



June 15, 2016

VIA FACSIMILE AND
FIRST CLASS MAIL

Ms. Tamara Francis Fourkiller, Chair
Caddo Nation
P. O. 487
Binger, OK 73009

Re: Amended Gaming Ordinance

Dear Chair Fourkiller:

This letter responds to your request for the Chairman of the National Indian Gaming Commission to review and approve the Caddo Nation's (Nation) Amended Gaming Ordinance. The Gaming Ordinance was authorized by Resolution #03-2016-05 on March 2, 2016. The NIGC received a copy of the Gaming Ordinance on March 22, 2016.

Thank you for bringing the amended Gaming Ordinance to our attention. The Gaming Ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman



Caddo Nation of Oklahoma

Post Office Box 487 • Binger, Oklahoma 73009 • 405-656-2344 • 405-656-2345 • Fax 405-656-2892

RESOLUTION 03-2016-05

RESOLUTION OF THE CADDO NATION OF OKLAHOMA APPROVING THE 2016 GAMING ORDINANCE OF THE CADDO NATION

- Whereas:** the Caddo Nation of Oklahoma is a Federally Recognized Tribe, governed by a Constitution pursuant to the Oklahoma Indian Welfare Act of 1936 (49 State 197), and
- Whereas:** under the revised Caddo Nation Constitution and By-Laws adopted by the Caddo Nation of Oklahoma on June 26, 1976, and recognized by the Secretary of Interior, the Tribal Council of the Caddo Nation has certain powers, and
- Whereas:** under Article V, Section 2, part "b", of the Tribal Constitution, the Caddo Tribal Council is empowered to exercise the responsibility subject to any restrictions in Federal or State law, "to establish business functions within the Tribal Government," and
- Whereas:** the Caddo Nation Tribal Council approves the 2016 Gaming Ordinance, and
- Whereas:** the Caddo Nation Tribal Council approved the 2016 Gaming Ordinance at a duly called meeting on March 2, 2016, and

BE IT FURTHER RESOLVED: 2016 Gaming Ordinance of the Caddo Nation is hereby in full force and effect.

CERTIFICATION

We, the undersigned Chairman and Secretary of the Tribal Council of the Caddo Nation of Oklahoma, hereby certify that the Caddo Nation Council is composed of 8 members, and a quorum composed of 5 members, of whom 7 were present at a duly called meeting, noticed, convened and held on this 15 day of March 2016 at the Caddo Nation Tribal Complex in Binger, Oklahoma and that the foregoing resolution was duly adopted by an affirmative vote of:

6 FOR 0 AGAINST 0 ABSTAINING


Chairman


Secretary

3-15-2016
Date

3/15/16
Date



RECEIVED
NATIONAL INDIAN
GAMING COMMISSION

Caddo Nation of Oklahoma

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Caddo Nation Office of Gaming Commission 244 Bison Rd. Gracemont, OK 73042

March 16, 2016

Chairman Jonodev Osceola Chaudhuri:

The Caddo Nation Tribe of Oklahoma along with the Caddo Nation Office of Gaming Commissioner provides notice to the National Indian Gaming Commission in accordance to Part 522.2 that the Tribe wishes to submit the Caddo Nation 2016 Gaming Ordinance. The Caddo Nation 2016 Gaming Ordinance was passed along with Resolution 03-2016-05, on March 2, 2016, during regular Tribal Council Meeting.

The Caddo Nation of Oklahoma along with the Caddo Nation Office of Gaming Commission has included the Tribal State Compact enacted on June 27, 2006, between the Caddo Nation of Oklahoma and the State of Oklahoma pursuant to delegated authority and Section 11 of the IGRA, based on a full review of the record and the law, in pursuant to 25 U.S.C. 2710(d)(3)(B), published in the Federal Register.

Sincerely,

Chairman Paul D. Varela
Caddo Nation Office of Gaming Commissioner

ENC: Tribal Gaming State Compact/Caddo Nation 2016 Gaming Ordinance/ Resolution 03-2016-05

32216-13

Gaming Ordinance of the Caddo Nation

2016



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Section 1. Purpose

The Hasinai Gaming Commission of the Caddo Nation, empowered by the Constitution and Bylaws of the Caddo Indian Tribe of Oklahoma, and the Gaming Ordinance of the Caddo Nation of Oklahoma along with the State Compact to enact ordinances, hereby enacts this ordinance to promote tribal economic development, self-sufficiency and sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operator and players.

[25 U.S.C. § 2702(1)-(3)]

Section 2. Applicability

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

Section 3. Definitions

A. Gaming. Is defined as having the same meanings as applied by and contained in the Indian Gaming Regulatory Act, Public Law 100-447.

B. Class I Gaming. "Class I gaming" means:

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

[25 U.S.C. § 2703(6); 25 C.F.R. § 502.2]

C. Class II gaming.

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players.
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such cards;
2. Pull-tabs, punch boards, tips jar, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

[25 U.S.C. §2703(7); 25 C.F.R. §502.3]

D. Class III Gaming. All forms of gaming that are not class I or class II gaming, including, but not limited to:

1. Any house banking game, including but not limited to-
 - a. Cards games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
2. Any slot machines, as defined in 15 U.S.C. § 1171 (a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sport betting and pari-mutuel wagering, including, but not limited to, wagering on horse racing, dog racing, or jai alai; or
4. Lotteries

E. Commission. The Hasinai Gaming Commission established to preform regulatory oversight and to monitor compliance with tribal, federal, and applicable state regulations set forth in this ordinance.

F. Commissioner. A Commissioner of the Caddo Nation, as provided by this ordinance.

G. CFR. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government produced by the Office of the Federal Register (OFR) and the Government Publishing Office.

H. License. The written permission by authority of the Caddo Nation to do an act, which without permission would be illegal, and is a document granted by the Commissioner of the Chickasaw nation for a consideration to a person or to a location to pursue business subject to regulation under the jurisdiction of the Caddo Nation.

I. Chairman. The chief executive officer of Tribal Gaming.

J. Caddo Nation Tribal Council. The Tribal Council as created by the Caddo Nation Constitution.

K. Facility License. A separate license issued by the Tribe to each place, facility or location on Indian lands where the tribe elects to allow class II or III gaming.

[25 C.F.R. § 502.23]

L. Gaming Operations. Each economic entity that is licensed by the Hasinai Gaming Commission, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or entity.

M. Indian Lands.

1. Lands within the limits of the Caddo Nation reservation; or
2. Land over which the Caddo Nation exercises governmental power that is either;
 - a. Held in trust by the United states for the benefit of any Indian tribe or individual; or
 - b. Held by the Caddo Nation or individual subject to restriction by the United States against alienation.

N. Key Employee.

1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room clerk;
 - c. Chief of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
2. If not otherwise included, and other person whose total cash compensation is in excess of \$50,000.00 per year;
3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
4. Any other person designated by the tribe as a key employee.

[25 C.F.R. § 502.14]

O. Licensee. A tribally owned class II or class III gaming operation or a person licensed by the Hasinai Gaming Commission as a primary management official, key employee or other gaming employee under the provisions of the ordinance.

P. Management Contract. Any contract, subcontract or collateral agreement between the Hasinai Gaming Commission and a contractor or between a contractor and a subcontractor is such contract or agreement provides for the management of all or part of a gaming operation.

Q. Net Revenues. Gross gaming revenues of the Hasinai Gaming Commission operations less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses of the gaming operation commonly known as operating expenses consistent with professional accounting pronouncement, excluding management fees.

[25 C.F.R. § 2703(9); 25 C.F.R. §502.16]

R. Primary Management Official.

1. The person(s) having management responsibility for a management contract.
2. Any person who has authority:
 - a. To hire and fire employees; or
 - b. To set up working policy for the gaming operation; or
 - c. The chief financial officer or other person who has financial management responsibility.

3. Any other person designated by the Hasinai Gaming Commission as a primary management official.

[25 C.F.R. § 502.19]

- S. **Tribal-State Compact.** "Tribal State Compact" means an agreement between the Caddo Nation and state about class III gaming under 25 U.S.C. § 2710(d).
- T. **Tribe.** "Tribe" means the Caddo Nation.
- U. **TICS.** Tribal Internal Control Standards for basic Gaming Compliance.
- V. **MICS.** Minimal Internal Control Standards for Gaming Operations.

Section 4. Gaming Authorized

[Class II and/ or class III] gaming is authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.

Section 5. Ownership of Gaming

- A. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance, unless the Tribe elects to allow individually owned gaming.

[25 U.S.C. §2710(b)(2)(A); 25 C.F.R. §§ 522.4(b)(1), 522.6(c)]

- B. The Tribe may authorize individually owned gaming in accordance with IGRA and the NIGC's regulations.

[25 U.S.C. § 2710(b)(4); 25 C.F.R. §§ 522.4(b)(1), 522.10]

Section 6. Use of Net Gaming Revenues

- A. 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 Caddo Nation and its Citizens;
3. To promote Tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.
 - a. No per capita payments to tribal citizens shall be made from gaming revenue.

[25 U.S.C. § 2710(b)(3); 25 C.F.R. §§ 522.4(b)(2), 522.6(b)]

Section 7. Gaming Commission

- A. This ordinance hereby establishes the Hasinai Gaming Commission ("Commission") to regulate the Tribe's gaming operations. The Commission shall consist of at least 3 members, including a Chair, Vice-Chair, and at least one additional Commissioner.
- B. The Commission will conduct oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the

licensing authority for individuals employed in the gaming operations and will administer background investigations as part of the licensing process, as well as individual contractors or companies conducting business on Tribal lands. The commission will also have a key role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming facility, operations, as well as all records or business. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.

- C. Commissioner positions shall be filled in the following manner:
 - 1. Through appointment and conformation by the Caddo Nation Tribal Council.
- D. Terms of office for Commissioners shall be as follows: The Chair shall serve an initial term of one year, with subsequent Chairs serving 3 year terms; and the Vice-Chair and Commissioner(s) shall serve an initial term of two (2) years, with subsequent 3 year terms. Each Commissioner are available to serve multiple years in office while in good standing of performance and compliance of duties.
- E. The following persons are not eligible to serve as Commissioners: any member of the Caddo Nation Tribal Government body, while serving as such; current employee of the gaming operation; gaming contractors (including any principal of a management, or other, contracting company); persons directly related to, or sharing a residence with, any of the above; and person's ineligible to be key employees or primary management officials. Non-Tribal Members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as a Commissioner. Tribal Members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, will only be able to serve as a Commissioner if the Caddo Nation Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character. The Caddo Nation Tribal Council shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.
- F. The Tribe recognizes the importance of an independent Tribal Gaming Commission in maintaining a well-regulated operation. The Commission shall be independent of, and act independently and autonomously from, the Caddo Nation Tribal Council in all matters within its purview. No prior, or subsequent, review by the Caddo Nation Tribal Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operations and regulations of the gaming facility, the Tribe requires that, at a minimum:

1. No member of the Caddo Nation Tribal Council or Tribal Gaming Board of Directors may serve on the Tribal Gaming Commission;
 2. No member directly related or living with a member of the Caddo Nation Tribal Council or Tribal Gaming Board of Directors shall serve on the tribal gaming Commission;
 3. Members of the Commission are prohibited from gambling in the facility;
 4. Commissioners are prohibited from accepting complimentary items from the gaming operation, except food and beverages valued under \$10.00 dollars; and
 5. Commissioners may only be removed from office by the Caddo Nation Tribal Council, prior to the expiration of their respective terms, for neglect of duty, misconduct, malfeasance or other acts that would render a Commissioner unqualified for the position, with an independent arbitrator to quantify claims of removal.
- G. Nominees for Commissioners positions must satisfy the eligibility standards set forth for primary management officials and key employees found in **Section 23.** of this ordinance. All requisite background investigations shall be performed under the direction of the Caddo Nation Tribal Council.
- H. The Tribal Gaming Commission shall:
1. Develop licensing procedures for all employees of the gaming operations pursuant to 25 CFR § 558.1(b);
 2. Issue, suspend, revoke, and renew licenses of primary management officials and key employees upon completion of background investigations and after following the procedures contained in 25CFR Parts 556 and 558;
 3. Conduct background investigations on primary management officials and key employees according to requirements that are at least as stringent as those in 25 CFR Parts 556 and 558 pursuant to 25 CFR § 522.4(b)(5);
 4. Forward complete employment application findings for primary management officials and key employees to the NIGC pursuant to 25 CFR § 558.3. these applications should include the Privacy Act notice and the notice regarding false statements contained in 25 CFR § 556.2 and 556.3;
 5. Forward completed investigative report findings on each background investigation for each primary management official or key employee to the NIGC prior to issuing a license pursuant to 25 CFR § 556.5;
 6. Review a person's prior activates, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation pursuant to 25 CFR § 558.2;
 7. Notify the NIGC if, after conducting a background investigation on a primary management official or a key employee, the tribe does not license the individual pursuant to 25 CFR § 556.5(d)(1);

8. Retain applications and reports of background investigations of primary management officials and key employees for no less than three years' for termination of employee pursuant 25CFR § 556.5(d)(1);
9. Issue separate licenses to each place, facility or location on Indian lands where a tribe elects to allow gaming pursuant to 25 CFR § 220.1(b)(4);
10. Ensure that gaming facilities are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety pursuant to 25 CFR § 522.4(b)(7);
11. Obtain annual independent outside audits and submit these audits to the NIGC pursuant 25 CFR § 255.4(b)(4). The scope of these audits should include all gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000.00 in any year pursuant to 25 CFR § 522.4(b)(4);
12. Ensure that net revenues from any gaming activities are used for the limited purposes set forth in the tribal gaming ordinance pursuant to 25 CFR § 522.4(B0(2);
13. If the tribe authorizes individually owned gaming, issue licenses according to the requirements contained in the tribal gaming ordinance pursuant to 25 CFR § 522.10 and CFR § 522.11
14. Promulgate tribal gaming regulations pursuant to tribal law;
15. Monitor gaming activities to ensure compliance with tribal law/regulation;
16. Interact with other regulatory and law enforcement agencies regarding the regulation of gaming;
17. Conduct investigations of possible violations and take appropriate enforcement action with respect to the tribal gaming ordinances and regulations;
18. Provide independent information to the tribe on the status of the tribe's gaming activities;
19. Take testimony and conduct hearings on regulatory matters, including matters related to the revocation of primary management officials and key employee licenses;
20. Establish or approve Tribal Internal Control Standards (TICS) or procedures of the gaming operation, including the operation's credit policies and procedures for acquiring supplies and equipment;
21. Establish and supplementary criteria for the licensing of primary management officials, key employees, and other employees that the tribe deems necessary;
22. Review and approve all Standard Operating Procedures creating by management officials to ensure compliance with Minimal Internal Control Standards (MICS) and TICS;
23. Establish standards for and issue licenses or permits to persons and entities who deal with the gaming operation such as manufacturers and suppliers of machines, equipment and supplies;

24. Maintain records on licensees and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction;
 25. Perform audits of business transactions to ensure compliance with regulations and/or policy;
 26. Establish or approve rules of promotions, various games, and inspect games, tables, equipment, machines, cards, dice, and chips or tokens used in the gaming operation. Establish or approve video surveillance standards. Establish standards/criteria for gaming machines and facilitate the testing of machines for compliance;
 27. Resolve patron disputes (Tort Claims), employee grievances, and other problems, pursuant to the tribal gaming ordinance;
 28. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
 29. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations or this ordinance or any Tribal, Federal, or State gaming regulations, if applicable;
 30. Establish and maintain internal controls for all types of barred individuals within the gaming facilities, and establish rules on enforcement of said rules to uphold the integrity of gaming operations;
 31. Create and maintain relationships with regulatory authorities that conduct background investigations, and license vendors who are trustworthy;
 32. Perform such other duties the Commission deems appropriate for the proper regulation of the Tribal gaming operation; and
 33. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance or, and not in conflict with, any provisions of this ordinance.
- I. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Caddo Nation Tribal Council, the gaming operation(s) and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the Commission.
 - J. The Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resources personal and/ or other employed by the Tribal gaming operation on a need-to-know-basis, for actions taken in their official capacities.

- K. The confidentiality requirements in Section 7 (J), above, do not apply to request for such records or information from any Tribal, Federal, or State law enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.
- L. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners shall be required for any final determination by the Commission. The Commission may act in its official capacity, even if there are vacancies on the Commission.
- M. Commissioners shall be compensated by the Tribal Council. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not come from Tribal Gaming.
 - 1. The annual compensation, payable monthly/or bi-weekly, of the Gaming Commissioners shall be determined as a part of the annual budget appropriation.
 - 2. In no event shall compensation be based on a percentage of net profits from gaming operations of the Nation.
 - 3. Members are eligible to be reimbursed for actual expenses incurred for gaming Commission business, including necessary travel expenses, in addition to their monthly compensation with prior approval from the Tribe.
- N. The Commission shall keep a written record of all its meetings.

Section 8. Audits

- A. The tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.

[25 C.F.R. § 571.12(b)]

- 1. Annual audits shall conform to generally accepted auditing standards.
- B. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this ordinance.

[25 U.S.C. § 2710(b)(2)(c); 25 C.F.R. § 522.4(b)(3)]

- C. 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.

[25 C.F.R. § 571.13]

Section 9. Environment and Public Health and Safety

- A. Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.

[25 U.S.C. § 2710(b)(2)(E); 25 C.F.R. § 522.4(b)(7), 522.6(b), and 559.4]

- B. Hasinai Gaming Commission shall identify and enforce laws, resolutions, codes, policies, standards, or procedures, which are applicable to each gaming place, facility or location, to ensure adequate protection of the environment and the health and safety of the public.

[25 U.S.C. § 2710(b)(2)(E); 25 C.F.R. § 522.4(b)(7), 522.6(b), 559.1 and 559.4]

Section 10. Patron Dispute Resolution

Patrons with complaints against the gaming establishment shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. If no Commission exist, the claim may then be filed with the Chairman of the Caddo Nation. Complaints shall be submitted in writing. The Commission shall hold a hearing within 90 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. The grievance shall include the date, time, and the event in which gives rise to the grievance and be signed and verified by the aggrieved person and signed and notarized by the aggrieved and any counsel they may have. The Commission shall give notice of such hearing together with a copy of the grievance to the manager and management of the gaming enterprise facility involved in the grievance and give notice of the hearing to the person filing the grievance by regular mail posted not less than ten (10) days in advance of the hearing. At the hearing on any grievance, the person filing the same, manager and management shall be entitled to legal counsel. The person filing the grievance must be present for hearing of the same and shall be responsible to present a prima facie case for relief before response by the manager is required. The Commission shall be free to question any person present, continue the hearing from time to time and conduct independent investigation of facts. After the hearing, the Commission shall render a written opinion within forty-five (45) days. All such decisions will be final when issued. The Commission shall at any time prior to decision of any grievance, have the authority to suspend proceedings and to direct arbitration or mediation of the grievance under such terms as the Commissioner may direct. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recover of \$250,000.00 of the grievance per occurrence, with a cumulative limit of \$1,000,000.00 per patron in any 12-month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize in accordance with the compact between the State of Oklahoma and the Caddo Nation. The Commission's decision shall constitute the complainant's final remedy.

Section 11. Facility Licenses

- A. The Tribe shall issue a separate license to each place, facility or location on Indian lands where [class II/or class III] gaming is conducted under this ordinance.
- B. The Tribal Gaming Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The Tribal Gaming Commission shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility or location.
- D. The Tribal Gaming Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application law.
 - 1. A legal description of the lands upon which the facility is located, and a certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, NIGC Office of general Counsel and DOI solicitor Offices' Indian Lands legal opinions, judicial decisions and any other applicable law.
- E. The Tribal Gaming Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. The Tribe or Tribal Gaming Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Tribal Gaming Commission. This notice should be submitted at least 120 days before the opening of any new place, facility or location on Indian lands where [class II and/or III] gaming will occur, with the exception of an expedited review.

[25 C.F.R. § 559.2 (a)]
- G. The Tribal Gaming Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.

[25 C.F.R. § 559.3]
- H. The Tribe shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

[25 C.F.R. § 559.5]

Section 12. Agent for Service of Process

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

Section 13. Tribal Access to Financial Information

A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to:

The General Business Manager of the Caddo Nation.

OR

The Caddo Nation Tribal Council.

Section 14. License Application Forms

- A. In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

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

[25 C.F.R. § 556.2(a)]

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

[25 C.F.R. § 556.3(a)]

Section 15. License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

Section 16. Fingerprints

The Tribe shall perform a background investigation for each primary management official and key employee of the gaming operation. The Tribe shall request fingerprints from each primary management official and key employee. Fingerprints shall be taken by the Commission or the designated law enforcement agency chosen by the Commission and Tribe. The Commission shall forward a description of procedures for conducting a criminal history check by a law enforcement agency to NIGC which shall include a check of criminal history records information maintained by the Federal Bureau of Investigation (F.B.I.). The fingerprints of key employees and primary management officials will be processed through the F.B.I. and the National Criminal Information Center to determine the applicant's criminal history, if any.

[25 U.S.C. § 2710(b)(2)(f); 25 C.F.R. §§ 522.2(h), 522.6(a), 556.4(a)(14)]

Section 17. Background Investigations

- A.** The Tribal Gaming Commission shall perform a background investigation for each primary management official, key employee, and all others employed in its gaming operations.
- B.** The Tribal Gaming Commission is responsible for conducting the background investigations of primary management officials and key employees.
- C.** The Tribal Gaming Commission shall obtain from each primary management officials and key employee all of the following information:
 - 1.** Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages spoken and /or written;
 - 2.** Currently, and for the previous ten (10) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - 3.** The names and current addresses of at least three (3) personal references who was acquainted with the applicant during each period of residence listed under paragraph (C)(2) of this section;
 - 4.** Current business and residential telephone numbers, and all cell phone numbers;
 - 5.** A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
 - 6.** A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in the businesses;
 - 7.** The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - 8.** For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
 - 9.** For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 - 10.** For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (C)(8) or (C)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - 11.** The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - 12.** A photograph (i.e. Driver's License, Passport, Identification Card);

13. Any other information the Tribe deems relevant; and
14. Fingerprints obtained in accordance with procedures adopted by the tribe pursuant to 25 C.F.R. § 522.2(h).

[25 U.S.C. § 2710(b)(2)(F)(i); 25 C.F.R. §§ 522.2(h), 522.4(b)(5), 522.6(a), 556.4(a)(1)-(14)]

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

[25 U.S.C. § 2710(b)(2)(F)(i); 25 C.F.R. §§ 522.4(b)(5), 556.6(a)]

Section 18. Procedures for Conducting Background Investigations.

- A. The Tribal Gaming Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigation must be sufficient to allow the tribal gaming Commission to make and eligibility determination under Section 23 of this ordinance. The investigator shall:

1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
2. Contact each personal and business reference provided in the license application, when possible;
3. Conduct a personal credit check;
4. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
5. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement agency for forwarding to the FBI to perform a criminal history records check utilizing the FBI's data base;

[25 C.F.R. §§ 522.2(h), 522.6(a)]

6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

[25 U.S.C. § 2710(b)(2)(F)(i); 25 C.F.R. §§ 522.4(b)(5), 556.5]

Section 19. Tribal Internal Control Standards

The Gaming Commission shall adopt and implement Internal Control Standards (TICS) for the operation of its Tribal gaming operation(s) in accordance with

applicable law that will be used as a minimal standard guideline for operating procedures.

Section 20. Certification of Gaming Systems and Equipment

All gaming systems and/or equipment purchased, leased or otherwise acquired and utilized by a licensed gaming facility must meet all standards promulgated by the Gaming Commission. The Gaming Commission shall maintain records of all gaming equipment located at any gaming facility or storage facility approved by the Gaming Commission.

Section 21. Charitable Gaming

Charitable gaming operations are required to be licensed by the gaming Commission with the exception that:

1. All proceeds are for the benefit of a charitable organization.
2. The gaming Commission determines the charitable organization to be exempt from this Act.
3. The charitable gaming operation is operated wholly by the charitable organization's employees and/or volunteers.
4. The gaming Commission, at its sole discretion, may require the charitable organization to adopt procedures that protect the integrity of the gaming offered and that safeguard the assets used in connection with the gaming operation.

Section 22. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.

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

[25 U.S.C. § 2710(b)(2)(F)(ii)(II); 25 C.F.R. § 556.6(b)(2)]

- B. The notice of results shall include the following information:

1. The applicant's name, date of birth, and social security number;
2. The date on which the applicant began, or will begin, working as a primary management official or key employee;
3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and

- d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
- 4. A copy of the eligibility determination made in accordance with Section 23.

Section 23. Eligibility Determinations

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

[25 U.S.C. § 2710(b)(2)(F)(ii)(II); 25 C.F.R. §§522.4(b)(5), 556.5(a)]

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

[25 U.S.C. § 2710(b)(2)(F)(ii)(II); 25 C.F.R. § 556.5(a)]

Section 24. Granting Gaming Licenses

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.
- B. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 22.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribe shall not employ an individual in primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Tribal Gaming Commission must reconsider a license application if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received by the NIGC receiving a notice of results of the applicant's background investigation.
 - 1. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application
- G. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.

Section 25. Denying Gaming Licenses

- A. The Tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in

applying the standards in Section 23 for making a license eligibility determination, that licensing the person:

1. Poses a threat to the public interest;
 2. Poses a threat to the effective regulation of gaming; or
 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming Commission does not issue a license to an applicant or revokes a previously issued license after reconsideration, it shall:
1. Notify the NIGC; and
 2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individual Record System.

Section 26. Gaming License Suspensions and Revocations

- A. If, after a license is issued to an employee, the Tribe receives notice from the NIGC that the primary management or key employee is not eligible for employment, the Tribal Gaming Commission shall do the following:
1. Immediately suspend the license;
 2. Provide the licensee with written notice of the suspension and proposed revocation; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- C. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- D. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 27. Records Retention

- A. The Tribal Gaming Commission Shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:
1. Applications for licensing;
 2. Investigative Reports; and
 3. Eligibility Determinations.

Section 28. Licenses for Vendors

Vendors or gaming services or supplies, with a value of \$25,000 or more annually, must have a vendor license from the Tribal Gaming Commission in order to transact business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

Section 29. Submission of a Vendor License Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

Section 30. Contents of the Vendor License Application

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

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

- 14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles, and percentage of ownership in the company; and
 - 15. Any further information the Tribe deems relevant.
- B.** The following notice shall be placed on the application form for a vendor and its principals:

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

Section 31. Vendor Background Investigations

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

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

Section 32. Vendor License Fees

The Tribe may charge a license fee, to be set by the Tribal Gaming Commission, to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 33. Vendor Background Investigation Reports

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

Section 34. Exemption for Vendors Licensed by Recognized Regulatory Authorities

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

Section 35. Compliance with Federal Law

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

Section 36. Authorization of Gaming

A. Prohibition of Unauthorized Gaming

No person licensed by the Gaming Commission shall engage, conduct or condone any game in a facility under the jurisdiction of the Gaming Commission unless such game is approved by the Gaming Commission and regulations for rules governing such game have been duly promulgated and approved by the Gaming Commission.

B. Authorization of Gaming

The Gaming Commission may authorize the playing of any game not prohibited by the IGRA, any game not prohibited by a Tribal-State Compact, and/or not specifically prohibited by the laws of the State of Oklahoma. The Gaming Commission shall promulgate regulations for rules governing all authorized games, including regulations governing the equipment, whether electronic or manual (e.g. chips, cards, machines, computer systems, etc.) used in such game. Any provision in a Tribal-State Compact with the State of Oklahoma providing for testing, notice to, and comment from the State shall be complied with before any game is authorized by the Gaming Commission.

C. Approval of Gaming Equipment

The Gaming Commission shall have the discretion to review and approve all gaming systems and other equipment used in the gaming facility as to quality, design, integrity, fairness, honesty, and suitability.

1. The Gaming Commission may require a prototype or sample of any model of gaming system or other equipment used in the gaming facility to be placed in the custody of the Gaming Commission and retained as a control for comparison purposes.
2. The Gaming Commission may rely on an independent outside testing laboratory or other professional expertise it deems necessary or appropriate to ensure the integrity of gaming systems, equipment, supplies, etc.

D. Rules and Regulations of Games

1. It shall be the responsibility of the Gaming Commission to promulgate regulations establishing the particular rules of all

classes of gaming for each authorized game in order that said gaming will be conducted with fairness and uniformity.

2. The rules of each authorized game offered at facilities licensed by the Gaming Commission shall be posted, and shall be clearly legible, in a conspicuous location and/or made available to patrons in pamphlet form. Such rules, and any modifications or amendments thereto, must be approved by the Gaming Commission prior to publication and implementation.

E. Gaming Related Activity of the Caddo Nation

The Gaming Commission shall have full jurisdiction for regulatory compliance and enforcement of any other gaming related activity that the Nation may elect to conduct. The Gaming Commission shall promulgate such regulations as it deems necessary to ensure the integrity of such activity and to ensure compliance with all applicable laws and regulations but the scope of such regulations shall be in accordance with Section 8(H) (28-30) of this Act. Gaming Commission approval with regard to compliance with applicable gaming laws and regulations shall be required for any contracts related to any such gaming related activities. For the purposes of this section, such gaming related activities shall include, but are not limited to the following:

1. Manufacture, development, assembly, sales, or distribution of any gaming machines, devices, equipment, software, or components thereof;
2. Joint ventures with other Tribes, entities, persons, etc. related to gaming activity;
3. Pre-licensure of any entity or individual providing loans, grants or similar financial arrangements related to gaming activity in excess of \$50,000 in any twelve-month period, subject to the exceptions set forth in the Compact between the Caddo Nation and State of Oklahoma.

Section 37. Repeal

To the extent that they are inconsistent with this Authority, all prior Tribal Gaming Authorities are hereby repealed.

Section 38. Effective Date

It being immediately necessary for the welfare of the Caddo Nation, the Council shall declare that an emergency exists, by reason whereof this Casino Operations Authority shall take effect and be in full force after its passage and approval. This Ordinance/Casino Operations Authority will take effect immediately upon its approval by the Caddo Nation Tribal Council.

Executed in regular session of the Caddo Nation Tribal Council meeting at the Caddo Nation Tribal Complex in Binger, Oklahoma, on this _____ day of _____ year of 2016.


Signature/Date

Paul Varela
Print

Chairman
Hasinai Gaming Commission


Signature/Date

Marion H. Ramirez
Print

Secretary
Hasinai Gaming Commission

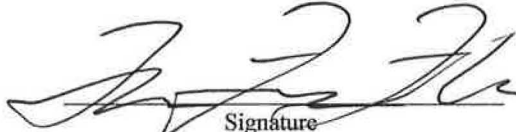
Concur:


Signature
Jennifer M. Reeder
Print

Date: 3/3/16

Secretary
Caddo Nation Tribal Council

Concur:


Signature
TAMERA FRANCIS FURKILLER
Print

Date: 3-3-2016

Chairman
The Caddo Nation