



May 22, 2023

VIA EMAIL

Faron Jackson, Sr, Chairman
Leech Lake Band of Ojibwe
190 Sailstar Drive NW
Cass Lake, MN 56633

Re: Leech Lake Band of Ojibwe Amended Gaming Ordinance

Dear Chairman Jackson:

This letter responds to your request of April 12, 2023 on behalf of the Leech Lake Band of Ojibwe (Band) for the National Indian Gaming Commission (NIGC) to review and approve amendments to the Band's Gaming Ordinance. The amended Gaming Ordinance was approved by the Reservation Business Committee in Resolution 2023-75 on April 6, 2023.

We understand that these amendments reflect changes in tribal law and ensure consistency with federal and state law as may be required by regulation or the Band's gaming compacts with the State of Minnesota. The amended ordinance appears to be a comprehensive update, with substantive changes made regarding key definitions, authorization of individually owned gaming and charitable gaming, restructuring of the Leech Lake Gaming Regulatory Authority, vendor and facility licensing, and licensing for key employees and primary management officials.

Thank you for bringing this ordinance amendment to our attention. The amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions or require anything further, please contact Logan Takao Cooper at (503) 318-7524 or Logan.Takao-Cooper@nigc.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer
Chairman

cc: William Ethier, Compliance Director, Leech Lake Regulatory Division

MAILING ADDRESS: NIGC/DEPARTMENT OF THE INTERIOR 1849 C Street NW, Mail Stop #1621 Washington, DC 20040 Tel: 202.632.7003 Fax: 202.632.7066

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Gaming Ordinance

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Section 1: Establishment

1.1: Short Title

This Ordinance shall be known and may be cited as the Leech Lake Band of Ojibwe Gaming Ordinance.

1.2: Authority

This Gaming Ordinance is enacted pursuant to the inherent sovereign authority of the Leech Lake Band of Ojibwe, as granted by Article VI of the Revised Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476.

1.3: Purpose

The purpose of this Gaming Ordinance is to establish a Tribal Gaming Regulatory Authority (TGRA) to act as the Tribe's regulatory body; to promote tribal economic development, self-sufficiency and sovereignty; and to govern, regulate, and ensure the integrity of gaming within the Leech Lake Band of Ojibwe's Indian Lands.

1.4: Gaming Authorized

Class II and Class III Gaming, including Non-Tribally owned Class II and Class III gaming, small gaming operations, and charitable gaming are authorized to be conducted on Leech Lake Band of Ojibwe's Indian Lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act (IGRA), National Indian Gaming Commission (NIGC) regulations, Tribal / State Compact, Bank Secrecy Act (BSA), and any other applicable laws or regulations.

1.5: Applicability

Unless specifically indicated otherwise, all provisions of this ordinance shall apply to all Class II, Class III, and charitable gaming conducted within Tribal Lands.

1.6: Repeal

All prior Tribal gaming ordinances are hereby repealed.

1.7: Effective Date

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

Section 2: Ownership

2.1: Ownership of Gaming

The Leech Lake Band of Ojibwe 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.

2.2: Restrictions

No person or entity, other than the Tribe, shall conduct gaming within the boundaries of LLBO's Indian Lands without obtaining a license from the LLBO Tribal Gaming Regulatory Authority.

2.3: Individually Owned Gaming Operation

The Tribe may issue a license for an individually-owned gaming operation, as long as:

1. The individually owned gaming operation is licensed and regulated pursuant to this Ordinance
2. Not less than 60 percent of the net revenues of the individually owned gaming operation is income to the tribe
3. The income to the Tribe is used only for the purposes listed in this Ordinance
4. The owner of the individually owned gaming operation adheres to all standards of NIGC including payment of an annual assessment, pursuant to 25 C.F.R. § 514.1
5. The LLGRA applies licensing standards that are at least as restrictive as those established by the State of Minnesota governing similar gaming
6. The LLGRA determines that the owner of the individually owned gaming would be eligible to receive a license from the State of Minnesota to conduct the same activity within the jurisdiction of the State.

2.4 Gaming Permits

Class II Gaming may be authorized by the Tribe for charitable fund-raising events provided that a permit is obtained prior to the event.

1. Gross gaming revenues for a single permitted fundraising event must not exceed \$3,000,000

Section 3: Revenue

3.1: Tribally Owned Operations

The Leech Lake Band of Ojibwe will maintain the sole proprietary interest in any net gaming revenue's generated by tribally owned operations.

3.2: Non-Tribally Owned Operations

The Leech Lake Band of Ojibwe will maintain a 60 percent interest in net gaming revenue's for all non-tribally owned gaming operations licensed by this Ordinance.

1. This includes both charitable and individually owned gaming operations

3.3: 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
5. To help fund operations of local government agencies

Section 4: Delineations

4.1: Acronyms

The following acronyms when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

1. **BSA:** Bank Secrecy Act
2. **CHRI:** Criminal History Record Information
3. **CJI:** Criminal Justice Information
4. **CJIS:** Criminal Justice Information Services (FBI)
5. **EPHS:** Environmental and Public, Health and Safety
6. **FBI:** Federal Bureau of Investigation
7. **GGR:** Gross Gaming Revenue
8. **KE:** Key Employee
9. **LLBO:** Leech Lake Band of Ojibwe
10. **LLGRA:** Leech Lake Gaming Regulatory Authority
11. **LLRD:** Leech Lake Regulatory Division
12. **MOU:** Memorandum of Understanding
13. **NIGC:** National Indian Gaming Commission
14. **NOR:** Notice of Results
15. **PMO:** Primary Management Official
16. **SSN:** Social Security Number
17. **TGRA:** Tribal Gaming Regulatory Authority
18. **TICS:** Tribal Internal Control Standards
19. **USC:** United States Code

4.2: Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

1. **Applicant:** shall mean any person who is required to be licensed by this Ordinance, and who submits a request for the grant or renewal of such License.
2. **Biometric Data:** Shall mean fingerprints, palm prints, iris scans, and/or facial recognition data.
3. **Blackjack:** shall have the meaning given the term in the Tribal-State Compact for Control of Class III Blackjack on the Leech Lake Reservation, entered into in 1991.
4. **Charitable Gaming Event:** shall mean a fund-raising event sponsored by a bona fide religious, charitable or non-profit organization at which gaming activities will be conducted under the regulation of the LLGRA.

5. **Charitable Gaming Operation:** shall mean a specifically designated gaming operation where proceeds are for the benefit of a charitable organization.
6. **Class I Gaming:** shall mean all forms of gaming defined as Class I in Section 4(6) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(6).
7. **Class II Gaming:** shall mean all forms of gaming defined as Class II in Section 4(7) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(7).
8. **Class III Gaming:** shall mean all forms of gaming as defined in Section 4(8) of the Indian Gaming Regulatory Act, 25 U.S.C. § 2703(8).
9. **Compact:** shall mean any agreement, currently authorized or authorized in the future, concerning Class III Gaming between the LLBO and the State of Minnesota, approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d), and any amendments thereto.
10. **Complimentary:** shall mean a service or item provided at no cost, or at a reduced cost, to a customer.
11. **Gaming Activity:** shall mean the act of paying for the opportunity and participation in a game of chance for money or something of value, and to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element.
12. **Gaming Equipment:** shall mean without limitation, any equipment that is employed and integral to the conduct and accounting of gaming.
13. **Gaming Operation:** shall mean each economic entity that is licensed by a tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a tribe directly; by a management contractor; or, under certain conditions, by another person or other entity.
14. **Gaming Vendor:** shall mean any Person or entity which sells, leases, distributes or provides devices, machines, or equipment used directly in connection with Gaming Activity including services which are unique to the operation of Gaming Activity.
15. **Gross Gaming Revenue:** shall mean the total amount of cash wagered on Class II and Class III games and admission fees (including table or card fees), less any amounts paid out as prizes or paid for prizes awarded.
16. **Indian Gaming Regulatory Act:** shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. 5 2701 et seq.
17. **Indian Lands:** Shall mean:
 - a. All lands within the limits of any Indian reservation; and
 - b. Any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.
18. **Indian Tribe:** shall mean any Indian tribe, band, nation, or other organized group or community of Indians that the Secretary recognizes as -

- a. Eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and
 - b. Having powers of self-government.
- 19. **Key Employee:** Shall mean any person designated by the LLGRA as a key employee in conjunction with NIGC MICS Section 502.14;
 - a. A comprehensive list of Key positions will be maintained by the LLGRA.
- 20. **Leech Lake, LLBO, or Tribe:** shall mean the Leech Lake Band of Ojibwe, a federally recognized Indian tribe, its authorized officials, agents and representatives.
- 21. **Leech Lake Reservation Business Committee a/k/a Leech Lake Tribal Council :** shall mean the elected governing body of Tribe.
- 22. **Net Revenue:** shall mean gross gaming revenue less amounts paid out as, or paid for, prizes; and total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.
- 23. **Permit:** shall mean an acknowledgement from the LLGRA that a one-time bona fide fundraising event has been reported to the Tribe.
- 24. **Person:** shall mean any individual, partnership, corporation, association, or public or private organization.
- 25. **Primary Management Officials:** Shall mean any person designated by the LLGRA as a Primary Management Official in conjunction with NIGC MICS Section 502.19;
 - a. A comprehensive list of Primary Management Official positions will be maintained by the LLGRA.
- 26. **Shall:** is used in this Ordinance as imposing an obligation to act.
- 27. **Small Gaming Operation:** shall mean tribally-licensed gaming establishments where the annual gross gaming revenue realized in a calendar year does not exceed \$3 million.
- 28. **State:** shall mean the State of Minnesota, its authorized officials, agents and representatives.

Section 5: Leech Lake Gaming Regulatory Authority

5.1: Purpose

The Tribe recognizes the importance of an independent Tribal Gaming Regulatory Authority in maintaining a well-regulated Gaming Operation. The Gaming Regulatory Authority shall be independent of, and act independently and autonomously from, the Gaming Operation.

5.2: Leech Lake Gaming Regulatory Authority

Leech Lake Band of Ojibwe hereby establishes a Gaming Regulatory Authority to regulate the Gaming Operations authorized under this Ordinance, and shall be known as the Leech Lake Gaming Regulatory Authority ("LLGRA"). The LLGRA shall be an agency of the Leech Lake Band of Ojibwe, and any actions taken in implementing the provisions of this Ordinance are subject to review and oversight by the Leech Lake Reservation Business Committee. The LLGRA shall consist of four (4) members, including a Chair, Vice-Chair and two (2) additional members.

5.3: Membership

The four (4) members of the LLGRA shall consist of the Directors of the LLRD. The Compliance Director will hold the title of Chair, the Investigations Director will hold the title of Vice-Chair, while the Internal Audit Director and Health & Safety Director will be recognized as having general membership.

5.4: Removal

Membership shall be dependent upon employment with the Leech Lake Regulatory Division. Starting employment in the position of Compliance Director, Investigations Director, Internal Audit Director or Health & Safety Director shall result in commencing membership in the LLGRA. LLGRA members who separate employment from an LLRD position shall be deemed removed from the LLGRA upon separation. Membership within the LLGRA does not abrogate the applicability of the General Administrative Personnel Policies, and to the extent that current or future personnel policies are not inconsistent with the provisions of this Ordinance, those policies shall apply to the regular full-time employment of the individual LLGRA members as Leech Lake Regulatory Division Directors.

5.5: General Duties

The LLGRA will conduct oversight to ensure compliance with all applicable Tribal, State, and Federal laws, rules, and regulations regarding Indian gaming. LLGRA will monitor compliance with the Gaming Operations internal controls and tracking of gaming revenues. They will also serve as the licensing authority for Gaming Employees, Vendors, and Facilities.

5.6: Duties of members

1. The Chairperson shall have responsibility for calling and presiding over all meetings of the LLGRA as well as overseeing administration of the daily affairs of the LLGRA
2. The Vice-Chair shall have responsibility for acting as that Chairperson in the Chairperson's absence or disability
3. The other members of the LLGRA shall be required to vote in all matters where the LLGRA is required to make a decision or take official action

5.7: Official Action

In order to take official action the LLGRA must formally convene with the following provisions:

1. A quorum of LLGRA members must be present
 - a. A quorum will consist of 3 out of the 4 members being present, including reasonable use of technology
2. One member shall act in the capacity of Chair to keep order and coordinate the official action of the board
 - a. The Chair will only vote in the case of a tie amongst the other members
3. LLGRA shall keep a written / digital record of all meetings
 - a. The record shall be maintained for a minimum of 5 years
4. The Chairperson will disseminate any official action

5.8: Agent for Service of Process

The Band designates the Chair of the LLGRA as the agent for service of any official determination, order, or notice of violation

5.9: Access

In order to carry out its regulatory function, the LLGRA shall have unrestricted and immediate access to all areas of the gaming operation to review, inspect, examine, photocopy, and audit all records of the gaming facilities and operations licensed by this ordinance

5.10: Confidentiality

The LLGRA, its investigators, auditors, and any other staff shall keep confidential information obtained during the course of its normal duties. These standards do not apply to requests for such records or information from any Tribal, State, or Federal law enforcement or regulatory agency, or for the use of such records or information by the LLGRA and staff in the performance of official duties on a need-to-know basis.

5.11: Restrictions

To avoid potential conflicts of interest between the operation and regulation of Gaming, the Tribe requires that, at a minimum:

1. All members of the LLGRA are prohibited from gambling in any Tribe owned facility or facility, place, enterprise, or establishment which is subject to regulation pursuant to the provisions of this Ordinance;
2. No LLGRA member shall have any financial interest, other than that financial interest resulting from LLBO membership, in any Gaming business or enterprise, or in any Gaming contractor, vendor, or any person or company providing services to Gaming;
3. LLGRA is prohibited from accepting complimentary items from the gaming operation, or its vendors or contractors, with the exception of food and beverage in the course of normal business operations;
4. Before adopting, amending, and/or repealing any regulations, notice of the proposed action shall be given to the LLBO Tribal Council, LLGD, and all other persons believed to have a legitimate interest in the proposed action.
 - a. The notice shall describe the general nature of the proposed action
 - b. The notice shall invite comment and clarify the manner in which comments shall be received by the LLGRA

Section 6: Tribal Internal Control Standards

6.1: Leech Lake Gaming Regulatory Authority Responsibilities

The Tribe gives responsibility to the LLGRA to conform with 25 C.F.R. § 543 to adopt and implement Tribal Internal Control Standards (TICS) for the operation of both Tribally Owned and Non-Tribally Owned gaming operations subject to this ordinance and in accordance with applicable law.

6.2: Applicability

These standards will apply to all gaming operations, vendors, and employees licensed by this ordinance unless otherwise stated within the ordinance.

6.3: Alternative Standards

The LLGRA may approve an alternate standard from those required by this part if it is determined that the alternative standard will achieve a level of security and integrity sufficient to accomplish the purpose of the standard it is to replace, including:

1. Protecting the integrity of the games offered;
2. Safeguarding the assets used in connection with the operation; and,
3. Ensuring that accounting records are created, prepared, and maintained in accordance with Generally Accepted Accounting Principles.

6.4: Small Gaming Operations Exemption

A small gaming operation is an operation that doesn't fit in to the tier system established by the NIGC having annual GGR less than Three Million Dollars (\$3,000,000). 25 C.F.R. § 543 and TICS will not apply to small gaming operations, provided that:

1. The LLGRA permits the operation to be exempt from 543 and TICS;
2. The annual GGR never exceeds Three Million Dollars (\$3,000,000); and,
3. The LLGRA develops, and the operation complies with, alternative procedures.

6.5: Charitable Gaming Operations Exemption

A charitable gaming operation is an operation where all proceeds are for the benefit of a charitable organization. 25 C.F.R. § 543 and TICS will not apply to charitable operations, provided that:

1. The LLGRA permits the operation to be exempt from 543 and TICS
2. The charitable gaming operation is operated wholly by agents of the charitable organization
3. The annual GGR never exceeds Three Million Dollars (\$3,000,000)
4. The LLGRA develops, and the operation complies with, alternative procedures

Section 7: Key Employees & Primary Management Officials

7.1: Leech Lake Gaming Regulatory Authority Responsibilities

All PMO and KE of LLBO licensed Gaming Operations must have a gaming license issued by the LLGRA. The LLGRA has a duty to ensure due diligence in conducting background investigations and making licensing eligibility determinations. The LLGRA shall be responsible to create a system of controls for the employee licensing process, including:

1. Create and maintain licensing applications
2. Cause background investigations to be conducted on all PMO & KE
3. Review and approve all investigative work conducted in connection with background investigations
4. Maintain a means to obtain and process fingerprints
5. Conduct a criminal history check that shall include a check of CHRI maintained by the FBI
6. Create and maintain investigative reports
7. Make licensing eligibility determinations
8. Submit a notice of results to the NIGC on each completed background investigation
9. Cause the issuance of gaming licenses upon approval

7.2 Key Employee and Primary Management Official Licensing Applications

Prior to conducting Background Investigations on any PMO or KE the potential licensee must complete the prescribed licensing application. The following information must be included on the application form:

1. In compliance with the Privacy Act of 1974, the following information is provided:
 - a. 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.
 - b. 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. 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).
3. 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)
4. 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
5. 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 four (4) of this section
6. Current business and residential telephone numbers, and all cell phone numbers
7. A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses
8. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses
9. 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
10. 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
11. 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
12. 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 ten (10) or eleven (11) of this section, the criminal charge, the name and address of the court involved, and the date of disposition, if any
13. 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
14. A photograph
15. Or any other information deemed relevant and approved by the LLGRA

7.3 Background Investigations

The LLGRA will designate staff to perform a background investigation on each applicant seeking a license for a KE or PMO position. The investigation must be sufficient to allow the LLGRA to make an eligibility determination on licensure. The investigation will include:

1. Verification of the applicant's identity through means authorized by the LLGRA

2. Verification of the accuracy of information provided on the application form, including:
 - a. A reasonable attempt to contact each personal and business reference listed within the application
 - b. Conducting a criminal history records check
 - i. Including submitting biometric data to the FBI CJIS database to obtain official FBI CHRI
 - c. Inquiry into any previous or existing business relationships within the gaming industry
 - d. Inquiry into any licensing status concluded by any outside licensing agency
3. Any other investigation deemed relevant and approved by the LLGRA

7.4 Criminal History Records Information

The LLGRA is responsible for conducting background investigations of PMO and KE which shall include a check of CHRI maintained by the FBI. In order to obtain CHRI the LLGRA will:

1. Procure and maintain equipment capable of obtaining biometric data consistent with any requirement of the FBI or contracted FBI-approved Channeler;
2. Establish and maintain a relationship with an FBI-approved Channeler capable of providing an authorized and secure interface with the FBI CJIS database in order to obtain CHRI;
3. Enter in to an MOU with the designated agency (Channeler) ensuring authorized access and mutual understanding of any applicable regulations including the FBI CJIS Security Policy; and,
4. Create and maintain a security policy to control access to any equipment or subsequent data related to access of the FBI CJIS database.

7.5 Investigative Reports

An investigative report will be created for each PMO or KE licensing applicant by the background investigator assigned to the applicant. The completed investigative report will be submitted to the LLGRA for review and official action, and must include the following:

1. Steps taken in conducting the investigation
 - a. Each action step or information inquiry should be outlined within the report
2. Results obtained
 - a. The results of each action step or response to inquiry should be summarized within the report
3. Conclusions reached
 - a. The Background Investigator will summarize the results of the investigation, specifically outlining known disqualifying factors or areas of concern
4. The basis for the conclusion
 - a. The Background Investigator will supply applicable backup or justification for determined disqualifying factors or areas of concern

7.6 License Eligibility Determinations

Before a license is issued to a PMO or KE, the LLGRA 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.

1. In applying the standards adopted in this ordinance, if the LLGRA determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or created or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, the LLGRA shall not license that person in a PMO or KE position
2. The LLGRA members will each independently review the investigative reports ahead of official action
3. When the LLGRA convenes to consider the licensing eligibility of a PMO or KE applicant the members will deliberate any areas of concern and put the eligibility determination to a vote with a simple majority dictating the action of the LLGRA.
4. Eligibility determinations will be documented and copies shall be included with the notice of results that must be submitted to the NIGC

7.7 Notice of Results to NIGC

Before issuing a license to a PMO or KE, the LLGRA shall prepare a notice of results of the applicant's background investigation to submit to the NIGC

1. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe; and include:
 - a. The applicants name, date of birth and social security number
 - b. The date on which the applicant began, or will begin, working in the capacity of a PMO or KE
 - c. A summary of the information presented in the investigative report, including:
 - i. Licenses that have previously been denied;
 - ii. Gaming licenses that have been revoked, even if subsequently reinstated;
 - iii. Every known criminal charge brought against the applicant within the last 10 years from the date of application; and
 - iv. Every felony offense of which the applicant has been convicted or any ongoing prosecution; and
 - d. A copy of the eligibility determination made in accordance with Section 7.6

7.8 NIGC Communications and Final Determination

Following the submission of the NOR to the NIGC, they will officially respond with their findings. While the LLGRA will make the final decision whether to issue a license to an applicant, they will take in to account any objections from the NIGC.

1. In cases where the NIGC issues a statement of itemized objections to issuing such a license, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background Investigation, the LLGRA will reconsider the licensing determination
2. In cases where the NIGC issues a no objections notification, the LLGRA will proceed with its previous eligibility determination.
3. Once a final determination of eligibility is reached by the LLGRA an intent to license letter will be submitted back to the NIGC with the final determination within 30 days of issuance or denial
 - a. In cases of license denial the NIGC will include the determination in the Indian Gaming Individuals Record System

7.9 Gaming License Suspensions and Revocations

If, after a license is issued to a PMO or KE, the LLGRA discovers a disqualifying factor or receives notice from the NIGC or other regulatory body that the PMO or KE is not eligible for employment, the LLGRA shall:

1. Immediately suspend the license
 - a. Provide the licensee with written notice of the suspension and proposed revocation
 - b. Provide the licensee with notice of a time and place for a hearing on the proposed revocation
2. Following a revocation hearing, the LLGRA shall decide whether to revoke or reinstate the license at issue.
3. The LLGRA shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a PMO or KE is not eligible for employment

7.10 Records Retention

The LLGRA shall retain, for no less than three (3) year from the date a PMO or KE is terminated from employment with LLBO, the following documentation:

1. Complete application file for licensing, containing all information from Section 7.2
2. Investigative reports
3. Eligibility determinations

Section 8: Gaming Vendors

8.1 Leech Lake Gaming Regulatory Authority Responsibilities

Vendors of gaming services or supplies, with a value of Twenty-Five Thousand (\$25,000) or more annually, must have a vendor license from the LLGRA in order to transact business with LLBO gaming operations.

1. Contracts for professional legal and accounting services are the only exclusion from this section.

8.2 Vendor license application

Prior to conducting Background Investigations on any gaming vendor, the potential licensee must complete the prescribed licensing application. The following information must be included on the application form:

1. The following notice:
 - a. Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the LLGRA vendor license
2. Agreement to submit to background checks on the business and its principals
 - a. Principals include: Officers, Directors, Managers, Owners, Partners, Five (5) largest Non-institutional stockholders, or any on-site supervisors designated in any agreement
3. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company
4. Name of business (any names used), business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), and main office address (if different from business address)
5. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity
 - a. If the applicant is a corporation, the state of incorporation and the qualification to do business in the State of Minnesota, if incorporated in a different state.
6. General description of the business activities or services they will provide to the LLGD
 - a. If investing in, or loaning money to, the gaming operation, how much
7. A description of any existing and previous business relationships with the gaming industry in general, including any wholly owned subsidiaries or businesses in which they hold ownership interests
8. A list of Indian tribes with which the vendor has an existing or previous business relationship with, including any business interests
 - a. This includes 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 with for the last five (5) years

10. The name and address of any licensing agency with which the business has filed an application for licensure 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 and 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 of disposition, if any
13. Or any other information deemed relevant and approved by the LLGRA

8.3 Vendor Background Investigations

The LLGRA shall designate staff to complete an investigation of a gaming vendor applicant. The investigation shall include:

1. Verification of the vendor's business incorporation status and qualifications to conduct business in the State of Minnesota
2. Conduct a Better Business Bureau check on the vendor
3. A reasonable attempt to contact each reference listed within the application
4. Inquiry in to select tribal business relationships listed within the application
5. Inquiry in to any lawsuits listed within the application
6. Inquiry in to any license denials or revocations listed within the application
7. Any other investigation deemed relevant and approved by the LLGRA

8.4 Vendor Investigative Reports

An investigative report will be created for each vendor applicant by the investigator assigned. The completed investigative report will be submitted to the LLGRA for review and official action, and must include the following:

1. Steps taken in conducting the investigation
 - a. Each action step or information inquiry should be outlined within the report
2. Results obtained
 - a. The results of each action step or response to inquiry should be summarized within the report
3. Conclusions reached
 - a. The Investigator will summarize the results of the investigation, specifically outlining any areas of concern
4. The basis for the conclusion
 - a. The Investigator will supply applicable backup for any areas of concern

8.5 Vendor Licensing Determinations

Before a license is issued to a vendor, the LLGRA shall make a finding concerning the eligibility of the vendor. LLGRA will consider the applicant's prior activities, reputation, habits and associations.

1. In applying the standards adopted in this ordinance, if the LLGRA determines that licensing the vendor poses a threat to the public interest, effective regulation of gaming, creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, the LLGRA shall not license that vendor
2. The LLGRA members will each independently review the investigative reports ahead of official action
3. When the LLGRA convenes to consider the licensing eligibility of a vendor applicant the members will deliberate any areas of concern and put the eligibility determination to a vote with a simple majority dictating the action of the LLGRA.
4. Eligibility determinations will be documented and copies shall be included within the vendor file

8.6 Vendor Licensing Terms

Vendor licenses must be renewed on an annual basis. The licensed vendor will be expected to submit a renewal application each year at least 60 days ahead of the expiration date.

8.7 Vendor License Suspension or Revocation

If, after a license is issued to a vendor, the LLGRA discovers or receives notice from another regulatory body additional information that calls the vendor in to question, the LLGRA shall:

1. Immediately suspend the license
 - a. Provide the licensee with written notice of the suspension and proposed revocation
 - b. Conduct additional due diligence on the vendor application and areas of concern
2. Following the additional investigation, the LLGRA shall decide whether to revoke or reinstate the license at issue.
3. The LLGRA shall notify the vendor and LLGD operations of the final determination

Section 9: Gaming Facilities

9.1 Leech Lake Gaming Regulatory Authority Responsibilities

The LLGRA shall issue a separate license to each place, facility, or location on Leech Lake Indian Lands where class II and/or class III gaming is conducted under this ordinance.

1. The LLGRA shall submit to the NIGC chair a notice that issuance of a facility license is under consideration at least 120 days before the opening of any new place, facility, or location where class II or class III gaming will occur
 - a. The Tribe does not need to submit a notice that a facility license is under consideration for issuance for occasional charitable events lasting not more than a week
2. 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

9.2 Facility License Application

The LLGRA requires that a facility license application is completed and submitted by the chief management official of the gaming facility seeking licensure. The following information must be included on the application:

1. A legal description of the lands upon which the facility is located and a certification that the site constitutes Indian Lands, including:
 - a. The tract number for the property as assigned by the Bureau of Indian Affairs or Land Title and Records Offices;
 - b. If not maintained by the Bureau of Indian Affairs, Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and
 - c. If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of the property's ownership
2. The type of gaming that will be conducted at the facility
3. The standard hours of operation for the facility
4. List all types of goods and services offered by the facility
5. The process by which PMO and KE will be licensed in accordance with this ordinance
6. Identify the process by which each environmental, health and public safety standard is satisfied
7. And any additional information deemed relevant and approved by the LLGRA

9.3 Facility License Review

The LLGRA shall only issue a facility license if the application includes the required information and documentation. A review of the facility license application will include:

1. Verification that the location meets the criteria of Indian Lands
2. Review the proposed gaming activity against applicable regulations
3. A walkthrough of the facility under review to verify adherence to EPHS standards

9.4 Facility License Investigative Report

An investigative report will be created for each facility applicant by the staff assigned. The completed investigative report will be submitted to the LLGRA for review and official action, and must include the following:

1. Steps taken in conducting the investigation
 - a. Each action step or information inquiry should be outlined within the report
2. Results obtained
 - a. The results of each action step or response to inquiry should be summarized within the report
 - b. A letter from the Health & Safety department outlining the results of a walk through
3. Conclusions reached
 - a. The Investigator will summarize the results of the investigation, specifically outlining any areas of concern
4. The basis for the conclusion
 - a. The Investigator will supply applicable backup for any areas of concern

9.5 Site Licensing Determinations

Before a license is issued to a facility, the LLGRA shall make a finding concerning the eligibility of the facility. LLGRA will consider the applicant's proposed location, forms of gaming, and adherence to EPHS standards

1. In applying the standards adopted in this ordinance, if the LLGRA determines that licensing the facility poses a threat to the public interest, effective regulation of gaming, creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, the LLGRA shall not license that facility
2. The LLGRA members will each independently review the investigative reports ahead of official action
3. When the LLGRA convenes to consider the licensing eligibility of a vendor applicant the members will deliberate any areas of concern and put the eligibility determination to a vote with a simple majority dictating the action of the LLGRA.
4. Eligibility determinations will be documented and provided to the Leech Lake Tribal Council for consideration and potential approval by resolution
5. The LLGRA shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with an attestation letter concerning adherence to EPHS standards

9.6 Facility Licensing Terms

Facility licenses will be issued in three (3) years terms for LLBO owned facilities and on an annual basis for non LLBO owned facilities. The licensed facility will be expected to submit a renewal application at least 60 days ahead of the expiration date.

1. The Tribe also authorizes the issuance of a temporary facility license(s) for charitable gaming, not to exceed Seven (7) days
 - a. The LLGRA may renew temporary licenses for 7-day periods

9.7 Facility License Display

Each licensed facility shall prominently display the license for viewing by the public

9.8 Ongoing Compliance with Environmental and Public, Health and Safety

Each facility is subject to EPHS inspections by the LLGRA or its designee. Any deficiencies noted from the inspection will be provided to the operator, and such deficiencies must be corrected within Thirty (30) days. Failure to correct noted deficiencies within 30 days will result in penalties up to and including closure.

9.9 Facility License Suspension, Revocation, or Closure

If, after a license is issued to a facility, the LLGRA discovers or receives notice of additional information that calls the facility in to question or if it discovered that the facility is closing, changing ownership, or otherwise discontinuing gaming services, the LLGRA shall:

1. Immediately suspend the license
 - a. Provide the licensee with written notice of the suspension and proposed revocation
 - b. Conduct additional due diligence on the facility application and areas of concern
2. Following the additional investigation, the LLGRA shall decide whether to revoke or reinstate the license at issue.
3. The LLGRA shall notify the facility manager of the final determination
4. The LLGRA shall notify the NIGC chair within 30 days of a facility license termination, expiration, or location closure

Section 10: Licensing Fees

10.1 Leech Lake Gaming Regulatory Authority Responsibilities

LLBO may charge a licensing fee to be determined by the LLGRA in an attempt to cover its expenses in investigating and licensing employees, vendors, or facilities related to gaming.

10.2 Fee Assessment

The LLGRA will conduct an assessment of the costs associated with providing licensing services on an annual basis and adopt the fee structure.

1. The LLGRA will consider the annual fee structure when it convenes and put the structure to a vote with a simple majority dictating the final determination
2. The fee determination will be documented and copies shall be included in any renewal notices for the applicable year

10.3 Fee Collection

Employee licensing fees will be collected via payroll deduction split up over time to avoid financial burden on the employee while vendor and site licensing fees will be collected at the time of application

Section 11: Violations, Sanctions, and Penalties

11.1 Authorization

It shall be a civil violation of the laws of the Tribe to disobey the provisions of this Ordinance, any proper order issued under the authority of this ordinance, any Compact entered into between the Tribe and the State of Minnesota, or any other regulations promulgated by the LLGRA. Any person found to be in violation of this provision may be assessed sanctions or civil penalties at the discretion of the LLGRA, up to \$500 per violation.

11.2 Applicability

Any person who engages in Gaming or Gaming related activities in violation of the provisions of this Ordinance, regulations promulgated hereunder, or amendments hereto, shall be subject to sanctions and penalties.

1. Violation of any provision of this Ordinance or any of the LLGRA Regulations by a Licensee, Agents or Employees of a Licensee, or patron participating in gaming activities:
 - a. Shall be deemed contrary to the public safety, good order, and general welfare of the Tribe and its members;
 - b. May be grounds for refusal to grant or renew a license, or for the suspension or revocation of a license;
 - c. May be grounds for filing a complaint with the NIGC; and,
 - d. May be grounds for filing criminal charges and/or civil action in a court of competent jurisdiction on behalf of the LLGRA.

11.3 Sanctions

Any person in violation of this Ordinance shall be subject to sanctions under this Ordinance. The following provisions shall govern the response of the LLGRA to violations:

1. Each day of violation may constitute a separate count or violation of this Ordinance;
 - a. Separate violations shall be heard as separate offenses before the LLGRA and/or prosecuted in a court of competent jurisdiction;
2. All property used in each and every separate violation of this Ordinance may be subject to forfeiture and become property of the Tribe;
3. Violators may also be required to pay court costs, storage fees, and auction or sales fees;
4. Persons may be excluded or ejected from Gaming Operations or prohibited from trespassing on premises licensed under this Ordinance and may be subjected to civil penalties;
5. Licenses may be suspended, revoked, or limited and/or Gaming Establishments may be forcibly closed;

6. Winnings found to have been received in violation of this ordinance may be confiscated, forfeited, and become the property of the Tribe; and,
7. Civil penalties may be imposed as additional sanctions in the amounts prescribed and in accordance with the procedures set forth in the Ordinance.

11.4 Civil Penalties

Civil penalties may be imposed pursuant to and in compliance with the provisions of this Ordinance, and any regulations promulgated by the LLGRA under the authority provided in this Ordinance. The LLGRA shall establish, enforce, and impose such schedule of civil fines as may be necessary to assure compliance with the provisions of this Ordinance, the rules and regulations of the LLGRA, and any Compact entered into between the Tribe and the State.

1. Civil penalties may be imposed in addition to the imposition of any other sanctions permitted under this Ordinance; and,
2. Civil penalties may be imposed up to the amount of Twenty-Five Thousand dollars (\$25,000.00) for each individual violation, exclusive of any restitution.

Section 12: Exclusion

12.1 Leech Lake Gaming Regulatory Authority Responsibilities

The LLGRA reserves the right to exclude any patron found to act or cause someone else to act in a manner that compromises the effective regulation of gaming, health and safety of any gaming operation or its patrons, or commits acts deemed to be in violation of any applicable law

12.2 Gaming Operations

Any gaming operator shall also have the authority and discretion to exclude from gaming activities or gaming facilities, any individual who:

1. Appears to be under the influence of intoxicants
2. Appears to be losing an unreasonable amount of money at gaming activities
3. Violates any rules or regulations governing gaming activity as established by the LLGRA or Operations management
4. Disturbs the orderly conduct of operations

12.3 Operational Policy

Any gaming operation licensed by this ordinance will be required to have a written policy covering exclusion process and exclusion timelines

12.4 Exclusion Document

Upon decision to exclude any patron the party issuing the exclusion must create a document that outlines the nature of the exclusion, and include:

1. Patrons name
2. Picture of the excluded patron
3. Date of violation
4. Nature of the incident for which they are being excluded
 - a. including applicable policy, regulation, or law
5. The expiration date of the exclusion, if any
6. Information about the applicable appeals process
7. The sites or operations from which the patron is being excluded

12.5 Notification

To ensure a reasonable attempt to notify an excluded guest is made, the exclusion document must be disseminated in one of two ways:

1. Personal service
2. Certified Mail to the last known address of the patron

12.6 Patron Exclusion Dispute

Any patron having a dispute with a Gaming Operator or Management Company licensed by the Tribe about exclusions may request that the General Manager of the gaming operation resolve the dispute within seven (7) days of the occurrence

1. If dissatisfied with the results received from the General Manager of the gaming operation, the patron may request that the LLGRA review the incident under the guidelines of Section 13 of this ordinance

12.7 Self-Exclusion

LLBO recognizes that problem gambling and gambling disorder can be an issue. As a result, those individuals who have identified a need to be excluded from our gaming operations may do so by completing a voluntary self-exclusion at the LLGRA offices.

Section 13: Patron Disputes

13.1 Leech Lake Gaming Regulatory Authority Responsibilities

Patrons with complaints against any gaming establishments licensed by this ordinance shall have as their sole remedy the right to file a petition for relief with the LLGRA. In order to efficiently and effectively field complaints from the public, the LLGRA will:

1. Investigate any suspicion of wrongdoing associated with gaming activities
2. Create and maintain a dispute submission form
3. Create and maintain investigative reports
4. Cause investigation to be conducted on all disputed matters
5. Review and approve all investigative work conducted in connection with disputes
6. Make the final determination of remedy, if any

13.2 Dispute Submission Form

In order to ensure the integrity of the dispute process the complainant will be required to formally submit the prescribed form before any action will be taken. The following information will be required on the form:

1. The following statement
 - a. A false statement on any part of the dispute form may result in immediate closure of the case and also may result in further consequence
2. Date of the dispute
3. Full name and other names used (alias / nickname)
4. Current mailing address
5. Current phone number
6. Listing of any witness
7. Location of the incident
8. Date of the incident
9. Written summary of the incident
10. Any other information deemed relevant and approved by the LLGRA

13.3 Timeline of dispute

Any patron complaint must be submitted to the LLGRA within thirty (30) days of the incident giving rise to the complaint. Submission of a dispute outside of that thirty (30) day timeline will only be heard at the discretion of the LLGRA.

13.4 Leech Lake Gaming Regulatory Authority Investigation

Following the submission of a written complaint the LLGRA will initially assess the nature of the incident in question and determine the best course of action to investigate. This may include

1. Assignment of an investigator to independently fact find and gather evidence on behalf of the LLGRA
2. Cause a hearing to occur with the complainant
3. Cause interviews with any employees involved with the incident
4. Cause interviews with management of the gaming operation

13.5 Dispute Resolution

Following any investigation the LLGRA shall render a decision on the disputed matter. All such decisions will be final when issued and shall constitute the complainants final remedy.

1. All claims by patrons shall be limited to a maximum recovery of one thousand (\$1,000) dollars per occurrence, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize
2. The LLGRA shall issue a decision within Fourteen (14) business days of receipt of the written request

13.6 Notification

Upon final decision of a patron dispute the LLGRA shall draft a letter outlining the findings of the investigation and any remedy awarded. To ensure notification to the complainant, the determination letter must be disseminated in one of two ways:

1. Personal service
2. Certified Mail to the last known address of the patron

Section 14: Audits

14.1 Responsibilities

The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC

14.2 Scope

The Tribe will contract with an independent accounting firm capable of conducting an agreed upon procedures audit to the extent required by applicable regulation

1. The audit shall conform to generally accepted auditing standards
2. The audit must specifically include all gaming-related contracts that result in the purchase or supplies, services, or concessions for more than \$25,000 in any year
 - a. Contracts for professional legal and accounting services are excluded

14.3 Outside Audit Exclusions

Any gaming operations with GGR of less than Three Million Dollars (\$3,000,000) annually and operating under approved alternative procedures by the LLGRA may be excluded from the scope of the contracted independent accounting firm

1. In these cases an annual audit will be conducted by the LLRD Internal Audit Department

14.4 Dissemination

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