



April 10, 2018

Via U.S. Mail and Facsimile

Harold Frazier, Chairman  
Cheyenne River Sioux Tribe  
P.O. Box 590  
Eagle Butte, South Dakota, 57625

**Re: Amended Indian Gaming Regulatory Ordinance and new Small and Charitable Bingo Ordinances of the Cheyenne River Sioux Tribe**

Dear Chairman Frazier:

This letter responds to your November 14, 2017 request<sup>1</sup> on behalf of the Cheyenne River Sioux Tribe for the National Indian Gaming Commission Chairman to review and approve the Tribe's amendments to its Indian Gaming Regulatory Ordinance and its promulgation of the Small and Charitable Bingo Ordinance.

The revised and new gaming ordinances were adopted by Tribal Council Resolutions No. 327-2017-CR on September 15, 2017; No. 328-2017-CR on September 15, 2017; and No. 74-2018-CR on March 15, 2018. Together, the resolutions wholly revise and update the Tribe's Indian Gaming Regulatory Ordinance and create a new ordinance with provisions specific to small and charitable gaming.

Thank you for bringing these resolutions to our attention and for providing us a copy of the updated and new ordinances. The ordinances are approved as they are consistent with the requirements of IGRA and the NIGC's regulations. If you have any questions, please contact Senior Attorney Jennifer Lawson at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri  
Chairman

cc: Mark Van Norman, esq. (by email only: [mcvnconsulting@gmail.com](mailto:mcvnconsulting@gmail.com))

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<sup>1</sup> NIGC worked with the Tribe to obtain a complete submission and did so on January 12, 2018, starting the 90-day regulatory timeline for ordinance approval. The Tribe later supplemented its submission with additional amendments submitted to NIGC on March 28, 2018.

**CHAIRMAN**  
Harold C. Frazier

**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Benita Clark

**VICE-CHAIRMAN**  
Robert Chasing Hawk, Sr.



**TRIBAL COUNCIL MEMBERS**

**DISTRICT 1**  
Bernita In The Woods  
Bryce In The Woods

**DISTRICT 2**  
Theodore Knife, Jr.

**DISTRICT 3**  
Edward Widow  
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Tuffy Thompson  
Wade Tater Ward

P.O. Box 590  
Eagle Butte, South Dakota 57625  
Phone: (605) 964-4155  
Fax: (605) 964-4151

**TRIBAL MEMORANDUM**

**DATE** : 03/15/18

**TO** : SUPERINTENDENT, Cheyenne River Agency

**FROM** : Ev Ann White Feather, Tribal Secretary *EvAnn White Feather*

**SUBJECT** : Resolution No. 74-2018-CR: That the Cheyenne River Sioux Tribal Council hereby amends the Tribe's small and Charitable Bingo Ordinance, enacted by Resolution No. 327-2017-CR, by striking the existing language of Section 4 and replacing it with the following language: **4. Licensing of Persons for Charitable Bingo Operation. All management or key employees in the conduct of Charitable Bingo under this Ordinance must be licensed in accordance with the Indian Gaming Regulatory Act, NIGC regulations, and the Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance. The CRST Indian Gaming Regulatory Commission shall assist the Bingo Board by conducting background checks and licensing Bingo management and key employees. Additionally, bingo employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally, ETC. and contains the provision.**

\*\*\*\*\*  
Transmitted herewith are an original and two (2) copies of Resolution No. 74-2018-CR which was duly adopted by the Cheyenne River Sioux Tribal Council during its Special Session held on March 14, 2018.

**Cc:** Chairman  
Treasurer  
Administrative Officer  
Tribal Comptroller  
Central Records  
Committee Secretary  
District Officers (6)  
Legal Department  
File/2

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents *Wakan Tanka - The Great Mystery*. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

## RESOLUTION NO. 74-2018-CR

**WHEREAS**, the Cheyenne River Sioux Tribe of South Dakota is an unincorporated Tribe of Indians, having accepted the provisions of the Act of June 18, 1934 [48 Stat. 984]; and

**WHEREAS**, the Tribe, in order to establish its tribal organization, to conserve its tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws; and

**WHEREAS**, pursuant to Article III, sec. 1, of the Constitution, the Tribal Council is the governing body of the Tribe; and

**WHEREAS**, on September 6, 2017, the Cheyenne River Sioux Tribe enacted the Small and Charitable Bingo Ordinance by Resolution No. 327-2017-CR to regulate the Tribe's Small Charitable Bingo Operation, and enacted the Indian Gaming Regulatory Ordinance by Resolution No. 328-2017-CR to govern Class II and Class III Indian gaming more generally on the Indian lands of the Cheyenne River Sioux Tribe; and

**WHEREAS**, the Cheyenne River Sioux Tribe submitted said Ordinances for review and approval by the National Indian Gaming Commission, as required by the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. sec. 2701, *et seq.*; and

**WHEREAS**, the National Indian Gaming Commission's General Counsel Office requested the changes set forth below prior to approval of said Ordinances, and in order to expedite approval of said Ordinances, the Cheyenne River Sioux Tribe accepts the proposed changes in accordance with the IGRA; now

**THEREFORE BE IT RESOLVED**, that the Cheyenne River Sioux Tribal Council hereby amends the Tribe's Small and Charitable Bingo Ordinance, enacted by Resolution No. 327-2017-CR, by striking the existing language of Section 4 and replacing it with the following language:

**4. Licensing of Persons for Charitable Bingo Operation.** All management or key employees in the conduct of Charitable Bingo *under this Ordinance must be licensed in accordance with the Indian Gaming Regulatory Act, NIGC regulations, and the Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance.* The CRST Indian Gaming Regulatory Commission shall assist the Bingo Board by *conducting background checks and licensing Bingo management and key employees.*

**RESOLUTION NO. 74-2018-CR**

**Page Two:**

**Additionally, bingo employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally.**

**BE IT FURTHER RESOLVED**, that the Cheyenne River Sioux Tribal Council further amends the Tribe's Small and Charitable Bingo Ordinance, enacted by Resolution No. 327-2017-CR, by adding a new Section 7 as follows:

**7. Conduct of Class II Charitable Bingo and Gaming. In addition to the specific provisions set forth herein, Class II Charitable Bingo and Gaming shall be conducted in accordance with the Indian Gaming Regulatory Act, NIGC Regulations, and the Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance.**

**BE IT FURTHER RESOLVED**, that the Cheyenne River Sioux Tribal Council hereby amends the Indian Gaming Regulatory Ordinance, enacted by Resolution No. 328-2017-CR, by adding the following sentence to the end of Section 32:

**The Cheyenne River Sioux Tribe Small and Charitable Bingo Ordinance on Small and Charitable Bingo Operations more fully details the regulatory structure of the Tribe's Charitable Bingo operations and is intended to be read together with this Ordinance.**

**BE IT FURTHER RESOLVED**, that the Cheyenne River Sioux Tribal Council hereby authorizes and directs the Secretary of the Cheyenne River Sioux Tribe to publish the foregoing amendments for thirty (30) days in one or more newspapers of general circulation on the Cheyenne River Indian Reservation; and

**BE IT FURTHER AND FINALLY RESOLVED**, that nothing in this resolution diminishes, divests, alters, or otherwise affects any inherent, treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the property or activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, *including but not limited to legislative, regulatory, adjudicatory, and taxing powers.*

**RESOLUTION NO. 74-2018-CR**  
**Page Three:**

**CERTIFICATION**

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 12, constituting a quorum, were present at a meeting duly and specially called, noticed, convened and held this 14<sup>th</sup> day of March 2018, Special Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 11 yes, 0 no, 1 abstaining, and 3 absent.



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Ev Ann White Feather, Secretary  
Cheyenne River Sioux Tribe

**CHAIRMAN**  
Harold C. Frazier

**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Benita Clark

**VICE-CHAIRMAN**  
Robert Chasing Hawk, Sr.



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**TRIBAL COUNCIL MEMBERS**

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Derek Bartlett

**DISTRICT 6**  
Tuffy Thompson  
Wade Tater Ward

**TRIBAL MEMORANDUM**

**DATE** : 09/15/17  
**TO** : SUPERINTENDENT, Cheyenne River Agency  
**FROM** : Ev Ann White Feather, Tribal Secretary *EvAnn White Feather*  
**SUBJECT** : Resolution No. 328-2017-CR: That the Cheyenne River Sioux Tribe enacts the attached Indian Gaming Regulatory Ordinance of the Cheyenne River Sioux Tribe to authorize, govern, and regulate the operation of Class II Gaming and Class III Gaming (Exhibit A), on the Tribe's Indian lands in compliance with the Indian Gaming Regulatory Act, 25 U.S.C sec. 2701 et. seq. and contains the provision.

\*\*\*\*\*  
Transmitted herewith are an original and two (2) copies of Resolution No. 328-2017-CR which was duly adopted by the Cheyenne River Sioux Tribal Council during its Regular Session held on September 6, 2017.

**Cc:** Chairman  
Treasurer  
Administrative Officer  
Tribal Comptroller  
Central Records  
Committee Secretary  
District Officers (6)  
File/2

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

**RESOLUTION NO. 328-2017-CR**

**RESOLUTION OF THE CHEYENNE RIVER SIOUX TRIBAL COUNCIL OF THE CHEYENNE RIVER SIOUX TRIBE TO ENACT THE INDIAN GAMING REGULATORY ORDINANCE (ANNEXED AS EXHIBIT A) OF THE CHEYENNE RIVER SIOUX TRIBE TO AUTHORIZE, GOVERN AND REGULATE THE OPERATION OF CLASS II GAMING AND CLASS III GAMING, ON THE TRIBE'S INDIAN LANDS IN COMPLIANCE WITH THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. SEC. 2701 ET SEQ.**

**WHEREAS,** the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota is an unincorporated Tribe of Indians having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984); and

**WHEREAS,** the Tribe in order to establish its tribal organization, to conserve its tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws; and

**WHEREAS,** the Cheyenne River Sioux Tribe desires to enact the Indian Gaming Regulatory Ordinance Of The Cheyenne River Sioux Tribe to authorize, govern and regulate the operation of Class II Indian Gaming And Class III Indian Gaming, on the tribe's Indian lands in compliance with the Indian Gaming Regulatory Act, 25u.s.c. sec. 2701 et seq.; now

**THEREFORE BE IT RESOLVED,** that the Cheyenne River Sioux Tribe enacts the attached Indian Gaming Regulatory Ordinance Of The Cheyenne River Sioux Tribe to authorize, govern and regulate the operation of Class II Gaming And Class III Gaming (Exhibit A), on the tribe's Indian lands in compliance with the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2701 et seq.; and

**BE IT FURTHER RESOLVED,** that the CRST Gaming Commission shall provide oversight, administrative appeals, advice and technical assistance to the Bingo Board; and

**BE IT FURTHER RESOLVED,** that the above-referenced Gaming Ordinance may be amended from time to time by a majority vote of the Tribal Council and this provision shall be added as Section 33 to the said Gaming Ordinance; and

**RESOLUTION NO. 328-2017-CR**

**Page Two:**

BE IT FINALLY RESOLVED, that nothing in this Resolution diminishes, divests, alters, or otherwise affects any inherent treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the property or activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, including but not limited to legislative, regulatory, adjudicatory and taxing powers.

**CERTIFICATION**

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 13, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 6<sup>th</sup> day of September 2017, Regular Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 10 yes, 1 no, 2 abstaining, and 2 absent.



Ev Ann White Feather, Secretary  
Cheyenne River Sioux Tribe



**CHAIRMAN**  
Harold C. Frazier

**SECRETARY**  
EvAnn White Feather

**TREASURER**  
Benita Clark

**VICE-CHAIRMAN**  
Robert Chasing Hawk, Sr.



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**TRIBAL MEMORANDUM**

**DATE** : 09/15/17

**TO** : SUPERINTENDENT, Cheyenne River Agency

**FROM** : Ev Ann White Feather, Tribal Secretary *EvAnn White Feather*

**SUBJECT** : Resolution No. 327-2017-CR: That the Cheyenne River Sioux Tribe enacts the attached Small and Charitable Bingo Ordinance of the Cheyenne River Sioux Tribe to authorize, govern, and regulate the operation of Class II Small and Charitable Bingo in compliance with the Indian Gaming Regulatory Act, 25 U.S.C sec. 2701 et. seq. and contains the provision.

\*\*\*\*\*

Transmitted herewith are an original and two (2) copies of Resolution No. 327-2017-CR which was duly adopted by the Cheyenne River Sioux Tribal Council during its Regular Session held on September 6, 2017.

**Cc:** Chairman  
Treasurer  
Administrative Officer  
Tribal Comptroller  
Central Records  
Committee Secretary  
District Officers (6)  
File/2

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**RESOLUTION NO. 327-2017-CR**

**RESOLUTION OF THE CHEYENNE RIVER SIOUX TRIBAL COUNCIL  
OF THE CHEYENNE RIVER SIOUX TRIBE**

**RESOLUTION OF THE CHEYENNE RIVER SIOUX TRIBAL COUNCIL OF THE CHEYENNE RIVER SIOUX TRIBE TO ENACT AND ORDAIN THE CHEYENNE RIVER SIOUX SMALL AND CHARITABLE BINGO ORDINANCE;**

**WHEREAS,** the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota is an unincorporated Tribe of Indians having accepted the provisions of the Act of June 18, 1934 (48 Stat. 984); and

**WHEREAS,** the Tribe in order to establish its tribal organization, to conserve its tribal property, to develop its common resources, and to promote the general welfare of its people, has ordained and established a Constitution and By-Laws; and

**WHEREAS,** the Cheyenne River Sioux Tribe desires to enact the Small and Charitable Bingo Ordinance of the Cheyenne River Sioux Tribe to authorize, govern and regulate the operation of its small charitable bingo operation in Eagle Butte, South Dakota;

**WHEREAS,** the Cheyenne River Sioux Tribe's Small and Charitable Bingo operation generates less than \$3,000,000 annually, provides community service to tribal members in the form of social entertainment, interaction and outreach, and directs that any revenue is fully committed to tribal government purposes, which are charitable in nature based upon the Cheyenne River Sioux Tribe governmental status under the Internal Revenue Code and the Federal tax treatment of Indian tribes as states for charitable purposes; 26 U.S.C. secs. 139D and E, 7871, 2522; now

**THEREFORE BE IT RESOLVED,** that the Cheyenne River Sioux Tribe enacts the attached Small and Charitable Bingo Ordinance Of The Cheyenne River Sioux Tribe to authorize, govern and regulate the operation of Class II Small and Charitable Bingo in compliance with the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2701 et seq.; and

**BE IT FURTHER RESOLVED** that the Cheyenne River Sioux Tribe enacts the attached Charitable Bingo Ordinance to govern the operation of the Cheyenne River Sioux Tribe's Charitable Bingo operated in Eagle Butte, South Dakota for the entertainment of tribal members and generating less than \$3,000,000 in revenue annually, provided that the CRST Gaming Commission shall provide oversight, advice and technical assistance to the Bingo Board; and

**BE IT FURTHER RESOLVED** that the CRST Gaming Commission shall assist the Bingo Board

**RESOLUTION NO. 327-2017-CR**

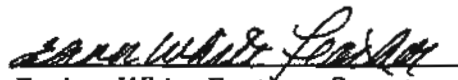
**Page Two:**

with the performance of background checks for managers and key employees of the Small and Charitable Bingo Operation; and

BE IT FINALLY RESOLVED, that nothing in this Resolution diminishes, divests, alters, or otherwise affects any inherent treaty, statutory or other rights of the Cheyenne River Sioux Tribe over the property or activities described herein. The Cheyenne River Sioux Tribe expressly retains all rights and authority over the property and activities described herein, including but not limited to legislative, regulatory, adjudicatory and taxing powers.

**CERTIFICATION**

I, the undersigned, as Secretary of the Cheyenne River Sioux Tribe, certify that the Tribal Council is composed of fifteen (15) members, of whom 12, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 6<sup>th</sup> day of September 2017, Regular Session; and that the foregoing resolution was duly adopted at such meeting by a roll call vote of 12 yes, 0 no, 1 abstaining, and 2 absent.



Ev Ann White Feather, Secretary  
Cheyenne River Sioux Tribe

**CHEYENNE RIVER SIOUX TRIBE ORDINANCE ON  
SMALL AND CHARITABLE BINGO REGULATIONS**

**Preamble:** Tribal Charitable Bingo Operations.

(a) Each Charitable Bingo Operation must develop and implement an internal control system that, at a minimum, complies with the Tribal Internal Control Standards for Charitable Bingo: (i) Failure to do so may subject the Tribal operator of the Gaming Operation, and/or the Management contractor, to penalties under the Tribal Gaming Ordinance.

(b) All policies, procedures, or applications, including any alternative applications or procedures, developed or used by a Charitable Bingo Operation must be submitted to and approved by the Cheyenne River Sioux Tribe Charitable Bingo Regulatory Board prior to implementation. (i) Documentation evidencing such approval must be maintained by the Charitable Bingo Operation for future inspection.

(c) Recognizing that Indian Tribes are the primary regulator of their Gaming Operation(s), including Charitable Bingo Operations, enforcement action by the Cheyenne River Sioux Tribe Gaming Commission and/or the CRST Charitable Bingo Regulatory Board will not be initiated under this part without first informing the Tribe and the Charitable Bingo Operation of deficiencies in the internal controls of its Charitable Bingo Operation and allowing a reasonable time to address such deficiencies.

**1. Charitable Bingo Defined.** Under the Indian Gaming Regulatory Act, Charitable Bingo is a Class II Game together with games similar to bingo and pull-tabs, etc.:

(a) As used herein, the term "Charitable" means an activity conducted primarily for tribal community recreation with net revenue from the bingo operation under \$3,000,000 annually and net revenue dedicated to essential tribal government purposes, including education, health care, child and elder care, police and fire protections, cultural renewal and revitalization, and similar purposes, or reinvested into the Charitable bingo operation;<sup>1</sup>

(b) As used herein, the term Bingo means:

"the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)--

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<sup>1</sup> As such, CRST Charitable Bingo qualifies as a small, charitable tribal bingo operation that is exempt from the general application of 25 CFR 543, provided that the CRST Gaming Regulatory BOARD maintains tribal internal control standards that are required to ensure that the rules: (i) protect the integrity of the games offered, i.e., bingo and related games; (ii) safeguard the assets used in connection with the operation; and (iii) require the creation, preparation and maintenance of records in accordance with Generally Accepted Accounting Principles (GAAP); 25 CFR Part 543.6(a).

(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,  
(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and  
(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch Boards, tip jars, instant bingo, and other games similar to bingo;"

25 U.S.C. sec. 2703.

2. (a) **CRST Charitable Bingo Regulatory Board.** The Cheyenne River Sioux Tribe hereby establishes the CRST Charitable Bingo Regulatory Board, which shall oversee the operation of Charitable Bingo as defined herein.

(b) **Number of Board Members.** The Tribal Council shall appoint 5 Members of the Charitable Bingo Board for staggered (5) year terms. Annually, the Members of the CRST Charitable Bingo Regulatory Board shall elect a Chairman, Vice Chairman and Secretary—Treasurer from among the Membership of the CRST Charitable Bingo Regulatory Board.

(c) **Background Check for Board Members.** Each Member of the Charitable Bingo Regulatory Board shall be required to pass a background check in accordance with the same standards required for a key employee of the Charitable Bingo Operation.

(d) **Duties of the Regulatory Board.** Consistent with due process, the Board shall perform the following duties as necessary and appropriate:

- Shall make recommendations to the Cheyenne River Sioux Tribe Gaming Board concerning Tribal Internal Control Standards for Charitable Bingo;
- Shall license Charitable Bingo Managers and Key Employees;
- Shall periodically review the conduct of Charitable Bingo to ensure that it is conducted in conformity to this Ordinance;
- Shall review and approve "House Rules" for the operation of Charitable Bingo, provided that any such rules shall be publicly and prominently posted at the Charitable Bingo operation;
- May suspend or revoke licenses when necessary and appropriate to enforce this ordinance;
- Provide due process and hearings on any action concerning licenses,
- Shall ensure that Charitable Bingo operations are conducted fairly and honestly by the management, the players and the public;
- Upon receiving a patron petition or claim, may resolve disputes between management and patrons, subject to an appeal to the Cheyenne River Sioux Tribe Gaming Board;

- Shall review the premises where Charitable Bingo is conducted to ensure that they are safe for the public and the environment; and
- Shall review the financial statements of the Charitable Bingo operation at least quarterly, and review the annual financial reports of the Charitable Bingo operation.

**3. Appeals of CRST Charitable Gaming Regulatory Decisions.** Final decisions of the CRST Charitable Bingo Regulatory Board may be appealed to the full CRST Gaming Commission for review.

**4. Licensing of Persons for Charitable Bingo Operation.** Any person authorized by the Cheyenne River Sioux Tribe to serve as management or key employee in the conduct Charitable Bingo under this Ordinance may apply for a license to conduct Class II Charitable Bingo in accordance herewith. Bingo Employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally.

**5. Days and Hours of Operation.** The Days and Hours for the Operation and Conduct of Charitable Bingo on the Cheyenne River Sioux Reservation shall be set by the Tribal Council by Resolution, which may be amended from time to time to take into account community participation, financial return, staff availability; and other relevant factors;

**6. Tribal Internal Control Standards.** The Charitable Bingo Board shall make recommendations to the CRST Gaming Commission concerning tribal internal control standards for the small, charitable tribal bingo operation to included minimum standards. The CRST Gaming Commission shall adopt tribal internal control standards for the charitable bingo operation based on the recommendations of the CRST Charitable Bingo Regulatory Board, subject to final approval and ratification by the Tribal Council;

## **CHEYENNE RIVER SIOUX TRIBE ORDINANCE ON SMALL AND CHARITABLE BINGO REGULATIONS**

**Preamble:** Tribal Charitable Bingo Operations.

(a) Each Charitable Bingo Operation must develop and implement an internal control system that, at a minimum, complies with the Tribal Internal Control Standards for Charitable Bingo: (i) Failure to do so may subject the Tribal operator of the Gaming Operation, and/or the Management contractor, to penalties under the Tribal Gaming Ordinance.

(b) All policies, procedures, or applications, including any alternative applications or procedures, developed or used by a Charitable Bingo Operation must be submitted to and approved by the Cheyenne River Sioux Tribe Charitable Bingo Regulatory Board prior to implementation. (i) Documentation evidencing such approval must be maintained by the Charitable Bingo Operation for future inspection.

(c) Recognizing that Indian Tribes are the primary regulator of their Gaming Operation(s), including Charitable Bingo Operations, enforcement action by the Cheyenne River Sioux Tribe Gaming Commission and/or the CRST Charitable Bingo Regulatory Board will not be initiated under this part without first informing the Tribe and the Charitable Bingo Operation of deficiencies in the internal controls of its Charitable Bingo Operation and allowing a reasonable time to address such deficiencies.

**1. Charitable Bingo Defined.** Under the Indian Gaming Regulatory Act, Charitable Bingo is a Class II Game together with games similar to bingo and pull-tabs, etc.:

(a) As used herein, the term "Charitable" means an activity conducted primarily for tribal community recreation with net revenue from the bingo operation under \$3,000,000 annually and net revenue dedicated to essential tribal government purposes, including education, health care, child and elder care, police and fire protections, cultural renewal and revitalization, and similar purposes, or reinvested into the Charitable bingo operation;<sup>1</sup>

(b) As used herein, the term Bingo means:

"the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)--

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<sup>1</sup> As such, CRST Charitable Bingo qualifies as a small, charitable tribal bingo operation that is exempt from the general application of 25 CFR 543, provided that the CRST Gaming Regulatory BOARD maintains tribal internal control standards that are required to ensure that the rules: (i) protect the integrity of the games offered, i.e., bingo and related games; (ii) safeguard the assets used in connection with the operation; and (iii) require the creation, preparation and maintenance of records in accordance with Generally Accepted Accounting Principles (GAAP); 25 CFR Part 543.6(a).

(I) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,  
(II) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and  
(III) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch Boards, tip jars, instant bingo, and other games similar to bingo;"

25 U.S.C. sec. 2703.

2. (a) **CRST Charitable Bingo Regulatory Board.** The Cheyenne River Sioux Tribe hereby establishes the CRST Charitable Bingo Regulatory Board, which shall oversee the operation of Charitable Bingo as defined herein.

**(b) Number of Board Members.** The Tribal Council shall appoint 5 Members of the Charitable Bingo Board for staggered (5) year terms. Annually, the Members of the CRST Charitable Bingo Regulatory Board shall elect a Chairman, Vice Chairman and Secretary—Treasurer from among the Membership of the CRST Charitable Bingo Regulatory Board.

**(c) Background Check for Board Members.** Each Member of the Charitable Bingo Regulatory Board shall be required to pass a background check in accordance with the same standards required for a key employee of the Charitable Bingo Operation.

**(d) Duties of the Regulatory Board.** Consistent with due process, the Board shall perform the following duties as necessary and appropriate:

- Shall make recommendations to the Cheyenne River Sioux Tribe Gaming Board concerning Tribal Internal Control Standards for Charitable Bingo;
- Shall license Charitable Bingo Managers and Key Employees;
- Shall periodically review the conduct of Charitable Bingo to ensure that it is conducted in conformity to this Ordinance;
- Shall review and approve "House Rules" for the operation of Charitable Bingo, provided that any such rules shall be publicly and prominently posted at the Charitable Bingo operation;
- May suspend or revoke licenses when necessary and appropriate to enforce this ordinance;
- Provide due process and hearings on any action concerning licenses,
- Shall ensure that Charitable Bingo operations are conducted fairly and honestly by the management, the players and the public;
- Upon receiving a patron petition or claim, may resolve disputes between management and patrons, subject to an appeal to the Cheyenne River Sioux Tribe Gaming Board;



- Shall review the premises where Charitable Bingo is conducted to ensure that they are safe for the public and the environment; and
- Shall review the financial statements of the Charitable Bingo operation at least quarterly, and review the annual financial reports of the Charitable Bingo operation.

**3. Appeals of CRST Charitable Gaming Regulatory Decisions.** Final decisions of the CRST Charitable Bingo Regulatory Board may be appealed to the full CRST Gaming Commission for review.

**4. Licensing of Persons for Charitable Bingo Operation.** All management or key employees in the conduct of Charitable Bingo under this Ordinance must be licensed in accordance with the Indian Gaming Regulatory Act, NIGC regulations, and the Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance. The CRST Indian Gaming Regulatory Commission shall assist the Bingo Board by conducting background checks and licensing Bingo management and key employees.

Additionally, bingo employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally.

**5. Days and Hours of Operation.** The Days and Hours for the Operation and Conduct of Charitable Bingo on the Cheyenne River Sioux Reservation shall be set by the Tribal Council by Resolution, which may be amended from time to time to take into account community participation, financial return, staff availability; and other relevant factors;

**6. Tribal Internal Control Standards.** The Charitable Bingo Board shall make recommendations to the CRST Gaming Commission concerning tribal internal control standards for the small, charitable tribal bingo operation to included minimum standards. The CRST Gaming Commission shall adopt tribal internal control standards for the charitable bingo operation based on the recommendations of the CRST Charitable Bingo Regulatory Board, subject to final approval and ratification by the Tribal Council;

**7. Conduct of Class II Charitable Bingo and Gaming.** In addition to the specific provisions set forth herein, Class II Charitable Bingo and Gaming shall be conducted in accordance with the Indian Gaming Regulatory Act, NIGC Regulations, and the Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance.



**EXHIBIT A**  
**CHEYENNE RIVER SIOUX TRIBE GAMING ORDINANCE**

**Section 1. Purpose.**

The Cheyenne River Sioux Tribe is a Federally recognized Indian tribe vested with inherent sovereign authority over its members and territory, and with its right of self-government guaranteed and Indian lands reserved as a “permanent home” by the 1868 Sioux Nation Treaty and the 1851 Fort Laramie Treaty with the Sioux, etc.

The Cheyenne River Sioux Tribe adopted our Constitution and By-Laws pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. sec. 476, establishing the Tribal Council as the governing body of the Tribe, with authority to promote tribal general welfare, to regulate commerce, to regulate the use of Indian lands and to enact legislation in furtherance of its sovereign authority.

The Tribal Council of the Cheyenne River Sioux Tribe, empowered by our Constitution and By-Laws to enact ordinances, hereby enacts this ordinance to promote tribal economic development, self-sufficiency and sovereignty; to shield the operation of gaming from organized crime and corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operator and players.

**Section 2. Title and Applicability.**

This ordinance shall be known as, “The Cheyenne River Sioux Tribe Indian Gaming Regulatory Ordinance.” Ordinance provisions concerning the application of any future Tribal-State Class III Gaming Compact (and state laws and regulations applicable pursuant to the Compact) shall apply only to Class III gaming. All other provisions of this ordinance shall apply to both Class II and Class III Indian gaming, unless specifically indicated otherwise.

**Section 3. Definitions; Liberal Interpretation; Severability.**

The terms used in the Cheyenne River Sioux Tribe Gaming Ordinance shall have the same meaning as those terms used in the NIGC Bulletin No. 2014-2, Revised Model Gaming Ordinance (May 5, 2014) as adapted and made applicable to the Cheyenne River Sioux Tribe.

The terms “Class I, Class II and Class III gaming” shall be defined as those terms are defined in the Indian Gaming Regulatory Act and the National Indian Gaming Commission (“NIGC”) Regulations. See 25 U.S.C. sec. 2703(6), (7), and (8).

More generally, the terms used in this ordinance shall be construed according to their plain meaning and by reference to the Indian Gaming Regulatory Act, the Tribal-State Compact, when entered into, and NIGC Regulations.

This Indian Gaming Regulatory Ordinance shall be liberally construed to benefit the welfare of the Cheyenne River Sioux Tribe in a manner consistent with the Indian Gaming Regulatory Act, tribal law, and any future Cheyenne River Sioux Tribal-State Class III Gaming Compact. The Indian Gaming Regulatory Ordinance shall be construed in a manner to preserve the inherent sovereign authority of the Cheyenne River Sioux Tribe. The provisions of this Ordinance are severable, and should any provision (or any application of any provision be deemed invalid) the balance of the Ordinance shall remain in force and effect.

Prior Gaming Regulatory Ordinances and Resolutions of the Cheyenne River Sioux Tribe are repealed.

#### **Section 4. Gaming Authorized.**

Class II and Class III Indian gaming are authorized to be conducted on the Tribe's Indian lands, provided such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, any other applicable laws and regulations, and in regard to Class III gaming, any future Class III Tribal-State Compact.

#### **Section 5. Compliance with Federal Law**

It shall be the policy of the Cheyenne River Sioux Tribe to comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*, and the Tribe shall establish appropriate regulatory rules, regulations, and procedures to ensure such compliance.

#### **Section 6. Agent for Service of Process; Secretary of the Tribe.**

The Cheyenne River Sioux Tribe designates the Secretary of the Tribe located at Secretary, Cheyenne River Sioux Tribe, P.O. Box 590, Eagle Butte, SD 57625, phone (605) 964-4155 as the agent for service of any official determination, order or notice of violation issued by the National Indian Gaming Commission or the United States.

#### **Section 7. Ownership of Gaming.**

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

#### **Section 8. Use of Net Gaming Revenues.**

A. Net revenues generated by the Cheyenne River Sioux Tribe through Class II and Class III Indian 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 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 9. Annual Audits; Audit Report to the NIGC.**

- A. The Cheyenne River Sioux Tribe, acting through the Cheyenne River Sioux Tribal Council and the Tribal Treasurer in consultation with the Gaming Operations and Gaming Commission, shall cause to be conducted annual independent audits of gaming operations and shall submit the results of those audits to the NIGC.
- B. Annual audits shall be performed by a qualified CPA firm, with experience in Indian gaming and shall conform to generally accepted accounting and auditing standards.
- C. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this ordinance.
- D. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.
- E. A copy of the Tribal gaming operation's annual audit will be made available upon request to the Tribal President, Tribal Council, and Tribal Treasurer.

#### **Section 10. Protection of the 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. In coordination with other tribal government agencies, the CRST Gaming Commission and Tribal Public Safety Department 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 gaming operation shall seek to immediately resolve any dispute between any member of the gaming public and the gaming operation or its licensees. Any patron who is dissatisfied with the dispute resolution proposed by the gaming operation may present such dispute for final resolution by either the Gaming Commission or the Tribal Court, provided that any dispute involving the Gaming Ordinance, gaming laws, rules or regulations or the Compact, must first be brought to the Gaming Commission for review subject to an appeal to the Tribal Court. The patron must file a claim within 30 days of the incident in dispute. The Gaming Commission shall hold a hearing within 30 days of the receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present relevant evidence. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. When the dispute involves a prize, the petitioner's recovery shall be limited to the amount of the prize in dispute. When the dispute involves a tort claim, petitioner's case shall be governed by the Cheyenne River Sioux Tribe Tort Claim Ordinance and any recovery shall be limited in accordance with that ordinance. The decisions of the Gaming Commission may be appealed to the Tribal Courts, provided that the Tribal Court shall give due deference to the administrative record of the Gaming Commission and shall require full administrative exhaustion of remedies prior to hearing a case. The Gaming Commission shall submit a quarterly report to the Tribal Council concerning patron disputes and resolutions.

## **Section 12. Gaming Commission Established.**

- A. The Tribe hereby establishes a Cheyenne River Sioux Tribe Indian Gaming Regulatory Commission ("Commission") to regulate the Tribe's gaming operations. The Commission shall consist of six (6) members, including a Chair, Vice-Chair, and Associate Commissioner elected from among the Commission Members.
- B. The Commission will conduct oversight to ensure compliance with Tribal, federal and, in regard to Class III gaming, the Tribal-State Compact and state laws and regulations applicable thereunder. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records, provided that the Commission shall establish procedures to ensure the integrity and soundness of the gaming operation, its records and activities as the Commission acts to fulfill its duties. The Commission shall have authority to take regulatory enforcement actions, including suspension or revocation of an individual

gaming license, when appropriate.

- C. Commissioner positions shall be filled in the following manner:
1. The Commission shall be filled by Tribal Council appointment of six (6) Commissioners to serve staggered initial terms for of 2, 4 and 6 years and two (2) Commission Members shall be appointed to serve in each such initial term class respectively;
  2. Thereafter, the Tribal Council shall appoint Commissioners to serve for a term of 6 years to fill each expiring Commissioner's seat (with the result that Commissioners shall serve staggered terms), and shall serve during good behavior for such term and may be removed by the Tribal Council for cause, including nonfeasance, misfeasance or malfeasance; and
  3. The Commission shall elect a Chair, Vice-Chair and Associate Member from among the Commission Members.
  4. A representative of the Treasurer's Office, designated by the Treasurer, may serve as an *ex officio* member to provide information and serve as a resource to the Commission, but shall not have a vote.

### **Section 13. Additional Qualifications of Commissioners; Independence.**

- A. The following persons are not eligible to serve as Commissioners: current management or key employees of the gaming operation, while serving as such; gaming contractors (including any principal of a management, or other, contracting company); persons directly related<sup>1</sup> to or sharing a residence with, any of the above; and persons ineligible to be key employees or primary management officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as a Commissioner. Tribal members previously convicted of any felony and Tribal members previously convicted of any misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if ten or more years has passed (which the Tribal Council finds to be a significant amount of time) provided that the person is determined by the Election Board to now be of trustworthy character. The Tribal Council shall require a criminal history check to be conducted by appropriate law enforcement agencies for each Commissioner candidate prior to each appointment; shall review the candidate's criminal history check results; and shall make an appropriate

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<sup>1</sup> Directly Related to a person means a spouse, parent, grandparent, sibling, child, grandchild, aunt, uncle or first cousin.

eligibility determination before certifying an individual to be placed upon the ballot for the position of Commissioner.

- B. The Tribe recognizes the importance of an independent CRST Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of the Tribal Council in regulatory matters within its purview. With the exception of general policy matters, no prior, or subsequent, review by the Tribal Council of any actions of the Commission shall be required 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:
1. No member of the Tribal Council and no Gaming operation management official may serve on the Gaming Commission;
  2. Members of the Commission are prohibited from gambling in the facility;
  3. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under \$20.00; and
  4. Commissioners may only be removed from office by the Tribal Council, prior to the expiration of their respective terms, for neglect of duty, misconduct, malfeasance or other acts that would render a Commissioner unqualified for the position.
- C. Nominees for Commissioner position(s) must be certified as trustworthy after a background check reviewed by the Tribal Council, must have at least an Associate of Arts, Science, Business college degree or comparable degree, and/or at least three years prior experience in gaming regulation, operations, financial services or law enforcement.

#### **Section 14. Duties of the Commission.**

The Tribal Gaming Commission shall:

- A. Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;
- B. Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;
- C. Create and maintain investigative reports based on the background



- investigations of primary management officials and key employees;
- D. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
  - E. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;
  - F. Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;
  - G. Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
  - H. Establish standards for licensing Tribal gaming facilities;
  - I. Issue gaming licenses to Tribal gaming facilities;
  - J. 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;
  - K. Ensure compliance with all Tribal, state and federal laws, rules and regulations regarding Indian gaming;
  - L. Investigate any suspicion of wrongdoing associated with any gaming activities;
  - M. Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;
  - N. 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;
  - O. Promulgate and issue regulations necessary to comply with applicable internal control standards;
  - P. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
  - Q. 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;

- R. 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;
- S. Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facility, and create regulations for enforcing the exclusions;
- T. Provide referrals and information to the appropriate tribal or BIA law enforcement officials when such information indicates a criminal violation of Tribal, federal or applicable state statutes, ordinances, regulations, codes or resolutions;
- U. Create a list of regulatory authorities that conduct background investigations of, and license, vendors who are recognized as trustworthy;
- V. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
- W. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and
- X. 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.
- Y. The Commission shall establish for the Commission a financial accounting system, personnel, operating, administrative rules and hearing procedures, subject to the approval of the Tribal President; and the Commission may contract with an arm of the tribal government to provide administrative, human resources, and financial accounting services, subject to the review, oversight and approval of the Tribal Treasurer.
- Z. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission. The Tribal Council shall pass a resolution affirming the adoption, amendment, or repeal of regulations prior to such agency action taking legal effect.

**Section 15. Confidentiality of Background Investigation Records; Quorum; Meetings**

- A. 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. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation, unless disclosure is required by Tribal, federal and/or applicable state law. 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 and only when necessary for actions taken in their official capacities.
- B. The confidentiality requirements in Section 15(A), 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.
- C. 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 is a vacancy on the Commission.
- D. Commissioners shall be compensated at a level determined by the Tribal Council. A Commissioner's compensation shall not be based on a percentage of gaming revenue.
- E. The Commission shall keep a written record of all its meetings.

#### **Section 16. 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: 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 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 Indian 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 17: License Application Forms**

- A. The following notice shall be placed on the Tribe's license application form for 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 (18 U.S.C. § 1001).

### **Section 18. License Fees; Fingerprints**

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.

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. Gaming Employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally.

Fingerprints shall be taken by the Cheyenne River Sioux Public Safety Department. 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 19. Background Investigations**

- A. The Tribe shall perform a background investigation for each 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, and a current photograph;
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 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. Any other information the Tribe deems relevant; and
13. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).

D. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 19(c),

shall be maintained.

## **Section 20. 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 a required eligibility determination under 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 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 21. 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 22. Primary Management and Key Employee Eligibility Determinations**

- A. Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee

**Section 23. 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. Primary Management and Key Employee Gaming Licenses**

#### **Granting Gaming Licenses**

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- B. 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.
- C. 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.
- D. 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.

#### **Notice from NIGC Concerning NIGC Objections to License**

- E. 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.

- F. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- G. The Tribe 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 under this ordinance.

#### **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 above 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.

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

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

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

- A. **Applications for gaming vendor licenses must include the following:**
1. **Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;**
  2. **Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;**
  3. **If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of South Dakota if the gaming operation is in a different state than the state of incorporation.**
  4. **Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;**
  5. **General description of the business and its activities;**
  6. **Whether the applicant will be investing in, or loaning money to, the gaming operation, and, if so, how much;**
  7. **A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;**
  8. **A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;**
  9. **Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;**
  10. **The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;**
  11. **If the business has ever had a license revoked for any reason, the circumstances involved;**

12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
13. A list the business' funding sources and any liabilities of \$50,000 or more;28
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 Tribe 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.

- 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 28. 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 29. 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 30. 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 31. 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 32. Small and Charitable Bingo.**

The Small and Charitable Bingo Board shall regulate Small and Charitable Bingo, subject to the oversight of the Cheyenne River Sioux Tribe Indian Gaming Regulatory Commission and decisions of the Small and Charitable Bingo Board may be appealed to said Commission by filing a notice of appeal with the Commission within ten (10) calendar days.

As necessary, the Commission shall assist the Bingo Board with background checks and licensing of managers and key employees of the Small and Charitable Bingo Operation(s). Bingo Employees shall be subject to drug testing in connection with their appointment in accordance with standards and procedures established for drug testing of tribal employees generally. **The Cheyenne River Sioux Tribe Small and Charitable Bingo Ordinance on Small and Charitable Bingo Operations more fully details the regulatory structure of the Tribe's Charitable Bingo operations and is intended to be read together with this Ordinance.**

### **Section 33. Effective Date**

This ordinance shall take effect immediately upon its approval by the NIGC Chair. The Tribal Council may amend this ordinance from time to time when such amendment is determined to be necessary and appropriate.

### **Section 34. Facility Locations.**

The Tribal Council of the Cheyenne River Sioux Tribe shall determine the locations of Indian Gaming Facility Locations on the Indian lands of the Cheyenne River Sioux Tribe.