



July 22, 2021

*VIA EMAIL*

Douglas Lankford, Chief  
Miami Tribe of Oklahoma  
PO Box 1326  
Miami, OK 743555  
dlankford@miamination.com

**Re: Miami Tribe of Oklahoma Gaming Ordinance Amendments**

Dear Chief Lankford:

This letter responds to your April 26, 2021 request on behalf of the Miami Tribe of Oklahoma (Tribe) for the Chairman of the National Indian Gaming Commission (NIGC) to review and approve the Tribe's proposed amendments to its gaming ordinance. The amendments were adopted by Resolution No. 21-18 on April 26, 2021 and reflect comprehensive review and revisions.

Thank you for bringing these amendments to our attention and providing us with a thorough submission of the Tribe's gaming laws and regulations. The amended ordinance is approved as consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require anything further, please contact Staff Attorney James A. Lewis at (202) 632-7013.

Sincerely,

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

E. Sequoyah Simermeyer  
Chairman

cc: Jerrod Chester, Senior Compliance, via email at: [jchester@miamination.com](mailto:jchester@miamination.com)  
Mary Magnuson, Esq., via email at: [mmagnuson@thejacobsonlawgroup.com](mailto:mmagnuson@thejacobsonlawgroup.com)

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**REGIONAL OFFICES** Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD  
[WWW.NIGC.GOV](http://WWW.NIGC.GOV)

**MIAMI TRIBE OF OKLAHOMA**  
**GAMING ORDINANCE**

**Approved by Resolution 21-18**

**SECTION 1: CITATION**

This Ordinance shall be known and may be cited as the “Miami Tribe of Oklahoma Gaming Ordinance” and shall apply to all forms of gaming conducted on tribal lands of the Miami Tribe of Oklahoma.

The Miami Business Committee of the Miami Tribe of Oklahoma (hereinafter the “Tribe”), empowered by the Constitution and By-Laws of the Miami Tribe of Oklahoma to enact Ordinances, hereby enacts this Ordinance in order to regulate all forms of gaming conducted on the Indian Lands of the Miami Tribe of Oklahoma.

**SECTION 2: PURPOSE**

The purpose of this Ordinance is to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Miami Tribe of Oklahoma, to provide a safe and wholesome means of recreational activity in a community setting, to provide a source of revenue for the operation of the programs and departments of the Tribal government, and to ensure that any gaming activity conducted on the Tribe’s lands is fair, responsible, and consistent with The Indian Gaming Regulatory Act, 25 U.S.C. 2701-2721 (“IGRA”), and any Tribal-State Gaming Compact to which the Tribe is a party. This Ordinance shall be liberally construed to promote these purposes.

**SECTION 3: REPEALER**

This ordinance is enacted by adoption of Resolution \_\_\_\_\_ and repeals and supersedes any and all prior gaming ordinances adopted by the Tribe.

**SECTION 4: DEFINITIONS**

Unless the context clearly indicates a different meaning, the following words are defined as:

a. "Adjusted gross revenues" means the total receipts received from the play of all covered games minus all prize payouts.

b. "Applicant" means any Person having filed an application for a license with the Gaming Commission.

c. "Class I Gaming" means social games played solely for prizes of minimal value, or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with Tribal ceremonies or celebrations.

d. "Class II Gaming" means

(1) "Bingo," which means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith)

(i) Played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(ii) In which the holder of the card covers such numbers or designations when objects similarly numbered or designated, are drawn or electronically determined, and

(iii) In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) "Card Games" that:

(i) Are explicitly authorized by the laws of the State of Oklahoma, or

(ii) Are not explicitly prohibited by the laws of the State of Oklahoma and are played at any location in the State of Oklahoma, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oklahoma regarding hours or periods of operation of such card games or limitations on wagers or pot size in such card games.

(3) The term "Class II Gaming" does not mean:

(i) Any house-banked card games, including baccarat, chemin de fer, or blackjack (21), or

- (ii) Electronic or electromechanical facsimile of any game of chance or slot machines of any kind.
- e. "Class III Gaming" means all forms of gaming that are not Class I or Class II gaming.
- f. "Commission" means the Miami Tribe of Oklahoma Gaming Commission as established by this Ordinance.
- g. "Commissioner" means a duly appointed member of the Miami Tribe of Oklahoma Gaming Commission.
- h. "Compact" means the 2005 Tribal-State Compact between the Tribe and the State of Oklahoma and any future amendments or successor compacts approved by the Secretary of the United States Department of Interior as prescribed by law.
- i. "Covered Games" unless defined elsewhere in this Ordinance, Covered Games means the definition therefor contained in the Compact.
- j. "Covered Game Employee" unless defined elsewhere in this Ordinance, Covered Game Employee means the definition therefor contained in the Compact.
- k. "Court" means the Miami Tribe of Oklahoma Tribal Court unless otherwise specified in this Ordinance.
- l. "Expenses" means all sums expended for the operation of a gaming facility, including, but not limited to supplies, equipment, insurance, advertising, non-cash prizes, utilities, security services, license fees, rent, compensation and other personnel services:
- m. "Facility License" means the separate license issued by the Commission to each place, facility, or location on the Tribe's Indian Lands where Class II or Class III gaming is allowed.
- n. "Games, Gaming, or Gaming Activity" means the act of paying for the opportunity to participate in a game of chance for money or other valuable consideration, where the outcome is determined predominantly by chance. Gaming includes Class I, Class II and Class III gaming as defined by this Ordinance.
- o. "Gaming Enterprise" means any business owned by the Tribe and operated for the conduct of Class II or Class III gaming.

- p. “Gaming Facility” means any physical location, place, building or structure on the Tribe’s Indian Lands where Gaming is permitted and Gaming Operations are conducted.
- q. “Gaming Operation” means the conduct of Gaming and related business activities by a Gaming Enterprise.
- r. “Gaming Vendor” means any person or entity that provides gaming services or gaming equipment or supplies, excluding legal and accounting services, to the Gaming Facility for use in the Gaming Operation.
- s. “IGRA” means the Indian Gaming Regulatory Act, Pub. Law 100-497, 102 Stat. 2367, codified at 25 U.S.C. § 2710 *et seq.*
- t. “Indian Lands” means:
  - (1) all land within the limits of the Miami Tribe Reservation; or
  - (2) all land over which the Tribe exercises governmental power and which is either held in trust by the United States for the benefit of the Tribe or a Tribe member, or held by the Tribe or a Tribe member subject to restriction by the United States against alienation.
- u. “Key Employee” means: 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;
  - (10) custodian of gambling devices including persons with access to cash and accounting records within such devices;

- (11) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
  - (12) the four (4) most highly compensated persons in the gaming operation; and
  - (13) any other person designated as a Key Employee by the Tribe.
- v. “Licensee” means any individual or entity that has been granted a license by the Commission pursuant to this Ordinance.
  - w. “Management Contract” means any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or a part of the Gaming Operation.
  - x. “NIGC” means the National Indian Gaming Commission.
  - y. “Non-gaming Vendor” means any person or entity that provides non-gaming property, goods or services, excluding legal and accounting services, to the Gaming Facility.
  - z. “Primary Management Official” means: any person having management responsibility for a management contract; any person who has authority to hire and fire employees or set up working policy for the Gaming Operation; any person with financial authority; and the MNE chief financial officer or other person who has financial management responsibility for the Gaming Operation.
  - aa. “State” means the State of Oklahoma, its authorized officials, agents and representatives.
  - bb. “Tribe” (or any of its derivations) means the Miami Tribe of Oklahoma.

#### **SECTION 4: GAMING PROHIBITED**

No person, organization, or entity shall conduct any form of Gaming within the jurisdiction of the Tribe except as provided in this Ordinance.

#### **SECTION 5: GAMING AUTHORIZED**

- a. All permitted forms of Class I, Class II and Class III gaming are hereby authorized on the Tribe’s Indian Lands, including if authorized by Oklahoma state law, on-line and mobile internet gambling.

- b. The licensing and regulatory provisions of this Ordinance do not apply to Class I gaming, except the Gaming Commission has the right to inspect the premises where any Class I gaming is conducted and may, in its discretion, obtain and review financial information concerning any Class I gaming activity on the Tribe's Indian Lands.
- c. Class II and Class III gaming shall only be conducted on the Tribe's Indian Lands as authorized by this Ordinance and the regulations adopted by the Gaming Commission, and in accordance with IGRA, the regulations of the NIGC, the Compact, and any other applicable law.
- d. Any person, organization or entity that engages in unauthorized gaming within the Tribe's jurisdiction shall be subject to the enforcement provisions of this Ordinance and may be referred for criminal prosecution as permitted by Tribal, state, or federal law.

#### **SECTION 6: SOLE PROPRIETARY INTEREST**

The Tribe shall have sole proprietary interest in and be responsible for conduct of any Gaming Operation authorized by this Ordinance. Ownership of any Class II or Class III gaming by any entity other than the Tribe is prohibited.

#### **SECTION 7: USE OF GAMING NET REVENUES**

- a. Net revenues from any Class II or Class III Gaming Activity conducted within the Tribe's jurisdiction shall be used only for the following purposes:
  - (1) To fund Tribal government operations or programs;
  - (2) To provide for the general welfare of the Tribe and its members;
  - (3) To promote Tribal economic development;
  - (4) To donate to charitable organizations; or
  - (5) To help fund operations of local Government Agencies;
- b. 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 Interior under 25 U.S.C. § 2710 (b)(3).

#### **SECTION 8: AUDIT**

- a. The Tribe shall cause to be conducted annually an independent audit of its Gaming Operation in accordance with 25 C.F.R. §571.12, and shall submit the

resulting audit reports to the National Indian Gaming Commission as required by 25 C.F.R. §571.13.

- b. All Gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (a) above.

#### **SECTION 9: ESTABLISHMENT OF GAMING COMMISSION**

- a. The Miami Tribe of Oklahoma hereby establishes a Gaming Commission. The purpose of the Gaming Commission is regulatory, not managerial. The Gaming Commission will conduct oversight to ensure compliance with Tribal, Federal, and applicable state laws. The Gaming Commission will serve as the licensing authority and will administer background investigations as part of the licensing process. The Gaming Commission will also monitor compliance with the internal control standards for the Gaming Operation and will track Gaming revenues. In order to carry out its regulatory duties, the Gaming Commission shall have unrestricted access to all areas of the Gaming Facility and to all records of the Gaming Operation. The Gaming Commission shall have authority to take enforcement actions to protect the public interest, including the suspension, cancellation, or revocation of any license issued pursuant to this Ordinance.
- b. The Gaming Commission shall constitute no less than three (3) nor more than five (5) individuals appointed by the Chief pursuant to a resolution adopted by the Miami Business Committee. Commission members will serve for a period of two (2) years. No person may be appointed to the Commission unless the person can demonstrate that they are current in all financial dealings with the Tribe.
- c. The Commission shall elect from among its members a Chairman who shall preside at all meetings and perform such powers as are necessary or incident to the operation and regulatory authority of the Commission.
- d. The Commission may appoint an individual to serve as a full time Executive Director of the Commission to assist in the exercise of its authority under this Ordinance and the administration of its responsibilities. The Executive Director shall supervise and oversee the inspectors appointed by the Commission, as well as such other staff as the Commission may from time to time employ.



## **SECTION 10: INDEPENDENCE OF THE GAMING COMMISSION**

- a. The Tribe recognizes the importance of an independent Gaming Commission in maintaining a well-regulated Gaming Operation. To avoid potential conflicts of interest, the members of the Gaming Commission are (1) prohibited from accepting Complimentary items in excess of \$100 from the Gaming Operation or any Vendor licensed by the Commission, (2) prohibited from serving contemporaneously on the Miami Business Committee or the Miami Nation Enterprises Board of Directors and (3) prohibited from being employed by or have an interest in any entity that is licensed by the Commission or provides goods or services to the Gaming Facility or Gaming Operation.
- b. The actions of the Gaming Commission shall not require the approval of the Miami Business Committee except as explicitly provided in this Ordinance. Notwithstanding, the Gaming Commission shall be subject to all Tribal law, including generally applicable administrative policies that are not inconsistent with this Ordinance.

## **SECTION 11: GAMING COMMISSION REGULATORY AUTHORITY**

The powers and duties of the Gaming Commission shall include, but not be limited to the following:

- a. To ensure that all Gaming within Miami Indian Lands is operated in accordance with all applicable laws, regulations and the Compact.
- b. The Gaming Commission is a law enforcement authority for the purpose of conducting background investigations and fingerprinting, enforcing regulations, and investigating violations of tribal and federal law, this Ordinance or any regulations adopted by the Commission.
- c. Conduct background investigations on Primary Management Officials, Key Employees, vendors, and any other person or entity designated by the Commission.
- d. Review and approve all investigative work conducted in connection with the background investigations, and create and maintain investigative reports based on the background investigations;
- e. Submit a Notice of Results of background investigations conducted on each Primary Management Official and Key Employee to the National Indian Gaming Commission (NIGC) as required by NIGC regulation;

- f. Obtain and process fingerprints, designate a law enforcement agency to obtain and process fingerprints, and establish a policy for the receipt, handling, dissemination and destruction of criminal history record information;
- g. Make licensing eligibility determinations, which must be signed by the Chairman of the Commission;
- h. Issue, deny, review, condition, licenses to Primary Management Officials, Key Employees, vendors, any other employees of the Gaming Operation or Gaming Facility, if warranted by the eligibility determination;
- i. Establish standards for the licensing of Tribal Gaming Facilities and issue, deny or condition gaming licenses to Gaming Facilities;
- j. Inspect, examine and monitor all of the Tribe's Gaming Activities and Gaming Operation, and have immediate access to review, inspect, examine, photocopy and audit all records of the Gaming Operation;
- l. Suspend, revoke or cancel any license issued by the Commission, impose civil penalties, or issue citations, for any violation of this Ordinance, any regulation adopted by the Commission, the Compact, IGRA, or any regulation adopted by the NIGC , or any other violation of tribal, state or federal law or regulation;
- m. Promulgate regulations, subject to notice and opportunity to comment, implementing the Commission's authorities and responsibilities under this Ordinance in accordance with tribal and applicable law and the Compact;
- n. Establish or approve Tribal Minimum Internal Control Standards (TICS) and approve policies and procedures for the operation of the gaming facilities, including but not limited to rules for cage and vault, credit table games, gaming devices, and security standards;
- o. Maintain a surveillance department and oversee all activities related to surveillance;
- p. Establish regulations and procedures for proceedings before the Commission, including but not limited to, hearings for patron disputes as described in Section 23(b) and licensing as described in Section 20 (h) and Section 22 of this Ordinance;
- q. Continuously regulate and monitor the Tribe's Gaming Operations to ensure compliance with Tribal, Federal law, and Compact requirements;
- r. Oversee and/or conduct audits of the gaming facilities, including audits of service and supply contracts;

- s. Conduct investigations of any kind in order to protect the public interest and the integrity of the Tribe's Gaming Operation, with unfettered access to the Gaming Facility and to all books and records of the Gaming Operation, and take appropriate enforcement action, and make appropriate referrals to Tribal, State, and Federal law enforcement agencies;
- t. Compel any person or entity licensed by the Commission, or any person or entity doing business with the Gaming Facility or Gaming Operation to appear before the Commission, under oath, to provide information, documents or other material as determined by the Commission;
- u. Conduct hearings, take testimony, take disciplinary actions, levy fines, impose penalties and sanctions, and issue closure orders for violations of this Ordinance, the TICS, the Compact, or any other regulations or procedures adopted by the Commission;
- v. Exclude patrons from the Tribe's Gaming Facilities in order to maintain the integrity of the Gaming Operation, and establish and maintain a list of those persons excluded;
- w. Establish a list of persons who have voluntarily agreed to be excluded from the Tribe's Gaming Facilities, and create procedures for the enforcement of the voluntary exclusions;
- x. Oversee protection of the public health and safety and the physical security of patrons and employees;
- y. Employ such staff as necessary to assist in the exercise of its authority under this Ordinance, subject to the budget approved by the Business Committee;
- z. Retain legal counsel or professional services, including investigative services, to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- aa. Commence any civil or criminal action necessary to enforce the provisions of the Ordinance;
- bb. Prior to the beginning of each fiscal year, prepare and submit to the Business Committee for its approval an annual operating budget;
- cc. Ensure proper reporting to the United States Department of the Treasury in accordance with applicable law; and
- dd. Interact with all applicable Tribal, State, and Federal regulatory and law enforcement agencies to protect the integrity of the Tribe's Gaming Operation.

## **SECTION 12: CONFIDENTIALITY OF RECORDS**

The Commission shall ensure that all records and information obtained as a result of all background investigations shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of a background investigation may be disclosed to Gaming Operation management, human resource personnel or others employed by the Gaming Operation sparingly and on a need-to-know basis for actions taken in their official capacities. The confidentiality requirements contained in this section shall not apply to requests for records or information from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Gaming Commission and its staff in the performance of their official duties.

## **SECTION 13: COMPENSATION**

The Gaming Commission shall be compensated in an amount established by the Business Committee and included in the Commission's annual budget. Gaming Commissioner compensation shall not be based on a percentage of Gaming revenue. Commissioners shall be reimbursed for necessary expenses incurred in the performance of their obligations under this Ordinance.

## **SECTION 14: MEETINGS**

- a. Regular meetings of the Commission shall be held at such time and place as set by the Commission.
- b. Special meetings of the Commission may be called by the Chairman or any other Commissioner. A notice for a special meeting shall set the time and place, the business to be transacted, or the purpose of the meeting.
- c. Members of the Commission must attend Commission meetings. If a Commissioner is unable to attend a meeting in person, the Commissioner may participate in the meeting by telephone or similar communications equipment, provided all persons participating in the meeting can simultaneously hear each other.

## **SECTION 15: QUORUM**

At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at the meeting at which a quorum is present shall be the act of the Commission. The Chairman shall preside at all meetings unless not present, in which case the Chairman shall designate another member to preside in his/her absence.

## **SECTION 16: REMOVAL AND VACANCIES**

- a. A Commissioner may be removed for cause by a 4/5 vote of the Miami Business Committee, after an investigation and hearing. Cause for removal includes, but is not limited to, commission of a felony, a misdemeanor involving a gambling offense, fraud, embezzlement, theft by swindle or misrepresentation, a violation of the Ethics provisions of this Ordinance, dereliction of duties, or breach of the confidentiality requirements of this Ordinance.
- b. Vacancies on the Commission caused by death, disability, resignation, or removal shall be filled by appointment of the Miami Business Committee.

## **SECTION 17: GAMING COMMISSION FUNDING**

- a. The Commission shall be funded pursuant to an annual budget that is approved by the Business Committee. The Commission's budget shall be adequate to fully fund the annual operations of the Gaming Commission such that it can adequately fulfill its regulatory obligations, and shall account for all anticipated costs and incidental income, including license fees received. The Commission may request supplemental budget allocations as regulatory demands require, which the Business Committee shall consider.
- b. The Commission shall establish a licensing fee schedule and collect all licensing fees as part of the application process. The fees shall be reasonable and consistent with the fees customarily charged by other Tribal Gaming Regulatory Authorities. The collected fees shall become tribal revenues and shall be disbursed to the Commission as part of the annual budget process.

## **SECTION 18: FACILITY LICENSES**

- a. A separate Facility License must be issued to each place, facility or location on the Tribe's Indian Lands where Class II and/or Class III gaming is or will be conducted.
- b. No Facility License shall be issued unless adequate information is provided to the Gaming Commission that the Facility is constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety of the employees and the public. The Commission shall identify and enforce all applicable codes, standards and procedures to ensure adequate protection of the environment and the public health and safety.
- c. The term of a Facility License shall be one (1) year

- d. The Commission is responsible for issuing a new or renewed facility license to each Gaming Facility on the Tribe's Indian Lands. The Commission shall submit to the NIGC a copy of each new or renewed Facility License, along with any required documentation, within thirty (30) days of issuance. The Commission shall only issue or renew a Facility License if the application for the Facility License includes the required information and documentation, and otherwise satisfies any additional conditions imposed by the Tribe under this Ordinance.
- e. Each place, facility or location in which Class II or Class III gaming is, or will be, conducted must file an application with the Commission. The application must be on a form prescribed by the Commission. The Applicant must agree that it will abide by all applicable provisions of this Ordinance, the Compact, all applicable tribal, state and federal law, and all conditions of the Facility License.
- f. Any Facility License issued under this Ordinance shall be subject to such reasonable conditions as the Commission shall establish, including but not limited to the following:
  - (1) The licensee shall account for all monies and property of the Gaming Operation and shall timely submit all financial and other reports required by the Business Committee or under applicable law.
  - (2) The licensee shall at all times maintain an orderly, clean, and neat Gaming Facility, both inside and outside.
  - (3) The Gaming Facility shall be open to inspection by duly authorized tribal officials, by officials of the State of Oklahoma as prescribed in the Compacts, and by officials of the NIGC at all times during the regular business hours of the Gaming Facility.
  - (4) The Gaming Facility shall comply with all environment, health and safety standards adopted by the Tribe as applicable to the Gaming Facility.
  - (5) No person under the age of 21 shall be permitted to participate in Gaming or to participate in the conduct or operation of any Gaming. No person under the age of 21 shall be permitted on the Gaming floor, unless the person is employed by the Gaming Facility in a capacity that does not involve the conduct or operation of any Gaming and the duties performed are not inconsistent with the license issued by the ABLE Commmission.

- (6) No person under the age of 21 shall be permitted to purchase or consume alcohol at the Gaming Facility and the Gaming Facility shall comply with all tribal laws and regulations governing the sale of alcohol on any lands under the jurisdiction of the Tribe.
- (7) No person under the age of 21 shall be permitted to purchase tobacco products at the Gaming Facility and the Gaming Facility shall comply with all tribal laws and regulations governing the sale of tobacco, as well as any applicable federal law.
- (8) The Licensee shall develop and update written policies regarding all Gaming Activities to comply with the Tribal Internal Control Standards (TICS) adopted by the Commission
- (9) Each licensee shall have the authority to adopt additional regulations and policies, provided such regulations and policies are not inconsistent with this Ordinance, any TICS adopted by the Commission, tribal law, or applicable state or federal law.
- g. The Commission shall notify the NIGC Chair within thirty (30) days if a Facility License is revoked, cancelled or expires, or if the Gaming Facility closes, unless the closure is seasonal or temporary and lasts for less than 180 days.
- h. Every Gaming Facility shall display in a prominent place a current and valid license issued by the Gaming Commission for that location.
- i. No Facility License issued under this Ordinance shall be assigned or transferred without the express written approval of the Gaming Commission obtained in a written and duly adopted resolution.
- j. Any Facility License issued under this Ordinance may be revoked, cancelled or suspended by the Gaming Commission for violation of any of the provisions of a Compact, this Ordinance or any regulations adopted under this Ordinance, for a violation of federal, tribal, or applicable state law, or for noncompliance with the conditions of the Facility License. A decision to revoke, cancel or suspend a Facility License shall only be made after a hearing before the Commission upon ten (10) days' notice to the licensee of the noncompliance or violation. Notice shall be served on the Gaming Operation General Manager, with a copy provided

to the Miami Business Committee. The licensee, General Manager and their attorneys, if any, shall have the right to present and offer sworn oral and documentary evidence relevant to the noncompliance or violation alleged. If continued operation of the Gaming Facility poses a risk to the health or safety of the employees or the public, or to the integrity of the Gaming Operation, the Commission may summarily suspend the Facility License during the ten (10) day notice period.

- k. The Gaming Commission may issue a citation and/or impose a civil penalty on the Gaming Facility for violations of this Ordinance or the regulations adopted under this Ordinance, provided the Commission has adopted regulations governing the issuance of such citations or the imposition of such civil penalties.
- l. A decision of the Gaming Commission under this Section may be appealed to the Tribal Court within ten (10) days of the decision being issued. The Tribal Court's review shall be limited to a review of the record before the Commission. The Tribal Court shall determine whether the Commission's decision is supported by the evidence, is within the authority prescribed by this Ordinance, and is otherwise in accordance with applicable law.

#### **SECTION 19. GENERAL LICENSING REQUIREMENTS**

- a. All persons employed in the Gaming Operation and Vendors who provide goods or services to the Gaming Operation shall be licensed by the Gaming Commission in accordance with this Ordinance.
- b. Licenses will be considered by the Commission only upon receipt of a complete application on a form prescribed by the Commission.
- c. The Commission shall establish a schedule of fees applicable to all licenses. Each application for a license shall be accompanied by payment of the applicable fee. Fees are non-refundable. An application that is not accompanied by the applicable fee shall be deemed incomplete and shall not be processed by the Commission. In addition to a licensing fee, the Commission may impose additional fees reasonably related to the cost of enforcement of this Ordinance, including but not limited to, the cost of conducting a background investigation.
- d. A license issued by the Commission is a revocable privilege. A licensee shall not be deemed to have a vested right in or to a Gaming Commission license and a license does not convey any property interest to the holder of the license.



- e. Except as provided in Section 18 (i) of this Ordinance for a Facility License, any license issued by the Commission is valid only for the person or entity to whom or to which the license was issued and only for the term prescribed on the license.
- f. Every license issued by the Commission is conditioned on the licensee's continued eligibility for such license. The Commission may impose conditions or limitations on any license based on the Applicant's or licensee's employment position or responsibilities or other regulatory concerns.
- g. Unless provided otherwise in this Ordinance, every license issued by the Commission shall be valid for a period of two (2) years. Prior to the expiration of a license it shall be the licensee's responsibility to update the information provided during the initial licensing process. If the licensee continues to meet eligibility standards, the license may be renewed.
- h. Any misrepresentation, including by omission, fraud, or falsification on a license application will result in the denial of the license application, or if a license has been issued, the revocation of a license, and may result in other sanctions as the Commission deems appropriate.
- i. Upon receipt of a complete application and fee and the completion of a preliminary background investigation, the Commission may issue a temporary authorization for not more than ninety (90) days. The temporary authorization shall be valid until it is replaced by a gaming license, the ninety-day period expires, or the final background investigation reveals that the person is ineligible for the license and the temporary authorization is cancelled.
- j. Every Applicant and licensee has a continuing duty to provide the Commission with information and materials relevant to the Applicant's or licensee's eligibility for a license, including but not limited to any change in criminal history and any change in licensing status in another jurisdiction. An Applicant or Licensee's failure to promptly notify the Commission of new information or materials constitutes ground to deny, suspend or revoke a license.

**SECTION 20. GAMING LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS**

The Gaming Commission shall ensure that the policies and procedures set out in this section are implemented with respect to Key Employees and Primary Management Officials employed at any Gaming Facility operated on the Tribe's Indian Lands:

- a. Application Forms

- (1) The following Privacy Notice shall be placed on the application form for a Key Employee or a Primary Management Official.

“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.A § 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 commission 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 Tribal Gaming Commission 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 National Indian Gaming Commission 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 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.”

- (2) The Gaming Commission shall notify in writing existing key employees and primary management officials that they shall either:
  - (i) Complete a new application form that contains a Privacy Act notice; or
  - (ii) Sign a statement that contains the Privacy Act Notice and consent to the uses described in that notice.
- (3) The Gaming Commission shall place the following notice on the application form for a Key Employee or a Primary Management Official:

“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).

- (4) The Gaming Commission shall notify in writing Key Employees and Primary Management Officials that they shall either:
  - (i) Complete a new application form that contains a notice regarding false statements; or

- (ii) Sign a statement that contains the notice regarding false statements.

c. Fingerprints

- (1) The Commission shall obtain from each applicant for a Key Employee or Primary Management Official position. Fingerprints may be taken by the Gaming Commission or by its designated law enforcement agency. The completed fingerprint cards must be submitted to the NIGC for processing through the Federal Bureau of Investigation (FBI) and the National Criminal Information Center to determine an Applicant's criminal history, if any.
- (2) The Gaming Commission shall develop a policy for the receipt, handling, storage, dissemination and destruction of the criminal history record information (CHRI) received from the NIGC in response to the submission of fingerprints.
- (3) The Commission shall also identify a Local Area Service Officer (LASO) and ensure that the LASO and all other Commission employees with access to CHRI receive all required CJIS Security Awareness Training.
- (4) Prior to taking any fingerprints, the Commission must provide to an Applicant, and the Applicant must acknowledge receipt of, a written copy of the FBI's Privacy Act Statement and Noncriminal Justice Applicant's Privacy Rights. The Applicant's acknowledgement of the Privacy Act Statement and Noncriminal Justice Applicant's Privacy Rights must be retained by the Commission and included in the Applicant's file.

d. Background Investigations.

- (1) The Gaming Commission is responsible for conducting background investigations, collecting fingerprints and making eligibility determinations. The Commission shall obtain from each Applicant for a Primary Management Official and Key Employee position all of the following information:
  - (i) Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
  - (ii) Currently and for the previous five (5) years: Business and employment positions held, ownership interests in those

businesses, business and residence addresses, and driver's license numbers;

- (iii) The names and current addresses of at least three (3) personal references, including one personal reference that was acquainted with the applicant during each period of residence listed under (1) (ii) of this subsection d.
- (iv) Current business and residential telephone numbers, and all cellular/mobile phone numbers;
- (v) A description of any existing and previous relationships with other Indian Tribes, including ownership interests in those businesses;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;
- (vii) 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, and whether or not such license or permit was granted;
- (viii) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the state, federal or tribal court involved, and the date and disposition, if any;
- (ix) 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 state, federal or tribal court involved and the date and disposition;
- (x) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charges is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (viii) or (ix) of this section, the criminal charge, the name and address of the state, federal or tribal court involved and the date and disposition;
- (xi) The names 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;

- (xii) A current photograph;
  - (xiii) Military service history;
  - (xiv) Any other information the Gaming Commission deems relevant;  
and
  - (xv) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted to check the criminal history records information maintained by the Federal Bureau of Investigation.
- (2) 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 investigative report. In conducting a background investigation, the Commission and its agents and staff shall keep confidential the identity of each person interviewed in the course of the investigation.
  - (3) When a primary Management Official or Key Employee is employed by the Gaming Operation, the Commission must maintain a complete application file which contains all of the information listed in this Section.

e. Procedures for Conducting Background Investigations

- (1) The Gaming Commission is responsible for conducting a background investigation on each Applicant for a Primary Management Official and Key Employee position. The background investigation must be sufficient to allow the Commission to make an eligibility determination for licensing under this Ordinance.
- (2) The Gaming Commission may conduct background investigations personally or may employ licensing agents and investigators to conduct background investigations on their behalf. The Gaming Commission shall supervise, review, and approve the investigative work performed. The Gaming Commission shall make all determinations concerning the licensing of Key Employees and Primary Management officials.
- (3) In conducting a background investigation, the Commission or their designee shall do the following:

- (i) Verify the Applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
  - (ii) Contact each personal and business reference provided in the license application. In addition, the Commission shall interview a sufficient number of other knowledgeable people, such as former employers, who may have information as to the reputation, habits, and associations of the Applicant. The Commission shall interview as many individuals as necessary to make an eligibility determination, but in no event shall the number of people interviewed be less than three (3).
  - (iii) Conduct a criminal history check by submitting the Applicant's fingerprints to the NIGC;
  - (iv) Based on the results of the criminal history check, as well as information acquired from other sources, obtain information from the appropriate state, federal or tribal court regarding past convictions or on-going prosecutions;
  - (v) Inquire into any previous or existing business relationships with the gaming industry and/or other Indian Tribes by contacting those businesses or tribes;
  - (vi) Verify the Applicant's status and/or disciplinary record with any licensing agency by contacting the agency;
  - (viii) Take other appropriate action to verify the accuracy of the information contained on the license application or from other sources, focusing on any problem areas noted.
- (4) The Gaming Commission shall create a checklist which shall be used in the investigation and verification process. The Checklist shall indicate whether or not each item of information received from the Applicant has been verified through written or oral communication.

f. Investigative Reports

- (1) The Gaming Commission shall create and maintain an investigative report for each background investigation of a Primary Management Official or Key Employee.
- (2) The investigative report must include:
  - (i) The steps taken in conducting the investigation;

- (ii) The results obtained, including the identification of any problem areas;
  - (iii) The conclusions reached; and
  - (iv) The specific basis for the conclusions.
- (3) The Gaming Commission and its agents/investigators shall keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under federal, tribal, or any applicable state law.

g. Eligibility Determination.

- (1) Before a license is issued to a Primary Management Official or Key Employee, the Gaming Commission shall review the Applicant's prior activities, criminal record, if any, reputation, habits and associations and make a finding concerning the eligibility of the Key Employee or Primary Management Official for receipt of a license and employment in a Gaming Operation.
- (2) If the Gaming Commission determines, based on the standards adopted in this Ordinance, that licensing of the person poses a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and/or activities in the conduct of Gaming, a license shall not be issued and the Gaming Operation shall not employ that person in a Key Employee or Primary Management Official position.
- (3) The eligibility determination must be signed by the Commission Chairman and must be included with the Notice of Results submitted to the NIGC.

h. Notice of Results.

- (1) Before issuing a license to a Key Employee or Primary Management Official, the Gaming 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 to the NIGC no later than sixty (60) days after the Applicant begins working for the Gaming Operation. The Gaming Operation shall not employ as a Key Employee or Primary Management Official a person who does not have a license within ninety (90) days of the submission of the application.
- (3) The Notice of Results shall include the following information:
  - (i) The Applicant's name, date of birth, and social security number;
  - (ii) The date on which the Applicant began or will begin working as a Key Employee or Primary Management Official;
  - (iii) A summary of the information in the investigative report, including the following:
    - (a) Gaming licenses previously denied;
    - (b) Gaming licenses revoked, even if previously reinstated;
    - (c) Every known criminal charge brought against the Applicant within ten (10) years of the date of Application;
    - (d) Every felony offense of which the Applicant has been convicted and any on-going felony prosecution; and
    - (e) A copy of the eligibility determination made in accordance with Subsection (g) above.
- (4) A Notice of Results need not be submitted to the NIGC if the license for the Key Employee or Primary Management Official will expire within ninety (90) days of issuance.

i. Granting a license

- (1) The Commission is responsible for granting and issuing a Gaming license to Primary Management Officials and Key Employees.



- (2) The Commission may issue a license to a Primary Management Official or Key Employee Applicant only after submitting a Notice of Results to the NIGC in accordance with Subsection (h) above.
- (3) The Gaming Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.
- (4) The Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Key Employee or a Primary Management Official Applicant. Such a request shall suspend the thirty (30) day period under paragraph (6) of this subsection until the Chairman of the NIGC receives the additional information.
- (5) No person may be employed as a Primary Management Official or Key Employee if a license is not issued within ninety (90) days of employment at the Gaming Operation.
- (6) The Gaming Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to the issuance of such license from the NIGC, provided the objections are received within thirty (30) days of the NIGC's receipt of the Notice of Results for the Applicant.
- (7) The Gaming Commission may reconsider a license application for a Primary Management Official or Key Employee if a statement of itemized objections to the issuance of a license is received more than thirty (30) days from the NIGC's receipt of the Notice of Results for the Applicant. In either case, the Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.

j. Denying a License

- (1) The Gaming Commission shall not issue a license to a Primary Management Official or Key Employee if the Commission determines, after applying the standards contained in this Ordinance, and after considering any objections received from the NIGC, that licensing the person:
  - (i) poses a threat to the public interest;

- (ii) poses a threat to the effective regulation of Gaming; or
  - (iii) creates or enhances the danger of unsuitable, unfair or illegal practices, methods or activities in the conduct of Gaming.
- (2) In addition to the criteria in subsection (1), the Gaming Commission shall not issue a gaming license to a Primary Management Official or Key Employee if the Commission determines that the person:
  - (i) has made a materially false statement in an application to the Gaming Commission or in any verbal or written statement submitted to the Gaming Commission; or
  - (ii) has been convicted of a felony or any offense related to any Gaming Activities permitted under this Ordinance;
- (3) If the Commission denies a license to a Primary Management Official or Key Employee, the Commission shall:
  - (i) Notify the NIGC; and
  - (ii) forward a copy of the eligibility determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Individuals Record System.
- k. In its discretion, the Business Committee may require any Primary Management Official or Key Employee to be bonded in an amount not less than \$50,000, payable to the Tribe.
- l. The Gaming Commission shall retain for no less than three (3) years from the date of Key Employee or Primary Management Official employment termination the following:
  - (1) Applications for licensing;
  - (2) Investigative reports; and
  - (3) Eligibility determinations.

## **SECTION 21: GAMING LICENSES FOR OTHER EMPLOYEES**

- a. All employees of the Gaming Operation who are not licensed as a Key Employees or Primary Management Official, shall be licensed by the Commission.
- b. Each Applicant shall submit a complete application to the Commission using a form prescribed and provided by the Commission and accompanied by the applicable fee.
- c. The Commission, or its agents or staff, shall conduct a background investigation of the applicant, the scope of which must be sufficient to permit the Commission to determine the Applicant's eligibility for a license.
- d. The Commission may not issue a license to any applicant if the Commission finds:
  - (1) the Applicant has been convicted of a felony or an offense related to any Gaming Activity;
  - (2) the Applicant has knowingly and willfully provided false material statements or information on the license or employment application; or
  - (3) the Applicant is a person whose prior activities, criminal record, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of the conduct of gaming permitted under this ordinance, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of Gaming or the carrying on of the business and financial arrangements incidental thereto.

## **SECTION 22: VENDOR LICENSES**

- a. Gaming Vendors.
  - (1) Any person or entity who provides or is likely to provide goods or services to the Gaming Operation must obtain a Vendor License from the Gaming Commission in order to transact business with the Gaming Operation. Contracts for professional legal and accounting services are excluded from the requirements of this section.

(2) In order to obtain a Gaming Vendor license, an Applicant must complete a vendor application and submit to a background investigation of itself and, if a business entity, its principals. Principals of a business entity include its officers, directors, managers, owners, partners, governors, non-institutional stockholders who either own ten (10) percent or more of the shares or are the ten (10) largest stockholders, and the on-site supervisor, if applicable.

(3) An application for a Gaming Vendor license shall be on a form prescribed by the Commission and must include at least the following:

- (i) The name of the business, its business address, business phone, federal tax ID Number (or SSN if a sole proprietorship), its main office address if different from business address, any other names used by the business, and the type of equipment or service(s) the Applicant will provide;
- (ii) A statement whether the Applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
- (iii) If the Applicant is a corporation, the state of its incorporation, and if the business is not incorporated in Oklahoma, the corporation's qualification to do business in Oklahoma;
- (iv) The Applicant's trade name(s), other names ever used, and the names of any wholly owned subsidiaries or other businesses owned by the Applicant or its principals;
- (v) A general description of the business and its activities;
- (vi) A statement whether the Applicant will be investing in or loaning money to the Gaming Operation and, if so, how much and under what terms;
- (vii) A description of any existing and previous business relationships the Applicant has or has had with the gaming industry generally, including ownership interests in any businesses;
- (viii) A listing of any existing and previous business relationships the Applicant has or has had with Indian tribes, including ownership, financial, management interests in any non-gaming activities;

- (ix) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted;
  - (x) If the Applicant has ever had a license revoked or suspended for any reason, and a statement of the circumstances involved;
  - (xi) A list of the principals of the Applicant, together with their social security numbers, home addresses and telephone numbers, their titles, and the percentage of their ownership in the company, if any; and
  - (xii) Any further information that the Gaming Commission deems relevant.
- (4) The following notice shall be placed on the application form for a Gaming Vendor license:
- “Inclusion of false or misleading information on the application may be grounds for the denial or revocation of a Vendor license.”
- (5) The Gaming Commission may accept a copy of a recent application (filed within the previous 90 days) to another jurisdiction if it contains the same information listed in this Section. The Gaming Commission, in its sole discretion, may reject that application and require the submission of its Vendor license application.
- (6) Failure to submit a complete and required Gaming Vendor application will result in the denial of the license.
- (7) The application must be accompanied by a fee established by the Gaming Commission.
- (8) The Gaming Commission shall conduct a background investigation of any Applicant for a Gaming Vendor’s license. The background investigation shall include:

- (9) Verification of the information contained on the application, including in particular if the applicant or one of its principals has ever had a license suspended, conditioned, or revoked for any reason;
- (10) The criminal history, if any, of the applicant and its principals; and
- (11) If deemed warranted by the Commission, a credit history check of the applicant and its principals.
- (12) An investigative report covering each of the steps taken in the background investigation of a Vendor Applicant and its principals must be completed and presented to the Gaming Commission prior to its consideration of the Vendor license application.
- (13) The Gaming Commission may adopt regulations listing gaming authorities that it recognizes and may authorize exemptions to the background investigation requirement for Vendors who have received a license from one of the listed gaming authorities.

b. Financing.

- (1) Any person or entity who provides financing, directly or indirectly, to the Gaming Facility or Gaming Operation in excess of fifty thousand dollars (\$50,000) in any twelve (12) month period must be licensed as a Gaming Vendor.
- (2) The exceptions contained in the Compact for state and federally regulated financial institutions, governmental agencies, and institutional investors are incorporated into this ordinance.

c. Non-Gaming Vendors.

- (1) Any person or entity who provides or is likely to provide non-gaming goods or services to the Gaming Facility must register with the Gaming Commission prior to engaging in any business with the Gaming Facility or Gaming Operation. Contracts for professional legal and accounting services are excluded from the requirements of this section.

- (2) The Commission shall develop a registration form and may establish a fee for the registration. Registration shall be effective for a period of not more than two (2) years.

### **SECTION 23: SUSPENSION, REVOCATION AND CIVIL PENALTIES**

- a. The Gaming Commission shall suspend and may revoke the license of a Key Employee or Primary Management Official if the Gaming Commission receives notification from the NIGC that the person is not eligible for employment under 25 C.F.R. §556.5. The Gaming Commission must provide notice to the Key Employee or Primary Management Official of the suspension and proposed revocation. The notice shall include the date, time and place for a hearing in accordance with Section 24 of this Ordinance.
- b. The Gaming Commission may suspend, revoke, cancel, or condition any license issued by the Commission, impose civil penalties, or issue citations, for any violation of this Ordinance, any regulation adopted by the Commission, the Compact, IGRA, or any regulation adopted by the NIGC, or any other violation of tribal, state or federal law or regulation.
- c. The Commission may revoke a license for any of the reasons the Commission may deny a license.
- d. The Commission shall adopt regulations governing the issuance of citations and the imposition of civil penalties.
- e. Prior to taking any action against a license, the Commission must provide notice to the licensee in accordance with Section 24 of this Ordinance.
- f. If in the judgement of the Commission, the public interest and the effective regulation of Gaming Activities requires the immediate removal of a licensee from the Gaming Facility, the Commission may summarily suspend a license prior to the conduct of any hearing under Section 24.
- g. The Commission may enjoin and restrain illegal activities in or related to the Gaming Operation or the Gaming Facility.

### **SECTION 24: HEARINGS**

Any person aggrieved by a licensing determination of the Commission is entitled to a hearing in accordance with this Section.

- a. Preliminary Determination.

Whenever, upon preliminary factual finding, the Commission determines that any Applicant or licensee fails or has failed to comply with the provisions of this Ordinance or any regulations promulgated hereunder, the Compact, IGRA, any regulation adopted by the NIGC, or any other violation of tribal, state or federal law, the Commission shall make a certification of finding with a written notice and copy of the findings thereof provided to the licensee. The findings must include the facts supporting the licensing action as well as the specific law or regulation violated. The Commission shall hold a hearing within thirty (30) days. The licensee shall have the opportunity to be heard and present witnesses and other evidence.

b. Hearing.

At the hearing the burden is on the Applicant or licensee to show cause why the preliminary determination is incorrect, why the license should not be denied, revoked or suspended, why special conditions or limitations should not be imposed on the license, or why any other action identified in the preliminary determination should not be taken.

c. Final Determination.

Following the hearing, the Commission shall, within ten (10) days reach a final determination concerning whether the license in question should be denied, suspended, revoked, conditioned, limited, or if summarily suspended, reinstated, and whether or not any other action by the commission, including but not limited to civil penalties, should be taken.

d. The Applicant or licensee shall be notified in writing within five (5) days of the final determination.

e. The determination of the Commission is final and is not appealable.

f. Any Applicant or licensee who fails to appear at a hearing shall be in default and the hearing shall be deemed to have been waived.

g. The Gaming Commission shall notify the NIGC within forty-five (45) days of any license that is revoked or reinstated after a hearing pursuant to a notice received by the Gaming Commission under Section 23 (a) of this Ordinance.



## **SECTION 25: CONDUCT OF GAMING OPERATIONS**

In addition to any other requirements of this ordinance, the Gaming Operation shall be conducted consistent with the following:

- a. All Gaming Activity shall be conducted in strict conformity with IGRA, this ordinance, the regulations of the Gaming Commission and the NIGC, and the Compact;
- b. The Gaming Operation shall comply with all reporting requirements of the Department of the United States Treasury, including without limitation, reports on prize winnings to the Internal Revenue Service and reports required under 31 U.S.C. §5311 *et seq.*
- c. The Gaming Operation shall establish the rules of play for each game offered and submit the rules to the Gaming Commission for approval. All games must be conducted in accordance with the approved rules of play.
- d. Each employee of the Gaming Operation must wear his or her license in a visible manner when working in the Gaming Facility
- e. Each and every player must have a fair and equal opportunity to win.
- f. The method of winning and the prize or prizes for each game must be available for each game.
- g. The winner or winners of each game must be verified in a manner that all present may witness.
- h. No person who is conducting or assisting in the Gaming Operation may participate directly or indirectly in the play of any game.
- i. No person under 21 years of age shall be permitted to play for any reason. The Tribe may elect to ban patrons under the age of twenty-one (21) if alcohol is served in the Gaming Facility.
- j. No alcoholic beverages shall be permitted in the Gaming Facility during the time the Facility is being used for Gaming Activity, unless an Alcoholic Beverage License has been issued to the Facility (or the appropriate legal entity) for on-premises consumption.
- k. No illegal drugs are permitted in the Gaming Facility;

- l. Persons excessively intoxicated, under the influence of drugs, or in violation of Tribal law or Ordinance shall be prohibited from engaging in any form of Gaming or from being in the Gaming Facility
- m. Individuals who are subject to an exclusion order, either voluntarily or involuntary, shall not be permitted to enter the Gaming Facility.

#### **SECTION 26: TRIBAL PREFERENCE**

The Gaming Operation must give preference in employment to qualified tribal members, but the Gaming Operation is not required to employ or retain tribal members who are not qualified. The General Manager shall determine the qualifications for employment.

#### **SECTION 27: PATRON DISPUTE RESOLUTION**

In the event a patron of the Gaming Facility suffers personal injury or property damage at the Gaming Facility or disputes with the Gaming Operation the payment of a bet or the distribution of winnings, the patron may make a claim against the Gaming Operation as follows:

- a. Personal Injury or Property Damage.
  - (1) Any patron alleging personal injury or property damage against the Gaming Operation for an incident occurring at the Gaming Facility shall submit a written claim within ninety (90) days of the date of the injury or loss. The Claim must be submitted to the Gaming Commission. A claim submitted after ninety (90) days of the injury or loss but within one (1) year of the injury or loss shall be timely, but any judgment arising from the claim shall be reduced by ten (10) percent. A claim shall be forever barred unless the claim is submitted to the Commission within one (1) year of the injury or loss.
  - (2) A claim for personal injury or property damage shall state the following:
    - (i) Date, time and place of the incident giving rise to the claim;
    - (ii) A detailed description of the facts and circumstances giving rise to the claim;
    - (iii) The identities of any persons known to have information about the incident, including tribal or Gaming employees and witnesses;
    - (iv) The amount of and the basis for the compensation or other relief demanded, including relevant documentation detailing expenses incurred;

- (v) The name, address and telephone number of the claimant;
  - (vi) The name, address and telephone number of any agent authorized to act on behalf of the claimant or settle the claim; and
  - (vii) The signature of the claimant.
- (3) The Gaming Commission may adopt regulations governing the processing of claims.
  - (4) The Gaming Commission must forward a copy of the claim to the Gaming Operation General Manager within forty-eight (48) hours of receipt.
  - (5) The Gaming Operation General Manager shall promptly review, investigate and make a determination regarding the claim. Claimants must cooperate with the General Manager or his or her agents by providing additional documentation or submitting to an interview if requested.
  - (6) A claim is deemed denied if the General Manager fails to approve the claim in its entirety within ninety (90) days of receipt, unless the parties have reached a settlement or agreed to an extension before the expiration of that period. No agreement for extension may extend beyond ninety (90) days, but there shall be no limit on the number of extensions permitted.
  - (7) A person may not initiate suit against the Gaming Operation arising from a claim unless the claim has been denied. The claimant and the General Manager may continue attempts to settle a claim; however, settlement negotiations do not extend the date of denial.
  - (8) No judicial proceeding for any cause arising from a claim for personal injury or property damage shall be maintained unless valid and timely notice has been given, the claim contains all information required by subpart (2) above, and the action is commenced in the Miami Tribal Court within 180 days of denial of the claim. Neither the claimant nor the General Manager may extend the time to commence an action in tribal court.
  - (9) Notices explaining the procedure set forth in this section shall be prominently posted in the Gaming Facility. Such notices shall explain that this procedure is the exclusive method of making a tort claim and that claims that do not follow these procedures shall be forever barred. The

General Manager shall make pamphlets explaining the procedures available to patrons of the Gaming Facility and shall provide such a pamphlet to a claimant within five (5) days of filing a claim.

b. Patron Dispute –Prize Claims.

- (1) Any patron who has a dispute with the Gaming Operation involving their play of a Class II or Class III game, the amount of any prize awarded or the failure to award a prize, or a claim for a refund or other compensation (hereafter a “Prize Claim”) may seek resolution of the dispute as follows:
  - (i) immediately upon the occurrence of the event giving rise to the Prize Claim, a patron shall seek out the supervisor in the area of the relevant Gaming Activity. If the supervisor cannot resolve the dispute, the supervisor shall advise the patron on the process for filing a Prize Claim with the Gaming Commission.
  - (ii) a Prize Claim must be filed with the Gaming Commission in writing and within ten (10) days of the event giving rise to the claim. A claim not filed within the ten (10) day time frame is forever barred.
  - (iii) The Gaming Commission must forward the Prize Claim to the General Manager within forty-eight (48) hours of receipt. The Gaming Commission must also forward a copy of the Prize Claim to the State Gaming Office within the same time period.
  - (iv) The Prize Claim must state the following:
    - (a) date, time and place of the incident giving rise to the claim;
    - (b) a detailed description of the facts and circumstances giving rise to the claim;
    - (c) the identities of any persons known to have information about the incident, including Gaming employees and witnesses;
    - (d) the amount demanded and the basis for the amount;
    - (e) the name, address and telephone number of the claimant;

- (f) the name, address and telephone number of any agent authorized to act on behalf of the claimant or settle the claim; and
  - (g) the signature of the claimant.
- (v) The General Manager shall promptly review, investigate and make a determination regarding the claim. Claimants must cooperate with the General Manager or his or her agents by providing additional documentation or submitting to an interview if requested.
- (vi) If a Prize Claim is not resolved within seventy-two (72) hours of the filing of the Prize Claim, the General Manager shall so report to the Gaming Commission and the Gaming Commission shall report the lack of resolution to the State Gaming Office.
- (vii) A Prize Claim is deemed denied if the General Manager fails to approve the Claim in its entirety within thirty (30) days of receipt, unless the parties have reached a settlement or agreed to an extension before the expiration of that period. No agreement for extension may extend beyond thirty (30) days, but there shall be no limit on the number of extensions permitted.
- (viii) A person may not initiate suit against the Gaming Operation over a Prize Claim unless the Prize Claim has been denied. The claimant and the General Manager may continue attempts to settle a Claim; however, settlement negotiations do not extend the date of denial.
- (ix) No judicial proceeding for any cause arising from a Prize Claim shall be maintained unless valid and timely notice has been given, the Claim contains all information required by subpart (d) above, and the action is commenced in the Miami Tribal Court within 180 days of denial of the Claim. Neither the claimant nor the Gaming Operation General Manager may extend the time to commence an action in tribal court.
- (c) Notices explaining the procedure set forth in this section shall be prominently posted in the Gaming Facility. Such notices shall explain that this procedure is the exclusive method of making a Prize Claim and that claims that do not follow these procedures shall be forever barred. The Gaming Operation shall make pamphlets

explaining the procedures available to patrons of the Gaming Facility and shall provide such a pamphlet to a claimant within five (5) days of filing a Prize Claim.

#### **SECTION 28: PRIZE AWARDS**

No prize shall be awarded unless the winner has fairly won without any evidence of collusion, fraud or misrepresentation. The Gaming Operation has the authority to withhold the payment of any winnings until the final verification of authentic winning has been determined, whether by inquiry or electronic means of validation.

#### **SECTION 29: ANTI-DISCRIMINATION**

Notwithstanding any other provision of this ordinance, the Business Committee, the General Manager, or the Gaming Commission may bar any person from admittance to any Tribal gaming facility for any or no reason whatsoever. However, no person shall be discriminated against because of race, color, creed, sex, or natural origin.

#### **SECTION 30: MANAGEMENT CONTRACTS**

The Miami Tribe Business Committee, on behalf of the Miami Tribe, is authorized to enter into and approve management contracts for the management of any Class II and/or Class III gaming owned and operated by the Miami Tribe. A management contract shall in all respects be in compliance with the Indian Gaming Regulatory Act. All management contracts shall be approved by the Chairman of the National Indian Gaming Commission or as required by IGRA.

#### **SECTION 31: CRIMINAL PENALTIES**

- a. Any person or entity violating the provisions of this Ordinance shall be guilty of a criminal offense and shall, upon conviction thereof, be punished by confinement for a period of not less than ten (10) days and no more than six (6) months, and/or by a fine of not less than \$500.00 and not more than \$3000 or an amount consistent with the limits of tribal law.
- b. Such remedy shall not be exclusive nor preclude any civil or other judicial remedy available to the Tribe.

#### **SECTION 32: SERVICE OF PROCESS**

All notices or process made pursuant to this Ordinance may be made by directing the notice to:

- a. Gaming Commission Chairman  
Miami Tribe of Oklahoma  
3410 P Street NW  
Miami, Oklahoma 74354

- b. Miami Tribe of Oklahoma  
3410 P Street NW  
Miami, Oklahoma 74354  
Attn: Legal Department

**SECTION 33: INHERENT SOVEREIGNTY OF THE MIAMI TRIBE OF OKLAHOMA**

This Ordinance shall not limit or restrict the inherent sovereignty of the Miami Tribe, nor waive, in whole or in part, the sovereign immunity of the Miami Tribe of Oklahoma.

**SECTION 34: EFFECTIVE DATE**


This Ordinance, and the repeal of the prior Ordinance, is effective upon approval by the National Indian Gaming Commission (NIGC) as provided in 25 U.S.C. § 2710.

**CERTIFICATION**

The foregoing Ordinance was duly adopted through Resolution 21-18 by vote among the Business Committee for the Miami Tribe of Oklahoma on the 26<sup>th</sup> day of April, 2021, with 5 voting for, 0 opposed, and 0 abstaining.



Douglas G. Lankford, Chief



Donya Williams, Secretary/Treasurer



# Miami Tribe of Oklahoma

P.O. Box 1326-Miami, Oklahoma 74355  
Ph: 918-542-1445 Fax: 918-542-7260



## RESOLUTION 21-18

### A RESOLUTION AUTHORIZING AN AMENDED MIAMI TRIBE OF OKLAHOMA GAMING ORDINANCE

**WHEREAS**, the Miami Tribe of Oklahoma (“Tribe”) is a duly organized and federally recognized Tribal government under the Thomas-Rogers Oklahoma Indian Welfare Act of 1936, 49 Stat. 1967, and is governed by the terms of a Constitution and By-Laws originally approved by the Secretary of the Interior on August 16, 1939, and

**WHEREAS**, under Article VI of the Constitution, the Business Committee of the Miami Tribe of Oklahoma is authorized to enact Resolutions and act on behalf of the Miami Tribe, and

**WHEREAS**, the Business Committee previously authorized Resolution 21-07 on January 25, 2021, adopting amendments to the Miami Tribe of Oklahoma Gaming Ordinance, and submitted the amended Gaming Ordinance to the National Indian Gaming Commission (NIGC) on the same date, and

**WHEREAS**, during the review process the Tribe made additional amendments to the Gaming Ordinance previously submitted to the NIGC on January 25, 2021 as outlined in the attached, and

**WHEREAS**, through this Resolution, the Business Committee hereby withdraws the proposed Gaming Ordinance submitted on January 25, 2021 and authorizes the submission of the attached amended Miami Tribe of Oklahoma Gaming Ordinance.

**THEREFORE, BE IT RESOLVED**, the Business Committee for the Miami Tribe of Oklahoma hereby rescinds Resolution 21-07, and adopts the attached Miami Tribe of Oklahoma Amended Gaming Ordinance.

**BE IT FURTHER RESOLVED**, the Miami Tribe of Oklahoma withdraws the proposed Gaming Ordinance submitted to the NIGC on January 25, 2021 and authorizes the submission of the attached Miami Tribe of Oklahoma Amended Gaming Ordinance adopted by this Resolution.



**BE IT FINALLY RESOLVED**, pursuant to CFR § 522.3, the Amended Gaming Ordinance will be submitted to the National Indian Gaming Commission Chairman for his approval within fifteen (15) days of the approval of this Resolution.

#### CERTIFICATION

The undersigned as Chief of the Business Committee does hereby certify that the Miami Tribe Business Committee is composed of five (5) members. The foregoing Resolution was duly adopted this 26<sup>th</sup> day of April, 2021 at a Special Meeting of the Miami Tribe Business Committee, with of vote of 5 for, 0 against, and 0 abstaining.

  
\_\_\_\_\_  
Douglas G. Lankford, Chief

ATTEST:

  
\_\_\_\_\_  
Donya Williams, Secretary/Treasurer