



September 14, 2021

*Via E-Mail*

Jody Cummings, General Counsel  
Mashantucket Pequot Tribal Nation  
2 Matt's Path  
Mashantucket, CT 06338-3060

**Re: Mashantucket Pequot Tribal Nation Gaming Ordinance Amendments,  
Resolution No. TCR080521-02 of 02**

Dear Mr. Cummings:

This letter responds to your request on behalf of the Mashantucket Pequot Tribal Nation for the National Indian Gaming Commission (NIGC) to review and approve the Tribe's amendments to its gaming ordinance. The amendments were adopted by the Mashantucket Pequot Tribal Council in Resolution TCR080521-02 of 02. The amendments execute a revised Gaming Ordinance intended to update certain provisions to more clearly align with NIGC regulations.

These amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions or require anything further, please contact Staff Attorney Mary Modrich-Alvarado at (202) 632-7003.

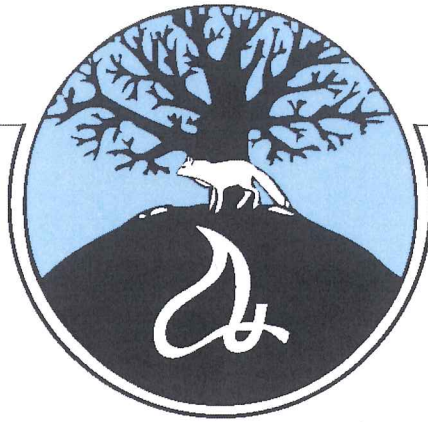
Sincerely,

A handwritten signature in blue ink that reads "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer  
Chairman

CC:

Rodney Butler (RodneyButler@mptn-nsn.gov)  
Marietta Anderson (MAnderson@mptn-nsn.gov)  
Betsy Conway (bconway@mptn-nsn.gov)



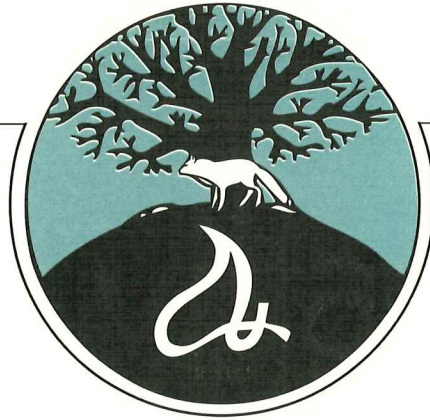
**CERTIFICATION**

The undersigned, the duly elected Secretary of the Mashantucket Pequot Tribal Council, certifies that at a duly called meeting of the Mashantucket Pequot Tribal Council on August 5, 2021, the Tribal Council met with a quorum of seven (7) members in attendance. The attached TCR080521-02 of 02 is a true and exact copy of the Resolution adopted at said meeting.

A handwritten signature in black ink, appearing to read 'Mathew Pearson', written over a horizontal line.

Mathew Pearson, Secretary  
Mashantucket Pequot Tribal Council

DATED: August 9, 2021



**RESOLUTION NUMBER TCR080521-02 of 02  
OF THE  
MASHANTUCKET PEQUOT TRIBAL COUNCIL,  
THE GOVERNING BODY  
OF THE  
MASHANTUCKET PEQUOT TRIBE**

**Approves Revisions to 3 M.P.T.L. – Gaming  
(Revises TCR022591-03 and TCREX-022591-03)**

**WHEREAS**, the Mashantucket Pequot Tribe (the "Tribe") also known as the Mashantucket Pequot Tribal Nation (the "Tribe") is a federally-recognized, Indian Tribe; and

**WHEREAS**, the Mashantucket Pequot Tribal Council (the "Council") is the duly-authorized Governing Body of the Tribe pursuant to the Constitution and By-Laws of the Tribe, and is a federally-recognized, Indian Tribal Government; and

**WHEREAS**, the Mission Statement of the Mashantucket Pequot Tribal Nation pursuant to TCR022499-01 states, "*...the ultimate goal is to protect and advance the Sovereign Rights of the Tribal Nation in order to build and preserve a cultural, social and economic foundation that can never be undermined or destroyed.*"; and

**WHEREAS**, the Mission Statement of the Tribal Council, as amended pursuant to TCR011410-03 is to, "*Preserve, protect and advance the Mission Statement of the Tribe for the benefit of the Mashantucket Pequot Tribal Nation*"; and

**WHEREAS**, the Mashantucket Pequot Tribe has the power, authority and jurisdiction of a sovereign including the authority to enact and enforce laws governing activities and persons within its territory (See Constitution and By-Laws of the Mashantucket (Western) Pequot Tribe, Article II); and

**WHEREAS**, the Mashantucket Pequot Tribal Council is the governing body of the Mashantucket Pequot Tribe pursuant to Article VI of the Constitution and By-Laws of the Mashantucket (Western) Pequot Tribe; and



## RESOLUTION NUMBER TCR080521-02 OF 02

**WHEREAS**, the Mashantucket Pequot Tribe originally enacted its gaming ordinance on February 25, 1991 and received notification of National Indian Gaming Commission ("NIGC") approval by letter dated February 7, 1995; and

**WHEREAS**, the Tribe's gaming ordinance is codified at Title 3 of the Mashantucket Pequot Tribal Laws (hereinafter referred to as "Tribal Gaming Ordinance"); and

**WHEREAS**, the Office of Legal Counsel (OLC), together with the Mashantucket Pequot Gaming Commission, has conducted a review of the Tribal Gaming Ordinance and has recommended amendments to the Ordinance, as fully set forth on *Exhibit A* hereto; and

**WHEREAS**, the amendments to the Tribal Gaming Ordinance are largely to conform to NIGC regulatory requirements and to modernize the Ordinance including to update the gaming authorizations to reflect agreements between the Tribe and the State of Connecticut; and

**WHEREAS**, the Office of Legal Counsel has reviewed the proposed amendments with NIGC staff and has incorporated any comments or suggestions from the NIGC staff; and

**WHEREAS**, pursuant to 25 CFR § 519.1, tribes shall designate an agent for service of any official determination, order, or notice of violation by written notification to NIGC; and

**WHEREAS**, the Council believes that the General Counsel should be designated the agent of the tribe.

**WHEREAS**, pursuant to TCR021218-05 of 06, for clarity of record, the Mashantucket Pequot Tribal Council hereby verifies that this 14-day advance submission requirement waiver was made at the time that this TCR was considered and voted upon.

**THEREFORE BE IT RESOLVED**, pursuant to TCR021218-05 of 06, for clarity of record, the Mashantucket Pequot Tribal Council hereby verifies that this 14-day advance submission requirement waiver was made at the time that this TCR was considered and voted upon.

**BE IT FURTHER RESOLVED**, the Tribal Council hereby approves the amendments to the Tribal Gaming Ordinance, as set forth in *Exhibit A* attached hereto.

**BE IT FURTHER RESOLVED**, the Tribal Council directs the Office of Legal Counsel to arrange for the submission of the amended Tribal Gaming Ordinance to the Chair of the National Indian Gaming Commission, along with any other materials required by NIGC, for review and approval in accordance with the requirements of the Indian Gaming Regulatory Act.

**BE IT FURTHER RESOLVED**, the Tribal Gaming Ordinance as initially approved by the NIGC shall remain in full force and effect until the NIGC approves the attached amendments and at which time the amended Tribal Gaming Ordinance set forth in *Exhibit A* hereto shall become effective.



**RESOLUTION NUMBER TCR080521-02 OF 02**

**BE IT FINALLY RESOLVED**, the Chairman is authorized to provide written notification to NIGC designating the General Counsel of the Mashantucket Pequot Tribal Nation as agent for service of any official determination, order or notice of violation.


## RESOLUTION NUMBER TCR080521-02 OF 02

Upon motion duly made and seconded, the foregoing Resolution was adopted by the following vote:

Number of "Nuks" (Yes) Votes	6
Number of "Mata" (No) Votes	0
Number of "Tata" (Abstentions)	1
Number of Absent Members	0


### CERTIFICATION

I, the undersigned, Rodney A. Butler, Chairman of the Mashantucket Pequot Tribal Council, do hereby certify that the Mashantucket Pequot Tribal Council is composed of **SEVEN (7)** members of whom **SEVEN (7)** were present, thereby constituting a quorum, at a duly called Mashantucket Pequot Tribal Council Meeting held on the **5th day of August, 2021**; and that the foregoing Resolution was adopted by the affirmative vote of **SIX (6)** members.

  
\_\_\_\_\_  
Rodney A. Butler, Chairman  
Mashantucket Pequot Tribal Council

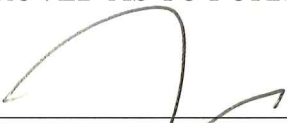
Date: 8/5/2021

ATTEST:

  
\_\_\_\_\_  
Matthew A. Pearson, Secretary  
Mashantucket Pequot Tribal Council

Date: August 5, 2021

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jody A. Cummings, General Counsel  
Office of Legal Counsel

Date: 8/5/21

MASHANTUCKET PEQUOT TRIBAL GAMING ORDINANCE

**SECTION 1. Statement of Policy**

It is the purpose of this Ordinance to provide for the sound regulation of all gaming activities on Indian lands within the jurisdiction of the Mashantucket Pequot Tribe, in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, and to promote the development of a balanced tribal economy by dedicating all of the net revenues from such gaming activities to the public purposes of the Tribe.

**SECTION 2. Definitions**

For purposes of this Ordinance:

- a. "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §§ 2701 et seq., including any amendments.
- b. "Chair" means the Chair of the Mashantucket Pequot Tribal Gaming Commission established pursuant to this Ordinance.
- c. "Class II gaming" means Class II gaming as defined in the Act.
- d. "Class III gaming" means Class III gaming as defined in the Act.
- e. "Commission" means the Mashantucket Pequot Tribal Gaming Commission established by this Ordinance.
- f. "Compact" means any agreement between the Mashantucket Pequot Tribe and the State of Connecticut entered into pursuant to the Act and which governs gaming conducted on the Indian lands of the Tribe, including any amendments to such agreement(s). Compact as used in this Ordinance includes the Gaming Procedures as defined in this Ordinance.
- g. "Enterprise" means an entity created, designated and wholly owned by the Tribe to conduct gaming operations within the Tribe's Indian lands, including the Mashantucket Pequot Gaming Enterprise.
- h. "Gaming facility or Gaming facilities" means Gaming facility or Gaming facilities as defined in the Gaming Procedures; provided that nothing in this Ordinance shall impose any provision of the Gaming Procedures or any other Compact addressing Class III gaming on the operation of Class II gaming or Gaming facilities in which Class II gaming, only, is conducted.
- i. "Gaming Procedures" means the Proposal of the State of Connecticut for a Tribal-State Compact Between the Mashantucket Pequot Tribe and the State of Connecticut, as selected and filed by the court appointed mediator in the United States District Court for the District of Connecticut on October 22, 1990, and as prescribed by the United States Secretary of the Interior in accordance with the Act as the procedures under which Class III gaming may be conducted on Indian lands over which the Tribe has jurisdiction, including any amendments thereto.



j. "Indian lands" means Indian lands as defined in the Act.

k. "Key employee" means:

- (1) A person who performs one or more of the following functions:  
(i) Bingo caller; (ii) counting room supervisor; (iii) chief of security;  
(iv) custodian of gaming supplies or cash; (v) floor manager; (vi) pit  
boss; (vii) dealer; (viii) croupier; (ix) approver of credit; or  
(x) custodian of gambling devices, including persons with access to  
cash and accounting records within such devices; or
- (2) If not otherwise included, any other person whose total cash  
compensation is in excess of \$50,000 per year; or
- (3) If not otherwise included, the four most highly compensated persons in  
the gaming operation; or
- (4) Any other person designated by the Commission as a key employee for  
purposes of gaming regulation.

l. "National Indian Gaming Commission" or "NIGC" means the National Indian  
Gaming Commission established pursuant to the Act.

m. "Net revenues" means "net revenues" as defined in the Act and regulations  
promulgated by the NIGC pursuant to the Act.

n. "Ordinance" means this Mashantucket Pequot Tribal Gaming Ordinance.

o. "Primary management official" means:

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

p. "State" means the State of Connecticut.

q. "State gaming agency" means the single state agency designated by the  
State pursuant to a Compact to carry out the State's oversight of Class III  
gaming as authorized by a Compact.

r. "Tribe" means the Mashantucket Pequot Tribe.

### **SECTION 3. Adoption of Gaming Procedures**

In accordance with a requirement in the Gaming Procedures, the Gaming  
Procedures are hereby incorporated within and enacted as an integral part of  
this Ordinance with respect to all forms of Class III gaming, and the Gaming  
Procedures including the appendices thereto, as amended from time to time, is  
appended to and made a part of this Ordinance as if set forth in full herein;  
provided, however, that nothing in the adoption of the Gaming Procedures  
herein shall be deemed to affect the operation by the Tribe of any Class II  
gaming, whether conducted within or without the Gaming facilities, or to  
confer upon the State any jurisdiction over such Class II gaming conducted by  
the Tribe on its Indian Lands.

**SECTION 4. Authorization for gaming activities**

a. The Tribe is authorized to conduct all forms and types of Class III gaming as long as consistent with the Act and any applicable Compact pursuant to the Act.

b. The Tribe is authorized to conduct all forms and types of Class II gaming as long as consistent with the Act and any applicable regulations of the National Indian Gaming Commission.

c. The Commission may authorize the use of the Internet, mobile devices or other technological developments to play Class II or Class III games on the Tribe's Indian lands; provided that for Internet gaming the Commission first issues regulations or standards that meet the requirements of subsections (d) and (e) of this Section 4, and such bets or wagers do not violate any of the following:

- (1) The Interstate Horseracing Act of 1978 ( 15 U.S.C. 3001 et seq.);
- (2) Chapter 178 of title 28 (commonly known as the "Professional and Amateur Sports Protection Act");
- (3) The Gambling Devices Transportation Act (15 U.S.C. 1171 et seq.); and
- (4) The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

d. Age, Location and Data Security Requirements. Before allowing the play of a Class II or Class III game using the internet, the Commission shall adopt standards or regulations to implement the following age, location and data security requirements, which are intended to comply with the safe harbor provisions of the Unlawful Internet Gaming Enforcement Act, 31 U.S.C. 5361 et seq.:

- (1) Only patrons who have provided their legal name, date of birth (establishing that the patron is not a minor), address and contact information shall be allowed to establish an account for Class II or Class III gaming using mobile devices and/or the internet.
- (2) Such information must be encrypted by the gaming operation and the patron must establish an account password or other authentication method approved by the Commission.
- (3) The patron shall be required to authenticate his or her identity prior to accessing his/her account and/or placing a wager.
- (4) The location of the patron on Indian lands must be verified by the gaming operation prior to the first wager in the patron session using a geolocation method that provides the latitude and longitude coordinates of the patron.
- (5) The location of the patron must be verified on an ongoing basis and the patron session must be disabled any time the gaming operation is unable to verify the patron is present on Indian lands.

e. Technical Standards. Class II games played with use of electronic, computer, or other technologic aids, including use of mobile devices and/or the internet must comply with the requirements of 25 C.F.R Part 547, including any Alternative Standards adopted by the Commission and approved by the Chair of the National Indian Gaming Commission. Class III games shall comply with the standards set forth in any applicable Compact and related standards of operation and management developed pursuant to such Compact.

**SECTION 5. Compliance with the Act**

This Ordinance shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

a. Ownership and Conduct of gaming operations. In compliance with the Act, the Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity on the Tribe's Indian lands.

b. Application of net revenues. In compliance with the Act, net revenues from any gaming activity are not to be used for purposes other than:

- (1) to fund tribal government operations or programs;
- (2) to provide for the general welfare of the Indian tribe and its members;
- (3) to promote tribal economic development;
- (4) to donate to charitable organizations; or
- (5) to help fund operations of local government agencies.

c. Annual audit. In compliance with the Act, all gaming activities shall be subject to an annual outside audit and copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional, legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

d. Public safety standards. In compliance with the Act, the construction, maintenance and operation of any Gaming facility shall be conducted in a manner that adequately protects the environment and the public health and safety. For that purpose the gaming operation shall comply with the requirements of any applicable Compact and all other applicable health, safety and environmental standards enacted by the Tribe. The Commission shall have the authority to enforce these requirements as provided in this Ordinance.

e. Background investigations. In compliance with the Act:

- (1) all Class III gaming employees, as defined in any Compact, including Primary management officials and Key employees, shall be subject to the licensing requirements set forth in such Compact, which include requirements for background investigations and ongoing oversight of such officials and management, including annual license renewal for gaming employees if required by a Compact or by Commission regulations. In addition to any state licensing requirement in a Compact, the Commission may require Class III gaming employees to obtain a Commission license in order to work in any Gaming facility.
- (2) all Class II gaming employees who are not otherwise licensed shall be required to obtain a license from the Commission, and for that purpose the Commission shall conduct background investigations according to requirements that are at least as stringent as those set forth in the National Indian Gaming Commission's regulations.
- (3) The Commission shall deny or revoke a license for any employee whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. Any such person denied a license or whose license is revoked under this subsection shall not be eligible for employment in a Gaming facility.



- (4) The Commission shall notify the National Indian Gaming Commission of the results of its background investigation for the Primary management officials and Key employees of its Class II gaming operations and of the results of any State licensing process for such Primary management officials and Key employees pursuant to a Compact, in accordance with any applicable National Indian Gaming Commission regulations.

**SECTION 6. Tribal Gaming Commission.**

a. Establishment of Commission. There is established a Mashantucket Pequot Tribal Gaming Commission, which will consist of no less than three members who shall be appointed by the Tribal Council, at least two commissioners shall be members of the Tribe, but no commissioner shall be an employee or director of the Enterprise or serve concurrently on the Tribal Council. The Tribal Council may appoint one commissioner as the Chair, determine the term of appointment for the commissioners, whether full or part time, and compensation. The commissioners may be removed with or without cause by a vote of a majority of the members of the Tribal Council then in office. Vacancies in the Commission may be filled by appointment by the Tribal Chair pending action by the Tribal Council. No member or employee of the Commission shall participate as a player in any gaming activity conducted by the Tribe.

b. Powers and duties of Commission. The Commission shall have the following powers and duties:

- (1) The Commission shall have primary responsibility for oversight of tribal gaming operations to assure the integrity of such operations and shall, for that purpose, employ non-uniformed inspectors who shall be present in the Gaming facilities during all hours of operation and who shall be under the sole supervision of the Commission and not to any management employees of the tribal gaming operations. The Commission and its inspectors shall have unfettered access to all areas of the Gaming facilities at all times, and personnel employed by the Enterprise shall for such purposes, provide the Commission and its inspectors access to locked and secured areas of the Gaming facilities in accordance with the Standards of Operation and Management promulgated pursuant to a Compact or this Ordinance. Such inspectors shall report to the Commission regarding any failure by the Enterprise to comply with any of the provisions of a Compact or this Ordinance and any other applicable laws and ordinances of the Tribe. Inspectors assigned by the Commission shall also receive consumer complaints related to the gaming operation within the Gaming facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Commission shall be licensed as gaming employees by the State in accordance with the Gaming Procedures.
- (2) The Commission may on its own initiative investigate any aspect of the operations of the Enterprise in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Enterprise to comply with the provisions of a Compact or this Ordinance and may require the Enterprise to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the Enterprise to appear before it and to

- provide such information, documents or other materials as may be in their possession to assist in any such investigation.
- (3) The Commission shall carry out the responsibilities and duties set forth for the Tribal gaming agency in the Gaming Procedures or in any applicable Compact and in any Standards of Operation and Management issued pursuant to a Compact.
  - (4) The Commission shall ensure there is a plan or plans for the protection of public safety and the physical security of patrons in the Gaming facilities, with such plan setting forth the respective responsibilities of the Commission, the security department of the Enterprise, the Tribal police and the State law enforcement agency.
  - (5) The Commission shall review and approve floor plans and surveillance systems for each Gaming facility and pursuant to the Gaming Procedures will confer with the State gaming agency regarding the adequacy of such plans and systems.
  - (6) The Commission shall establish and revise Standards of Operation and Management for Class III gaming activities in accordance with any Compact and for Class II gaming activities under this Ordinance.
  - (7) The Commission may issue, deny or revoke licenses for all gaming employees.
  - (8) The Commission may issue and revoke licenses to any person providing gaming equipment or services to the gaming operations of the Enterprise who is not otherwise registered as a gaming service enterprise by the State pursuant to a Compact and who transacts business with the Enterprise with a value in excess of \$50,000.00 within any two (2) year period. No person shall transact such business without a valid license from the Commission. For purposes of such licensing, the Commission shall apply the same standards as are applied to gaming service enterprises registered by the State pursuant to a Compact. The Commission may conduct such investigation into such enterprises as it deems necessary or appropriate to satisfy such standards.
  - (9) The Commission shall establish a list of persons barred from the Gaming facilities because their criminal history, their association with career offenders or career offender organizations, or their activities or associations in any other manner poses a threat to the integrity of the gaming activities of the Tribe.
  - (10) The Commission shall approve the rules of each game of chance operated pursuant to a Compact and shall notify the State gaming agency of such rules and of any change in such rules to the extent required by such Compact.
  - (11) The Commission shall ensure that the Tribe enforces the health and safety standards applicable to the Gaming facilities as referenced in Section 14 of the Gaming Procedures.
  - (12) The Commission shall issue a separate license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted.
  - (13) The Commission may impose penalties, as provided under this Ordinance, for violations of this Ordinance, any Compact, or the Standards of Operation and Management.
  - (14) The Commission may bring a civil action or seek criminal penalties in the courts of the Tribe, the State or the United States, as appropriate, to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance, the Act or a Compact, occurring on the Tribe's Indian lands. In the event that any such action would result in a suit against another government including the State, any municipality of the State, or the United States



government, the Commission must first obtain approval for such suit from the Mashantucket Pequot Tribal Council.

- (15) Any person who claims to be adversely affected by an act or omission of the Enterprise which is asserted to violate this Ordinance, a Compact, or the Standards of Operation and Management adopted pursuant to this Ordinance or under a Compact, including but not limited to license determinations, shall have as their sole remedy the right to file a petition for review and relief with the Commission. Any such petition must be submitted in writing to the Commission within thirty (30) days of the act or omission giving rise to the petition. The Commission may, in its sole discretion, conduct a hearing and receive evidence with regard to such petition if it deems a hearing is necessary under applicable law or to properly consider and decide the petition. The Commission shall issue a written decision and send such decision to the petitioner. All such decisions shall be final and not subject to appeal.
- (16) The Commission may adopt an annual operating budget which shall be subject to the approval of the Tribal Council and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel and other professionals, including, but not limited to, those providing investigative services and hearing related services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Enterprise and the Enterprise shall pay such assessments to the Tribe.
- (17) The Commission shall adopt rules, regulations and/or procedures for conducting the duties and responsibilities of the Commission including but not limited to establishing rules, regulations or procedures for Commission meetings and hearings, quorum requirements and any other matter related to conducting the affairs of the Commission.

c. Actions by Chair. The Chair of the Commission or any other member of the Commission acting in the absence of the Chair may, whenever deemed necessary to protect the public interest in the integrity of tribal gaming operations, issue in the name of the Commission any order which the Commission has the power to issue, to the Enterprise or to any employee or contractor of the Enterprise or to any other person within the jurisdiction of the Tribe, to take any action or cease and desist from any action as may be required to protect the public interest; provided, that such order shall be subject to review by the Commission at its earliest opportunity, whereupon it may be confirmed or vacated by the Commission.

d. Executive Director or Other Designee. The Commission shall appoint an individual to serve as an Executive Director or other designee of the Commission to administer its responsibilities on a day to day basis and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Commission with the state police and the State gaming agency. The Chair may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Commission with respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Commission. The Executive Director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, compel the production of any information



or documents, and otherwise exercise the investigatory powers of the Commission, which the Commission may exercise under this Ordinance.

**Section 7. License Application Forms**

a. The following notice shall be placed on the license application form for a Key employee or a Primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

b. The following additional notice shall be placed on the application form for a Key employee or a Primary management official before it is filled out by an applicant:

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

**Section 8. Background Investigations For Class II Key Employees and Class II Primary Management Officials**

a. The Tribe shall perform a background investigation for each Class II Primary management official and Class II Key employee in its gaming operation. The investigation must be sufficient to allow the Commission to make an eligibility determination under this Ordinance.

b. The Commission is responsible for conducting the background investigations of Class II Primary management officials and Class II Key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.

c. The Commission, or its designee, shall request fingerprints from each Class II Primary management official and Class II Key employee. The agencies designated and authorized to take fingerprints are the Mashantucket Pequot Tribal Police Department and the Commission.

d. The Commission shall request from each Class II Primary management official and Class II Key employee all of the following information:

- (1) Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written);

- (2) Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
- (3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (C) (2) of this section;
- (4) Current business and residential telephone numbers, and all cell phone numbers;
- (5) A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date 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 (8) or (9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A photograph;
- (13) Any other information the Commission deems relevant; and
- (14) Fingerprints obtained in accordance with procedures adopted by the Commission.

e. When a Class II Primary management official or Key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 8.d. of this Ordinance shall be maintained.

f. The Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

#### **Section 9. Procedures for Conducting Background Investigations**

a. The Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a Class II Primary management official or Class II Key employee position. 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 to review items such as (but not limited to) past or outstanding judgments, current liens, past or pending lawsuits and any other information deemed relevant;
- (5) Conduct a criminal history records check including a review of federal, state and tribal court records;
- (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 10. Investigative Reports**

a. The Commission, or its agent, shall create and maintain an investigative report for each background investigation of a Class II Primary management official or Class II Key employee. 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 11. Eligibility Determinations**

a. Before a license is issued to a Class II Primary management official or Class II 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, the Tribal Official shall not license that person in a Class II Key employee or Class II 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 Class II Primary management official or Class II Key employee.

#### **Section 12. Notice of Results of Background Investigations**

a. Before issuing a license to a Class II Primary management official or Class II Key employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.

b. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.

c. 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 Class II Primary management official or Class II 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;
  - (D) every felony offense of which the applicant has been convicted or any ongoing prosecution; and
  - (E) copy of the eligibility determination made in accordance with Section 11 of this Ordinance.

### **Section 13. Granting Gaming Licenses; Notification to NIGC**

- a. All Class II Primary management officials and Class II Key employees of the gaming operations who do not otherwise obtain a gaming license pursuant to the requirements of a Compact must have a gaming license issued by the Tribe. The Commission is responsible for granting and issuing such gaming licenses to Class II Primary management officials and Class II Key employees.
- b. The Commission may license a Class II Primary management official or Class II Key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC.
- c. The Commission shall notify the NIGC of the issuance of a license to a Class II Primary management official or Class II Key employee within 30 days of issuance.
- d. The Tribe shall not employ an individual in a Class II Primary management official or Class II Key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- e. The Commission must reconsider a license application for a Class II Primary management official or Class II 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 Commission shall take the NIGC's objections into account when reconsidering a license application.
- g. The Commission will make the final decision whether to issue a license to an applicant for a Class II Primary management official or Class II Key employee position.

### **Section 14. Denying Gaming Licenses**

- a. The Commission shall not license a Class II Primary management official or Class II Key employee if an authorized Tribal official determines, in applying the standards in this Ordinance 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 Commission does not issue a license to an applicant for a Class II Primary management official or Class II 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 15. Gaming License Suspensions and Revocations**

a. If, after a license is issued to a Class II Primary management official or a Class II Key employee, the Tribe receives notice from the NIGC that the Class II Primary management official or Class II Key employee is not eligible for employment, the 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. A right to a hearing shall vest only upon receipt of a license granted under an ordinance approved by the Chair of the NIGC.

c. Following a revocation hearing, the Commission shall decide whether to revoke or reinstate the license at issue.

d. The Commission shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a Class II Primary management official or Class II Key employee is not eligible for employment.

#### **Section 16. Records Retention**

The Commission shall retain, for no less than three years from the date a Class II Primary management official or Class II Key employee is terminated from employment with the Tribe, the following documentation:

- (1) Application for licensing;
- (2) Investigative Reports; and
- (3) Eligibility Determinations.

#### **SECTION 17. Standards of Operation and Management**

a. Games of chance. The initial Standards of Operation and Management for games of chance adopted in accordance with the Gaming Procedures shall be those set forth as Appendix A of the Gaming Procedures.

b. Pari-mutuel wagering. The initial Standards of Operation and Management for pari-mutuel wagering adopted in accordance with the Gaming Procedures shall be those set forth as Appendix B of the Gaming Procedures.

c. Lottery games. The initial Standards of Operation and Management for lottery games adopted in accordance with the Gaming Procedures shall be those set forth as Appendix C of the Gaming Procedures.

d. Class II games. The Commission shall adopt Standards of Operation and Management for Class II games and, pending such adoption, may direct the Enterprise to comply with such standards as the Commission may determine necessary to protect the integrity of such Class II games. The Standards of Operation and Management for Class II games shall provide, at a minimum, that:

- (1) no person under the age of eighteen (18) shall be permitted to participate in any Class II gaming operations as an employee, contractor or player;
- (2) the Enterprise shall establish the rules of each game by which the game will be conducted and the winner or winners determined in advance of such game, and such rules shall be visibly displayed or available in written form in the Gaming facility.

**SECTION 18. Prohibited Acts**

It shall be a violation of this Ordinance for any person to:

- a. Conduct or participate in any Class II or Class III gaming operation within Indian lands other than through the Enterprise or such other entity established by the Tribe.
- b. Receive, distribute, apply or divert any property, funds, proceeds or other assets of the Enterprise to the benefit of any individual or any other person except as authorized by this Ordinance and the Resolution of the Tribe establishing the Enterprise.
- c. Tamper with any equipment used in the conduct of tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the published rules of such gaming operations.
- d. Do any other act in connection with the conduct of the tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.
- e. To participate as a player in any regular public bingo game, any lottery, any pari-mutuel wager, any games of chance authorized pursuant to the Gaming Procedures, conducted by the Tribe, while such person is a member of the Tribal Council or a director or employee of the Enterprise.

**SECTION 19. Penalties.**

- a. Any person who violates any provision of this Ordinance, including the provisions of the Gaming Procedures incorporated herein, or any provision of a Compact may be subject to civil penalties including exclusion from employment by any tribal Gaming Enterprise, exclusion from attendance at any Tribal gaming facility, exclusion from the Tribe's Indian lands if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe, a fine of not more than \$500.00 for each such violation. The Commission shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe.
- b. No action of the Commission to impose a penalty pursuant to this section, or to revoke a license for a gaming employee previously issued by the Commission, shall be valid unless the person affected is given at least 30 (thirty) days' notice of the proposed action and the opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue; provided, that if the Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an



opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial gaming employee license or who is barred from the Gaming facilities by action of the Commission may request a hearing before the Commission by written request submitted within 30 days following receipt of notice of the action of the Commission, and the Commission shall thereupon afford an opportunity to appear and be heard before the Commission either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue and thereafter the Commission shall either affirm or reconsider its decision. Any hearing conducted under this subsection may, at the direction of the Commission, be conducted by the person so designated under Section 6(d) of this Ordinance or by one or more members of the Commission designated by the Commission for that purpose. The reference to an in person appearance may also include appearance via telephone, computer or other electronic aids at the sole discretion of the Commission.