



July 31, 2018

VIA FIRST CLASS MAIL

Clint Halftown, Federal Representative
Cayuga Nation
P.O. Box 803
Seneca Falls, New York 13148

Re: Class II Gaming Ordinance, Ordinance No. CN-2018-1

Dear Federal Representative Halftown:

This letter responds to your May 29, 2018 request on behalf of the Cayuga Nation for the National Indian Gaming Commission Chairman to review and approve the Nation's Class II Gaming Ordinance.

The gaming ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. However, we note that should the Nation revise Section XI, *Agent for Service of Process*, in the future, the ordinance will need to be amended to comply with the requirements of 25 CFR § 519.1 and approved by NIGC.

If you have any questions concerning this letter or the ordinance review process, please contact Tana Fitzpatrick, Staff Attorney, at (202) 632-7003.

Sincerely,

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

Jonodev O. Chaudhuri
Chairman



CAYUGA NATION

HAUDENOSAUNEE

P.O. Box 803
Seneca Falls, NY 13148
Phone: 315-568-0750
Toll: 1-888-532-4847
Fax: 315-252-1092

CAYUGA NATION COUNCIL

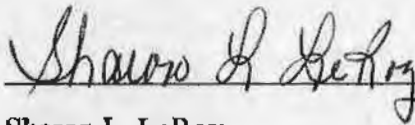
RESOLUTION AUTHORIZING THE CAYUGA NATION CLASS II GAMING ORDINANCE

WHEREAS, the Cayuga Nation Council, the governing body of the Cayuga Nation, desires to update terms for Class II gaming operations on Indian lands;

NOW, THEREFORE, BE IT RESOLVED, that the Cayuga Nation, acting through the Cayuga Nation Council, hereby authorizes and adopts the Cayuga Nation Class II Gaming Ordinance (Ordinance No. 2018-01), in the form attached to this Resolution, to update the terms for Class II gaming operations on Nation lands, replacing Ordinance No. CN-2003-06; and be it

FURTHER RESOLVED, that Clint Halftown, as the Federal Representative of the Nation, is hereby authorized, empowered and directed to execute the Ordinance No. CN-2018-1 on behalf of the Nation and to file a copy thereof with the National Indian Gaming Commission.

The foregoing resolution was duly adopted by the Cayuga Nation Council on the 3rd day of May in the year 2018 and the undersigned is duly authorized to sign, this attestation.



Sharon L. LeRoy
Secretary

CAYUGA NATION
CLASS II GAMING ORDINANCE
ORDINANCE NO. CN-2018-1

I. PURPOSE

The Cayuga Nation Council (hereinafter "Council") of the Cayuga Nation (hereinafter "Nation") hereby enacts this ordinance in order to govern and regulate the operation of Class II gaming operations on the Nation's Indian Lands.

II. APPLICABILITY

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to Class II gaming on the Nation's Indian lands.

III. GAMING AUTHORIZED

Class II gaming as hereinafter defined is hereby authorized. Consistent with the definition of Class II gaming in the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992), Class II gaming is hereby defined as:

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:

4. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
5. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

IV. OWNERSHIP OF GAMING

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

V. USE OF NET GAMING REVENUES

The Nation shall use net gaming revenues only for the following purposes:

- a) To fund Nation government operations or programs;
- b) To provide for the general welfare of the Nation and its members;
- c) To promote Nation economic development;
- d) To donate to charitable organizations; or
- e) To help fund operations of local government agencies.

VI. GAMING COMMISSION

1. The Nation hereby establishes a Nation Class II Gaming Commission (hereinafter "Commission") to regulate the Nation's Class II gaming operations. The Commission shall consist of three members, including a Chairman and two Commissioners.
2. The Commission will conduct oversight to ensure compliance with Nation and federal and, if applicable, state laws and regulations. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all its records.
3. Each member of the Nation Class II Gaming Commission shall serve a term of three years and can be removed for cause.
4. Commissioner positions shall be filled through appointment by the Council.
5. The Nation 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) Process fingerprints obtained by a law enforcement agency
- d) Make licensing eligibility determinations, which shall be signed by the Commission Chairman;
- e) Submit a Notice of Results to the NIGC of the background investigations done for each primary management official and key employee applicant;
- f) Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
- g) Issue gaming licenses to Nation gaming facilities;
- h) Inspect, examine and monitor all of the Nation's Class II gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
- i) Ensure compliance with all Nation and federal laws, rules and regulations regarding Indian gaming;
- j) Investigate any suspicion of wrongdoing associated with any gaming activities;
- k) Hold hearings on patron complaints, in accordance with procedures established in this ordinance
- l) Comply with any and all reporting requirements under IGRA, the NIGC's regulations, and any other applicable law;
- m) Promulgate and issue regulations necessary to comply with applicable internal control standards;
- n) Establish a list of persons not allowed to game in the Nation's gaming facilities in order to maintain the integrity of the gaming operation;
- o) Establish a list of persons who have voluntarily agreed to be excluded from the Nation's gaming facility, and create regulations for enforcing such exclusions;

- p) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Nation, federal or state statutes, ordinances, regulations, codes or resolutions;
 - q) Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
 - r) Perform such other duties the Commission deems appropriate for the proper regulation of the Nation gaming operation.
6. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the 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.
 7. 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 Nation gaming operation on a need-to-know basis, for actions taken in their official capacities.
 8. The confidentiality requirements in #7, above, do not apply to requests for records or information from any Nation, 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.
 9. 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.
 10. The Commission shall keep a written record of all its meetings.

VII. AUDITS

1. The Nation shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC within 120 days after the end of each fiscal year of the gaming operation.
2. Annual audits shall conform to generally accepted auditing standards.
3. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section VII (1) of this ordinance.

VIII. ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

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.

IX. PATRON DISPUTE RESOLUTION

Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the 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 be allowed to present evidence, at the discretion of the Commission. After the hearing the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within 30 days of the incident giving rise to the complaint. The Commission's decision shall constitute the complainant's final remedy.

X. FACILITY LICENSES

1. The Nation shall issue a separate license to each place, facility or location on Indian lands where Class II gaming is conducted under this ordinance. This license must include an attestation certifying that by issuing the facility license, the Nation has determined that construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment, public health and safety.
2. The Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.

3. The Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the 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 gaming will occur.

XI. AGENT FOR SERVICE OF PROCESS

The Nation designates Clint Halftown, Federal Representative, as the agent for service of any official determination, order, or notice of violation.

XII. LICENSE APPLICATION FORMS

- 1) The following notice shall be placed on the Nation's license application form for a key employee or a primary management official before it is filled out by an applicant:
 - a) 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 Cayuga Nation Gaming Commission and by the NIGC members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Nation or the NIGC to appropriate Federal, Nation, 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 the Nation being unable to license you for a primary management 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.

- 2) The following additional notice shall be placed on the application form for a key employee or primary management official before it is filled out by an applicant:
 - a) 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).

XIII. BACKGROUND INVESTIGATIONS

- 1. The Nation shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to allow the Commission to make an eligibility determination under Section XVI of this ordinance.**
- 2. The Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.**
- 3. The Nation shall request fingerprints from each primary management official and key employee. The law enforcement agency designated to take fingerprints is the Sheriff's office of Cayuga County, NY.**
- 4. The Commission shall request from each primary management official and key employee all of the following information:**
 - a) 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;**
 - b) 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;**
 - c) 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 (4) (b) of this section;**
 - d) Current business and residential telephone numbers, and all cell phone numbers;**
 - e) A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;**
 - f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the businesses;**
 - g) 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;**

- h) 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 the disposition, if any;
 - i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten years of the date of application, the name and address of the court involved and the date of disposition, if any;
 - j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of application and is not otherwise listed pursuant to paragraphs (4) (h) of (4)(i) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - k) 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;
 - l) Two copies of a current photograph, the size and structure of which should meet U.S. Passport regulations;
 - m) Any other information the Nation deems relevant; and
 - n) Fingerprints obtained in accordance with Paragraph 3 above.
5. When a primary management official or key employee is employed by the Nation, a complete application file, containing all of the information listed in Section XIII (4), shall be maintained.
 6. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

XIV. PROCEDURES FOR CONDUCTING BACKGROUND INVESTIGATIONS

1. The Commission will engage a professional investigator to conduct an appropriate background investigation on each applicant for a primary management official or key employee position. The investigator shall:
 - a) Verify the applicant's identity through items such as social security card, driver's license, birth certificate or passport;

- b) Conduct a 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 years;
 - c) Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.
2. The Gaming Facility Manager will perform the following background investigation items:
- a) Contact each personal and business reference provided in the license application, when possible. Results should be recorded and included in the applicant file.
3. The Human Resources Manager will perform the following background investigation items:
- a) Verify the applicant's employment history as reported on the application. Results should be recorded and included in the applicant file.
 - b) Inquire into previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
 - c) Verify the applicant's history and current status with any licensing agency by contacting the agency.
 - d) Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

XV. INVESTIGATIVE REPORTS

1. The Nation shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
2. Investigative reports shall include all of the following information:
 - a) Steps taken in conducting the investigation;
 - b) Results obtained;
 - c) Conclusions reached; and

d) The basis for those conclusions.

XVI. ELIGIBILITY DETERMINATIONS

1. Before a license is issued to a primary management official or key employee, the Commission shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities and criminal history, if any, and reputation, habits and associations.
2. If the Commission, 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.
3. 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.

XVII. NOTICE OF RESULTS OF BACKGROUND INVESTIGATIONS

1. Before issuing a license to a primary management official or key employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
2. The notice of results must be submitted no later than 60 days after the applicant begins working for the gaming facility.
3. The notice of results shall include the following information:
 - a) The applicant's name, date of birth and social security number;
 - b) The date on which the applicant began, or will begin, working as a primary management official or key employee;
 - c) A summary of the information presented in the investigative report, including:
 - I. licenses that have been previously denied;
 - II. gaming licenses that have been revoked, even if subsequently reinstated;

- III. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
- IV. every felony offense of which the applicant has been convicted or any ongoing prosecution; and

d) A copy of the eligibility determination made in accordance with Section 16.

XVIII. GRANTING GAMING LICENSES

1. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Nation.
2. The Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
3. The Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required in Section XVII.
4. The Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
5. The Nation shall not employ an individual in a primary management official or key employee position who does not have a license 90 days after beginning work at the gaming operation.
6. The Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such 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.
7. The Commission shall take the NIGC's objections into account when reconsidering a license application.
8. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
9. If the 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 XX.

XIX. DENYING GAMING LICENSES

1. The Commission shall not license a primary management official or key employee if an authorized Nation official determines, in applying the standards in Section 17 for making a license eligibility determination, that licensing the person:
 - a) Poses a threat to the public interest;
 - b) Poses a threat to the effective regulation of gaming; or
 - c) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
2. When the Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, it shall:
 - a) Notify the NIGC; and
 - b) 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.

XX. GAMING LICENSE SUSPENSIONS AND REVOCATIONS

1. If, after a license is issued to a primary management official or key employee, the Nation receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Commission shall do the following:
 - a) Immediately suspend the license;
 - b) Provide the licensee with written notice of the suspension and proposed revocation; and
 - c) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
2. Following a revocation hearing, the Nation shall decide whether to revoke or reinstate the license at issue.

3. The Nation 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.

XXI. RECORDS RETENTION

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

- a) Applications for licensing;
- b) Investigative reports; and
- c) Eligibility Determinations

XXII. COMPLIANCE WITH FEDERAL LAWS

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


XXIII. REPEAL

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

XXIV. EFFECTIVE DATE

This ordinance is effective upon enactment.

Enacted as of the 29 day of May, 2018.



Clint Halftown

Federal Representative