the authority to direct the control of the violator.
- F. Any violation of this Ordinance is an Unlawful Act. Without limiting those acts which may be a violation of this Ordinance and are therefore lawful, the Business Committee of the Ponca Tribe hereby declares the following to be Unlawful Acts:
 - 1. Operating or conducting any Gaming activity in a Gaming Operation on Indian Land without a gaming license issued by the Commission, as required by this Ordinance.
 - 2. Providing any false information in connection with any document or proceeding required or provided for under this Ordinance.

3. Engaging in any gaming activity under the age of eighteen (18) years.
4. Cheating in any Gaming activity on Indian Land.
5. Other than a law enforcement officer or security personnel licensed by the Ponca Tribe of Indians, possessing a firearm, in a Gaming Facility licensed under this Ordinance
6. Conspiring, Aiding or assisting a Person to violate any provision of this Ordinance.

Section 37. Yearly Reports

Each year, on or before the 90th day before the expiration of the term of any Commissioner, the Commission shall submit to the Ponca Tribal Business Committee a written report which shall be previously approved as to form and content by the Commission and may address any matter the Commission deems relevant to officially report to the Ponca Tribal Business Committee. The Yearly report shall at a minimum include the following information:

- A. The date and the identity of the Commissioner seat expiring that year;
- B. A profit and loss statement for the Commission prepared in accordance with Generally Approved Accounting Procedures (GAAP);
- C. The specific text of any regulations the Commission may seek to adopt at that time; and
- D. A summary of gaming licenses issued and denied, by type, during the preceding year; and
- E. A list of all licenses issued by the Commission which are currently active;
- F. A list of all approved vendors;
- G. A list of all submissions to the National Indian Gaming Commission;

- H. A copy of the Audit prepared under Section 9 in the preceding year;
and
- I. A list of all pending civil or criminal enforcement actions with a short description of their status.

Section 38. Ethics

The Tribe recognizes that the duties of the Commission include making important decisions on highly sensitive issues. As such, the Tribe has determined that the Commission and Commission Staff shall be held to extremely high ethical standards. The Commission and Commission Staff shall agree to be bound by the following:

- A. Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
- B. Not use their positions for private gain.
- C. Not hold financial interests that conflict with the conscientious performance of their duties as regulators.
- D. Not solicit or accept any gift or other item of monetary value, including complimentary items or services over the amount of \$100 from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Commissions' duties.
- E. Make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
- F. Act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Commissioners or Commission Staff.

Section 39. Statement of Gross Gaming Receipts and Net Revenues

- A. No later than the twentieth (20th) day of each month, the PTC shall ensure that each Gaming Operation shall provide, in a report form prescribed by the Commission, a statement of Gross Gaming Receipts, Operating and Net Revenues received or collected at each Gaming Facility during the immediately preceding month.
- B. The verified monthly report shall be filed with the Commission of all receipts and disbursements of all funds related to said Class II and Class III Games. Such reports shall also contain an itemized list of all disbursements including, but not limited to, Operating Costs, Equipment Costs, Facility Costs, depreciation, materials, supplies, equipment furnished, and prizes paid. The required reports shall be submitted pursuant to regulations adopted from time to time by the Commission.

Section 40. Invalidity

If any provision of this Ordinance or the application thereof to any Person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of application, and, to this end, the provisions of this Ordinance are severable.

Section 41. No Tribal Liability

Neither the Tribe nor its officers, agents, or agencies, shall be responsible for the debts or liabilities of any Gaming Operation, it being the intent that each Gaming Operation shall be a corporate entity solely responsible (with its Management Contractor when provided for by contract) for its own debts, torts, and other liabilities, and subject to suit in its own name to the extent explicitly provided for by this Ordinance. No provision of this Ordinance or regulations promulgated pursuant thereto constitutes a waiver of the Tribe's sovereign immunity from suit, except as expressly provided otherwise herein.

Section 42. Repeal

To the extent that they are inconsistent with this ordinance, all prior

Tribal ordinances, resolutions, orders or directives are hereby repealed and are as of the Effective Date of this Ordinance of no legal consequence and have no continuing force or effect after the Effective Date.

Section 43. Effective Date

This ordinance shall take effect immediately upon its approval by both the Ponca Tribal Business Committee and the NIGC Chair.



Ponca Tribe of Oklahoma

"Rich In Culture and Tradition"

"Equal Opportunity Employer"

RESOLUTION # 14-05052017

A RESOLUTION TO CONCERNING THE PONCA TRIBAL GAMING ORDINANCE OF 2017

- WHEREAS, the Ponca Tribe of Indians of Oklahoma is a federally recognized Indian Tribe of nearly 4,000 members and with the headquarters located in White Eagle, Oklahoma; and
- WHEREAS, the Ponca Tribal Business Committee is authorized to conduct and transact all business of the Ponca Tribe of Indians of Oklahoma under the *aegis* of the Ponca Constitution duly adopted on September 20, 1950; and
- WHEREAS, the Ponca Tribal Business Committee is authorized to exercise all executive, legislative, and judicial powers of the Ponca Tribe of Indians of Oklahoma, in accordance with the Tribal Constitution; and
- WHEREAS, the Ponca Tribe of Indians of Oklahoma in the past operated gaming enterprises for the purposes of developing economic development and supporting tribal programs in accordance with the law; and
- WHEREAS, the Ponca Tribe of Indians of Oklahoma is currently not operating a gaming enterprise, but in preparation for the operation of a new facility the Ponca Tribe wishes to update its gaming laws; and
- WHEREAS, the Ponca Tribal Business Committee, after consideration of the Ponca Tribal Gaming Ordinance of 2017, wishes to approve the Ponca Tribal Gaming Ordinance of 2017 and wishes to establish the identity of those persons who will serve as the Commissioners of the Ponca Gaming Commission under the Ponca Tribal Gaming Ordinance of 2017; and
- WHEREAS, the Ponca Tribal Business Committee acknowledges that the attached Ponca Tribal Gaming Ordinance of 2017 will require the approval of the Commissioner of the National Indian Gaming Commission before it becomes effective; and
- WHEREAS, the Ponca Tribal Business Committee declares that the attached Ponca Tribal Gaming Ordinance of 2017 and the appointments of gaming commissioners for the Ponca Tribe of Indians of Oklahoma shall become effective upon approval of

the attached Ponca Tribal Gaming Ordinance of 2017 by the Chairman of the **National Indian Gaming Commission**; and

WHEREAS, upon approval of the attached gaming ordinance by the Chairman of the National Indian Gaming Commission, all prior ordinances, resolutions, regulations, orders or laws of the **Ponca Tribe of Indians of Oklahoma** of any kind relating to gaming will automatically be repealed; and

THEREFORE, BE IT RESOLVED that the **Ponca Tribal Business Committee** hereby approves the Ponca Tribal Gaming Ordinance of 2017, attached hereto as Exhibit A, and declares that the Ordinance attached hereto shall be known to all as the Ponca Tribal Gaming Ordinance of 2017; and

NOW THEREFORE BE IT FURTHER RESOLVED, that upon approval of the Ponca Tribal Gaming Ordinance of 2017 by the Chairman of the National Indian Gaming Commission, all prior ordinances, resolutions, regulations, orders or laws of the **Ponca Tribe of Indians of Oklahoma** of any kind relating to gaming are hereby repealed, and are declared null, void and of no effect; and

NOW THEREFORE BE IT FURTHER RESOLVED, that upon approval of the Ponca Tribal Gaming Ordinance of 2017 by the Chairman of the **National Indian Gaming Commission**, and notwithstanding any other ordinance, resolution, agreement, or document, the Identity and Initial Ponca Gaming Commissioners shall be: Daniel L. Sherron, Eugene D. Big Soldier, Jr., and Dale Sue Belmard; and

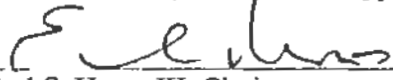
NOW THEREFORE BE IT FURTHER RESOLVED, that upon approval of the Ponca Tribal Gaming Ordinance by the Chairman of the **National Indian Gaming Commission**, the persons named above are directed to meet as soon thereafter as practical, and in accordance with Section 8 (c)(4) of the Ponca Tribal Gaming Ordinance of 2017 identify the titles and initial terms for each person appointed above, and to report same to the Secretary of the **Ponca Tribal Business Committee**, in writing; and

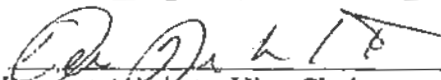
NOW THEREFORE BE IT FURTHER RESOLVED, that the first day of the initial term of each of the Commissioners identified above shall run from the day the Chairman of the **National Indian Gaming Commission** approves the Ponca Tribal Gaming Ordinance of 2017; and

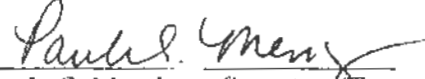
NOW THEREFORE BE IT FINALLY RESOLVED, the Chairman of the **Ponca Tribal Business Committee** is requested to deliver this Resolution and the Ponca Tribal Gaming Ordinance of 2017 to the Chairman of the **National Indian Gaming Commission**, seeking approval of the Ponca Tribal Gaming Ordinance of 2017 as quickly as can reasonably be done.

CERTIFICATION

We, the undersigned hereby affirm that at an official meeting of the Ponca Tribal Business Committee, held on the 5th date of May, 2017, at which a quorum was present, the above resolution was presented and approved, by a vote of 7 For, 0 Against, 0 Absent, 0 Abstain.


Earl S. Howe III, Chairman

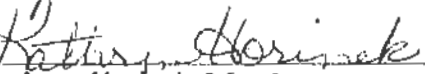

Bennett Arkeketa, Vice-Chairman


Paula S. Mendoza, Secretary/Treasurer


Douglas Eagle, Sr., Member


Kinsel Lieb, Member


Douglas Rhodd, Sr., Member


Kathryn Horinek, Member



Ponca Tribe of Oklahoma

"Rich In Culture and Tradition"

"Equal Opportunity Employer and Provider"

RESOLUTION #18-06022017

A RESOLUTION REVISING THE PONCA TRIBAL GAMING ORDINANCE OF 2017

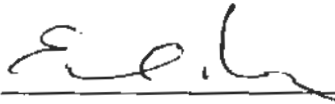
- WHEREAS,** the **Ponca Tribe of Indians of Oklahoma** is a federally recognized Indian Tribe of nearly 4,000 members and with the headquarters located in White Eagle, Oklahoma; and
- WHEREAS,** the **Ponca Tribal Business Committee** is authorized to conduct and transact all business of the **Ponca Tribe of Indians of Oklahoma** under the *aegis* of the Ponca Constitution duly adopted on September 20, 1950; and
- WHEREAS,** the **Ponca Tribal Business Committee** is authorized to exercise all executive, legislative, and judicial powers of the **Ponca Tribe of Indians of Oklahoma**, in accordance with the Tribal Constitution; and
- WHEREAS,** the **Ponca Tribe of Indians of Oklahoma** in the past operated gaming enterprises for the purposes of developing economic development and supporting tribal programs in accordance with the law; and
- WHEREAS,** the **Ponca Tribe of Indians of Oklahoma** is currently not operating a gaming enterprise, but in preparation for the operation of a new facility the Ponca Tribe wishes to update its gaming laws; and
- WHEREAS,** the **Ponca Tribal Business Committee**, on May 5, 2017 approved and adopted the Ponca Tribal Gaming Ordinance of 2017, in Resolution No. 14-05052017; and
- WHEREAS,** on May 31, 2017, the **National Indian Gaming Commission** requested a technical amendment to the Ponca Tribal Gaming Ordinance of 2017 which consists of deleting the last clause in Section 5 (A) and all of Section 5 (B) of the Ponca Tribal Gaming Ordinance of 2017; and
- WHEREAS,** the **National Indian Gaming Commission's** request does not substantively alter the Ponca Tribal Gaming Ordinance of 2017, and the **Ponca Tribal Business Committee**, in the spirit of comity, is revising the Ponca Tribal Gaming Ordinance of 2017 by deleting the last clause in Section 5 (A) and all of Section 5 (B).

THEREFORE, BE IT RESOLVED that the **Ponca Tribal Business Committee** hereby amends the Ponca Tribal Gaming Ordinance of 2017, in the form attached hereto as Exhibit A, by deleting the last clause in Section 5 (A) and all of Section 5 (B).

NOW THEREFORE BE IT FINALLY RESOLVED, that no other provisions of the Ponca Tribal Gaming Ordinance of 2017 are amended, and no provisions of Resolution No. 14-05052017 are changed in any way.

CERTIFICATION

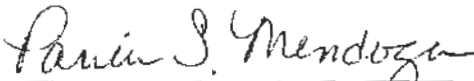
We, the undersigned members of the **Ponca Tribal Business Committee**, duly elected, hereby affirm that an official meeting of the **Ponca Tribal Business Committee**, held on the 2nd day of June, 2017, at which a quorum was present. The above resolution and the attached Ponca Tribal Gaming Ordinance of 2017 was presented and approved by a vote of 6 FOR; 0 AGAINST; 1 ABSENT; 0 ABSTAIN.



Earl S. Howe III, Chairman



Bennett Arkeketa, Vice-Chairman

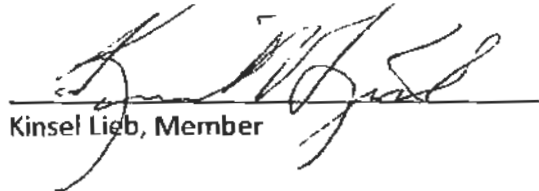


Paula S. Mendoza, Secretary/Treasurer

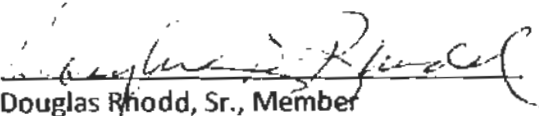
Douglas Eagle, Sr., Member



Kathryn Horinek, Member



Kinsel Lieb, Member



Douglas Rhodd, Sr., Member