



February 9, 2017

By First Class Mail & Email

Mr. Arthur L. Attocknie, Director
Pawnee Nation Gaming Commission
Post Office Box 514
Pawnee, OK 74058

**Re: Pawnee Nation Ordinance Amendments,
Pawnee Nation of Oklahoma Resolution #15-92, #16-110, & #17-10**

Dear Director Attocknie:

This letter responds to your request on behalf of the Pawnee Nation of Oklahoma for the National Indian Gaming Commission to review and approve the Tribe's amendments to its gaming ordinance. The amendments were adopted by the Pawnee Nation of Oklahoma in Resolution #15-92, #16-110, & #17-10. The amendments execute a revised Gaming Ordinance.

Thank you for bringing these amendments to our attention and for providing us with a copy. These amendments are approved as they are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require anything further, please contact Staff Attorney Mary Modrich-Alvarado at 202-632-7003.

Sincerely,

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

Jonodev O. Chaudhuri
Chairman



Pawnee Nation of Oklahoma

RESOLUTION #17-10
JANUARY 26, 2017

RESOLUTION

- Whereas,** The Pawnee Business Council is the supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Nation Constitution and By-Laws; and
- Whereas,** The Pawnee Business Council met in special session on January 11, 2017, at the Pawnee Nation Multi-Purpose Building, duly authorized, with a quorum present; and
- Whereas,** the Pawnee Business Council makes the following revisions to the Pawnee Nation Gaming Ordinance to be compatible with the National Indian Gaming Commission; and
- Whereas,** upon approval by the Pawnee Business Council the following sections shall replace the version that approved on October 20, 2016; and
- Whereas,** revisions are being made to the following Sections of the Ordinance: **4.4** "Statement of Gross Gaming Receipts and Net Revenues"; **5.11** "Fingerprinting"; **8.1** "Granting a Gaming License"; **8.4** License Revocation"; and **9.2** "Provisions of Management Contracts".

NOW, THEREFORE BE IT RESOLVED the Pawnee Business Council does hereby approve revisions made to the Pawnee Nation Gaming Ordinance and further submit revisions to the National Indian Gaming Commission for final approval.

CERTIFICATION

I, Phammie Littlesun, Secretary of the Pawnee Business Council, certify that a Special Meeting of the Pawnee Business Council was held on the 26th day of January 2017 and that the Pawnee Business Council is composed of eight members of whom 8 were present, 0 absent, compromising a quorum, and the foregoing resolution was duly adopted by a vote of 7 for, 0 against, 0 abstaining, and 1 not voting.

Signed this 26th day of January 2017

ATTEST:

Phammie Littlesun, Secretary
Pawnee Nation Business Council

W. Bruce Pratt, President
Pawnee Nation Business Council

PAWNEE NATION OF OKLAHOMA

Pawnee Nation Gaming Ordinance

Approved by Pawnee Business Council Resolution
#16-110



Document Control Information

Approved: October 20, 2016 by Pawnee Business Council Resolution #16-110

[date] NIGC Approval

Supersedes: September 2013

Table of Contents

ARTICLE 1- INTRODUCTION	4
SECTION 1.1 DECLARATION OF POLICY	4
SECTION 1.2 SCOPE	4
SECTION 1.3 GENERAL PROHIBITION - EXCEPTIONS	4
SECTION 1.4 DEFINITIONS	4
ARTICLE 2- GENERAL PROVISIONS.....	10
SECTION 2.1 GAMING AUTHORIZED	10
SECTION 2.2 USE OF NET REVENUE.....	10
SECTION 2.3 CLASS II AND CLASS III LICENSING	10
SECTION 2.4 OWNERSHIP OF GAMING OPERATION	10
SECTION 2.5 AUDIT PROVISIONS	11
SECTION 2.6 ENVIRONMENTAL PROTECTION	11
SECTION 2.7 CIVIL PENALTIES	11
SECTION 2.8 CRIMINAL PENALTIES.....	12
SECTION 2.9 INVALIDITY	12
SECTION 2.10 NO TRIBAL LIABILITY.....	12
SECTION 2.11 REGULATIONS OF TRIBAL SUBDIVISION	12
ARTICLE 3- TRIBAL GAMING COMMISSION	13
SECTION 3.1 TRIBAL GAMING COMMISSION CREATED	13
SECTION 3.2 APPOINTMENT OF MEMBERS	13
SECTION 3.3 APPOINTMENT OF OFFICERS	13
SECTION 3.4 CONFLICT OF INTEREST.....	13
SECTION 3.5 MEETINGS.....	14
SECTION 3.6 AUTHORITY AND RESPONSIBILITY	14
SECTION 3.7 QUARTERLY REPORTS	15
SECTION 3.8 BUDGET	16
SECTION 3.9 STAFFING OF TRIBAL GAMING COMMISSION	16
SECTION 3.10 ACCESS TO INFORMATION.....	16
SECTION 3.11 ASSESSMENT OF FEES	17
SECTION 3.12 ETHICS.....	17
ARTICLE 4- PAWNEE NATION TRIBAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS.....	18
SECTION 4.1 DUTIES OF THE DESIGNATED BUSINESS ENTITY.....	18
SECTION 4.2 BOARD OF DIRECTORS	18
SECTION 4.3 LICENSE REQUIRED.....	18

SECTION 4.4 STATEMENT OF GROSS GAMING RECEIPTS AND NET REVENUES	19
SECTION 4.5 VERIFICATION OF REPORT	19
SECTION 4.6 RECORD RETENTION AND MAINTENANCE	19
ARTICLE 5- LICENSING	20
SECTION 5.1 LICENSE REQUIREMENTS	20
SECTION 5.2 NATURE OF GAMING LICENSE.....	20
SECTION 5.3 TYPES OF LICENSES TO BE ISSUED	20
SECTION 5.4 GAMING FACILITY	21
SECTION 5.5 CONSENT TO JURISDICTION	21
SECTION 5.6 APPLICATION	22
SECTION 5.7 NOTICE FEATURES.....	22
SECTION 5.8 APPLICATION FEE.....	23
SECTION 5.9 MANNER OF FILING INSTRUMENTS WITH TRIBAL GAMING COMMISSION	23
SECTION 5.10 APPLICATION TIMELINE	23
SECTION 5.11 FINGERPRINTING.....	24
ARTICLE 6- VENDORS	25
SECTION 6.1 LICENSES FOR VENDORS	25
SECTION 6.2 SUBMISSION OF A VENDOR LICENSE APPLICATION	25
SECTION 6.3 CONTENTS OF THE VENDOR LICENSE APPLICATION	25
SECTION 6.4 VENDOR BACKGROUND INVESTIGATION	26
SECTION 6.5 VENDOR LICENSE FEE	27
SECTION 6.6 VENDOR BACKGROUND INVESTIGATION REPORT.....	27
SECTION 6.7 EXEMPTION FOR VENDORS LICENSED BY RECOGNIZED REGULATORY AUTHORITIES.....	27
SECTION 6.8 LICENSES FOR NON-GAMING VENDORS.....	27
ARTICLE 7- BACKGROUND INVESTIGATIONS	28
SECTION 7.1 REQUIRED BACKGROUND INVESTIGATIONS.....	28
SECTION 7.2 BACKGROUND INVESTIGATION.....	28
SECTION 7.3 REPORT TO THE NATIONAL INDIAN GAMING COMMISSION	29
ARTICLE 8- GRANTING A GAMING LICENSE, DENIAL, RENEWAL AND SUSPENSION	31
SECTION 8.1 GRANTING A GAMING LICENSE	31
SECTION 8.2 DENYING A GAMING LICENSE	31
SECTION 8.3 LICENSE RENEWALS.....	32
SECTION 8.4 LICENSE REVOCATION	32
ARTICLE 9- MANAGEMENT CONTRACTS.....	33
SECTION 9.1 COMMISSION LICENSING OF MANAGEMENT CONTRACTOR REQUIRED.....	33
SECTION 9.2 PROVISIONS OF MANAGEMENT CONTRACTS.....	33
SECTION 9.3 PERCENTAGE OF NET REVENUE FEES	34

ARTICLE 10- UNLAWFUL ACTS.....	35
SECTION 10.1 UNLAWFUL ACTS	35
ARTICLE 11- CIVIL ENFORCEMENT	36
SECTION 11.1 ACTION TO BE TAKEN.....	36
SECTION 11.2 JURISDICTION	36
ARTICLE 12- HEARING AND APPEALS	37
SECTION 12.1 PETITION FOR HEARING AND RECONSIDERATION	37
SECTION 12.2 JUDICIAL REVIEW	37
ARTICLE 13- APPLICABLE LAWS	39
SECTION 13.1 CONTROVERSIES INVOLVING CONTRACT	39
ARTICLE 14- SERVICE OF PROCESS.....	40
SECTION 14.1 GAMING COMMISSION SERVICE AGENT	40
SECTION 14.2 MANAGEMENT SERVICE AGENT	40
ARTICLE 15- PATRON DISPUTES	41
SECTION 15.1 PATRON DISPUTES	41
SECTION 15.2 PATRON RIGHTS REGARDING DISPUTES.....	41
SECTION 15.3 COMMISSION ACTION ON PATRON DISPUTE.....	41
ARTICLE 16- EXCLUSION OR EJECTION OF INDIVIDUALS.....	42
SECTION 16.1 EXCLUSION LIST	42
SECTION 16.2 NOTICE OR OPPORTUNITY TO BE HEARD.....	42
ARTICLE 17- REGULATIONS	43
SECTION 17.1 PROMULGATING REGULATIONS	43
ARTICLE 18- AMENDMENT OF ORDINANCE AND EFFECTIVE DATE/REPEAL	44
SECTION 18.1 AMENDMENT.....	44
SECTION 18.2 EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCES	44

An Ordinance to authorize, license, regulate Class II and Class III gaming on Tribal Lands of the Pawnee Nation of Oklahoma.

ARTICLE 1- INTRODUCTION

SECTION 1.1 DECLARATION OF POLICY

It is the declared policy of the Pawnee Nation of Oklahoma that:

- (1) All gaming conducted on Tribal Lands of the Pawnee Nation shall be regulated by the Pawnee Nation Gaming Commission to protect the public health and welfare of employees and patrons from the adverse effects which may derive from unregulated gaming;
- (2) It is the objective of the Tribe to achieve and sustain the maximum Tribal revenue from gaming for the benefit of the Tribal government and membership and to promote Tribal economic self-sufficiency and the general Tribal health and welfare;
- (3) The conduct of activities provided for by this Ordinance on Tribal Lands shall conform with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701-2721, and the regulations promulgated by the National Indian Gaming Commission;
- (4) Furthermore, it shall be recognized that effective regulatory oversight requires a functional separation between the operation of Tribal gaming and the regulation of Tribal gaming; and
- (5) Accordingly, it is believed that the Commission shall have sufficient freedom and flexibility without undue interference and shall have a stable source of funding.

SECTION 1.2 SCOPE

This Ordinance shall apply to all Gaming conducted on Tribal Lands as defined herein, and lands otherwise within the jurisdiction of the Pawnee Nation of Oklahoma, in which a prize or reward is offered or awarded to any participant or in which a participant is required or requested to provide any legal consideration in order to participate, whether in person or through an agent.

SECTION 1.3 GENERAL PROHIBITION - EXCEPTIONS

No person shall conduct any game of Bingo or any other Class II Gaming or any Class III Gaming within Tribal Lands for which a charge is made or other consideration requested or required for participation, or to the winner of which any prize is awarded except as licensed pursuant to this Ordinance.

SECTION 1.4 DEFINITIONS

As used in this Ordinance, the following definitions shall apply:

- 1) "ACT" means the Indian Gaming Regulatory Act, 102 Stat. 2467, codified at 25 U.S.C. §§ 2701-2721, as amended.
- 2) "ACCOMPLICE" means one who acts jointly with another or as an accessory before the fact to an act committed by the other or as a co-conspirator with the other.
- 3) "ADJUSTED GROSS REVENUES" means gross revenues less all cash prizes or the aggregate price of merchandise prizes paid out.
- 4) "BINGO" means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith):
 - a) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
 - b) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
 - c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo.
- 5) "BUSINESS COUNCIL" means the Pawnee Business Council as described in the Constitution of the Pawnee Nation of Oklahoma.
- 6) "CHEATING" means operating or playing in a game in a manner in violation of the written or commonly understood rules of the game with the intent to create for oneself, directly or through any accomplice, an advantage over and above the chance of the game.
- 7) "CLASS II GAMING" means that gaming defined in 25 U.S.C. §2703(7)(A) and 25 CFR 502.3.
- 8) "CLASS III GAMING" means that gaming defined in 25 U.S.C. §2703(8) and 25 CFR 502.4.
- 9) "COMMISSION" means the Pawnee Nation Gaming Commission.
- 10) "COMMISSION STAFF" means Commission Staff includes all employees of the Commission, including the Director, and does not include the individual Commissioners.
- 11) "COMPACT" means the Tribal Gaming Compact between the Pawnee Tribe of Oklahoma and the State of Oklahoma, which is also known as the Pawnee Tribe of Oklahoma and State of Oklahoma Gaming Compact.
- 12) "CONCESSIONS" means all drinks and food sold at the Gaming Facility.
- 13) "COUNCIL" means the Pawnee Business Council as described in the Constitution of the Pawnee Nation of Oklahoma.
- 14) "EQUIPMENT" means all gaming, office, concession, and maintenance equipment necessary to the operation of Class II Gaming or Class III Gaming, as applicable, and of a Gaming Facility.

- 15) "EQUIPMENT COSTS" as to any item of Equipment or period of time, means the cost at which Equipment may be acquired pursuant to competitive bidding.
- 16) "FACILITY COSTS" means the actual and direct cost of acquiring a gaming site and the development, construction, and establishment thereon of a Gaming Facility, including the Equipment Costs incurred in connection therewith.
- 17) "GAMING" means risking any money or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gaming apparatus, or the happening or outcome of an event over which the person taking the risk has no control.
- 18) "GAMING FACILITY" means a building or buildings used in the operation of Class II Gaming or Class III Gaming, as applicable, including all appurtenances, access roads, parking lots, easements, outside lighting, water and sewer facilities, electrical facilities, heating and air conditioning equipment, fixtures, and any and all other improvements reasonable and necessary to a facility of similar operation and use.
- 19) "GAMING OPERATION" means each economic entity that is licensed under this Ordinance, operates the games, receives the revenues, issues the prizes, and pays the expenses. A Gaming Operation may be operated by the Tribe directly or by a licensed Management Contractor.
- 20) "GAMING SITE" or "SITE" means the tract or tracts of land upon which a Gaming Facility is located.
- 21) "KEY EMPLOYEE" of a Gaming Operation means:
 - a) a person who performs one or more of the following functions:
 - i) Shift leader;
 - ii) Counting room supervisor;
 - iii) Security personnel;
 - iv) Custodian of gaming supplies or cash
 - v) Floor manager;
 - vi) Pit boss;
 - vii) Dealer;
 - viii) Croupier;
 - ix) Approver of credit;
 - x) Bingo caller
 - xi) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - b) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - c) if not otherwise included, the four most highly compensated persons in the gaming operation.

- d) Any other person required to be licensed pursuant to Regulation promulgated by the Commission.
- 22) "LICENSE" means a license issued pursuant to and in accordance with this Ordinance the National Indian Gaming Regulatory Act and associated regulations.
- 23) "MANAGEMENT CONTRACT" means any contract or collateral agreement between the Tribally-designated entity and an outside Management Contractor, not a regular employee of the Tribe, if such contract or agreement provides for the development and/or management of all or part of a Gaming Operation at a specified Gaming Facility.
- 24) "MANAGEMENT CONTRACTOR " means the Person (other than the Tribe) holding a Management Contract entered into pursuant to 25 U.S.C. § 2710(d)(9) and 2711.
- 25) "NATION" means the Pawnee Nation of Oklahoma.
- 26) "NATIONAL GAMING CHAIRPERSON" means the Chairperson of the National Indian Gaming Commission or any successor authorized under the Act.
- 27) "NATIONAL INDIAN GAMING COMMISSION" means the National Indian Gaming Commission or any successor authorized under the Act.
- 28) "NET GAMING REVENUE" means Gross Gaming Revenues of a Gaming Operating less-
- a) amounts paid out as, or paid for, prizes; and
 - b) total gaming-related operating expenses, excluding management fees.
- 29) "NON-GAMING EMPLOYEE" employees who are licensed for employment in non-gaming areas, and are not a Key Employee or Primary Management Official. These employees may work as, but not limited to, maintenance, facilities, cooks, bartenders, beverage servers, etc. they are not employed and do not have access into restricted areas of the facility and do not work directly with gaming machines or gaming revenue. The Commission may perform a lesser level of investigation on these employees, and may focus on criminal history and financials.
- 30) "OPERATING EXPENSES" means any expenses incurred in the operation of gaming that is specifically designated as an operating expense in any management contract or which by operation of Generally Accepted Accounting Principles (GAAP) consistently applied is so treated.
- 31) "PATRON" means a person participating in a game with the hope of winning money or other benefit, but does not include a licensee, or any assignee of a licensee.
- 32) "PERSON" means any individual, firm, partnership, corporation, limited liability company, association, or other business entity recognized under the laws of the State.
- 33) "PRIMARY MANAGEMENT OFFICIAL" means:
- a) the person having management responsibility for a Management Contract;
 - b) each person (including individuals comprising a business entity) having a direct financial interest in a Management Contract. In the case of a corporation, the term includes those

Persons who serve on the Board of Directors of such corporation and every Person who owns, directly or indirectly, either individually or by agent, including Relatives, any stock in a corporate Management Contractor or equity interests in any other legal entity which is a Management Contractor however those shares or interests be designated, or a Person having sufficient voting power individually or by proxy to elect at least one member to the Board of Directors or other managing entity of a Management Contractor. The term also includes all other persons employed by a Management Contractor in any capacity, and Relatives of persons who are defined as Primary Management officials by the preceding text, having five percent (5%) or more equity ownership, either individually or by agent, including Relatives, in any other business entity hired by a Management Contractor or by doing any business with a Management Contractor with respect to an agreement entered into by the Management Contractor in a gaming operation;

c) any person who has authority:

- (i) to hire and fire employees; or
- (ii) to set up working policy for a Gaming Operation; or
- (iii) the chief financial officer or other person who has financial management responsibility.

- 34) "PRIZE COSTS" means, as to any period of time, the total amount of all money and property (limited to the actual acquisition costs of property prizes) given away as prizes to bona fide participants of gaming conducted at a Gaming Facility.
- 35) "RELATIVE " means an individual related to a referenced natural Person as a father, mother, son, daughter, brother, sister, husband, wife, step-father, step- mother, step-son, step-daughter, step-brother, step-sister, half-brother, or half- sister.
- 36) "REVENUE" means Gross Gaming Receipts less Operating Expenses, Prize Costs, Actual Amortized Payments made to reimburse Development Advances, and a percentage of the Equipment Costs appropriate for the period for which the Revenue is to be calculated.
- 37) "STATE" means any State and any of its agencies or instrumentalities.
- 38) "TRIBAL COURT" means courts duly constituted under the Constitution of the Pawnee Nation of Oklahoma.
- 39) "TRIBAL GAMING CHAIRMAN" means the Chairman of the Pawnee Nation Gaming Commission.
- 40) "TRIBAL GAMING OPERATION" means a Gaming Operation owned, operated, and managed solely by the Tribe through its own employees.
- 41) "TRIBAL LANDS" means: (a) all land within the limits of the boundaries of the Pawnee Indian Reservation; or (b) land over which the Pawnee Nation exercises governmental power and that is either (1) held in trust by the United States for the benefit of the Pawnee Nation or

individual Tribal members; or (2) held by the Pawnee Nation or individual Tribal member subject to restriction by the United States against alienation.

42) "TRIBAL PROSECUTOR" means any attorney regularly employed as an employee of the Tribe or other special counsel retained by the Tribe as a law enforcement official.

43) "TRIBAL-STATE COMPACT" means an agreement between the Tribe and any state which regulates Class III Gaming pursuant to 25 U.S.C. § 2710(d).

44) "TRIBAL TREASURER" means the Tribal Treasurer as described in the Constitution of the Pawnee Nation of Oklahoma.

45) "TRIBE" means the Pawnee Nation of Oklahoma.

ARTICLE 2- GENERAL PROVISIONS

SECTION 2.1 GAMING AUTHORIZED

Class II Gaming as defined at § 2703(7)(A) and Class III Gaming as defined at § 2703(8) of the Indian Gaming Regulatory Act and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. §§ 502.3 and 502.4 are hereby authorized in accordance with the provisions of this Ordinance.

SECTION 2.2 USE OF NET REVENUE

- 1) Purpose. Net Revenue from any Tribal Gaming Operation(s) shall only be used for the following purposes:
 - a) To fund Tribal government operations and/or programs;
 - b) To provide for the general welfare of the Tribe and its members;
 - c) To promote Tribal economic development;
 - d) To donate to charitable organizations;
 - e) To help fund operations of local Tribal agencies.
- 2) Per Capita Payments. No per capita payment of such Revenues may be made. If the Pawnee Business Council subsequently elects to make per capita payments, it shall authorize such payments only upon approval of a gaming revenue allocation plan submitted to the Secretary of the United States Department of Interior pursuant to 25 U.S.C. § 2710(b)(3).

SECTION 2.3 CLASS II AND CLASS III LICENSING

The following games may be licensed and conducted on Tribal Lands:

- 1) Class II Bingo as defined under this Ordinance (whether or not electronic, computer, or other technologic aids are used in connection therewith) including, if played at the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo. Any game defined as Class II Gaming as defined by the Act and otherwise determined to be Class II Gaming by amendment of the Act, by regulation, by decision of the National Indian Gaming Commission, or a federal court.
- 2) Class III Games, as provided for in the compact between any State of Oklahoma and the Nation, or such procedures as prescribed by the Secretary of the Interior pursuant to the Act, may be licensed and conducted within the jurisdiction of the Nation.

SECTION 2.4 OWNERSHIP OF GAMING OPERATION

The Nation shall have the sole propriety interest in and responsibility for the conduct of any Gaming Operation authorized by this Ordinance. If the Nation, acting through the Business Council, elects to allow individually owned Gaming Operations, it shall authorize such operations in accordance with the requirements set forth in 25 C.F.R. §522.10 and 522.11.

SECTION 2.5 AUDIT PROVISIONS

The following audit requirements shall apply to applicants, Gaming Operations, and contracts as set forth below:

- 1) Implied Consent for Audits and Review. In return for the privilege of conducting Gaming within the Nation's jurisdiction, any Person that applies for or receives a license to conduct Gaming pursuant to this Ordinance shall be deemed to have consented to the audit and review of any of its records by federal or Tribal law enforcement agencies, a duly authorized accounting firm designated by the Commission or agents of the Commission without notice or warrant, at any reasonable time, including, but not limited to, spot checks or field audits of its operations during Gaming sessions.
- 2) Annual Audits. At least once each calendar year, a complete audit, which may be encompassed within the existing independent Tribal audit system, will be conducted by a certified public accountant designated by the Commission for each Gaming Operation and Gaming Facility. The resulting audit reports shall be submitted promptly to the Commission and the National Indian Gaming Commission.
- 3) Audit of Contracts. All contracts for supplies, services, or concessions for a contract amount of Twenty-Five Thousand (\$25,000) or greater annually, except contracts for professional legal or accounting services, relating to a Gaming Operation shall be subject to such independent audits, and each such contract shall contain a provision whereby each party thereto agrees to cooperate and comply with the audit.
- 4) Costs of Audits. The Commission shall levy upon each Gaming Operation or Gaming Facility a fee sufficient to pay for the expenses associated with the audit or audits provided for by this Section.

SECTION 2.6 ENVIRONMENTAL PROTECTION

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. The Commission shall ensure compliance with 2.5 (1) and applicable NIGC Regulations.

SECTION 2.7 CIVIL PENALTIES

Any violations of this Ordinance may be subject to Civil Penalties, as authorized. The Commission is authorized to bring a civil action in any court of competent jurisdiction, including the Tribal Court, against any Person violating the provisions of this Ordinance. Upon finding that a violation has occurred, the Tribal Court may impose a civil penalty as provided in Section 12 or each separate violation in addition to any or all actual damages, administrative costs, and the fees of counsel retained by the Commission to prosecute such offense. Each game played at which a continuing violation occurs shall be deemed a separate violation.

SECTION 2.8 CRIMINAL PENALTIES

Any person subject to the criminal jurisdiction of the Nation violating the provisions of this Ordinance shall be guilty of a criminal offense and shall, upon conviction thereof, be punished by confinement for a period of not more than one (1) year, and a fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment for each separate violation.

SECTION 2.9 INVALIDITY

If any provision of this Ordinance or the application thereof to any Person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of application, and, to this end, the provisions of this Ordinance are severable.

SECTION 2.10 NO TRIBAL LIABILITY

Neither the Nation nor its officers, agents, or agencies, shall be responsible for the debts or liabilities of any Gaming Operation, it being the intent that each Gaming Operation shall be a corporate entity solely responsible (with its Management Contractor when provided for by contract) for its own debts, torts, and other liabilities, and subject to suit in its own name to the extent explicitly provided for by this Ordinance. No provision of this Ordinance or regulations promulgated pursuant thereto constitutes a waiver of the Nation's sovereign immunity from suit, except as expressly provided otherwise herein.

SECTION 2.11 REGULATIONS OF TRIBAL SUBDIVISION

Each Gaming Operation shall be regulated by the Commission as provided for and to the extent of this Ordinance, the Act, Tribal regulations, and regulations of the National Indian Gaming Commission. All Gaming Operations shall be subordinate agencies of the Nation.

ARTICLE 3- TRIBAL GAMING COMMISSION

SECTION 3.1 TRIBAL GAMING COMMISSION CREATED

There is hereby established a Tribal Gaming Commission which shall be called the Pawnee Nation Gaming Commission. The Commission may consist of up to five members appointed by majority vote of the Pawnee Business Council. Provided that no Commissioner shall be:

- a) Younger than 25 years of age at the time of appointment;
- b) An employee of the Pawnee Gaming Commission staff;
- c) A current member of the Pawnee Business Council.

SECTION 3.2 APPOINTMENT OF MEMBERS

- 1) Appointments of the Commission shall be for a period of three years. The initial appointments shall have different lengths of terms which shall result in staggered terms. Commissioners may be reappointed for one or more successive terms. Commissioners may remain appointed until a new Commissioner is appointed by the Pawnee Business Council.
- 2) Commissioners may be removed for cause by majority vote of the Pawnee Business Council.
- 3) Commissioners must satisfy a background check. Commissioners may not participate in matters relating to their background investigation. Such background investigations shall be under the direction of the Business Council or its designee.
- 4) Upon completion of the background investigation, the Pawnee Business Council, in Executive Session shall discuss all information gathered, and in regular session by majority vote, shall either:
 - a) issue a License, or
 - b) notice the Commissioner for a hearing before the Council, or
 - c) Deny the license.
- 5) Commissioners may be removed by a majority vote of the Pawnee Business Council.

SECTION 3.3 APPOINTMENT OF OFFICERS

The Chairman, Vice-Chairman, and Secretary shall be appointed elected by majority vote from the members appointed to the Commission by the Pawnee Business Council on an annual basis. In the absence of the Chairman, the Vice-Chairman shall serve as Chairman.

SECTION 3.4 CONFLICT OF INTEREST

- 1) No member of the Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance. No member, during his term of office or for two (2) years thereafter, may consult with or in any manner be employed by or own, directly or through a relative, nominee, or trustee, any interest in any business subject to regulation by this Ordinance.

- 2) Members of the Commission and Commission employees are prohibited from playing or participating in any gaming activity in any Gaming Facility regulated by this Ordinance.

SECTION 3.5 MEETINGS

- 1) General Meetings of the Commission may be open to the public. Executive sessions may be held for good cause, including but not limited to, protecting the privacy of persons, considering personnel matters, considering licensing determinations, reviewing background investigations, hearing complaints against individuals, and considering whether to include persons on the list of excluded individuals. No vote shall be taken during executive session. Matters discussed in executive session are deemed confidential.
- 2) The Commission shall meet at least monthly within the jurisdiction of the Pawnee Nation.
- 3) Meetings may be called by the Chairman or by majority vote of the Commission at a duly called meeting.
- 4) Notice of a meeting shall be posted in public areas at least 72 hours in advance or the meeting shall be rescheduled.
- 5) An emergency meeting or special meeting may be called by the Chairman or by a majority of the Commission to transact business which could not be reasonably anticipated and placed upon the agenda of a regularly called meeting. Notice of such emergency meeting or special meeting shall be provided to the Commission, the Business Council, the Tribal Development Corporation, and the public. All requirements of this section, except notice, shall be applicable to an emergency meeting or special meeting.
- 6) Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting in such manner by a member shall constitute the presence of the member at the meeting.
- 7) Three Commissioners shall constitute a quorum to transact business. Each member of the Commission shall be entitled to one vote. The Chairman/Chairperson shall vote only in the event of a tie.
- 8) The Commission shall act by majority vote of the Commissioners present.
- 9) Minutes of meetings shall be kept and shall at a minimum record the topics discussed, motions made and the Commissioner making such motion, and the votes on motions.
- 10) Nothing herein shall preclude a vote from being taken by the Commission telephone or email poll in an emergency when the circumstances do not allow a meeting of the full board in one location in a timely manner.

SECTION 3.6 AUTHORITY AND RESPONSIBILITY

The Commission shall have the power, authority, and responsibility to:

- 1) Initiate Civil and Criminal actions in court to enforce provisions of this Ordinance, Commission regulations or the IGRA;
- 2) Review, comment and approve management agreements for Class II and Class III Gaming Activities;
- 3) Review, comment and approve construction, development, and vendor contracts or agreements for conformance with this gaming ordinance and other laws of the Nation.
- 4) Approve, deny, suspend or revoke gaming licenses for Class II or Class III Gaming;
- 5) Monitor all Gaming Activities conducted on Pawnee Nation Land on a continuous basis;
- 6) Ensure that background investigations are conducted as required by this Ordinance;
- 7) Demand access to and inspect, examine, copy, and audit all papers, books and records concerning activities and revenues of any Gaming Activities conducted on Nation land and any other matters necessary to carry out its duties under this Ordinance;
- 8) Conduct such hearings as the Commission may deem appropriate in carrying out its duties, including administering oaths or affirmations to witnesses and issuing subpoenas to compel witness to appear at such hearings;
- 9) By majority vote, authorize the Chairman of the Commission to issue, or cause to be issued, subpoenas, which subpoenas shall be of like effect as issued by the Tribal Court;
- 10) Issue Notice of Violations to any person or facility within the jurisdiction of the Nation;
- 11) When information is received through audits or other investigations that indicates a violation of Tribal, Federal or other applicable state Statutes, laws or regulations, to treat as confidential and provide to the appropriate law enforcement officials and the Attorney General for prosecution;
- 12) Promulgate, Adopt or develop regulations, provided that all such regulations shall be filed with the Tribal Secretary and shall be public records open to inspection by any person during normal business hours, deemed necessary to clarify or enforce provision of this Ordinance or the Nation 's right and interests established in approved Management Agreements
- 13) Adopt a Class II and Class III Gaming License Application;
- 14) Deposit all payments, fees, assessments, penalties, interest, and civil fines collected under authority of this Ordinance into accounts designated by the Commission to the credit of the Nation;
- 15) Collect fees and assessments as provided for in this Ordinance.

SECTION 3.7 QUARTERLY REPORTS

The Commission shall submit a report, including, if submitted, the views of individual Commission members, to the Council on a quarterly basis each calendar year. The report shall include information concerning:

- 1) Funding, including income and expenses, of the Commission;

- 2) Net Revenue and Adjusted Gross Revenues received by the Nation from Gaming Operation;
- 3) Recommendations for amendments to this Ordinance;
- 4) A summary of gaming licenses issued and denied, by type, during the preceding quarterly reporting period ; and
- 5) Any other matter considered appropriate and relevant to the conduct of the Tribal Gaming Operations.

SECTION 3.8 BUDGET

The Pawnee Business Council is hereby authorized to appropriate such sums as may be necessary for the adequate operation of the Commission.

SECTION 3.9 STAFFING OF TRIBAL GAMING COMMISSION

- 1) General Counsel. The Commission shall designate a licensed attorney to act as General Counsel to the Commission.
- 2) Other Staff. The Commission may appoint and supervise other staff for the Commission in accordance with the personnel policies and procedures of the Pawnee Nation, at such rates of pay as shall be reflected in the budget of the Commission as approved by the Business Council, provided that no Person may be appointed to the staff of the Commission who is a relative of a member of the Commission, Tribal Manager, Management Contractor, Primary Management Official, Key Employee, or a member of the Pawnee Business Council.
- 3) Assignment of Other Personnel. The Commission may request the assignment of personnel to assist the Commission in carrying out its duties under this Ordinance, unless otherwise prohibited by law or contract, and as authorized by the Pawnee Business Council.

SECTION 3.10 ACCESS TO INFORMATION

- 1) General Authorization. The Commission may secure from any department or agency of the Tribal government, and from cooperating agencies or departments of the government of any Indian Tribe, any State, or the United States information necessary to enable it to carry out its function hereunder. Upon request of the Commission, the head of any department or agency of the Tribe shall furnish such information to the Commission unless otherwise prohibited by law.
- 2) Distribution. The Commission is authorized, upon request for law enforcement purposes or as required by law, to distribute to the National Indian Gaming Commission, and any agency of another federally recognized tribe or state having authority to regulate gaming or prosecute offenders for violations of the appropriate gaming laws within the jurisdiction of such Tribe or state, such information as it may have available, unless otherwise prohibited by law.

SECTION 3.11 ASSESSMENT OF FEES

- 1) Authorization. The Commission shall, from time to time, promulgate regulations establishing a uniform schedule of fees to be paid annually by each Gaming Operation that is regulated by this Ordinance, and shall review said schedule annually during its budget process. The fee imposed on a Gaming Operation may be reduced or waived by the Gaming Commission in the event a Gaming Operation experiences a severe economic hardship or serious natural disaster. The rate of fees imposed under this Section shall be assessed as follows:
 - a) no less than 0.5 percent nor more than 2.5 percent of the first One Million Dollars (\$1,000,000) of the Gross Receipts, and
 - b) no more than 5 percent of the Gross Receipts in excess of the first One Million Dollars (\$1,000,000) of the Gross Receipts from each entity regulated by this Ordinance.
- 2) Non-Payment. Failure to pay the appropriate fees required under any provision of this Ordinance shall, subject to the regulations of the Tribal Gaming Commission, be grounds for revocation or suspension of the license of the nonpaying entity regulated by this Ordinance.

SECTION 3.12 ETHICS

- 1) The Nation recognizes that the duties of the Commission include making important decisions on highly sensitive issues. As such, the Nation has determined that the Commission and Commission Staff shall be held to extremely high ethical standards. The Commission and Commission Staff shall agree to be bound by the following:
 - a) Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.
 - b) Not use their positions for private gain.
 - c) Not hold financial interests that conflict with the conscientious performance of their duties as regulators.
 - d) Not solicit or accept any gift or other item of monetary value, including complimentary items or services over the amount of \$100 from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Commissions' duties.
 - e) Make no unauthorized commitments or promises of any kind purporting to bind the Nation.
 - f) Act impartially, in accordance with all relevant Tribal, Federal, and State laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Commissioners or Commission Staff.

ARTICLE 4- PAWNEE NATION TRIBAL DEVELOPMENT CORPORATION BOARD OF DIRECTORS

SECTION 4.1 DUTIES OF THE DESIGNATED BUSINESS ENTITY

It shall be the duty of the "Pawnee Nation Tribal Development Corporation Board of Directors" (hereinafter "Board of Directors"), appointed by the Business Council, to manage and conduct all Class II and Class III Games of a Tribal Gaming Operation in a fiduciary capacity to maximize the Revenues of said operation, to cause to be prepared and submitted to the Pawnee Business Council such reports as may be required by law, to account for all monies and property entrusted to the Tribal Gaming Operation, to collect and pay over all taxes due the Tribe and all assessments due to the National Indian Gaming Commission and the Commission, and to perform any other duties as may be required by law.

SECTION 4.2 BOARD OF DIRECTORS

- 1) The Board of Directors shall oversee and control all non-regulatory aspects of the Nation's gaming operations through oversight of the Executive Management of the facilities and adoption of policies and procedures to govern the gaming operations.
- 2) The actions and duties of the Board of Directors shall not violate applicable gaming laws or interfere with the Commission regulation of the Nation's gaming operations by the Commission.
- 3) All Board of Directors shall be fully licensed by the Commission, prior to any Board of Director assuming the appointment from the Business Council.

SECTION 4.3 LICENSE REQUIRED

- 1) The members of the Board of Directors shall be subject to the same background check and license eligibility requirements as Key Employees and Primary Management Officials, found within this Ordinance and regulations promulgated hereunder, and each must be fully licensed accordingly in order to qualify for and retain office after appointment by the Business Council.
- 2) Appointee of the Board of Directors must be a person of the utmost honesty and integrity, must never have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and must be persons whose prior activities, reputation, habits and associations shall not in any way jeopardize the effective regulation of gaming or the Tribes' and the public's trust, confidence or interests. The appointee shall not be affiliated with or employed by the Gaming Enterprise in any capacity, and shall not gamble in any Gaming Facility run by the Tribal Gaming Enterprise nor assume any personal financial interest in any gambling by any patron of the Gaming Facility.

- 3) The Board of Directors or its members shall not have any pecuniary interest in any business or company holding a license under this Ordinance or doing business with any person licensed under this Ordinance.
- 4) The Board of Directors or its members shall not obtain or hold any interest in real property, to include but not limited to, the lease, sale or use of that real property for gaming purposes.
- 5) Such background investigation shall be performed at the direction of the Business Council by a duly appointed agent of the Council. Upon completion of the background investigation, the Commission shall review and make recommendations to the Business Council for issuance or denial of license, and the Council shall by majority vote, either:
 - a) issue a License, or
 - b) notice to the Applicant for a hearing before the Council, or
 - c) Deny the license.

SECTION 4.4 STATEMENT OF GROSS GAMING RECEIPTS AND NET REVENUES

- 1) The Board of Directors shall ensure that each Gaming Operation shall provide, in a report form prescribed by the Commission, a statement of Gross Gaming Receipts, Operating and net Revenues received or collected at each Gaming Facility for each month.
- 2) Consistent with reasonable gaming industry business practices, the Gross Gaming Receipts derived from operations of tribally-owned and licensed Gaming Operation(s) may be expended and disbursed by a Management Contractor as specifically outlined in a Management Contract.
- 3) The verified monthly report shall be filed with the Commission of all receipts and disbursements of all funds related to said Class II and Class III Games. Such reports shall also contain an itemized list of all disbursements including, but not limited to, Operating Costs, Equipment Costs, Facility Costs, materials, supplies, equipment furnished, and prizes paid. The required reports shall be submitted pursuant to regulations adopted from time to time by the Commission.

SECTION 4.5 VERIFICATION OF REPORT

The Board of Directors shall verify the accuracy of each report submitted to the Commission.

SECTION 4.6 RECORD RETENTION AND MAINTENANCE

- 1) Scope. Each Gaming Operation shall keep and maintain sufficient books and records to substantiate the Gross Gaming Receipts, Operating Costs, and uses of revenues relating to the conduct of Gaming Operations authorized under a license. Included in the records of the activity shall be session summary sheets, operational budgets and projections, and tour/bus attendance and compensation.

- 2) Duty to Account. No Management Contractor shall fail to account fully for all moneys received or collected in connection with Gaming Operations.

ARTICLE 5- LICENSING

SECTION 5.1 LICENSE REQUIREMENTS

- 1) Any Person seeking to conduct, operate or manage any Gaming Activity on Pawnee Nation Lands shall apply for and receive all the required licenses from the Commission prior to engaging in such Gaming Activity. All Gaming Vendors who directly or indirectly, provide, have provided, or are deemed likely to provide at least twenty-five thousand dollars (\$25,000) in Gaming Services in a twelve month period, shall apply for and receive all required licenses from Commission prior to providing Gaming Services.
- 2) All Gaming Employees shall apply for and receive all required licenses from the Commission prior to employment. Any person seeking to conduct, operate, or manage Gaming Activities without first obtaining the required licenses shall be deemed in violation of this Ordinance and shall be subject to fines and penalties set forth within this Ordinance. Gaming Operations Management may request, in writing, a temporary license be issued for a Gaming Employee provided that the employment is ensure maintaining compliance with all applicable laws and regulations.

SECTION 5.2 NATURE OF GAMING LICENSE

A Gaming License is a revocable privilege, and the issuance shall not create any vested right. A Gaming License is personal to the licensee or specific to a Gaming Facility, and may not be reassigned or transferred.

SECTION 5.3 TYPES OF LICENSES TO BE ISSUED

- 1) The Commission shall require licenses for all persons and entities for which a Tribal Gaming License is required and each license shall be valid for a term of two (2) years commencing from the date the license is issued under the IGRA and the Compact, including;
 - a) Gaming Commissioner;
 - b) Board of Directors;
 - c) Management Contractor;
 - d) Gaming Vendor;
 - e) Non-Gaming Vendor;
 - f) Key employees;
 - g) Primary Management Official;
 - h) Non-Gaming employee.

- 2) The Commission shall require a license for all Gaming Facilities and each license shall be valid for a term of three (3) years commencing from the date the license is issued under the IGRA and the Compact.

SECTION 5.4 GAMING FACILITY

- 1) Gaming Facility. The Commission shall issue a separate license to each place, facility, or location conducting Class II and/or Class III Gaming Operations. Applications for a Gaming Facility license must contain at a minimum:
 - a) a complete legal description of the Gaming Site, including evidence that the Gaming Site is within the territorial jurisdiction of the Tribe and qualifies as Indian Land;
 - b) a complete and accurate description of the Gaming Facility, including where possible, blueprints, drawings, floor plans, including square footage, utility services, waste services, parking plans, and photographs (or renderings for a facility to be constructed);
 - c) evidence that the proposed Gaming Facility complies with applicable building and fire laws; and evidence that the Gaming Facility, or proposed, is insurable against fire and other hazards, and that liability insurance may be obtained to protect the public from hazards which may exist in or around the, proposed, Gaming Facility.
 - d) A copy of the insurance policies covering each Gaming Operation or any part thereof shall be filed at the Commission Office.
- 2) Fees for Gaming Operations. Gaming Operations shall tender the designated fee or fees to the Commission at the time application is made for a license.

SECTION 5.5 CONSENT TO JURISDICTION

- 1) Any person who applies for a License under this Ordinance, applies for employment in any Gaming Operation, enters into any contract or agreement with the Gaming Operation, or participates in any Gaming Activity on the Reservation, shall be deemed to consent to the civil jurisdiction of the Band, the Commission and the Tribal Court. Nothing in this Section shall limit the jurisdiction of the Band, the Commission or the Tribal Court under any circumstances not explicitly contemplated in this Ordinance.
- 2) A Tribal Court of competent jurisdiction may order execution upon property of a Person or entity; the suspension or termination of the Person's or entity further conduct of gaming activities; and/or the seizure of the Person's or entity's Gaming Equipment or proceeds of other property, upon a finding of the Commission or the Court that the Person or entity has violated a provision of the Act, regulations of the National Indian Gaming Commission, this Ordinance, or regulations promulgated by the Commission,
- 3) All persons or entities shall be afforded notice and a meaningful opportunity to be heard before any forfeiture action, license revocation or execution on property shall be had.

SECTION 5.6 APPLICATION

- 1) Each Person having a Management Contract, each Primary Management Official and each Key Employee shall complete any application for an initial license or renewal of an existing gaming license on an application form prescribed by the Commission. Each gaming license or renewal license shall be valid for a term of two (2) years commencing from the date the license is issued. The application shall set forth:
 - a) the name under which the applicant transacts or intends to transact business on Tribal Lands;
 - b) the location of the Gaming Facility for which the gaming license is sought; and
 - c) the application shall be signed by the applicant if a natural person, or, in the case of an association or partnership, by a member or partner thereof, or in the case of a limited liability company, by a manager thereof, or in the case of a corporation, by an executive officer thereof. The applicant shall provide evidence of authority of the signatory or any other representative to act for and bind the applicant. If any change is made in that authority, the Commission shall be immediately informed in writing and, until that information is filed with the Commission, any action of the representative shall be presumed to be that of the applicant.

SECTION 5.7 NOTICE FEATURES

- 1) Privacy Act Notice. The following notice shall be placed on the application form of 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 the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position."

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

- 2) Notice of Consequences of False Statement. The following notice shall be placed on the application for a Key Employee or 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, section 1001)."

- 3) The Commission shall notify existing Key Employees and Primary Management Officials, if any, that they shall either:
- a) complete a new application form that contains a notice regarding false statements; or
 - b) sign a statement that contains the notices.

SECTION 5.8 APPLICATION FEE

The Commission shall establish a license application fee schedule. The application fee must be paid to the Commission upon submission of a license application. The purpose of the application fee is to defray the direct and indirect costs to be incurred by the Commission in reviewing and evaluating license applications and management contracts, including without limitation, costs and expenses for conducting background investigations and employing independent third-party consultants, accountants, and legal counsel to assist in the license application review and evaluation process.

SECTION 5.9 MANNER OF FILING INSTRUMENTS WITH TRIBAL GAMING COMMISSION

Any application, affidavit, return, report, fee, or other instrument, or payment required to be filed with, delivered to, or served upon the Commission by this Ordinance shall be deemed to be properly filed, delivered, or served, as the case may be, if it is filed, delivered or served upon the Chairman of the Commission at the Pawnee Nation Gaming Commission Office, or his designee at the Pawnee Nation Gaming Commission Office as the Commission shall designate in writing.

SECTION 5.10 APPLICATION TIMELINE

All Gaming License Applications, excluding vendor applications, shall be required to be filled out and returned to the Commission office for processing within seven days after issuance. The Commission staff will assign a tracking number to ensure that the applicant will not exceed the seven days. If the applicant does exceed the seven days requirement the applicant shall be reassigned a new application with a new tracking number.

SECTION 5.11 FINGERPRINTING

The Commission shall obtain or cause to be obtained a current set of fingerprints on each person for whom background investigations are required, using forms supplied by the National Indian Gaming Commission. Fingerprints shall be taken by the Pawnee Nation Gaming Commission. Fingerprints will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation and the National Criminal Information Center to determine the applicant's criminal history, if any.

ARTICLE 6- VENDORS

SECTION 6.1 LICENSES FOR VENDORS

- 1) Vendors of gaming services or supplies with a value of \$25,000 or more annually must have a vendor license from the Commission in order to transact business with the Tribal Gaming Operation. Contracts for professional legal and accounting services may be excluded from this section.
- 2) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.
- 3) Non-gaming vendors provide services that do not have the ability to impact the integrity of the Tribal Gaming Operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors who:
 - a) are Tribal, Local, State, or Federal government agencies;
 - b) are regulated by the by the State of Oklahoma or the Tribe;
 - c) will provide goods of insubstantial or insignificant amounts or quantities if the Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.
- 4) Attorneys and Certified Public Accountants may be exempt from the licensing requirements herein to the extent that they are providing services covered by their professional licenses. Attorneys or Certified Public Accountant will be registered with the Gaming Commission.

SECTION 6.2 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 its officers, directors, management, owners, partners, non-institutional stockholders that either own 5% or more of the stock or are the 10 largest stockholders, and the on-site supervisor and manager under the agreement with the Nation.

SECTION 6.3 CONTENTS OF THE VENDOR LICENSE APPLICATION

- 1) Applications for gaming vendor licenses must include the following:
 - a) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the applicant has done business under, type of service applicant will provide;
 - b) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

- c) 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.
 - d) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
 - e) General description of the business and its activities;
 - f) Whether the applicant will be investing in or loaning money to the gaming operation and, so, how much;
 - g) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - h) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;
 - i) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;
 - j) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - k) If the business has ever had a license revoked for any reason, the circumstances involved;
 - l) 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;
 - m) List the business' funding sources and any liabilities of \$50,000 or more.
 - n) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and
 - o) Any further information the Tribe deems relevant.
- 2) 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 6.4 VENDOR BACKGROUND INVESTIGATION

The Commission staff shall complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

- 1) Verify of the business' incorporation status and qualification to do business in the State where the gaming operation is located;
- 2) Obtain a business credit report, if available, and conduct a Better Business
- 3) Bureau check on the vendor;

- 4) Conduct a check of the business' credit history;
- 5) Call each of the references listed in the vendor application; and
- 6) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

SECTION 6.5 VENDOR LICENSE FEE

The Gaming Commission will set and charge a licensing fee for investigating and licensing of vendors of the gaming operation.

SECTION 6.6 VENDOR BACKGROUND INVESTIGATION REPORT

Commission staff 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 Commission.

SECTION 6.7 EXEMPTION FOR VENDORS LICENSED BY RECOGNIZED REGULATORY AUTHORITIES

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

SECTION 6.8 LICENSES FOR NON-GAMING VENDORS

For non-gaming vendors, the Gaming Commission may create a less stringent vendor licensing process, including a due-diligence check rather than a full background investigation. The Commission may investigate such vendors and may conduct audits in addition to monitoring Tribal purchases.

ARTICLE 7- BACKGROUND INVESTIGATIONS

SECTION 7.1 REQUIRED BACKGROUND INVESTIGATIONS

Upon receipt of any appointment, contract, or application of a Management Contractor, Key Commission Employee, or Primary Management Official or Key and Non-Gaming Employee of a Gaming Enterprise, the Commission shall conduct, or cause to be conducted, a background investigation of the above-referenced individual(s). The Commission shall keep confidential the identity of each person interviewed and the documents gathered or reviewed in the course of each background investigation.

SECTION 7.2 BACKGROUND INVESTIGATION

- 1) For each Primary Management Official, Key Employee, Gaming Commissioner, Gaming Vendor Personnel and Board of Director the Commission shall verify all of the following information obtained through the approved application:
 - a) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - b) currently, and for the previous five (5) years, the business and employment positions held, ownership interests in those businesses, business and residence addresses for previous five (5) years, and drivers' license numbers;
 - c) 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 (b) of this Section;
 - d) current business and residence telephone numbers;
 - e) a description of any existing and previous business relationships with the Tribe and any other Indian Tribes, including ownership interests in those businesses;
 - f) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - g) 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 as well as any suspension, revocation and reason for such;
 - h) for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, the date, and disposition, if any;
 - i) for each misdemeanor conviction or misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved, the date, and disposition;
 - j) 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 paragraphs (h) or (i) of this Section, the criminal charge, the name and address of the court involved, the date, and disposition;
- k) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - l) a current photograph;
 - m) fingerprints consistent with procedures adopted by the Commission according to 25 C.F.R. § 522.2 (h),
 - n) Military Information, and
 - o) any other information the Tribal Gaming Commission deems relevant.
- 2) The Commission shall inquire into the applicant's prior activities, criminal record, if any, and reputation, habits and association; interview a sufficient number of knowledgeable people such as former and current employers, business associates, personal references, and others to whom referred in order to provide a basis for the Commission to make a finding concerning the eligibility for employment in a gaming operation.
 - 3) The Commission may inquire into state and local law enforcement agencies, business registration and licensing agencies, and taxing authorities for purposes of conducting inquiry and investigation of the truthfulness and accuracy of all information required for each applicant.
 - 4) Commission staff shall submit a detailed written report to the Commission disclosing the results of the background inquiry, designating areas of inquiry for which incomplete information exists following diligent efforts customary for the subject matter of the particular inquiry, and the disposition of all potential problem areas noted and disqualifying information obtained. The Commission shall render an eligibility determination.

SECTION 7.3 REPORT TO THE NATIONAL INDIAN GAMING COMMISSION

- 1) When a key employee or primary management official is employed to work at a gaming operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed Notice of Results.
- 2) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.
- 3) Notice of Results of Background Investigations
 - a) Before issuing a license to a primary management official or key employee, the 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.
 - 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 7.2 and Article 8.
- 4) Record Keeping. With respect to all licensed Primary Management Officials and Key Employees of the Gaming Enterprise, the Gaming Commission shall retain applications for employment, investigative reports, if any, background investigations and eligibility determinations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.
- 5) Notification to National Indian Gaming Commission. Whenever it appears to the Commission that a proposed license would be consistent with the Act, this Ordinance, and the public interest, it may issue the requested license after thirty (30) days' notice of intent to issue the license to the National Indian Gaming Chairman, unless during the notice period, the Commission is directed by the National Indian Gaming Commission to delay issuance of the license for further investigation. It shall be a condition of the license that each applicant, or proponent thereof, notify the Commission in writing within three (3) business days of any event which would change any of the answers or information submitted with a license application.
- 6) If the Tribal Gaming Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Article 12.
- 7) The Gaming Commission shall notify NIGC of the issuance of a license to a primary management official or key employee within thirty (30) days.

ARTICLE 8- GRANTING A GAMING LICENSE, DENIAL, RENEWAL AND SUSPENSION

SECTION 8.1 GRANTING A GAMING LICENSE

- 1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Commission, acting for the Tribe, may issue a license to such applicant.
- 2) The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph (5) of Section 7.3 until the Chairman of the National Indian Gaming Commission receives the additional information.
- 3) If, within the thirty (30) day period described above, the National Indian Gaming Commission 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 Commission has provided an application and investigative report to the National Indian Gaming Commission the Tribe shall reconsider the Application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

SECTION 8.2 DENYING A GAMING LICENSE

- 1) 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 10.1 for making a license eligibility determination, that licensing the person:
 - a) Poses a threat to the public interest;
 - b) Poses a threat to the effective regulation of gaming; or
 - c) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- 2) When the Tribal Gaming Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, it shall:
 - a) Notify the NIGC; and
 - b) Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

SECTION 8.3 LICENSE RENEWALS

- 1) Every license shall be renewable upon request in such form as the Commission shall, by regulation, determine, provided that the renewal request shall specifically identify any changes in the renewal applicant's original license application or renewal license application, as the case may be, since the issuance of the license being renewed.
- 2) Renewal Fee. The renewal applicant shall pay a license renewal fee established by the Commission.
- 3) Expiration. Each renewed gaming license shall be valid for a term of (2) year commencing from the date the license renewal is issued.

SECTION 8.4 LICENSE REVOCATION

- 1) Grounds for Revocation. If, after the issuance of a gaming license, the Commission receives from the National Indian Gaming Commission, or any other source, reliable information indicating that a Primary Management Official or Key Employee of a Gaming Enterprise is not eligible for employment, the Commission shall
 - a) immediately suspend the license;
 - b) Provide the licensee with written notice of the suspension and proposed revocation and;
 - c) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- 2) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- 3) Notification to National Indian Gaming Commission. After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision to revoke or reinstate a license within thirty (30) days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

ARTICLE 9- MANAGEMENT CONTRACTS

SECTION 9.1 COMMISSION LICENSING OF MANAGEMENT CONTRACTOR REQUIRED

- 1) Any Management Contract entered into by the Nation for the operation and management of Class II and/or Class III Gaming Activity must provide that the parties in interest associated with the Management Contractor shall submit to a suitability determination by the licensing requirements of the Commission. The Commission may require and obtain the following information:
 - a) The name, address and other additional pertinent background information on each Person including, in cases involving entities, each individual, partner, officer, shareholder, and director comprising such entity having direct financial interest in, or management responsibility for, such Contract; and in the case of a corporation, those individuals whose serve on the board of directors of such corporation and each of its stockholders who hold, directly or indirectly, 10% or more of its issued and outstanding stock; and
 - b) A complete financial statement of each Person listed pursuant to subsection (a) above.
- 2) Any Person listed pursuant to subsection (1)(a) above shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this Ordinance.
- 3) The Commission may require management contractors and potential management contractors to pay a fee as set from time to time to cover the cost of the investigation necessary to reach a suitability determination as required by the Ordinance.

SECTION 9.2 PROVISIONS OF MANAGEMENT CONTRACTS

Any management Contract entered into by the Nation may include the following provisions:

- 1) That accounting procedures are maintained and verifiable financial reports are prepared, by or for the Nation, on a monthly basis;
- 2) For access to daily operations of the Gaming Facility to appropriate Tribal officials and their accountants and assistants, who shall also have a right to verify the daily gross revenues of the Gaming Operation and income made from any Gaming Activity or other activities managed pursuant to the Management Contract;
- 3) For minimum guaranteed payment to the Nation that has preference over the retirement of development and construction costs;
- 4) For an agreed ceiling for the repayment of development and contraction costs;
- 5) For a Contract term not to exceed five (5) years, except that, upon the request of the Nation, a contract term that exceeds five (5) years but does not exceed seven (7) years;
- 6) For grounds and mechanisms for terminating such Management Contract; and

- 7) That Preference will be given to Tribal members and non-member Indians in hiring of employees for the Gaming Activity.
- 8) That the whole agreement is subject to review and approval by National Indian Gaming Commission.

SECTION 9.3 PERCENTAGE OF NET REVENUE FEES

A Management Contract providing for a fee based upon a percentage of Net Revenues of a Gaming Operation shall not exceed 30% of the Net Revenue unless the Nation is satisfied that the capital investment required, and income projections for such Tribal gaming Operation, justify an additional fee -in no event to exceed 40% of Net Revenue.

ARTICLE 10- UNLAWFUL ACTS

SECTION 10.1 UNLAWFUL ACTS

- 1) No person shall operate or conduct any Gaming activity in a Gaming Operation within Tribal Lands without a gaming license issued by the Commission, as required by this Ordinance.
- 2) No licensee or license applicant shall provide false information in connection with any document or proceeding required or provided for under this Ordinance.
- 3) No person under the age of eighteen (18) years shall be permitted to participate in any Gaming activity.
- 4) No person shall engage in any form of Cheating in any Gaming activity.
- 5) No Person, other than a law enforcement officer or security personnel licensed to carry a firearm, may enter or remain in a Gaming Facility licensed under this Ordinance while in the possession of a firearm or other weapon.
- 6) No person shall violate any provision of this Ordinance, nor any rule, regulation or order that the Commission may adopt or issue, nor any provision of the Act, or regulation adopted by the Commission.
- 7) Any Person who knowingly and with a common intent aids or assists a Person who violates any provision of this Ordinance shall be deemed to be in violation of this Ordinance to the same extent as the violator.
- 8) Each Management Contractor shall comply with the applicable provisions of this Ordinance. Each Management Contractor is also responsible for ensuring that all Primary Management Officials and Key Employees assisting in Gaming Operations comply with this Ordinance. A violation by any such officials or employees shall be deemed a violation by the Management Contractor and shall subject the Management Contractor to a civil enforcement action.

ARTICLE 11- CIVIL ENFORCEMENT

SECTION 11.1 ACTION TO BE TAKEN

The Commission may take any one or a combination of the following actions with respect to any Person who violates any provision of this Ordinance:

- 1) Impose a civil fine not to exceed the maximum amount allowed by the National Indian Gaming Commission for each day any violation continues;
- 2) Suspend, Condition or revoke any gaming license issued by the Commission;
- 3) Exclusion of such persons from Gaming Facilities;
- 4) Bring an action in Tribal Court for imposition of one or more of the following sanctions:
 - a) Suspension or termination of the license and suspension conduct of Gaming Operations or other activities;
 - b) Seizure of any gaming apparatus, proceeds, or other property of a licensee or property connected with the Gaming Operations engaged in by the licensee;
 - c) Collection of any unpaid fees together with interest at the rate of one percent (1%) per month;
 - d) Execution on any non-exempt property of a violator located within the exterior boundaries of the Tribal Lands; or

SECTION 11.2 JURISDICTION

The Tribal Court shall have jurisdiction over any civil action brought by the Commission under this Ordinance, and also shall have the authority to impose any and all sanctions imposed by the Commission pursuant to this Ordinance.

ARTICLE 12- HEARING AND APPEALS

SECTION 12.1 PETITION FOR HEARING AND RECONSIDERATION

Any person or entity aggrieved by a decision made or action taken by the Commission may petition the Commission for a hearing and/or reconsideration. Such petition shall be filed within thirty (30) days after notice of the action. The Commission may affirm, modify, reverse and/or vacate its decision or action.

SECTION 12.2 JUDICIAL REVIEW

- 1) Scope and Procedure. The decisions of the Commission denying, suspending, or revoking a license, or ordering permanent closure of a Gaming Operation or Gaming, shall be subject to judicial review in the Tribal Court only, naming the Commission as the sole defendant to the extent that the suit seeks prospective injunctive relief and does not claim monetary damages of any kind. The Tribal Court may enter declaratory and injunctive relief only against the Commission and may not enter a money damage judgment of any nature, PROVIDED, that the limited waiver of immunity herein contained is conditioned upon the plaintiff in such action posting a bond with good and sufficient sureties in an amount that shall be determined by the Court as deemed necessary for cause shown, for the payment of the attorney's fees and court costs incurred by the Commission, which costs and fees shall be awarded by the Tribal Court as a part of any judgment or decree; and PROVIDED FURTHER, that no temporary restraining order may be issued under any circumstances and no preliminary injunction may be issued in favor of such plaintiff absent a noticed hearing wherein the plaintiff presents substantial and credible evidence that:
 - a) the plaintiff is likely to prevail upon the law and facts, and the evidence in favor of plaintiff is clear and convincing;
 - b) that the public health, welfare, and safety will not be harmed by such temporary relief;
 - c) that the balance of equity is strongly in favor of such plaintiff;
 - d) the plaintiff will suffer irreparable harm absent such temporary relief other than simply economic loss; and
 - e) at least forty-eight (48) hours' notice is given to the legal counsel appointed by the Commission and the Secretary of the Commission.
- 2) Immunity. The individual members of the Commission shall be absolutely immune from civil suit in all actions at law or in equity for any actions taken or statements made within the scope of their authority as members of the Commission, or in a good faith belief that their actions or statements were within the scope of their authority. The Pawnee Nation of Oklahoma may defend and indemnify the individual members against any civil suit even if the civil suit alleges actions outside the scope of authority; PROVIDED, however, that if a final judgment determines that the Commission's actions were, in fact, outside the scope of

authority, with no good faith belief that they were otherwise, then the costs of defense may be recovered from the individual members of the Commission by the Pawnee Nation.

ARTICLE 13- APPLICABLE LAWS

SECTION 13.1 CONTROVERSIES INVOLVING CONTRACT

- 1) All controversies involving contracts relating to Gaming entered into under the authority of the Tribe on Tribal Lands shall be resolved in the Pawnee Tribal District Court, as appropriate, and in accordance with:
 - a) The IGRA;
 - b) Regulations promulgated by the National Indian Gaming Commission;
 - c) FINCEN Regulations;
 - d) This Ordinance;
 - e) Tribal laws, ordinances, regulations, and resolutions;
 - f) Pawnee Tribal District Court decisions; and
- 2) In the event that no Federal or Tribal law, ordinance, regulation, resolution, court precedent exists to address any particular case or controversy, then disputes shall be resolved by looking first to the laws and court decisions of other Indian tribes, and thereafter to the law of the State of Oklahoma. No provision of this Ordinance or regulations promulgated pursuant thereto constitutes a waiver of the Tribe's sovereign immunity from suit, except as expressly provided otherwise herein.

ARTICLE 14- SERVICE OF PROCESS

SECTION 14.1 GAMING COMMISSION SERVICE AGENT

The Chairperson for the Business Council is hereby appointed as the agent for service of process. The Chairperson's address is 881 Little Dee Drive, Pawnee, Oklahoma 74058.

SECTION 14.2 MANAGEMENT SERVICE AGENT

Each Management Contractor shall designate, by written notification to the Commission and the National Indian Gaming Commission, an agent for service of any official determination, order, or notice of violation.

ARTICLE 15- PATRON DISPUTES

SECTION 15.1 PATRON DISPUTES

- 1) (l) Except for Tort and Prize Claim covered by the Compact, any person who has any dispute, disagreement or other grievance with the Gaming Operation that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order:
 - (a) A member of the staff relevant of the Gaming Operation;
 - (b) The supervisor in the area of the relevant Gaming Operation in which the dispute arose;
 - (c) The manager of the manager of the relevant Gaming Operation;
 - (d) The Commission

SECTION 15.2 PATRON RIGHTS REGARDING DISPUTES

Except for Tort and Prize Claims covered in the Compact, when a person brings a dispute for resolution pursuant to 16.1, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level as set forth in 15.1. Resolution of any dispute by the personnel of a Gaming Operation shall always involve two or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, or, in the case of General Manager of the Gaming Operation, to the Commission.

SECTION 15.3 COMMISSION ACTION ON PATRON DISPUTE

In the event any Person, as described in 15.1 and 15.2, is dissatisfied with the response from the Manager of a Gaming Operation such person may request a hearing in front of the Commission. This request must be submitted within seven days of the response from the Gaming Operation Manager. The Commission shall notify the Patron and the Gaming Operation Manager the time and place set for the hearing. The Commission shall schedule the hearing within twenty days of its receipt for request for hearing. The Patron may submit written and oral evidence in support of his/her claim. The Gaming Operation Manager or his designee shall also attend the hearing to respond to the claim(s) made by the Patron. The decision of the Commission shall be final.

ARTICLE 16- EXCLUSION OR EJECTION OF INDIVIDUALS

SECTION 16.1 EXCLUSION LIST

The Commission shall provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed Gaming Facility. The list shall include any person whose presence in the Gaming Facility is determined by the Commission to pose a threat to the integrity of Gaming operation, a threat to the health, safety or welfare of employees or patrons, interests of the tribe, race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation must not be grounds for placing the name of a person on the list.

SECTION 16.2 NOTICE OR OPPORTUNITY TO BE HEARD

The Commission shall notify or attempt to notify person(s) identified in 16.1 for the purpose of due process for consideration to be placed on the exclusion list.

ARTICLE 17- REGULATIONS

SECTION 17.1 PROMULGATING REGULATIONS

- 1) The Commission shall from time-to-time promulgate and issue regulations governing any aspect of its responsibilities under the Pawnee Nation Gaming Ordinance. Such regulations, so long as they are in furtherance of and not inconsistent with any provisions of the Pawnee Nation Gaming Ordinance, shall have the force of law. Without limitations, the matters to be addressed by such regulations may include the following:
 - a) the timing, manner and procedures applicable to applying for licenses for Gaming Facility Operators, Gaming Managers, Gaming Manufactures and Suppliers, Gaming Employees, and Gaming Facilities, including the information to be provided in connection with such application, and the manner in which such applications will be processed;
 - b) the specific types of accounting, organizational and security measures to be in place and functioning at any Gaming Facility licensed under the Commission.
 - c) the grounds for, and procedures for imposition of, any disciplinary action taken against licensee,
 - d) the public health and safety standard governing the physical plant of the Gaming Facilities, the provision of food and beverages and the admission of patrons to the Gaming Facilities; and
 - e) the procedures to be instituted by the Gaming Operation to ensure the physical safety of its employees and patrons, to safeguard its assets when being transported to and from the Gaming Facility and cashier's cage department, and to protect its property and the property of the patrons from illegal activity.
- 2) The Commission must approve its regulations in proposed form and must then submit such proposed regulation to public comment for a period of no less than thirty (30) calendar days after publication. Following the public comment period, the Commission will again consider its proposed regulations prior to finalization and may submit proposed regulation to the Pawnee Nation Business Council for review. Upon review of proposed regulations, the Commission will then file the final version of such regulations with the Pawnee Nation Business Council Secretary and shall be public records open to inspection by any person during normal business hours.
- 3) In the event the Commission determines that immediate administrative action is necessary to avoid serious jeopardy to the integrity of any Gaming Activity under its jurisdiction, the Commission may, upon making an express written findings as to the urgency of the situation, issue an interim regulation which shall take immediate effect as if final, and shall remain in effect until Steps 1 and 2 are taken.

ARTICLE 18- AMENDMENT OF ORDINANCE AND EFFECTIVE DATE/REPEAL

SECTION 18.1 AMENDMENT

This Ordinance may be amended by majority vote of the Pawnee Business Council. Within fifteen (15) days after adoption, the Pawnee Business Council shall submit any amendment to the Chairperson of the National Indian Gaming Commission for approval.

SECTION 18.2 EFFECTIVE DATE AND REPEAL OF PRIOR ORDINANCES

This Ordinance shall be effective upon approval of the Chairperson of the National Indian Gaming Commission. Once effective, this Ordinance shall serve to repeal all previous gaming ordinances of the Pawnee Nation of Oklahoma.