



September 24, 2024

VIA E-MAIL

Delores Pigsley, Chairman
Confederated Tribes of Siletz Indians of Oregon
P.O. Box
Siletz, OR 97380
dpigsley@msn.com

Re: Confederated Tribes of Siletz Indians of Oregon Gaming Ordinance Amendment

Dear Chairman Pigsley,

This letter responds to the Confederated Tribes of Siletz Indians of Oregon (Tribe) August 29, 2024 request for the National Indian Gaming Commission (NIGC) Chair to review and approve the Tribe's amended Gaming Ordinance. The Siletz Tribal Council adopted Resolution No. 2024-267 on August 23, 2024 amending the Tribe's Gaming Ordinance.

The amended Gaming Ordinance revised the definitions for Key Employee and Primary Management Official, and background and licensing processes. The amended Gaming Ordinance also contains a scrivener's error in Section 6.007(h) which states, "A Key employee or primary management employee who does not have a license ninety (90) days shall not be permitted to perform the duties, function, and/or responsibilities of a key employee or primary management official until so licensed." While Section 6.007(h) is missing the word "after" before ninety (90) days, the Tribe has confirmed that it intends for Section 6.007(h) to be consistent with 25 C.F.R. § 558.3(c). It is recommended the Tribe correct the error in the next ordinance amendment.

Thank you for bringing the amended Gaming Ordinance to our attention and for providing us with a copy. The amended Gaming Ordinance is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter or the ordinance review process, please contact Staff Attorney Danielle Wu at danielle.wu@nigc.gov.

Sincerely,

A handwritten signature in blue ink that reads 'Sharon M. Avery'.

Sharon M. Avery
Acting Chairwoman

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

REGIONAL OFFICES Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD

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Resolution No. 2024 - 267
Date Approved: August 23, 2024
Subject: Amendment of Gaming
Ordinance and Rescission of TC
Resolution No. 2024-218

SILETZ TRIBAL COUNCIL

Resolution

- WHEREAS,** the Siletz Tribal Council is empowered to exercise the legislative and executive authority of the Confederated Tribes of Siletz Indians of Oregon pursuant to Article IV, Section 1 of the Siletz Constitution approved June 13, 1979, by the Acting Deputy Commissioner of Indian Affairs, as amended; and
- WHEREAS,** the Siletz Tribal Council enacted the Gaming Ordinance codified as Siletz Tribal Code (STC) § 6.001 et seq., on August 20, 1994, and thereafter has made several amendments; and
- WHEREAS,** the National Indian Gaming Commission (NIGC) updated the definitions of Key Employee (25 C.F.R. § 502.14) and Primary Management Official (25 C.F.R. §502.19), and made other minor changes to its regulations that became effective on August 15, 2023; and
- WHEREAS,** the Executive Director of the Siletz Tribal Gaming Commission recommended to the Tribal Council that it update the Tribe's Gaming Ordinance to better match the new regulations, except as may be in conflict with the Siletz Tribe's Class III Gaming Compact with the State of Oregon; and
- WHEREAS,** the Tribal Council adopted the proposed changes recommended by the Executive Director by Tribal Council Resolution on February 23, 2024, Tribal Council Resolution No. 2024-070, and on March 14, 2024, pursuant to the Indian Gaming Regulatory Act (IGRA) and its implementing regulations, the Tribe's legal counsel forwarded the Tribal Council's Resolution and the proposed changes to the Tribe's Gaming Ordinance to the National Indian Gaming Commission (NIGC) for formal review and approval; and
- WHEREAS,** NIGC's reviewers contacted the Tribe's legal counsel to discuss some technical corrections it wanted to see in the Tribe's submitted Ordinance changes, and also noted a few other minor areas where federal regulations had changed and had not yet been incorporated into the Tribe's Gaming Ordinance; and
- WHEREAS,** to comply with IGRA's set timelines for review and approval of proposed tribal Gaming Ordinance changes, the Siletz Tribe by letter rescinded its then pending Tribal Gaming Ordinance amendments before the Commission, and the Commission accepted the Tribe's rescission of its original Gaming Ordinance Amendment submission; and
- WHEREAS,** the Gaming Commission proposed revised amendments to the Gaming Ordinance to comply with NIGC recommendations, and the Tribal Council reviewed the revised amendment, and formally rescinded Resolution No. 2024-070, adopting the revised Gaming Ordinance amendments by Resolution No. 2024-218, June 20, 2024, and had the Tribe's legal counsel resubmit those changes to NIGC, as amended by this Resolution, with a new request for review and approval by the Commission; and
- WHEREAS,** the Tribal Council adopted the proposed changes recommended by the Executive Director by Tribal Council Resolution on June 20, 2024, Tribal Council Resolution No. 2024-218, and on June 25, 2024, pursuant to the Indian Gaming Regulatory Act (IGRA) and its implementing regulations, the Tribe's legal counsel forwarded the Tribal Council's

Resolution and the additional proposed changes to the Tribe's Gaming Ordinance to the National Indian Gaming Commission (NIGC) for formal review and approval; and

WHEREAS, NIGC's reviewers once again contacted the Tribe's legal counsel to discuss some additional technical corrections it wanted to see in the Tribe's submitted Ordinance changes that had not yet been incorporated into the Tribe's Gaming Ordinance; and

WHEREAS, to comply with IGRA's set timelines for review and approval of proposed tribal Gaming Ordinance changes, the Siletz Tribe by letter has once again rescinded its currently pending Tribal Gaming Ordinance amendments before the Commission, and the Commission has accepted the Tribe's rescission of its revised Gaming Ordinance Amendment submission; and

WHEREAS, the Gaming Commission is proposing revised amendments to the Gaming Ordinance to comply with NIGC new recommendations as well as the original and first revised amendments, the Tribal Council has reviewed the revised amendments, and wishes to formally rescind Resolution No. 2024-218, adopt the additional revised Gaming Ordinance amendments as well as the original proposed amendments and first revised amendments, and have the Tribe's legal counsel resubmit those changes to NIGC, as amended by this Resolution, with a new request for review and approval by the Commission; now

THEREFORE BE IT RESOLVED, that the Tribal Council formally rescinds Tribal Council Resolution 2024-218 requesting that the National Indian Gaming Commission to review and approve the original and revised proposed Gaming Ordinance changes approved by the Tribal Council on June 20, 2024; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby approves by Resolution the attached additional proposed changes to the Siletz Gaming Ordinance, STC § 6.001 et seq., as well as the amendments originally proposed and the amendments proposed in the Tribe's first revised amendments, and directs the Tribe's legal counsel to formally submit the attached Gaming Ordinance amendments, as well as any other required documentation, to the NIGC for formal review and approval under federal law.

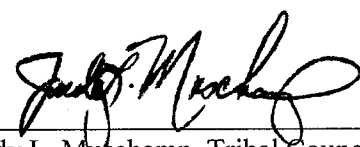
Confederated Tribes of Siletz Indians
By


Delores Pigsley, Tribal Council Chairman

CERTIFICATION

This Resolution was adopted at a Special Tribal Council Meeting held on August 23, 2024, at which a quorum of the Tribal Council was present, and the Resolution was adopted by a vote of 8 FOR, 0 AGAINST, and 0 ABSTAINING, the Chairman or Vice-Chairman being authorized to sign the Resolution.

By


Judy L. Muschamp, Tribal Council Secretary

GAMING ORDINANCE

Siletz Tribal Code § 6.001

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Ordinance No. 6.001. Amended by
Resolution No. 2005-361, dated September 16,
2005;
Resolution No. 2015-311, dated October 16, 2015;
Resolution No. 2016-069, dated March 4, 2016;
Resolution No. 2016-162, dated May 20, 2016;
Resolution No. 2023-110, dated March 16, 2023;
Resolution No. 2023-179, dated May 19, 2023,
[Resolution No. 2024 - **, dated ****](#);

Original Date: August 20, 1994
Subject: Gaming Ordinance

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Siletz Tribal Code § 6.001

§ 6.001 PURPOSE

(a) The Siletz Tribal Council, hereinafter “Tribe,” empowered by the Tribe's Constitution to enact ordinances, hereby adopts this Ordinance in order to set the terms for and to regulate all gaming activities on Siletz tribal lands.

(b) The Tribe shall conduct gaming operations to obtain revenues for tribal purposes, to employ tribal members, and to prevent the infiltration of criminal elements into such operations.

(c) The Tribe shall conduct all gaming operations in accordance with the Indian Gaming Regulatory Act, all applicable federal regulations and guidelines, and consistent with the Tribe's sovereign authority over its affairs.

(d) This Ordinance is an exercise of the policy and general welfare powers of the Confederated Tribes of Siletz Indians of Oregon, acting in the best interests of the tribal membership. All provisions of this ordinance shall be liberally construed to achieve their purposes.

§ 6.002 GAMING AUTHORIZED

Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-

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447, 25 U.S.C. § 2703(7)(a) and 25 U.S.C. § 2703(8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission ("NIGC") at 25 C.F.R. § 502(3) (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

§ 6.003 OWNERSHIP OF GAMING

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

§ 6.004 USE OF GAMING REVENUE

(a) Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; to provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

(b) The Tribe has elected to make per capita payments to tribal members under a plan submitted to the Secretary of the Interior and approved under 25 U.S.C. § 2710(b)(3) and 25 C.F.R. Part 290, as that plan may be amended from time-to-time.

§ 6.005 AUDIT

(a) The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

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

§ 6.006 PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

§ 6.007 BACKGROUND INVESTIGATIONS: LICENSING OF KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

(a) The Confederated Tribes of Siletz Indians shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials and employed at any Class II and Class III enterprises operated

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on tribal lands; *provided*, that this Section does not apply to any license that is intended to expire within 90 days of issuance (temporary license):

(b) Definitions:

For purposes of this section, the following definitions apply:

(1) *Key employee* means:

(A) ~~A person who performs one or more of the following functions~~ Any person who performs one or more of the following functions for the gaming operation:

- (i) Bingo caller;
- (ii) Counting room supervisor;
- (iii) Chief of security;
- (iv) ~~Custodian of gaming supplies or cash~~ Floor manager;
- (v) ~~Floor manager~~ Pit boss;
- (vi) ~~Pit boss~~ Dealer;
- (vii) ~~Dealer~~ Croupier;
- (viii) ~~Croupier~~ Approver of Credit;
- (ix) ~~Approver of credit~~ Custodian of gaming systems as defined in 25 CFR 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records; or
- (x) ~~Custodian of gaming devices including persons with access to cash and accounting records within such devices~~ Custodian of surveillance systems or surveillance system records.

(B) Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Tribal Gaming Regulatory Agency;

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(C) If not otherwise ~~included, any other person whose total cash compensation is in excess of \$50,000 per year~~ licensed as a key employee or primary management official, the four persons most highly compensated by the gaming operation;

(D) Any other employee of the gaming enterprise as documented by the tribe as a key employee.

~~If not otherwise included, the four most highly compensated persons in the gaming operation.~~

~~(4)~~(2) Primary management official means:

(i) (A) ~~The~~ Any person having management responsibility for a management contract;

(B) Any person who has authority:

(i) ~~to hire and fire employees, or to set up working policy for the gaming operation~~ To hire and fire employees of the gaming operation; or

(ii) To establish policy for the gaming operation.

(C) The chief financial officer or ~~other person who has financial management responsibility~~ a position with duties similar to a chief financial officer.

(D) The general manager or a position with duties similar to a general manager.

(E) Any other employed management official of the gaming enterprise as documented by the Tribe as a primary management official.

~~(+)~~ —

~~(e)~~(c) Application Forms.

(1) The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following

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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 National Indian Gaming Commission (NIGC) 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 the Tribe's being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(2) Existing key employees and primary management officials shall be notified in writing that they shall either:

- (i) (A) Complete a new application form that contains this Privacy Act notice; or
- (ii) (B) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(3) The following notice shall be placed on the application form for a key employee or a primary management official before that form 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, § 1001.)

(4) The Confederated Tribes of Siletz Indians shall notify in writing, existing key employees and primary management officials that they shall either:

- (i) (A) Complete a new application form that contains this notice;
or

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~~(ii)~~ (B) Sign a statement that ~~_____~~ contains the notice regarding false statements.

~~(f)~~(d) Background Investigations.

The Confederated Tribes of Siletz Indians shall request from each primary management official and from each key employee, all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous five (5) years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- (3) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (2) of this section;
- (4) Current business and resident telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including 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 names and addresses 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 and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of

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the application and is not otherwise listed pursuant to paragraph (8) or (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(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 consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(g).

~~(g)~~(e) Investigation.

(1) The Confederated Tribes of Siletz Indians shall conduct an investigation sufficient to make a determination under subsection (f) of this section.

(2) If, in the course of a background investigation, the Tribal Gaming Commission discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the Tribal Gaming Commission has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the Tribal Gaming Commission may rely on those materials and update the investigation and investigative reports under this subsection.

(3) In conducting a background investigation, the Tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

~~(h)~~(f) Eligibility Determination.

The Tribal Gaming Commission shall review:

- (1) a person's prior activities;
- (2) criminal record, if any; and
- (3) reputation, habits and associations

to make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license. If the Tribe determines that licensing of the

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person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Tribal Gaming Commission shall not license that person in a key employee or primary management official position.

~~(g)~~ Reports of Key Employees and Primary Management Officials to the National Indian Gaming Commission; Background Investigations.

(1) When the Tribe employs a primary management official or a key employee, the Tribe shall maintain a complete application file containing the information listed under ~~subsection (d)~~ § 6.007(d)(1) through (14) of this ~~section~~ ordinance.

(2) Before issuing a license to a primary management official or to a key employee, the Tribe shall:

~~(i)~~ (A) Create and maintain an investigative report on each background investigation. An investigative report shall include all of the following:

- (i) Steps taken in conducting the background investigation;
- (ii) Results obtained;
- (iii) Conclusions reached; and
- (iv) The basis for those conclusions.

~~(ii)~~ (B) Submit a notice of results of the applicant's background investigation to the NIGC, through the Regional NIGC office, no later than sixty (60) days after the applicant begins work. The notice of results shall contain:

- (i) Applicant's name, date of birth, and social security number;
- (ii) Date on which applicant began or will begin work as key employee or primary management official;
- (iii) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - (a) Licenses that have previously been denied;

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- (b) Gaming licenses that have been revoked, even if subsequently reinstated;
 - (c) Every known criminal charge brought against the applicant within the last ten (10) years of the date of application; and
 - (d) Every felony of which the applicant has been convicted or any ongoing prosecution.
-

- (iv) A copy of the eligibility determination made under subsection (f) of this section.

~~(j)(h)~~ ~~A tribal gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) days~~ A Key employee or primary management employee who does not have a license ninety (90) days shall not be permitted to perform the duties, functions, and/or responsibilities of a key employee or primary management official until so licensed.

~~(k)(i)~~ Notice if License Not Issued to Applicant.

If a license is not issued to an applicant, the Tribe:

- (1) Shall notify the National Indian Gaming Commission; and
- (2) Shall forward copies of its eligibility determination and notice of results, under subsection (g) of this section, to the National Indian Gaming Commission for inclusion in the Indian Gaming Individual Records System.

(j) If a tribe revokes a key employee or primary management official's license:

- (1) The tribe shall notify the National Indian Gaming Commission; and
- (2) Shall forward copies of its license revocation decision for inclusion in the Indian Gaming Individuals Record System

~~(H)(k)~~ Granting a Gaming License.

- (1) Providing Information to the NIGC.

~~(H)~~ (A) Upon receipt of a complete notice of results for a key employee or primary management official as required by

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subsection (g) of this section, the Chair of the NIGC has thirty (30) days to request additional information from the Tribe concerning the applicant or licensee and to object.

~~(ii)~~ (B) If, within the thirty (30) day period after the National Indian Gaming Commission receives the complete notice of results required by subsection (g) of this section, the National Indian Gaming Commission has no objection to the issuance of a license a key employee or primary management official, the National Indian Gaming Commission shall notify the Tribe, and the Tribe may issue a license to such applicant.

~~(iii)~~ (C) If, within the thirty (30) day period described above, the NIGC provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided notice of results to the NIGC, the Tribe shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribe shall make the final decision whether to issue a license to such applicant.

~~(iv)~~ (D) If the Tribe has issued a license to an applicant for a license as a key employee or primary management official before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee as provided for by subsection (l) of this section.

(2) Notice of Issuance of License.

Within thirty (30) days after the issuance of the license, the Tribe shall notify the NIGC of its issuance.

~~(m)~~(l) Retention of records.

With respect to key employees and primary management officials, the Tribe shall retain

- (1) ~~applications for licensing~~The information listed under § 6.007(d)(1) through (14) of this ordinance;
- (2) Investigative reports as defined by § 6.007(g) of this ordinance; ~~and~~
- (3) Eligibility determinations as defined by § 6.007(f) of this ordinance;

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(4) Privacy Act notice as defined under section § 6.007(c)(1) of this ordinance;
and

~~(3)~~(5) False Statement notice, as defined in § 6.007(c)(3) of this ordinance.

for inspection by the Chair of the National Indian Gaming Commission or ~~his or her~~their designee for no less than three (3) years from the date of termination of employment.

~~(n)~~(m) License Suspension; Hearing.

- (1) If, after the issuance of a gaming license, the Tribe receives from the NIGC reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection (f) of this section, the Tribe shall immediately suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of his or her license.
- (3) ~~A~~The right to a revocation hearing ~~under this section~~ shall vest only upon receipt of a license ~~granted under this ordinance, upon the ordinance's approval by the Chair of the NIGC~~or at such earlier time as is determined by the tribal law, regulation, and/or policy.
- (4) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the NIGC of its decision within 45 days after receiving notice from the NIGC pursuant to subsection 1 of this section.

§ 6.008 LICENSE LOCATIONS

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where gaming is conducted under this ordinance.

§ 6.009 REPEAL

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

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Original Date: August 20, 1994
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(a) The Siletz Tribal Council, hereinafter “Tribe,” empowered by the Tribe's Constitution to enact ordinances, hereby adopts this Ordinance in order to set the terms for and to regulate all gaming activities on Siletz tribal lands.

(b) The Tribe shall conduct gaming operations to obtain revenues for tribal purposes, to employ tribal members, and to prevent the infiltration of criminal elements into such operations.

(c) The Tribe shall conduct all gaming operations in accordance with the Indian Gaming Regulatory Act, all applicable federal regulations and guidelines, and consistent with the Tribe's sovereign authority over its affairs.

(d) This Ordinance is an exercise of the policy and general welfare powers of the Confederated Tribes of Siletz Indians of Oregon, acting in the best interests of the tribal membership. All provisions of this ordinance shall be liberally construed to achieve their purposes.

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Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-

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

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(a) Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; to provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

(b) The Tribe has elected to make per capita payments to tribal members under a plan submitted to the Secretary of the Interior and approved under 25 U.S.C. § 2710(b)(3) and 25 C.F.R. Part 290, as that plan may be amended from time-to-time.

§ 6.005 AUDIT

(a) The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

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

§ 6.006 PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

§ 6.007 BACKGROUND INVESTIGATIONS: LICENSING OF KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

(a) The Confederated Tribes of Siletz Indians shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials and employed at any Class II and Class III enterprises operated

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on tribal lands; *provided*, that this Section does not apply to any license that is intended to expire within 90 days of issuance (temporary license):

(b) Definitions:

For purposes of this section, the following definitions apply:

(1) *Key employee* means:

- (A) Any person who performs one or more of the following functions for the gaming operation:
 - (i) Bingo caller;
 - (ii) Counting room supervisor;
 - (iii) Chief of security;
 - (iv) Floor manager;
 - (v) Pit boss;
 - (vi) Dealer;
 - (vii) Croupier;
 - (viii) Approver of Credit;
 - (ix) Custodian of gaming systems as defined in 25 CFR 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
 - (x) Custodian of surveillance systems or surveillance system records.
- (B) Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Tribal Gaming Regulatory Agency;
- (C) If not otherwise licensed as a key employee or primary management official, the four persons most highly compensated by the gaming operation;

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(D) Any other employee of the gaming enterprise as documented by the tribe as a key employee.

(2) *Primary management official* means:

(A) Any person having management responsibility for a management contract;

(B) Any person who has authority:

(i) To hire and fire employees of the gaming operation; or

(ii) To establish policy for the gaming operation.

(C) The chief financial officer or a position with duties similar to a chief financial officer.

(D) The general manager or a position with duties similar to a general manager.

(E) Any other employed management official of the gaming enterprise as documented by the Tribe as a primary management official.

(c) Application Forms.

(1) The following notice shall be placed on the application form for a key employee or a primary management official before that form 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 National Indian Gaming Commission (NIGC) 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

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in this notice will result in the Tribe's being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(2) Existing key employees and primary management officials shall be notified in writing that they shall either:

- (A) Complete a new application form that contains this Privacy Act notice; or
- (B) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(3) The following notice shall be placed on the application form for a key employee or a primary management official before that form 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, § 1001.)

(4) The Confederated Tribes of Siletz Indians shall notify in writing, existing key employees and primary management officials that they shall either:

- (A) Complete a new application form that contains this notice; or
- (B) Sign a statement that contains the notice regarding false statements.

(d) Background Investigations.

The Confederated Tribes of Siletz Indians shall request from each primary management official and from each key employee, all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous five (5) years: Business and employment positions held, ownership interests in those businesses, business and residence

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addresses, and driver's license numbers;

(3) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (2) of this section;

(4) Current business and resident telephone numbers;

(5) A description of any existing and previous business relationships with Indian tribes, including 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 names and addresses 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 and disposition if any;

(9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (8) or (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(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 consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(g).

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(e) Investigation.

(1) The Confederated Tribes of Siletz Indians shall conduct an investigation sufficient to make a determination under subsection (f) of this section.

(2) If, in the course of a background investigation, the Tribal Gaming Commission discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the Tribal Gaming Commission has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the Tribal Gaming Commission may rely on those materials and update the investigation and investigative reports under this subsection.

(3) In conducting a background investigation, the Tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

(f) Eligibility Determination.

The Tribal Gaming Commission shall review:

- (1) a person's prior activities;
- (2) criminal record, if any; and
- (3) reputation, habits and associations

to make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license. If the Tribe determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Tribal Gaming Commission shall not license that person in a key employee or primary management official position.

(g) Reports of Key Employees and Primary Management Officials to the National Indian Gaming Commission; Background Investigations.

- (1) When the Tribe employs a primary management official or a key employee, the Tribe shall maintain a complete application file containing the information listed under § 6.007(d)(1) through (14) of this ordinance.
- (2) Before issuing a license to a primary management official or to a key employee, the Tribe shall:

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- (A) Create and maintain an investigative report on each background investigation. An investigative report shall include all of the following:
 - (i) Steps taken in conducting the background investigation;
 - (ii) Results obtained;
 - (iii) Conclusions reached; and
 - (iv) The basis for those conclusions.
- (B) Submit a notice of results of the applicant's background investigation to the NIGC, through the Regional NIGC office, no later than sixty (60) days after the applicant begins work. The notice of results shall contain:
 - (i) Applicant's name, date of birth, and social security number;
 - (ii) Date on which applicant began or will begin work as key employee or primary management official;
 - (iii) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - (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 ten (10) years of the date of application; and
 - (d) Every felony of which the applicant has been convicted or any ongoing prosecution.
 - (iv) A copy of the eligibility determination made under subsection (f) of this section.
- (h) A Key employee or primary management employee who does not have a license

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ninety (90) days shall not be permitted to perform the duties, functions, and/or responsibilities of a key employee or primary management official until so licensed.

(i) Notice if License Not Issued to Applicant.

If a license is not issued to an applicant, the Tribe:

- (1) Shall notify the National Indian Gaming Commission; and
- (2) Shall forward copies of its eligibility determination and notice of results, under subsection (g) of this section, to the National Indian Gaming Commission for inclusion in the Indian Gaming Individual Records System.

(j) If a tribe revokes a key employee or primary management official's license:

- (1) The tribe shall notify the National Indian Gaming Commission; and
- (2) Shall forward copies of its license revocation decision for inclusion in the Indian Gaming Individuals Record System

(k) Granting a Gaming License.

(1) Providing Information to the NIGC.

- (A) Upon receipt of a complete notice of results for a key employee or primary management official as required by subsection (g) of this section, the Chair of the NIGC has thirty (30) days to request additional information from the Tribe concerning the applicant or licensee and to object.
- (B) If, within the thirty (30) day period after the National Indian Gaming Commission receives the complete notice of results required by subsection (g) of this section, the National Indian Gaming Commission has no objection to the issuance of a license a key employee or primary management official, the National Indian Gaming Commission shall notify the Tribe, and the Tribe may issue a license to such applicant.
- (C) If, within the thirty (30) day period described above, the NIGC provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided notice of results to the NIGC, the Tribe shall reconsider the application, taking into account

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the objections itemized by the NIGC. The Tribe shall make the final decision whether to issue a license to such applicant.

- (D) If the Tribe has issued a license to an applicant for a license as a key employee or primary management official before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee as provided for by subsection (l) of this section.

(2) Notice of Issuance of License.

Within thirty (30) days after the issuance of the license, the Tribe shall notify the NIGC of its issuance.

(l) Retention of records.

With respect to key employees and primary management officials, the Tribe shall retain

- (1) The information listed under § 6.007(d)(1) through (14) of this ordinance;
- (2) Investigative reports as defined by § 6.007(g) of this ordinance;
- (3) Eligibility determinations as defined by § 6.007(f) of this ordinance;
- (4) Privacy Act notice as defined under section § 6.007(c)(1) of this ordinance;
and
- (5) False Statement notice, as defined in § 6.007(c)(3) of this ordinance.

for inspection by the Chair of the National Indian Gaming Commission or their designee for no less than three (3) years from the date of termination of employment.

(m) License Suspension; Hearing.

- (1) If, after the issuance of a gaming license, the Tribe receives from the NIGC reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection (f) of this section, the Tribe shall immediately suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of his or her license.

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- (3) The right to a revocation hearing shall vest only upon receipt of a license or at such earlier time as is determined by the tribal law, regulation, and/or policy.
- (4) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the NIGC of its decision within 45 days after receiving notice from the NIGC pursuant to subsection 1 of this section.

§ 6.008 LICENSE LOCATIONS

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where gaming is conducted under this ordinance.

§ 6.009 REPEAL

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.