



May 15, 2023

VIA E-MAIL

Rebecca Avitia, Executive Director
Absentee Shawnee Tribe Gaming Commission
2025 S. Gordon Cooper Dr.
Shawnee, OK 74801

Re: Absentee Shawnee Tribe of Indians of Oklahoma Amended Gaming Ordinance

Dear Executive Director Avitia:

This letter responds to your request for the National Indian Gaming Commission ("NIGC") Chairman to review and approve the Absentee Shawnee Tribe's amended Gaming Ordinance ("Ordinance"). The Absentee Shawnee Tribe's Executive Committee adopted the amended Ordinance by Resolution L-AS-2023-13 on March 15, 2023.

Thank you for bringing the Ordinance to our attention and for providing us with a copy. The Ordinance is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions or require anything further, please contact Staff Attorney Adam L. Candler at 202-580-5718 or by e-mail at adam.candler@nigc.gov.

Sincerely,

A handwritten signature in blue ink, reading "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer
Chairman

cc: John R. Johnson, Governor, Absentee Shawnee Tribe of Indians of Oklahoma

LEGISLATIVE

RESOLUTION NO. L-AS-2023-13

ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA

REGULAR EXECUTIVE COMMITTEE MEETING

MARCH 15, 2023

A RESOLUTION DULY ADOPTED BY THE EXECUTIVE COMMITTEE OF THE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA AMENDING THE ENTIRE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA GAMING ORDINANCE AS PROVIDED FOR IN THE ATTACHMENT “EXHIBIT A”, EFFECTIVE IMMEDIATELY UPON APPROVAL OF NATIONAL INDIAN GAMING COMMISSION (NIGC).

WHEREAS, the Absentee Shawnee Tribe of Indians of Oklahoma is a federally recognized Indian Tribe exercising all inherent sovereign rights from time immemorial; and

WHEREAS, the Absentee Shawnee Tribe of Indians of Oklahoma has a Constitution approved by The Department of the Interior, as last amended in May, 2019; and

WHEREAS, the Executive Committee of the Absentee Shawnee Tribe of Indians of Oklahoma is empowered by the Constitution to speak and otherwise conduct business in the name of, and on behalf of, the Absentee Shawnee Tribe of Indians of Oklahoma; and

WHEREAS, it is the responsibility of the Executive Committee to uphold its constitutional responsibility to the Tribe and its membership as the highest priority; and

WHEREAS, from time to time it is necessary to amend laws and ordinance to reflect the best interests of the Tribe and the Executive Committee believes it to be in the best interest of the Tribe for the Gaming Ordinance to be amended; and

WHEREAS, the last amendment to Gaming Ordinance was approved and adopted by NIGC was March 17, 2010; and

WHEREAS, the revised Gaming Ordinance meets requirements set forth by NIGC Bulletin No. 2018-1 that contains provisions that are required by IGRA and NIGC regulation that be included in the Gaming Ordinance.

NOW, THEREFORE, BE IT RESOLVED, AMENDING THE ENTIRE ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA GAMING ORDINANCE AS PROVIDED FOR IN THE ATTACHMENT “EXHIBIT A”, EFFECTIVE IMMEDIATELY UPON APPROVAL OF NIGC CHAIR.

CERTIFICATION

We, John R. Johnson, Governor and, Alicia Miller, Secretary of the Absentee Shawnee Tribe of Oklahoma, do hereby certify this Resolution No. L-AS-2023-13 to be a true and exact copy as approved by the Executive Committee of the Absentee Shawnee Tribe of Oklahoma at a duly called Regular meeting held on March 15, 2023, there being a quorum present, by vote of 4 in favor, 0 opposed, and 0 abstentions, as follows: Lt. Governor DeLodge: YES, Secretary Miller: YES, Treasurer Blanchard: YES, Representative Wilson: YES, Governor Johnson's vote, if required, N/A.



JOHN R. JOHNSON, Governor



ALICIA MILLER, Secretary



ABSENTEE SHAWNEE TRIBE



Gaming Ordinance

Gaming Commission

Revised and Amended

12/6/2022

Approve by L-AS-2023-**

** **, 2023

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ABSENTEE SHAWNEE TRIBE OF OKLAHOMA
GAMING ORDINANCE

Revised and amended December 6, 2022

Section 1. Purpose

The Absentee Shawnee Gaming Commission, under the approval of the Executive Committee of the Absentee Shawnee Tribe of Oklahoma, shall be empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance to promote tribal economic development, self-sufficiency and sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operator and players.

Section 2. Applicability

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to [class II and/or class III] gaming on the Tribe's Indian lands.

Section 3. Definitions

The following terms shall have the same meaning and effect as those same terms as defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et seq., and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 et seq., if they are defined in IGRA and the NIGC's regulations.

A. ASTGC. Absentee Shawnee Tribal Gaming Commission.

B. Class I gaming.

1. Social games played solely for prizes for minimal value; or
2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

C. Class II gaming.

1. Bingo or lotto (whether or not electric, computer or other technologic aids are used) when player:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;

2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
 3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes;
 4. Individually owned class II gaming operations –
 - a. That were operating on September 1, 1986;
 - b. That meet the requirements of 25 U.S.C. § 2710(b)(4)(B);
 - c. Where the nature and scope of the game remains as it was on October 17, 1988; and
 - d. Where the ownership interest or interests are the same as on October 17, 1988.
- D. Class III gaming. All forms of gaming that are not class I or class II gaming, including, but not limited to:
1. Any house banking game, including but not limited to –
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
 2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;
 3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
 4. Lotteries.
- E. Commission or Gaming Commission. The Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state regulations.
- F. Commissioner. A Tribal Gaming Commissioner.
- G. Court. The District Court of the Absentee Shawnee Tribe of Oklahoma unless otherwise specified.

- H. Directly related to. A spouse, child, parent, grandparent, grandchild, aunt, uncle, or any relation to the first degree.
- I. Executive Committee. The Absentee Shawnee Tribal Executive Committee.
- J. Facility License. A separate license issued by the Commission to each place, facility or location on Indian lands where the Tribe elects to allow class II or III gaming;
- L. Gaming Operation. Each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity. 25 C.F.R. § 502.10
- M. Indian lands.
 - 1. Land within the limits of an Indian reservation; or
 - 2. Land over which an Indian tribe exercises governmental power and that is either;
 - a. Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - b. Held by an Indian tribe or individual subject to restriction by the United States against alienation.
- N. Licensee. A tribally owned class II or class III gaming operation or a person licensed by the Tribal Gaming Commission as a primary management official, key employee or other gaming employee under the provisions of this ordinance.
- O. Management Contract. Any contract, subcontract or collateral agreement between an Indian tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.
- P. MICS. Minimum Internal Control Standards are rules and regulations set forth by the National Indian Gaming Commission.
- Q. NIGC. National Indian Gaming Commission is a United States federal regulatory agency within the Department of the Interior. Congress established the agency pursuant to the Indian Gaming Regulatory Act in 1988.
- R. Primary Management Official.
 - 1. The person(s) having management responsibility for a management contract.
 - 2. Any person who has authority:
 - a. To hire and fire employees; or
 - b. To set up working policy for the gaming operation; or

- c. The chief financial officer or other person who has financial management responsibility.
- 3. Any other person designated by the Tribe as a primary management official.
- S. Tribal-State Compact. An agreement between a tribe and state about class III gaming under 25 U.S.C. § 2710(d).
- T. TICS. Tribal Internal Control Standards are rules and regulations set forth by the Absentee Shawnee Tribal Gaming Commission.
- U. Tribe. The Absentee Shawnee Tribe of Oklahoma.

Section 4. Gaming Authorized

- A. Class II and/or class III gaming are authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.
- B. The Absentee Shawnee Tribe of Oklahoma Gaming Commission may exercise any reasonable power and authority necessary to perform the duties assigned by this Gaming Ordinance, and is not limited by any enumeration of powers in the chapter.
- C. Gaming Commission shall not revise contracts but only may approve or deny contracts dealing with machine placement, gaming equipment or gaming services and shall only review the contracts to determine if the provisions are in violation of the Minimum Internal Control Standards (MICS), Tribal Internal Control Standards (TICS), National Indian Gaming Commission (NIGC) regulations, Indian Gaming Regulatory Act (IGRA), or the Gaming Ordinance. Gaming Commission shall not make any revisions to contracts.
- D. Gaming Commission shall provide documentation upon denial of a contract citing the reason the contract was denied, identify the section that is not consistent with regulations and identify what regulation it is not compliant with.
- E. Construction contract and contracts for financing or lending of money are excluded from approval by Gaming Commission

Section 5. Ownership of Gaming

- A. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except as expressly provided in this Ordinance.
- B. No person or entity, other than the Tribe, shall conduct gaming-related activity, or provide equipment, supplies or services with the jurisdiction of the Absentee Shawnee Tribe of Indians or Oklahoma without obtaining a license from the Tribal Gaming Commission.

- C. The Tribal Gaming Commission may issue a license for individually-owned gaming so long as:
1. The individually owned gaming operation is licensed and regulated pursuant to this Ordinance;
 2. The income to the Tribe from an individually owned gaming operation is used only for the purposes listed in this Ordinance under Section 6 below;
 3. Not less than 60 percent of the net revenues of the individually-owned gaming operation is income to the Tribe;
 4. The owner of the individually owned gaming pays an annual assessment to NIGC pursuant to 25 C.F.R. § 514.1;
 5. The Tribal Gaming Commission applies licensing standards that are at least as restrictive as those established by State law governing similar gaming; and
 6. The Tribal Gaming Commission determines that the owner of the individually owned gaming business would be eligible to receive a State License to conduct the same activity within the jurisdiction of the surrounding State.
- D. Any document, affidavit, return, report, fee or other instrument of payment required to be filed with, delivered to, or served upon the Gaming Commission according to this Ordinance shall be deemed to be properly filed, delivered or served, as the case may be, if it is files, delivered, or served upon the Gaming Commission Executive Director, or any full time employee of the Gaming Commission Compliance department.
- E. Any registration form receipt, license application acknowledgement, or other instrument which the Gaming Commission is required or permitted to issue pursuant to the Ordinance, may be issued by the Gaming Commission Executive Director or any full time staff member, in accordance with the current Gaming Commission Policies and Procedures Handbook. Issuance by any such authorized person shall have the same effect as if such instrument were personally issued by the Gaming Commission Executive Director.
- F. No person who is under the age of eighteen (18) shall operate nor shall be allowed to participate in any manner in the operation of any game. No person(s) under the age of sixteen (16) shall be allowed on premises where games are being conducted. It shall be the responsibility of the licensee to enforce the provisions of this section.
- G. No operator shall allow a person who manages or receives any compensation, directly or indirectly, for the operation of any games conducted by the operator to play in a game while on duty. No operator shall allow any person who assists in the operation on any game conducted by the operator to play in any game conducted by the operator within twenty-four (24) hours of the time said person did so assist.

Section 6. Use of Net Gaming Revenues

Net revenues from Tribal gaming shall be used only for the following purposes:

1. To fund Tribal government operations or programs;
2. To provide for the general welfare of the Tribe and its members;
3. To promote Tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

Section 7. Gaming Commission

- A. The Tribe hereby establishes the Tribal Gaming Commission to regulate the Tribe's Gaming Operations. The Gaming Commission shall consist of duly appointed, part-time gaming commissioners as well as optional full-time staff departments which may include, but is not limited to, Executive Director, Compliance, Surveillance, Background Licensing, Vendor Licensing, Internal Audit, and any other departments or divisions that may be required in order to accommodate future gaming growth.
- B. The Tribal Gaming Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.
- C. The Tribal Gaming Commission may organize and form departments or divisions as may be necessary and from time to time alter such plan of organization as may be expedient. The Tribal Gaming Commission shall recommend the budget for operations, to the Executive Committee and take any other steps necessary to fulfill duties and responsibilities under the Gaming Ordinance.
- D. Commissioner positions shall be filled through appointment/resolution by the Absentee Shawnee Tribe of Oklahoma Executive Committee.
- E. Should any vacancy occur, the office shall be filled by appointment of the oversight and confirmed by the Executive Committee and the un-expired portion of the Commissioner's term shall be filled in the same manner as the initial appointment of a Commissioner.

- F. An interim commissioner may be selected by the oversight any time a vacancy occurs. Such an interim commissioner shall fill the position until the Executive Committee confirms the appointment of a person to fill the Commissioner's position. An interim commissioner shall be subject to the same background investigation as regularly appointed commissioner and nothing in this section shall prohibit such person from serving as an interim commissioner pending the outcome of key employee review.
- G. Terms of office for Commissioners shall be appointed for a period of four (4) years. In order to maintain continuity, the terms for each Gaming Commissioner should be staggered such that only one Commissioner is replaced every even-numbered year.
- H. The Commissioners shall elect among themselves to be a chairman of the Commission.
- I. A commissioner may be removed from office prior to the end of any term for cause under the provisions of tribal law pertaining to same.
- J. A commissioner may be suspended by the Executive Committee for ninety (90) days for cause. During such suspension, an interim commissioner shall be appointed.
- K. The following persons are not eligible to serve as Commissioners:
 - 1. Absentee Shawnee Tribe Executive Committee members, while serving as such;
 - 2. Current employees of the Absentee Shawnee Tribe or any tribal gaming operation;
 - 3. Gambling contractors (including any principal of a management, or other contracting company);
 - 4. Persons directly related by blood or marriage within the second degree, or sharing a residence with, any of the above. However, a Gaming Commissioner, who has been qualified and is serving a term of officer, shall be allowed to complete his term of office in the event that person related to the Gaming Commissioner by blood or marriage within the second degree is elected to a position on the Executive Committee or Election Commission. In this event, that a currently serving Gaming Commissioner shall not be disqualified from the term of office but shall be allowed to complete the term of office, but shall not be eligible for re-appointment to that position so long as they are related to a currently sitting member of the Executive Committee or Election Commission.
 - 5. Persons ineligible to be key employees or primary management officials.
 - 6. Non-tribal members previously convicted of any felony or misdemeanor offenses of embezzlement, theft or any other money-related or honest-related misdemeanor offense, such as fraud, cannot serve as Commissioner.

7. Tribal members previously convicted of any felony or misdemeanor offenses of embezzlement, theft or any other offense related to money or dishonest, such as fraud, will only be allowed to serve as a Commissioner if the Absentee Shawnee Tribe Executive Committee specifically finds that after 10 years has passed and the person is not of moral turpitude.
 8. Be a lay member of the tribal community or a non-tribal member closely associated with the Absentee Shawnee Tribe, or an individual who possesses gaming regulatory experience
 9. Under the age of twenty-five (25) years of age;
 10. Have a direct or indirect financial interest in the gaming facility;
 11. Have had his/her surety bond forfeited or been criminally convicted or found civilly liable for any breach of fiduciary duty to the tribe or have been impeached or removed from Tribal office.
- L. All Gaming Commissioners in order to support the standards and strict compliance required of all other gaming enterprise associates, should be subject to the same background investigations and licensing standards in all gaming enterprise and gaming commission employees, and their investigation should be handled in the same manner as any other background investigation, and be conducted by the gaming commission's background investigators.
- M. The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Absentee Shawnee Tribe in all matters within its purview. No prior, or subsequent, review by the Absentee Shawnee Tribe of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:
1. No member of the Absentee Shawnee Tribe Executive Committee member may serve on the Tribal Gaming Commission;
 2. No member directly related to, or living with, any Absentee Shawnee Tribe Executive Committee member may serve on the Tribal Gaming Commission;
 3. Members of the Commission are prohibited from gambling in the facility;

4. Commission and commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under twenty-five dollars (\$25); and
 5. Commissioners may only be removed from office by resolution from the Absentee Shawnee Tribe Executive Committee, prior to the expiration of their respective terms.
 6. The Commission and Commissioners are free from political influence from any department of the government.
- N. The Tribal Gaming Commissioner duties and responsibilities shall include, but are not limited to the following:
1. The Gaming Commissioners shall review all employee and vendor licensing applications and approve the issuance or deny the issuance of valid temporary gaming licenses.
 2. Gaming Commissioners shall approve or deny the suspension or revocations of existing gaming licenses.
 3. Gaming Commissioners shall bear and decide appeals regarding gaming enterprise employee licensing or gaming patron disputes within a reasonable time after the incident occurs.
 4. Gaming Commissioners shall adjudicate all other matters related to violations of the ASTGC TICS brought before the Gaming Commission by Gaming Commissioner departments or divisions.
 5. Gaming Commissioners shall review compliance, internal and external audit reports to ensure compliance with NIGC, State Compact, and tribally prescribed rules, regulations, and policies.
 6. Gaming Commissioners shall review surveillance and compliance investigation reports.
 7. Gaming Commissioners shall make a final determination regarding the issuance of permanent gaming licenses following NIGC review of all key employee gaming license applications.
 8. Gaming Commissioners shall not attempt to manage, control, manipulate or influence Absentee Shawnee Tribal gaming enterprise operations in any way.

9. Gaming Commissioners do not have supervisory authority over gaming commission staff, and therefore should not participate in, direct or attempt to influence the outcome, course or direction of a gaming commission investigation into any aspect of compliance, surveillance, revenue control, background investigation, or internal audit, or any other gaming commission department or division, but must remain independent of all gaming operations and investigations so as to be prepared at all times to fairly and impartially judge all matters brought before them.
- O. It shall be the responsibility of the Gaming Commission, under the direction of the Executive Director, to timely promulgate regulations necessary to administer the provisions of this Gaming Ordinance.
- P. The Tribal Gaming Commission shall:
 1. Conduct background investigations, or cause such investigations to be conducted, for primary management officials and key employees;
 2. Review and approve all investigative work conducted in connection with the background investigations of primary management officials and key employees;
 3. Create and maintain investigative reports based on the background investigations of primary management officials and key employees;
 4. The Commission Shall obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation;
 5. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;
 6. Submit a notice of results to the NIGC of the background investigations done for each primary management official and key employee applicant;
 7. Issue gaming licenses to primary management officials and key employees of the operation, if warranted by the eligibility determination;
 8. Establish and maintain a list of all Employees licensed by the Gaming Commission.
 9. Establish standards for licensing Tribal gaming facilities;
 10. Issue gaming licenses to Tribal gaming facilities;
 11. Inspect, examine and monitor all of the Tribe's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming facilities and operations;

12. Ensure compliance with all Tribal, federal and applicable state laws, rules and regulations regarding Indian gaming;
13. Investigate any suspicion of wrongdoing associated with any gaming activities;
14. Hold hearings on patron complaints, in accordance with procedures established in this ordinance and the Tribal gaming regulations;
15. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any tribal-state compact to which the Tribe is a party, and any other applicable law;
16. Promulgate and issue regulations necessary to comply with applicable internal control standards;
17. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
18. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any Tribal, federal or applicable state gaming regulations;
19. Establish a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation;
20. Establish a list of persons who have voluntarily agreed to be excluded from the Tribal gaming facilities, and create regulations for enforcing the exclusions;
21. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of Tribal, federal or state statutes, ordinances, regulations, codes or resolutions;
22. Create a list of regulatory authorities that conduct background investigations of, and licenses, vendors who are recognized as trustworthy;
23. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
24. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and
25. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.

26. Reviewing all gaming equipment and gaming operation contracts, records, documents necessary and pertinent to the financial accountabilities of licensees, or enforcement of any provision of gaming equipment and gaming operation contracts, agreements, and this or other related gaming ordinances.
27. Conducting all aspects of gaming licensing. The Absentee Shawnee Tribe of Oklahoma Gaming Commission shall have the power and authority to deny any application, to limit, condition, suspend, or revoke any license, to order the imposition of a fine upon any licensed person or gaming vendor for any cause deemed reasonable by the Gaming Commission, or to make assessment for money owed the Absentee Shawnee Tribe of Oklahoma by contract or license agreement, and to levy collection of the same with or without notice.
28. Defending Gaming Commission actions in any court of competent jurisdiction or initiating any actions with the consent of the Executive Committee.

Section 8 Gaming Commission Meeting

- A. Regular and special meetings of the Absentee Shawnee Tribe of Oklahoma Gaming Commission may be held, at the discretion of the Absentee Shawnee Tribe of Oklahoma Gaming Commission, at such times and places as may be convenient and open to tribal members, with the notice posted in a public place at least twenty-four (24) hours prior to the meeting.
- B. A quorum of at least two (2) Gaming Commissioners is needed to conduct Gaming Commission business. Changes to the AST TICS or to the Gaming Commission Policies and Procedures must be approved by at least two (2) votes of three (3) commissioners. Each Commissioner is vested with one vote for any decision.
- C. Each Gaming Commissioner shall execute a conflict of interest provision disclosing potentially unethical situations. In the event that a conflict arises, the Commissioner with the conflict shall recuse himself/herself from hearing the issue. The issue shall be heard by another sitting member of the Gaming Commission. In the event that all Gaming Commissioners are conflicted the District Judge of the Absentee Shawnee District Court shall preside over the issue.

Section 9. Audits

- A. The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
- B. Commission is responsible for the decision of contracting external audits.
- C. Annual audits shall conform to generally accepted auditing standards.

- D. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this ordinance.
- E. Copies of the annual audit of each licensed gaming operation, and each audit for supplies, services or concessions of each gaming operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the gaming operation.
- F. It shall be the responsibility of the Gaming Commission to promulgate regulations establishing proper accounting procedures and methods of operations for all licensees, so that all monies or things of value received and/or paid out may be properly monitored and accounted for. All licenses under this Ordinance shall be required to keep an approved accounting system, which shall comply with, but not be limited to, all applicable provisions of this Ordinance or the regulations of the Gaming Commission. Said accounting system shall reflect all business and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Ordinance.

Section 10. Environment and Public Health and Safety

- A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- B. The ASTGC shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility or location, to ensure adequate protection of the environment and the health and safety of the public.
- C. Responsibility for the employment and maintenance of suitable methods of operation rests with the gaming facility management. Willful and persistent use of toleration of unsuitable methods of operation will constitute grounds for license revocation or other disciplinary actions.

Section 11. Patron Dispute Resolution

Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of \$5,000 per occurrence, and a cumulative limit of \$10,000 per patron in any 12-month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited

to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy. Any customer not satisfied with the decision of the Gaming Commissioner may appeal the decision to the Executive Committee of the Absentee Shawnee Tribe of Indians of Oklahoma. The decision of the Executive Committee is final.

Section 12. Facility Licenses

- A. The Tribe shall issue a separate license to each place, facility or location on Indian lands where gaming is conducted under this ordinance.
- B. The Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The Gaming Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.
- D. The Gaming Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include a legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.
- E. The Gaming Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. The Gaming Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Gaming Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where gaming will occur.
- G. The Gaming Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- H. The Gaming Commission shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.
- I. In all cases gaming facility management shall have and must exercise complete control over that portion of the premises being used for gaming at all times said games are being played. The gaming facility management shall ultimately be held liable for any violation of the Gaming Ordinance and/or the Absentee Shawnee Tribal Minimum Internal Control

Standards (MICS), and licensed gaming facility employees will also be held liable for infractions of the MICS.

- J. Licensees shall provide for their facility security, provided that contracts are reviewed, and security plans, or amendments thereto, are approved by the Gaming Commission prior to implementation.
- K. No firearms, air guns which are capable of discharging dangerous projectiles or gases, including but not limited to “B.B.’s” or CO2 guns, rifles, shotguns, pistols, or revolvers shall be allowed on the premises, except as permitted by regulation of the Gaming Commission.
- L. Any premises licensed or any premises connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the Gaming Commission. At any time during which a licensed gaming or related administrative activity is being conducted on a premises, the Gaming Commission or any authorized representative of the Gaming Commission may enter upon the premises without advance notice and:
 - 1. Make an account of all monies on the premises and all monies received during the operation of the licensed activity located on the premises, inspect all receipts for prizes which have been awarded by the licensee;
 - 2. Inspect any other records, accounts or other related information of the licensee, or of any member who directly participates in the management, operation, or promotion of a licensed activity; or of any employee of the licensee; or of any operator of the licensed activity;
 - 3. Inspect, including the dismantling of all pieces of equipment or parts thereof or devices of any nature, which are being used to conduct the licensed activity.
 - 4. When the Gaming Commission finds cause to believe that there is a reasonable probability that the provisions of this Ordinance, including any amendments thereto or any of the rules passed by the Gaming Commission have been or are being violated by gaming facility management or its employees or operators, they may move to another location or locations for further inspection or investigation of any and all records and any and all equipment, part thereof, devices, or thing(s) of any nature located upon the premises related to the operation of the licensed activity or any other gaming activity. A receipt shall be issued to the employee or operator of the activity which shall list and describe each record, that piece of equipment or part thereof,

device, or thing(s) which has been removed from the premises. Each such record, piece of equipment, part thereof, or thing(s) so removed shall be returned to the premises within ten (10) days, except Saturdays, Sundays, and days when tribal offices are legally closed, in as good condition as it was when it was removed unless the Gaming Commission determines that the record, equipment, devices, or thing(s) so removed are necessary for an ongoing investigation and/or evidence of possible violations of this Ordinance or rules of the Gaming Commission by gaming facility management, by employers or by operators of the licensed activity, or for possible forfeiture under Title II thereof with the Gaming Commission so notifying the license of the reasons said property or things(s) are to be so held.

Section 13. Agent for Service of Process

The Tribe designates the Gaming Commission Executive Director as the agent for service of any official determination, order or notice of violation.

Section 14. Tribal Access to Financial Information

A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to the members of the Tribal Executive Committee, Commission and the Gaming Commissioners.

Section 15. License Application Forms

- A. The following notice shall be placed on the Tribe's 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. 25 C.F.R. § 556.2(a).

- 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). 25 C.F.R. § 556.3(a).

- C. All persons who may seek employment with a gaming operation within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma must submit an application at least thirty (30) days prior to their employment.
- D. Every licensee intending to continue employment with a gaming operation within the Absentee Shawnee Tribe of Oklahoma during the next following calendar year shall apply for renewal of the license at least thirty (30) days prior to the end of the previous license period.

Section 16. Licensee Delays

Any delay, maneuver or action of any kind, which in the opinion of the Gaming Commission, is effectuated by any licensee to unlawfully avoid paying the proceeds, fees, or fines properly owing to the Absentee Shawnee Tribe of Oklahoma shall constitute grounds for taking any disciplinary action deemed necessary by the Gaming Commission, including by not limited to, fining, revoking, suspending, limiting, or refusing to renew the license of any licensee. Further, the Gaming Commission shall have authority to make assessments of monies owed to the Absentee Shawnee Tribe of Oklahoma by contract or taxation and may levy collection of the same with or without notice.

Section 17. License Fees

- A. Licenses shall be issued for Absentee Shawnee Tribal Gaming Operation managers and employees, Gaming Commission employees and Gaming Commissioners, as well as any vendor providing games, gaming-related equipment, supplies, or services, and each shall have a separate fee, and each shall grant separate privileges as detailed in the Gaming Commission Policies and Procedures manual. Licensees shall operate and conduct only those activities authorized under each license as listed in this Ordinance or as may be further specified in regulations promulgated pursuant to this Ordinance.
- B. All license fees shall become part of the Gaming Commission budget of the Absentee Shawnee Tribe of Oklahoma, and shall be used to offset the cost of the Gaming Commission operation.

Section 18. Background Investigations

- A. The Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation. The investigation must be sufficient to

allow the Tribal Gaming Commission to make an eligibility determination under Section 20 of this ordinance.

- B. The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- C. The Tribe shall request fingerprints from each primary management official and key employee. The law enforcement agency designated to take fingerprints is Tribal Police.
- D. The Tribal Gaming Commission shall request from each primary management official and key employee all of the following information:
 - 1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written);
 - 2. Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - 3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (C)(2) of this section;
 - 4. Current business and residential telephone numbers, and all cell phone numbers;
 - 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 (C)(8) or (C)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;

11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

12. A photograph;

13. Any other information the Tribe deems relevant; and

14. Fingerprints obtained in accordance with procedures adopted by the Tribe.

E. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 18(C), shall be maintained.

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

Section 19. Investigative Reports

A. ASTGC shall create and maintain an investigative report for each background investigation of a primary management official or key employee.

B. Investigative reports shall include all of the following information:

- a. Steps taken in conducting the investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The basis for those conclusions.

Section 20. Eligibility Determinations

A. Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

B. If the authorized Tribal official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.

- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

Section 21. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- 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 primary management official or key employee;
 - 3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
 - 4. A copy of the eligibility determination made in accordance with Section 20.

Section 22. Granting Gaming Licenses

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Commission.
- B. The Tribal Gaming Commission²⁸ is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 20.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.

- E. The Commission shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Tribal Gaming Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
- G. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- H. The Commission will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
 - 1. If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 24.
 - 2. The license issued pursuant to the provisions of this Ordinance is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Gaming Commission.
 - 3. Unless prior written approval is obtained from the Gaming Commission, no person employed in the conduct of gaming operating under one license shall be employed under any other license authorized to operate under this Code.
 - 4. Every licensee shall wear or display in the upper 3rd of the body a current and valid Absentee Shawnee Gaming license.
 - 5. Granting of a license or renewal thereof, or a condition imposed thereon, by a licensee constitutes an agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Gaming Commission and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the contents of all such regulations, provisions, conditions, and ignorance thereof will not excuse the violations.

Section 23. Denying Gaming Licenses

- A. The tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 20 for making a license eligibility determination, that licensing the person:

1. Poses a threat to the public interest;
 2. Poses a threat to the effective regulation of gaming; or
 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses 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 24. Gaming License Suspensions and Revocations

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

Section 25. Records Retention

- A. The Tribal Gaming Commission shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:
1. Application for licensing;

2. Investigative Reports; and
3. Eligibility Determinations.

Section 26. Licenses for Vendors

- A. Vendors of gaming services or supplies must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.
- B. Gaming facility management shall be responsible to insure that the name and address of each manufacturer and each distributor, selling or distributing equipment, or other things used, directly or indirectly, in any Absentee Shawnee Tribe gaming facility, is filed with the Gaming Commission. All said manufacturers or distributors must be listed with the Gaming Commission.
- C. As a provision of licensing, all contracts or agreements with the Absentee Shawnee Tribe of Oklahoma that include gaming or gaming-related activities, facilities, equipment, supplies or services must be reviewed by the Gaming Commission. Upon such review the Gaming Commission shall reform all gaming contracts to comport and comply with existing tribal and federal law. Any reformation provisions shall be prepared in writing and delivered to the Executive Committee and all other parties to the contract.
- D. Any person or entity entitled to receive notice of reformation subject to part C of this section may request a hearing for reconsideration of the Gaming Commission's reformation, provided such request is made within ten (10) days of delivery of reformation provisions, the Gaming Commission, upon such request, shall promptly set a hearing date in writing. At the hearing, the Gaming Commissioners shall receive testimony and exhibits to determine whether to amend the reformation provisions prepared pursuant to part C. In no event shall the Gaming Commission delay a hearing requested pursuant to this section more than forty-five (45) days beyond the date of issuance of notice of reformation pursuant to part C.
- E. At the conclusion of any hearing required by part D, the Gaming Commission shall within five (5) days render a written decision. Said decision shall contain a determination that reconsideration is warranted or not warranted. If reconsideration is warranted the Gaming Commission shall state whether any reformation is necessary and if so shall fully describe the contract reformation imposed. Nothing herein shall prevent the Gaming Commission from withdrawing its original determination that reformation is necessary. A copy of the decision of the Gaming Commission shall be sent immediately to the Executive Committee and all other parties to the reformed contract.
- F. Within ten (10) days of the decision of the Gaming Commission issued pursuant to part E the Executive Committee or any other parties to the reformed contract may initiate an appeal to tribal district court. The court shall review the decision of the Gaming

Commission to determine whether the final reformation decision is an abuse of the Gaming Commission discretion. If the court determines that no abuse of discretion exists, the Commission's decision shall stand as written. If the court determines that the Gaming Commission's decision is an abuse of discretion, the court shall vacate the decision and shall direct the Gaming Commission to prepare reformation if any is necessary pursuant to court order.

- G. Reformation of a contract pursuant to part C shall be effective upon expiration of the time available for reconsideration by the Gaming Commission provided reconsideration is not requested. If reconsideration is requested, the reformation shall be effective upon the expiration of time for appeal to tribal court if no appeal is pursued. If tribal court appeal is pursued the effective date shall be ten (10) days from the date of decision by the tribal district court and provided that such reformation shall be consistent with the tribal court decision.

Section 27. Submission of a Vendor License Application

- A. In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.
- B. All companies who may seek to engage in gaming-related activities within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma must submit a vendor license application at least thirty (30) days prior to the scheduled activities.
- C. Every licensee intending to continue to conduct gaming-related activities within the Absentee Shawnee Tribe of Oklahoma during the next following calendar year shall apply for renewal of the license at least thirty (30) days prior to the end of the previous license period.
- D. No manufacturer or distributor shall make or have an agreement or understanding with any gaming facility that either of them shall be restricted in the operation of carrying on of business to specific geographic area or areas, and such a restriction shall not be a condition of any sales between manufacturer, distributor and any other Absentee Shawnee Tribe gaming facility. Provided, that this shall not prevent a distributor or manufacturer from assigning sales territories among its bona fide representatives.

Section 28. Contents of the Vendor License Application

- A. Applications for gaming vendor licenses must include the following:

1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address),
2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;
3. If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of Oklahoma, if the gaming operation is in a different state than the state of incorporation.
4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
5. General description of the business and its activities;
6. Whether the applicant will be investing in, or loaning money to, the gaming operation, and if so, how much;
7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
8. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
10. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
11. If the business has ever had a license revoked for any reason, the circumstances involved;
12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
13. A list of the business' funding sources and any liabilities of \$50,000 or more;
14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and
15. Any further information the Tribe deems relevant.

- B. The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

Section 29. Vendor Background Investigations

The Tribal Gaming Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:

- A. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
- B. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
- C. Conducting a check of the vendor's business' credit history;
- D. Calling and questioning each of the references listed in the vendor application; and
- E. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

Section 30. Vendor License Fees

- A. The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.
- B. Each application for an initial or renewal license shall be accompanied by payment of the current license fee approved by the Gaming Commission. Subject only to the appeal as provided under this Ordinance, the Gaming Commission's determination of the license fee properly owed under this Ordinance shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the Absentee Shawnee Tribe or Oklahoma.

Section 31. Vendor Background Investigation Reports

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the Tribal Gaming Commission.

Section 32. Vendors Licensed by Recognized Regulatory Authorities

The Tribal Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

Section 33. Appeals

- A. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall have exclusive jurisdiction to hear appeals from final decisions of the Absentee Shawnee Tribe of Oklahoma Gaming Commission denying, modifying conditioning, or revoking any license.
- B. Any affected party may appeal any final decision of the Absentee Shawnee Tribe of Oklahoma Gaming Commission within thirty (30) days after such decision by filing a notice of appeal with the Absentee Shawnee Tribe of Oklahoma Gaming Commission and serving a copy on the Absentee Shawnee Tribe. Thereafter, the Absentee Shawnee Tribe of Oklahoma Gaming Commission shall promptly file the full record of the proceeding, including the notice of appeal with the Supreme Court of the Absentee Shawnee Tribe of Oklahoma.
- C. In all appeals, the Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall give proper deference to the Absentee Shawnee Tribe of Oklahoma Gaming Commission. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall not set aside, modify, or remand any determination by the Absentee Shawnee Tribe of the Oklahoma Gaming Commission unless it finds the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma shall issue a written decision on all appeals, which decision shall be final.
- D. The Supreme Court of the Absentee Shawnee Tribe of Oklahoma may, in its discretion, award costs and attorney's fees to the Absentee Shawnee Tribe of Oklahoma against any appellant whose appeal was frivolous, malicious or in bad faith. Such fees shall be assessed and collected as a tax imposed under this title.
- E. Any final finding or determination of the Absentee Shawnee Tribe of Oklahoma Gaming Commission which is not timely appealed, and any final determination of the Supreme Court of the Absentee Shawnee Tribe of Oklahoma in proceedings pursuant to part A through C of this section, shall be final and binding in any other proceeding against or by the same person before the Absentee Shawnee Tribe of Oklahoma Gaming Commission or the Supreme Court of the Absentee Shawnee Tribe of Oklahoma.

Section 34. Confidentiality of Informant

The Absentee Shawnee Tribe of Oklahoma Gaming Commission may refuse to reveal, at any court proceedings, the identity of any informant, if such revelation would subject the informant to bodily harm.

Section 35. Compliance with Federal Law

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

Section 36. Criminal Penalties

- A. Any Absentee Shawnee Indian person violating the provisions of this Ordinance shall be guilty of an offense and shall upon conviction thereof be punished by the confinement in the tribal jail for a period of not less than ten (10) days nor more than six (6) months and a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by both such fine or imprisonment for each separate violation.
- B. Any non-Absentee Shawnee Indian person violating the provisions of this Code shall be guilty of an offense and excluded from all areas within the jurisdiction of the Absentee Shawnee Tribe of Oklahoma.

Section 37. Repeal

In adopting, amending, or repealing any regulations under this Gaming Ordinance, the Absentee Shawnee Tribe of Oklahoma Gaming Commission shall give prior notice of the proposed action to all licenses and other person whom the Absentee Shawnee Tribe of Oklahoma Gaming Commission has reason to believe have a legitimate and bona fide interest in such proposed action.

Section 38. Citation

The Ordinance may be cited as the Absentee Shawnee Gaming Ordinance of 1990, as revised and amended December 6, 2022.

Section 39. Severability

The provisions of this Ordinance are severable, and if any part or provision hereof shall be held void by appropriate judicial authority, the decision of the Court in so holding shall not affect or impair any of the remaining parts of provisions of the Ordinance.

Section 40. Effective Date

This ordinance shall take effect immediately upon its approval by the NIGC Chair.