



November 16, 2018

By First Class Mail and Email

Larry Wright, Jr., Chairman
2523 Woodbine Street
P.O. Box 288
Niobrara, NE 68760

Re: Ponca Tribe of Nebraska Ordinance Amendment, Tribal Council Resolution 18-62

Dear Chairman Wright:

This letter responds to your September 12, 2018 request for the National Indian Gaming Commission Chairman to review and approve the Tribe's amendments to its gaming ordinance.

The amendments were adopted by Tribal Council Resolution No. 18-62 on September 10, 2018, and reflect comprehensive review and revisions. The most notable changes include amendments to conform to changes in NIGC regulations and the authorization of per capita payments from gaming revenue in accordance with a Revenue Allocation Plan approved by the Secretary of the Interior.

Thank you for bringing these amendments to our attention and for providing us with a copy. These amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. We note that the ordinance authorizes Class III gaming. Please be advised that Class III gaming may only be conducted with a Tribal-State compact approved by the Secretary of the Interior, as required by 25 U.S.C. 2710(d)(1)(C), or, if the Secretary creates procedures pursuant to 25 U.S.C. 2710(d)(7)(B)(vii) to govern Class III.

I wish you the best of luck with your new gaming venture. If you have any questions or require anything further, please contact our Legal Fellow Melissa Thevenot at 202-632-0294.

Sincerely,

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

Jonodev Chaudhuri
NIGC Chairman

PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 18- 62

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Ponca Tribal Council has reviewed the proposed amendments to the Ponca Tribe of Nebraska Gaming Ordinance; and

WHEREAS: The proposed amendments are being considered to ensure that the Gaming Ordinance is up to date with current National Indian Gaming Commission rules and regulations and reflective of recent gaming initiatives that are underway by the Ponca Tribe of Nebraska; and

WHEREAS: The proposed amendments to the Gaming Ordinance was placed on the August 25, 2018 Tribal Council Agenda to allow comments from the public with First Reading held on August 31, 2018; and on September 10, 2018 for the second reading and approval thereof. A notice of intent to amend the Ponca Tribe of Nebraska Gaming Ordinance was mailed to all heads of household at least 14 days prior to any final action satisfying the requirements for the adoption, amendment, or abolishment of Ordinances.

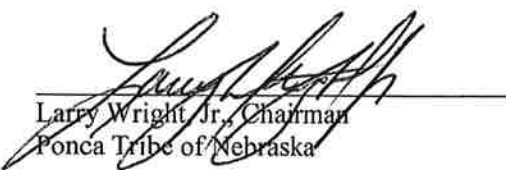
THEREFORE BE IT RESOLVED that the Ponca Tribal Council approves the amendments to the Ponca Tribe of Nebraska Gaming Ordinance.

BE IT FURTHER RESOLVED that the Tribal Council requests prompt approval of the amended Gaming Ordinance and directs Legal Counsel to take necessary steps to secure said approval.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting held in Omaha, Nebraska on the 10 day of September, 2018 by a vote of 4 Ayes; 0 Nays; 0 Abstained; 4 Absent. Chairperson _____ voting not voting. A Quorum of 5 was present.

ATTEST


Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska


for Candace Schmidt, Secretary
Ponca Tribe of Nebraska

PONCA TRIBE OF NEBRASKA GAMING ORDINANCE

The Gaming Ordinance duly enacted by the Ponca Tribe of Nebraska on July 6, 1993, and thereafter amended in 2002 and 2004, is hereby amended and restated in its entirety to read as follows:

I. Authority & Purpose

The Ponca Tribal Council, empowered by the Constitution of the Ponca Tribe of Nebraska (“Tribe”), Article V. Section 1, and Article XII, hereby enacts this Gaming Ordinance for the purposes of establishing the Ponca Gaming Commission (“Gaming Commission”) and authorizing and regulating all gaming activities on Ponca Indian Land.

II. Gaming Authorized

Class I, Class II, and Class III gaming as defined in the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 *et. seq.* (“IGRA”), and any regulations of the National Indian Gaming Commission (“NIGC”) promulgated thereunder, are hereby authorized. Class III gaming shall be conducted in accordance with any applicable Tribal-State Compact.

III. Ownership of Gaming

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

IV. Definitions

The following definitions shall apply to gaming and other activities conducted under this Ordinance:

- (1) “Commission” means the Ponca Gaming Commission.
- (2) “Director” means the Director of the Ponca Gaming Commission.
- (3) “Gaming Operation” means each economic entity licensed by the Tribe that operates games, receives gaming revenues, issues gaming prizes and pays the expenses of the operation. A gaming operation may be operated by the Tribe directly or by a management contractor.
- (4) “Key Employee” means:
 - (A) A person who performs one or more of the following functions:
 1. Bingo caller;
 2. Counting room supervisor;

3. Chief of security;
 4. Custodian of gaming supplies or cash;
 5. Floor manager;
 6. Pit boss;
 7. Dealer;
 8. Croupier;
 9. Approver of credit; or
 10. Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (B) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (C) If not otherwise included, the four most highly compensated persons in the gaming operation.
- (D) Any other person designated by the Tribe or Commission as a key employee.
- (5) “Licensee” means any entity or person who holds a valid and current license pursuant to the provisions of this Gaming Ordinance.
- (6) “Management Contract” means any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.
- (7) “Net Revenue” means gross gaming revenues of any gaming operation less:
- (A) Amounts paid out as, or paid for, prizes; and
 - (B) Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.
- (8) “NIGC” means the National Indian Gaming Commission.
- (9) “Ponca Indian Land” or “Indian Land” shall have the meaning found in 25 U.S.C. §2703(4), and shall include the real property in Pottawattamie County, Iowa held in trust for the Tribe by the United States, which is described as follows:

A parcel of land being part of lots 20, 21, and 22, together with part of the abandoned railroad right-of-way located north of the existing Illinois Central Spur track in said Lots 21 and 22, all in the auditor's subdivision of Section 21, Township 75, Range 44, west of the 5th P.M., Pottawattamie County, Iowa, said parcel described as follows:

Beginning at the northwest corner of said Lot 20: thence along the northerly line of said lot 20, north 88°28'27'' east, 69.05 feet, thence south 00°18'05'' east, 228.93 feet, thence north 89°36'57'' east, 224.92 feet, thence north 00°30'42'' west, 230.45 feet to a point on the northerly line of said lot 22; thence along said northerly line and along said northerly extended easterly, north 89°11'28'' east, 221.3 feet to a point on the easterly line of said abandoned railroad right of way; thence along said easterly line and said easterly line extended southerly, south 00°48'32'' east, 579.95 feet to a point on the northerly right-of-way line of the Illinois Central Railroad; thence along said northerly right-of-way line the following six (6) courses:

- (1) South 89°09'18'' West, 220.09 Feet;
- (2) North 64°27'01'' East, 12.10 Feet;
- (3) North 61°31'11'' West, 126.58 Feet;
- (4) North 46°53'25'' West, 102.08 Feet;
- (5) North 38°46'37'' West, 146.92 Feet;
- (6) North 50°47'51'' West, 38.80 Feet to a point on the westerly line of said Lot 20; thence along said westerly line, north 01°03'32'' West, 301.52 Feet to the point of beginning.

(10) "Primary Management Official" or "PMO" means:

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

(11) "Secretary" means the Secretary of the Interior.

(12) "Tribal Council" or "Council" means the governing body of the Ponca Tribe of Nebraska.

(13) "Tribe" or "Ponca Tribe" means the Ponca Tribe of Nebraska.

V. Use of Gaming Revenue

A. Use of Net Revenues. Net revenues from tribal gaming shall be used only for the following purposes: to fund tribal government operations and programs, provide for the general welfare of the Tribe and its members, promote tribal economic development, donate to charitable organizations, or help fund operations of local government agencies.

B. Per Capita Payments. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. 2710(b)(3).

VI. Audit

A. The Tribe shall cause to be conducted annually an independent audit of any gaming operation and shall submit the results of those audits to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional, legal or accounting services, shall be specifically included within the scope of the audit described in subsection A. above.

VII. Operation of Gaming Facilities

A. Protection of the Environment and Public Health and Safety. Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

B. Facility License. The Commission shall issue a separate license to each place, facility, or location where Class II or Class III gaming is conducted under this Ordinance.

C. Dispute Resolution. In the event a dispute arises between a patron and the gaming operation, such dispute shall be resolved in accordance with the Commission's Patron Disputes regulations.

VIII. Gaming Commission

A. In order to regulate gaming on Ponca Indian Lands, the Ponca Gaming Commission is hereby established. The Commission is vested with all necessary powers to enforce this Ordinance.

B. Members, Qualifications. The Commission initially shall have up to five members appointed by the Council. Commissioners must be at least 25 years of age and must not be a gaming-related employee, contractor of the Tribe or a member of the Tribal Council. Any appointment will be temporary, pending completion of a background investigation. No Commissioner may have committed a gambling or bribery offense, have a felony conviction, or have any financial interest in, or

management responsibility for, any gaming activity governed by this Ordinance, including a Management Contract.

- C. Director. The Commission may hire a Director to be responsible for day-to-day monitoring of gaming activities. The Director must have at least two years of gaming regulatory experience and have qualifications at least as strict as the Commissioners. In all decisions and actions, the Director shall act to ensure the honesty, integrity, fairness, and security of the Commission and gaming activity.
- D. Terms. Commissioners shall serve four-year terms expiring on December 1, except that, at the discretion of the Council, Commissioners may continue to serve until replaced. The terms of the Commissioners shall be staggered to assure continuity.
- E. Powers. The Tribal Council delegates the following powers to the Commission, not to be removed except by amendment of this Ordinance:
 - 1. To implement this Ordinance and secure and protect the honesty, integrity, fairness, and security of the Commission and gaming activity.
 - 2. To adopt and submit to the Tribal Council an annual operating budget.
 - 3. To adopt rules and regulations consistent with its delegated powers.
 - 4. To develop licensing procedures for all employees and vendors of the gaming operation.
 - 5. To issue, suspend, revoke, and renew all licenses and/or permits of all employees and vendors upon completion of background investigations and after following applicable Commission procedures.
 - 6. Conduct background investigations on all PMOs and key employees according to requirements that are at least as stringent as those in 25 CFR Parts 556 and 558.
 - 7. To forward, where applicable, completed applications, investigative reports, and other documentation to the NIGC.
 - 8. To review all applicants' prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning their eligibility to be granted a gaming license.
 - 9. To ensure that gaming facilities of the Tribe are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.
 - 10. To obtain annual independent outside audits and submit these to the NIGC.

11. To ensure that net revenues from gaming activities are used for the purposes set forth in § V above.
 12. To monitor gaming activities to ensure compliance with tribal laws.
 13. To work with other law enforcement and regulatory agencies, if applicable, to carry out Commission powers.
 14. To conduct investigations of possible violations of this Ordinance and gaming rules and regulations, issue subpoenas, and take enforcement action, including seizing evidence and impounding winnings.
 15. To provide a quarterly report to the Tribal Council on the status of the Commission's activities.
 16. To issue subpoenas, take testimony, and conduct hearings on regulatory matters, including licensure.
 17. To ensure establishment and to approve minimum internal control standards and procedures for the gaming operation(s).
 18. To develop procedures for resolving patron disputes and to resolve those disputes not resolved by the gaming operation(s).
 19. To implement and enforce all rights and obligations of the Tribe established by any Management Agreement, if applicable.
- F. Rules and Regulations. The Commission shall adopt rules and regulations for the conduct of business, which shall include the following provisions:
1. The Commission shall select a Chair from its membership annually, who shall have the power to convene special meetings with not less than 48 hours notice to the Commissioners.
 2. General meetings of the Commission shall be open to the public.
 3. The Commission may go into executive session, but may only take official action while in executive session on Commission personnel and licensing matters.
- G. Compensation. Commissioners shall be compensated at a rate set by the Commission and approved by the Council. Commissioners shall be reimbursed for all actual expenses incurred on Commission business, including necessary travel expenses.
- H. Vacancy and Removal.

1. Vacancy. A Commissioner's seat shall be immediately vacant upon conviction of any gambling offense or of bribery, or of any felony, or upon the third consecutive unexcused absence from Commission meetings. The Commission shall advise the Council of recommended replacements as soon as possible and the Council shall appoint a replacement to complete the term of the vacancy within 30 days.
2. Removal. Commissioners may only be removed for cause, including excessive use of intoxicants, use of position for personal gain, failure to perform Commission duties, violation of this Ordinance or other law of the Tribe, and bringing discredit or disgrace to the Commission or the Tribe. Removal may be done by vote of the other Commissioners or, in the event of their failure to remove, by a 2/3 majority vote of the Tribal Council at a meeting duly called to consider said removal. The Director shall give written notice of the alleged cause for removal and date for the removal meeting to the accused Commissioner at least 21 days before said meeting.
3. Suspension. The Commission shall suspend any Commissioner who is charged with any felony or any gambling or bribery offense until charges are dismissed or the Commissioner is acquitted or convicted.

IX. Gaming Licenses, General

- A. Gaming License Required. The Gaming Commission shall be responsible for ensuring that all persons engaged in any gaming activity on Ponca Indian Land satisfy the requirements of this Ordinance. No person shall engage in any gaming activity on Indian Land without the appropriate license issued by the Commission. No license shall be issued that would place the Tribe in violation of its Tribal-State Compact or any other applicable law.
- B. Commission Authority and Responsibilities. The Commission shall have the power to issue, suspend, renew, and revoke licenses, to establish procedures for due process in licensing hearings, and shall sit in consideration of appeal involving disciplinary, suspension and/or revocation proceedings. The Commission shall direct the development of policies and procedures for the administration of license processes, including application and revocation procedures, and shall have the final determination regarding the suitability of potential licensees.
- C. Burden on Applicant; License is a Privilege. The burden of proving an applicant's qualification to receive a gaming license under this Ordinance shall at all times be on the applicant. Possession of a gaming license is a privilege and not a right and therefore subject to suspension or revocation at any time.

X. Gaming Licenses for Key Employees and PMOs

- A. Required Notices. The Commission shall develop license application forms for Key Employees and PMOs that shall include the following notices:

“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.”

“A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001)

- B. License Application Forms. The license application forms for Commission members, Key Employees and PMOs shall request all of the following information:

1. Full name, other names used (nicknames, oral, or written), SSN(s), birth date, place of birth, citizenship(s), gender, and all languages spoken and/or written;
2. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver’s license numbers;
3. Names and current addresses of at least three (3) personal references, which are not related, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (B)(2);
4. Current business, residential, and cellular telephone numbers and email addresses;

5. A description of any existing and previous business relationships with other Indian 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 those businesses;
7. The name and address of any licensing or regulatory agency with which the person had filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition, if any;
10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, and is not otherwise listed pursuant to paragraphs (h) or (i), the criminal charge, the name and address of the court involved, and the date and disposition, if any;
11. The name and address of any licensing or regulatory agency with which the person had filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A current photograph;
13. Any other information the Commission deems relevant; and
14. Fingerprints obtained in accordance with procedures adopted by the Commission pursuant to 25 C.F.R §522.2(h). Fingerprints shall be taken by either the Commission or a recognized law enforcement agency and 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.

C. Additional Information. The Commission reserves the right to request additional information from any applicant at any time.

XI. Background Investigations

A. The Commission shall conduct or cause to be conducted a background investigation sufficient to make an eligibility determination of each applicant. In

so doing, the Commission shall retain qualified personnel to conduct the background investigation and compile all relevant information, including a recommendation as to whether the license should be granted. To make a finding concerning the eligibility of a key employee or PMO for the granting of a gaming license, the Commission shall review the applicant's prior activities, criminal record, if any, reputation, habits and associations. If the Commission determines that issuance of a license 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, or activities in the conduct of gaming, the Commission shall not license that person in a key employee or PMO position.

- B. If, in the course of a background investigation, the Commission discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the Commission has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the Commission may rely on those materials, and update the investigation and the resulting investigative report.
- C. In conducting a background investigation, the Commission shall keep confidential the identity of each person interviewed in the course of the investigation.
- D. The Commission shall retain applications for licensing, investigative reports, and eligibility determinations for each PMO and key employee for inspection by the NIGC for at least three years from the date of termination of employment of the PMO or key employee.

XII. Forwarding Applications and Investigative Reports on Key Employees and PMOs to the NIGC

- A. Before issuing a license to a PMO or a key employee, the Commission shall:
 - 1. Create and maintain an investigative report on each background investigation. An investigative report shall include all of the following:
 - a. Steps taken in conducting a background investigation;
 - b. Results obtained;
 - c. Conclusions reached; and
 - d. The basis for those conclusions.
 - 2. Submit a notice of results of the applicant's background investigation to the NIGC no later than sixty (60) days after the applicant begins work. The notice of results shall contain:
 - a. Applicant's name, date of birth, and social security number;

- b. Date on which applicant began or will begin work as a key employee or PMO;
 - c. A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - i. Any licenses that have previously been denied;
 - ii. Any 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 application; and
 - iv. Every felony of which the applicant has been convicted or any ongoing prosecution.
 - d. A copy of the eligibility determination made by the Commission.
- B. If, within 30 days of receipt of a complete notice of results for a key employee or PMO, the NIGC provides the Commission with a statement itemizing objections to the issuance of a license to the applicant, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a license to such applicant.
 - 1. If the Commission has issued the license before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee as provided by Article XIII of this Ordinance.
- C. The Commission shall notify the NIGC that a gaming license has been issued to a key employee or PMO within 30 days after the issuance of the license.
- D. A gaming operation shall not employ a key employee or PMO who does not have a license after ninety (90) days.
- E. If the Commission does not license an applicant:
 - 1. The Commission shall notify the NIGC; and
 - 2. The Commission shall forward copies of its eligibility determination and notice of results to the NIGC for inclusion in the Indian Gaming Individuals Record System.
- F. Notices to the NIGC. All notices under this part shall be provided to the NIGC through the appropriate Regional office. Should the Commission wish to submit notices electronically, it should contact the appropriate Regional office for guidance on acceptable document formats and means of transmission.

XIII. License Suspension and Appeals

- A. If, after the issuance of a gaming license, the Commission receives notice from the NIGC of reliable information indicating that a PMO or key employee is not eligible for employment under 25 C.F.R. §556.5, the Commission shall immediately suspend the license and shall provide the licensee with written notice of suspension and proposed revocation.
- B. The notice shall include the time and place for a hearing on the proposed revocation of a license.
- C. After the revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the gaming operation, the licensee, and the NIGC of its decision within 45 days of receiving notification from the NIGC pursuant to paragraph A of this section.
- D. Notices to the NIGC. All notices under this part shall be provided to the NIGC through the appropriate Regional office. Should the Commission wish to submit notices electronically, it should contact the appropriate Regional office for guidance on acceptable document formats and means of transmission.

XIV. Service of Process.

- A. The Tribe designates the Chair of the Commission as its agent for service of process of any official determination, order, or notice of violation. In the absence of the Commission Chair, the Commission Chair may delegate or assign a full-time employee to serve as the agent for service of process.

XV. Management Contract Execution

- A. A gaming management contract may only be executed if it provides for:
 - 1. Verifiable financial reports to the Council on a monthly basis;
 - 2. Access to the operations of the gaming facility by tribal officials for verifying Strict accounting procedures and verifiable financial reports that are prepared for daily gross revenues and income;
 - 3. A term not to exceed seven years;
 - 4. Management fees not to exceed 30% of net revenue;
 - 5. Grounds for and manner of terminating the Contract;
 - 6. Hiring preference for qualified members of the Tribe in the gaming operation;

7. Payment of Commission expenses as part of net revenues of the gaming operation and payment of a fee for the background investigation of the Management Contractor.
- B. No management contract shall transfer, convey, encumber, or otherwise create any interest in real property.
- C. The Commission shall have authority, after notice and opportunity for hearing, to require appropriate contract modifications or to invalidate any contract if it finds the contractor has permitted the violation of any provision of Section XIV or XV.

XVI. Prohibition Against Certain Individuals

- A. It shall be a violation of this Ordinance for any licensee to knowingly fail to exclude or eject from the gaming floor any individual:
 1. Under the influence of liquor, or narcotic or controlled substance taken illegally;
 2. Under the age of twenty-one;
 3. Engaging in disorderly conduct; or
 4. Armed and not engaged in legitimate law enforcement activity.

XVII. Unlawful Acts

- A. It is unlawful for any person to:
 1. Alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is sure but before it is revealed to the player,
 2. Place or change a bet or wager or determine the course of play after gaining knowledge, not available to all players, of the outcome of the game/event that is the subject of the bet or wager, including past-posting and pressing bets,
 3. Aid anyone in gaining knowledge as stated in paragraph 2, for the purpose of changing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome,
 4. Claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a game with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won,

5. Knowingly entice or induce another to go to any place where a game is being played in violation of this Ordinance,
 6. Reduce the amount wagered or cancel a bet after acquiring knowledge of the outcome of the game or other event that is the subject of the bet or wager, including pinching bets,
 7. Manipulate any component of a gambling device in a manner contrary to the designed and normal purpose for the component, with knowledge that the manipulation affects the outcome of the game,
 8. Except as specifically permitted by the Commission, use or possess with intent to use, at any table game any calculator, computer, or other electronic, electrical, or mechanical device to assist in projecting an outcome of any table game, to keep track of or analyze the cards having been dealt, to change probabilities of any table game or the playing strategies utilized,
 9. Trespass upon any premises licensed under this Ordinance,
 10. Take anything of value from a gaming facility without authorization,
 11. Offer or provide credit for gaming.
- B. Any person who conducts any gaming or gaming related activity on property subject to this Ordinance without a license, or engages in any activity thereon in violation of a license or terms imposed on same, or in violation of any provision of this Ordinance or regulation thereunder, shall be in violation of this Ordinance. Said person shall be subject to loss or suspension of license and other legal action.
- C. No fine shall be assessed nor any action taken for any violation under this section unless a charge is filed with the Commission or the Tribal Court within 18 months of the commission of the offense.
- D. No Council member, Commissioner, Board Member licensee, or Commission employee may receive compensation, gift, or payment of more than nominal value from any person doing business or wishing to do business with the Tribe relating to gaming nor from any person wishing to obtain an advantage in any wager on gaming in the facility. Any property received in violation of this provision shall be automatically forfeited to the Tribe and the offending person(s) shall be prosecuted for accepting a bribe. The Commission shall cooperate fully with any Federal law enforcement agency to pursue prosecution under applicable Federal law.

XVIII. Severability

If a court of competent jurisdiction determines that any provision of this Ordinance is invalid, the remainder of the Ordinance will remain in full force and effect. The Commission

will determine whether an amendment to the Ordinance is then needed to affect its purposes, and if so, present a proposed amendment to the Tribal Council as soon as practicable.

XIX. Effective Date

This Ordinance is enacted by the Tribal Council pursuant to Resolution _____. Upon approval of the Ordinance by the NIGC, the Ordinance will be effective back to the date of enactment.