



July 12, 2016

Wally Dupuis, Chairman
Fond Du Lac Band of Lake Superior
Chippewa Reservation Business Committee
1720 Big Lake Rd.
Cloquet, MN 55720

Re: Amended Fond Du Lac Band of Lake Superior Chippewa Gaming Ordinance #09/93

Dear Chairman Dupuis:

This letter responds to a request from Tribal Attorney Sean Copeland on behalf of the Fond Du Lac Band of Lake Superior Chippewa for the National Indian Gaming Commission Chairman to review and approve Gaming Ordinance # 09/93, as amended pursuant to Resolution No. 1071/16, dated April 6, 2016.

The amendments include updates such as a new vendor licensing section, bingo and Class II gaming definitions consistent with NIGC regulations, and the employee licensing provisions reflecting the most recent amendments to NIGC regulations.

Thank you for bringing the amended ordinance to my attention and for providing me with a copy. The amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC regulations. If you have any questions, please feel free to contact Staff Attorney Jennifer Lawson at (202) 632-7003.

Sincerely,

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

Jonodev O. Chaudhuri
Chairman

Cc: Sean Copeland, Tribal Attorney

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd.
Cloquet, MN 55720
Phone (218) 879-4593
Fax (218) 879-4146



RESOLUTION #1071/16 Amended

AMENDING THE GAMING ORDINANCE, FDL ORD. #09/93

The Fond du Lac Reservation Business Committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following Resolution:

Chairman
Wally Dupuis

Secretary/Treasurer
Ferdinand Martineau, Jr.

Dist. II Representative
Bruce M. Savage

Dist. III Representative
Kevin R. Dupuis, Sr.

Executive Director,
Tribal Programs
Chuck Walt

Executive Director,
Tribal Enterprises
Michael Himango

WHEREAS, the Fond du Lac Band of Lake Superior Chippewa are a sovereign people, who occupy the Fond du Lac Reservation and retain their aboriginal rights of self-government and self-determination pursuant to the Treaty of LaPointe of September 30, 1854, 10 Stat. 1109; the Indian Reorganization Act of 1934, 25 U.S.C. § 461 et seq.; the common law of the United States; and as recognized by the United Nations Declaration on the Rights of Indigenous Peoples of September 13, 2007; and

WHEREAS, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the duly-constituted governing body of the Fond du Lac Band, to exercise the responsibilities of self-government and management over the Band's affairs; and

WHEREAS, on June 28, 1993, the Fond du Lac Reservation Business Committee adopted, and the Chairman of the National Indian Gaming Commission, acting under the authority of the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2710(b)(1)(B)(1994), subsequently approved the Fond du Lac Gaming Ordinance, FDL Ord. #09/93, under which the Fond du Lac Band licenses and regulates gaming on the Fond du Lac Indian Reservation; and

WHEREAS, the Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to amend its Gaming Ordinance #09/93; and

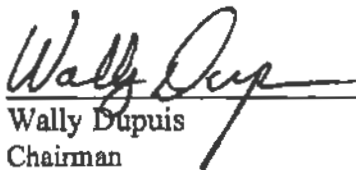
WHEREAS, towards this purpose, the Reservation Business Committee has developed proposed amendments, which are hereby deemed acceptable and in the best interests of the Band;

NOW THEREFORE BE IT RESOLVED, that the Fond du Lac Reservation Business Committee does hereby adopt the attached Fond du Lac Gaming Ordinance #09/93, As Amended, to become effective upon approval by the National Indian Gaming Commission; and

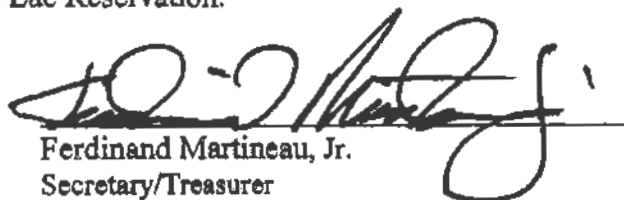
BE IT FURTHER RESOLVED, that the Fond du Lac Reservation Business Committee does herewith request that the Chairman of the National Indian Gaming Commission also approve the Fond du Lac Band's Gaming Ordinance #09/93, As Amended.

CERTIFICATION

We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 3 for, 0 against, 0 silent, with a quorum of 4 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on April 6, 2016 on the Fond du Lac Reservation.



Wally Dupuis
Chairman



Ferdinand Martineau, Jr.
Secretary/Treasurer

SECTION 15. DISPUTE RESOLUTION.

15.1 Disputes between a customer or members of the public and the Gaming Facility with respect to Gaming activities at the Gaming Facility shall be handled as follows:

15.1.1 Disputes shall initially be brought to the attention of the supervisor on duty at the time the dispute arises;

15.1.2 If the dispute is not resolved to the satisfaction of the aggrieved party, s/he may submit a complaint in writing to the General Manager of the Gaming Facility, who shall render a decision on the dispute in writing, stating the reasons for the decision.

15.2 If the aggrieved party remains unsatisfied, s/he may submit a written statement to the Reservation Business Committee, outlining with specificity the reasons for his or her dissatisfaction with the decision of the Gaming Facility manager. The Reservation Business Committee may request additional information from the aggrieved party, the manager of the Gaming Facility or other parties, and may, in its sole discretion, conduct a hearing on the matter. The Reservation Business Committee shall issue a final written decision on the dispute within ten (10) days from the receipt of the written statement from the aggrieved party or within ten (10) days from the completion of the hearing, if one is conducted.

RECEIVED
NATIONAL INDIAN
GAMING COMMISSION

2016 MAY -4 AM 11: 20

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

**GAMING ORDINANCE #09/93
AS AMENDED**

Licensing and Regulation of Games of Chance

Adopted by Resolution #1174/93 of the Fond du Lac Reservation Business Committee, dated June 28, 1993.

Amended by Resolution #1246/93 of the Fond du Lac Reservation Business Committee dated August 24, 1993.

Amended by Resolution #1062/03 of the Fond du Lac Reservation Business Committee dated March 25, 2003.

Amended by Resolution #1071/16 of the Fond du Lac Reservation Business Committee dated February 24, 2016.

Amended by Resolution #1071/16 Amended of the Fond du Lac Reservation Business Committee dated April 6, 2016.

TABLE OF CONTENTS

Chapter 1: Purpose, Authority, and Findings	1
Section 101 Purpose and Authority	1
Section 102. Findings	1
Section 103. Repealer	1
Section 104. Applicability	2
Section 105. Effective Date	2
Chapter 2: Definitions	3
Section 201. “Applicant”	3
Section 202. “Band”	3
Section 203. “Class I gaming”	3
Section 204. “Class II gaming”	3
Section 205. “Class III Gaming”	4
Section 206. “Compact”	4
Section 207. “Complimentary”	4
Section 208. “Facility License”	4
Section 200. “Gaming”	4
Section 210. “Gaming Enterprise”	4
Section 211. “Gaming Facility”	4
Section 212. “Gaming Operation(s)”	4
Section 213. “Indian Lands”	4
Section 214. “Indian Tribe” or “Tribe”	5
Section 215. “Key Employee”	5
Section 216. “Licensee”	5
Section 217. “Management Contract”	5
Section 218. “Net Revenues”	5
Section 219. “Primary Management Official”	6
Section 220. “Reservation”	6
Section 221. “Reservation Business Committee”	6
Section 222. “Social Games for Prizes of Minimal Value”	6
Section 223. “Traditional Forms of Indian Gaming”	6
Section 224. “Vendor”	6
Chapter 3: Gaming Authorized	7
Section 301 Class I Gaming	7
Section 302 Class II and Class III Gaming	7
Chapter 4: Ownership of Games	8
Section 401 Sole Proprietary Interest in Band	8
Chapter 5: Use of Gaming Net Revenue	9
Section 501 Permissible Uses of Gaming Revenue	9
Section 502 Per Capita Payments	9
Chapter 6: Tribal Gaming Regulatory Authority	10
Section 601. Regulatory Duties and Authority of the Reservation Business Committee	10
Section 602. Regulatory Duties	10

Section 603.	Independence	10
Section 604.	Regulatory Authority	10
Section 605.	Confidentiality of Records	12
Chapter 7:	Complimentary Items	13
Section 701.	Regulated Use	13
Section 702.	Budget	13
Chapter 8:	Audit	14
Section 801.	Audit Required	14
Section 802.	Standards	14
Section 803.	Exceptions	14
Chapter 9:	Agent for Service of Process	15
Section 901.	Service	15
Chapter 10:	Protection of the Environment and Public Health and Safety	16
Section 1001.	Protection Required	16
Section 1002.	Applicable Laws and Codes	16
Chapter 11:	Facility Licenses	17
Section 1101.	Separate Licenses Required	17
Section 1102.	Issuance	17
Section 1103.	License Application and Fee	17
Section 1104.	Hearing on Application for a Facility License	17
Section 1105.	Conditions	18
Section 1106.	Required Notification	18
Section 1107.	Display	18
Section 1108.	Assignment or Transfer	19
Section 1109.	Cancellation and Suspension	19
Section 1110.	Reports to the Band	19
Chapter 12:	Licensing	20
Section 1201.	License Required	20
Section 1202.	Application Required	20
Section 1203.	Fees	20
Section 1204.	Not a Right	20
Section 1205.	Licenses	20
Section 1206.	Authority to Condition and Limit Licenses	20
Section 1207.	Term of License and Renewal	21
Chapter 13:	Licenses for Key Employees and Primary Management Officials	22
Section 1301.	Policy	22
Section 1302.	Application Forms	22
Section 1303.	Fingerprints	23
Section 1304.	Background Investigations	23
Section 1305.	Procedures for Conducting Background Investigations	24
Section 1306.	Investigative Reports	25
Section 1307.	Eligibility Determination	26
Section 1308.	Notice of Results of Background Investigation	26
Section 1309.	Granting a Gaming License	27
Section 1310.	Denying a Gaming License	28
Section 1311.	License Suspension or Revocation of a Gaming License	29

Section 1312. Records Retention	30
Chapter 14. Vendor Licenses	31
Section 1401. Licenses for Vendors	31
Chapter 15: Licensing Hearings	33
Section 1501. Hearing Request	33
Section 1502. Timing of Request	33
Section 1503. Hearing Procedures	33
Chapter 16: Tribal Internal Control Standards	34
Section 1601. Adoption	34
Chapter 17: Class III Gaming Compact(s)	35
Section 1701. Class III Gaming Contingent on Compact with the State	35
Section 1702. Compact for Video Games of Chance	35
Section 1703. Compact for Blackjack	35
CERTIFICATION	35

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

GAMING ORDINANCE #09/93

Licensing and Regulation of Games of Chance

Chapter 1: Purpose, Authority, and Findings

Section 101. Purpose and Authority

The Fond du Lac Band of Lake Superior Chippewa enacts this Ordinance to regulate all forms of Gaming on Band's Lands. This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as granted by Article VI of the Constitution of the Minnesota Chippewa Tribe, and as recognized by the United States under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, and under the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §§ 2701 et seq.

Section 102. Findings

The Reservation Business Committee finds:

(a) That the operation of bingo, lotto and other games of chance by the Band is a valid means of promoting tribal economic development and the health and welfare of Band members.

(b) That under the principles established by the United States Supreme Court in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987), Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the activity is not specifically prohibited by Federal law and conducted within a state, such as Minnesota, which does not criminally prohibit the activity.

(c) That the United States Congress has enacted the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-2721(IGRA) providing for certain federal regulation of Indian gaming.

(d) That tribal regulation of gaming activity on the Reservation is vital to the protection of trust lands on the Reservation and to the protection of the interests of the Band and its members.

Section 103. Repealer

This Ordinance is enacted by adoption of Resolution No. 1071/16 Amended, which also repeals and replaces all prior Gaming Ordinances adopted by the Fond du Lac Band.

Section 104. Applicability

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to all Gaming on the Fond du Lac Reservation and on all land held in trust by the United States for the benefit of the the Band.

Section 105. Effective Date

This Ordinance, and the repeal of the prior ordinance, is effective upon the approval by the National Indian Gaming Committee (NIGC) as provided in 25.U.S.C. § 2710.

Chapter 2: Definitions

Section 201. “**Applicant**” means any person who has filed an application for any license required by the Ordinance.

Section 202. “**Band**” means the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian Tribe.

Section 203. “**Class I gaming**” means:

- (a) Social games played solely for prizes of minimal value.; or
- (b) Traditional forms of Indian gaming engaged in as a part of tribal ceremonies, celebrations, or pow wows.

Section 204. “**Class II gaming**” has the same definition as provided in 25 U.S.C. § 2703(7)(A) and means:

(a) Bingo or lotto. The game of chance (whether or not electronic, computer or technologic aids are used) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards.

(b) Other Games similar to bingo. Games including, if played at the same location as bingo, pull-tabs, punch boards, tip jars, "instant bingo," and other games similar to bingo.

(c) Non-Banking Card Games. Non-Banking card games within a licensed Gaming Enterprise are authorized, provided that they are played in conformity with the following rules and restrictions:

1. Non-banking card games may be played if specifically authorized by Minnesota law or if not explicitly prohibited by Minnesota law and played legally anywhere in the state.
2. Non-banking card games must be played in conformity with Minnesota laws and regulations regarding hours, periods of operation and limitations on wagers or pot sizes.
3. Non-banking card games must be played and supervised in conformity with the Tribal internal control standards adopted by the Band.

Section 205. “**Class III Gaming**” means all forms of Gaming that are not Class I or Class II gaming, including:

(a) Electronic or electromechanical facsimiles of any games of chance or slot machines of any kind.

(b) All banking card games; including baccarat, chemin de fer, and blackjack.

Section 206. “Compact” means a Tribal-State Compact concerning Class III gaming entered into between the Fond du Lac Band of Lake Superior Chippewa and the State of Minnesota pursuant to 25 U.S.C. § 2710(d).

Section 207. “Complimentary” means a service or item provided at no cost, or at a reduced cost, to a customer or other person.

Section 208. “Facility License” means the separate license issued by the Reservation Business Committee to each place, facility, or location on the Band’s Indian Lands where Class II or Class III Gaming is allowed.

Section 209. “Gaming” means the act of paying for the opportunity to participate in a game of chance for money or other valuable consideration, where the outcome is determined predominantly by chance. Gaming shall include Class I, Class II and Class III gaming as defined in this Ordinance.

Section 210. “Gaming Enterprise” means any business owned by the Band and operated for the conduct of Class II or Class III Gaming.

Section 211. “Gaming Facility” means any location, place or structure on the Band’s Indian Lands where Class II or Class III Gaming is permitted and conducted.

Section 212. “Gaming Operation(s)” means the conduct of Class II or Class III gaming and related business activities by a Gaming Enterprise.

Section 213. “Indian Lands” means:

- (a) lands within the limits of the Fond du Lac Indian Reservation; or
- (b) lands over which the Band exercises governmental power and which are either:
 - 1. held in trust by the United States for the benefit of the Band or a Band member; or
 - 2. held by the Band or a Band member subject to restriction by the United States against alienation.

Section 214. “Indian Tribe” or “Tribe” means the Fond du Lac Band of Lake Superior Chippewa, a federally recognized Indian Tribe.

Section 215. “Key Employee”

- (a) A person who performs one or more of the following functions:
 - 1. Bingo caller;
 - 2. Counting room supervisor;
 - 3. Chief of security;
 - 4. Custodian of gaming supplies or cash;
 - 5. Floor manager;
 - 6. Pit boss;
 - 7. Dealer;
 - 8. Croupier;
 - 9. Approver of credit; or
 - 10. 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 designated by the Band as a key employee.

Section 216. “Licensee” means a Class II or Class III Gaming Operation, a person licensed by the Reservation Business Committee as a Key Employee, Primary Management Official, or Vendor under the provisions of this Ordinance.

Section 217. “Management Contract” means any contract, subcontract or collateral agreement between the Band and a contractor or between a contractor and subcontractor if such contract or agreement provides for the management of all or a part of the Band’s Gaming Operation.

Section 218. “Net Revenues” means gross revenues of a Gaming Operation less:

- (a) amounts paid out as, or paid for, prizes; and
- (b) total Gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

Section 219. “Primary Management Official”

- (a) The person having management responsibility for a management contract;
- (b) Any person who has authority:

1. to hire and fire employees; or
2. to set up working policy for the Gaming Operation.

(c) The chief financial officer or other person who has financial management responsibility.

(d) Any other person designated by the Band as a Primary Management Official.

Section 220. “**Reservation**” means the Fond du Lac Reservation and any trust land held by the United States for the Fond du Lac Band.

Section 221. “**Reservation Business Committee**” means the governing body of the Fond du Lac Band of Lake Superior Chippewa. The Reservation Business Committee shall perform regulatory oversight and monitoring of all Gaming on the Reservation to assure compliance with Tribal, federal, and applicable state law.

Section 222. “**Social Games for Prizes of Minimal Value**” means games in which the total value of prizes awarded during the calendar year does not exceed \$2,500.

Section 223. “**Traditional Forms of Indian Gaming**” means:

(a) Gaming activities such as "stick" or "bone" games played as part of tribal ceremonies, celebrations, or pow wows.

(b) Games, including those for which purses or prizes are awarded, that are played as part of tribal ceremonies, celebrations, or pow wows. This does not include games operated prior to a ceremony, celebration, or pow wow for the purpose of raising funds for the ceremony, celebration or pow wow.

Section 224. “**Vendor**” means any person or entity which provides property, goods or services to a Gaming Facility for use in a Gaming Operation.

Chapter 3: Gaming Authorized

Section 301. Class I Gaming

Class I gaming is authorized on the Band's Indian Lands. However, this ordinance does not apply to Class I gaming as defined in Section 203, except that the Band reserves the right to inspect the premises where the Class I game is held and to obtain and review financial information concerning the game in order to determine whether it meets the definition of a Class I game. In addition, Class I games may be subject to other tribal ordinances and regulations designed to protect the health, welfare and safety of tribal members.

Section 302. Class II and Class III Gaming

Class II gaming and Class III gaming are hereby authorized on the Band's Indian Lands. No Class II or Class III gaming shall be conducted on the Band's Indian Lands except as authorized by this Ordinance and regulations adopted by the Band, and in accordance with the Indian Gaming Regulatory Act, the Regulations of the National Indian Gaming Commission, the Tribal-State Compacts and any other applicable law.

Chapter 4: Ownership of Games

Section 401. Sole Proprietary Interest in Band

The Band shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance. Ownership of Class II or Class III games by any entity other than the Band is prohibited.

Chapter 5: Use of Gaming Net Revenue

Section 501. Permissible Uses of Gaming Revenue

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

Section 502. Per Capita Payments

If the Band elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. § 2710(b)(3) and 25 CFR Part 290.

Chapter 6: Tribal Gaming Regulatory Authority

Section 601. Regulatory Duties and Authority of the Reservation Business Committee

The Reservation Business Committee shall be the primary regulatory authority for all Gaming on the Band's Indian lands and shall exercise its regulatory duties and authority over the Band's Gaming Operation as set forth in this Ordinance.

Section 602. Regulatory Duties

The Reservation Business Committee will conduct oversight to ensure compliance with Tribal, Federal and applicable State laws and regulations. The Reservation Business Committee will serve as the licensing authority for all Gaming Facilities on the Band's Indian lands, for all Key Employees and Primary Management Officials employed in the Band's Gaming Operation and for Vendors who supply goods and services to the Gaming Operation. The Reservation Business Committee will oversee background investigations as part of the licensing process. The Reservation Business Committee will also have a role in monitoring compliance with the internal control standards for the Gaming Operation and in tracking Gaming revenues. In order to carry out its regulatory duties, the Reservation Business Committee shall have unrestricted access to all areas of the Gaming Facility and to all records of the Gaming Operation. The Reservation Business Committee shall have authority to take enforcement actions, including suspension or revocation of any licensed issued pursuant to this Ordinance.

Section 603. Independence

To avoid potential conflicts of interest with respect to the operation and regulation of the Gaming Operation, the members of the Reservation Business Committee, and the regulatory staff (Employee Compliance Department, Internal Audit and Legal) are prohibited from participating in Gaming at the Band's Gaming Facilities.

Section 604. Regulatory Authority

The Reservation Business Committee shall have the authority to:

(a) conduct or cause background investigations to be conducted on Primary Management Officials and Key Employees and any other persons or Vendors the Reservation Business Committee designates by regulation;

(b) review and approve all investigative work conducted in connection with the background investigations, and cause investigative reports to be maintained based on the background investigations;

(c) submit or cause to be submitted a Notice of Results of background investigations conducted on each Primary Management Official and Key Employee to the National Indian Gaming Commission (NIGC);

(d) obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;

(e) make licensing eligibility determinations and review licensing eligibility determinations of the Employee Compliance Department;

(f) issue licenses to Primary Management Officials, Key Employees, other employees of the Gaming Operation, and Vendors if warranted by the eligibility determination ;

(g) establish standards for the licensing of Tribal Gaming Facilities;

(h) issue licenses to Tribal Gaming Facilities;

(i) inspect, examine and monitor all of the Band's Gaming activities and Gaming Operation(s), and have immediate access to review, inspect, examine, photocopy and audit all records of the Gaming Establishment;

(j) ensure compliance with all applicable laws, rules and regulations regarding Indian Gaming;

(k) investigate or cause to be investigated any suspicion of wrongdoing associated with any Gaming activities;

(l) establish procedures for the handling of patron complaints and resolve any complaints consistent with those procedures;

(m) comply with any and all reporting requirements under the IGRA, the NIGC Regulations, the Compact and any other applicable law;

(n) promulgate and issue regulations necessary to comply with applicable Minimum Internal Control Standards (MICS);

(o) promulgate and issue regulations on the levying of fees and /or taxes associated with Gaming license applications or the Gaming Operation;

(q) promulgate and issue regulations on the levying of fines and/or the suspension or revocation of Gaming licenses for violations of this ordinance, or any other Tribal, Federal, or if applicable, State law or regulations;

(r) establish a list of persons not allowed to participate in Gaming in the Band's Gaming Facilities, and create procedures for the enforcement of the exclusions;

(s) establish a list of persons who have voluntarily agreed to be excluded from the Band's Gaming Facilities, and create procedures for the enforcement of the exclusions;

(t) establish by regulation or policy the conditions under which employees of the Gaming Operation may gamble at the Band's Gaming Facilities;

(u) employ such staff as necessary to assist in the exercise of its authority under this ordinance;

(v) adopt such regulations and procedures as necessary and appropriate to implement the provisions of this ordinance and govern the conduct of Gaming to maintain the integrity of the Gaming Operation; and

(w) perform such other duties that the Reservation Business Committee deems appropriate for the proper regulation of the Band's Gaming Operation(s).

Section 605. Confidentiality of Records

The Reservation Business Committee shall ensure that all records and information obtained as a result of all employee background investigations shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation may be disclosed to members of management, human resources personnel or others employed by the Gaming Operation sparingly and on a need-to-know basis for actions taken in their official capacities. The confidentiality requirements contained in this Section shall not apply to requests for records or information from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Reservation Business Committee and its staff in the performance of their official duties.

Chapter 7: Complimentary Items

Section 701. Regulated Use

The use of complimentary items shall be governed by regulations established by the Reservation Business Committee, which regulations shall be consistent with the Minimum Internal Control Standards found at 25 C.F.R. §542.17 and §543.13.

Section 702. Budget

Complimentary Items shall be included in the annual budget for the Gaming Operation, with maximum limits specified, and shall be subject to the approval of the Reservation Business Committee.

Chapter 8: Audit

Section 801. Audit Required

The Band shall cause to be conducted annually an independent audit of Gaming Operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

Section 802. Standards

Annual Audits shall conform to generally accepted accounting standards.

Section 803. Scope

All Gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Section 801 above.

Chapter 9: Agent for Service of Process

Section 901. Service

Service of any official determination, order or notice of violation relating to any Gaming Facility on the Band's Indian Lands shall be made on:

Chairperson of the Reservation Business Committee
1720 Big Lake Road
Cloquet, MN 55720

Chapter 10: Protection of the Environment and Public Health and Safety

Section 1001. Protection Required

Each Gaming Facility shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

Section 1002. Applicable Laws and Codes

The Reservation Business Committee 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 health and safety of the public.

Chapter 11: Facility Licenses

Section 1101. Separate Licenses Required

A separate Facility License must be issued to each place, facility or location on the Band's Indian lands where Class II and/or Class III gaming is conducted. The term of the Facility License shall be for four (4) years. A Facility License may be issued only to the Band or to a corporation or entity that is wholly owned by the Band.

Section 1102. Issuance

The Reservation Business Committee is responsible for issuing a new or renewed Facility License to each Gaming Facility. The Band shall submit to the NIGC a copy of each new or renewed Facility License, along with any required documentation, within thirty (30) days of issuance. The Reservation Business Committee shall only issue or renew a Facility License if the application for the Facility License includes the required information and documentation, and otherwise satisfies any additional conditions imposed by the Band under this Ordinance.

Section 1103. Application and Fee

For each place, facility or location, in which Class II or Class III Gaming is, or will be, conducted, an application must be filed, on a form prescribed by the Reservation Business Committee, that contains the following information:

(a) A description of the premises in which the game is to be held, and proof that the Applicant is the owner of such premises, or lessee of such premises, for at least the term of the license.

(b) Agreement by the applicant to accept and abide by all applicable provisions of this Ordinance and all conditions of the Facility License.

(c) Satisfactory proof that notice of the application has been posted in a prominent, noticeable place in the Tribal Office and on the premises where the Gaming is to be held for at least 30 days prior to consideration by the Reservation Business Committee, and published at least twice in a local newspaper serving the Reservation. The notice shall state the date, time and place when the application shall be considered by the Reservation Business Committee.

(d) Each application shall be accompanied by a fee of \$50.00.

Section 1104. Hearing on Application for a Facility License

An application for a Facility License shall be considered by the Reservation Business Committee in open session at which time the Applicant and any person protesting the application shall have the right to be present, and to offer sworn oral or documentary evidence relevant to the application. After the hearing, the Reservation Business Committee shall determine whether to grant or deny the application. The decision of the Reservation Business Committee is final.

Section 1105. Conditions

Any Facility License issued under this Ordinance shall be subject to such reasonable conditions as the Reservation Business Committee shall establish, including, but not limited to the following:

(a) The licensee shall at all times maintain an orderly, clean, and neat Gaming Facility, both inside and outside the licensed premises.

(b) The Gaming Facility shall be opened to inspection by duly authorized tribal officials, by officials of the State of Minnesota as prescribed in the Compacts, and by officials of the NIGC at all times during the regular business hours.

(c) The Gaming Facility shall comply with all health and safety standards adopted by the Reservation Business Committee as applicable to the Gaming Facility.

(d) No person who is under the age of 18 shall be permitted to participate in Gaming or to participate in the operation of Gaming. No person under the age of 18 shall be allowed on the Gaming floor.

(e) No Facility licensee shall allow a person who manages or is employed by the Gaming Operation to participate in any Gaming conducted at that place, facility or location, except as prescribed in the regulations and/or policies adopted by the Reservation Business Committee.

(f) Each Facility licensee shall have the authority to adopt additional regulations and policies concerning the conduct of Gaming, provided such rules are not inconsistent with this Ordinance, and the additional regulations and policies have received the prior approval of the Reservation Business Committee.

Section 1106. Required Notification

The Reservation Business Committee shall notify the NIGC Chair within thirty (30) days if a Facility License is revoked, terminated or expires, or if a Gaming Facility closes, unless the closure is seasonal or temporary and lasts for less than 180 days. The Reservation Business Committee shall notify the NIGC Chair that issuance of an initial Gaming Facility License is under consideration at least 120 days prior to the opening of the Gaming Facility.

Section 1107. Display

Every Gaming Facility shall display in a prominent place a current and valid Facility License issued by the Reservation Business Committee for that location.

Section 1108. Assignment or Transfer

No Facility License issued under this Ordinance shall be assigned or transferred without the written approval of the Reservation Business Committee expressed by formal resolution. The Reservation Business Committee shall not assign or transfer any Facility License except upon request of the holder of the license.

Section 1109. Cancellation and Suspension

Any Facility License issued under this Ordinance may be cancelled by the Reservation Business Committee for the breach of any of the provisions of this Ordinance, for violation of federal, tribal or to the extent applicable, state law, or for noncompliance with the conditions of the Facility License. A decision to cancel a Facility License shall only be made after a hearing before the Reservation Business Committee upon 10 days' notice of the claimed breach, violation or noncompliance to the Facility licensee. If the Band is the Facility licensee, notice shall be served on the manager of the Gaming Facility. The time and place of the hearing shall be posted in the tribal office, and if time permits in a local newspaper serving the Reservation. The Facility licensee, manager, and their attorneys, if any, shall have the right to be present and to offer sworn oral or documentary evidence relevant to the breach charged. A Facility License may be suspended during the 10-day period by a majority vote of the Reservation Business Committee at which a quorum is present. The decision of the Reservation Business Committee shall be final.

Section 1110. Reports to the Band

(a) Each Facility Licensee shall submit to the Reservation Business Committee on a quarterly basis, a financial report for the previous quarter's operations. Such reports shall be signed, under oath, by an official or representative of the licensee, who in the case of a tribal operation shall be the operation's manager. The Reservation Business Committee shall adopt regulations specifying the information that must be reported by Facility Licensees pursuant to this Section.

(b) The Reservation Business Committee may require that records required to be kept by this section be preserved by a Facility Licensee for at least two years. The records may be inspected by employees or agents of the Reservation Business Committee at any reasonable time without notice. Failure of Facility Licensee to cooperate with employees or agents of the Reservation Business Committee or failure to preserve such records may result in the suspension of Facility License.

Chapter 12: Licensing

Section 1201. License Required

Unless otherwise exempted under this ordinance, any person employed in the Band's Gaming Operation as a Key Employee or Primary Management Official or a Vendor providing goods or services to the Gaming Enterprise for use in the Gaming Operation must possess a valid license issued by the Reservation Business Committee.

Section 1202. Application Required

License applications will be considered only upon receipt of a complete written application on a form approved for use by the Reservation Business Committee.

Section 1203. Fees

The Reservation Business Committee shall establish a schedule of fees applicable to all licenses. Each application for a license shall be accompanied by payment of the applicable fee. All fees are non-refundable. An application that is not accompanied by the applicable fee shall be deemed incomplete and shall not be processed. The Reservation Business Committee may impose additional fees reasonably related to the cost of enforcement of this ordinance, including but not limited to, the cost of conducting a background investigation.

Section 1204. Not a Right

A license issued pursuant to this ordinance is a revocable privilege. A licensee shall not be deemed to have any vested right in or to a Gaming license and a license does not convey any property interest to the holder of the license.

Section 1205. Assignment or Transfer

A license is valid only for the person or entity to whom the license was issued. No license is assignable or transferable to another person or entity without the express prior approval of the Reservation Business Committee.

Section 1206. Authority to Condition and Limit Licenses

(a) Every license issued by the Reservation Business Committee shall be conditioned on the licensee's continuing eligibility under the requirements of this ordinance and any conditions imposed by the Reservation Business Committee.

(b) The Reservation Business Committee may impose conditions or limitation on any license, such as limitations on access to secure areas of the Gaming Facility, based on the Applicant's or licensee's position, responsibilities and/or regulatory concerns.

Section 1207. Term of License and Renewal

Unless provided otherwise in this ordinance, every license issued by the Reservation Business Committee shall be valid for a period of one (1) year. Prior to the expiration of the license, the licensee shall update the information provided during the initial licensing process. If the Applicant continues to meet the applicable standards, the license may be renewed for a period of one (1) year. Notice of any such renewal shall be sent by the Reservation Business Committee to the NIGC.

Chapter 13: Licenses for Key Employees and Primary Management Officials

Section 1301. Policy

The Reservation Business Committee shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Gaming Enterprise operated on the Band's Indian lands.

Section 1302. Application Forms

(a) The following notice shall be placed on the application form for a Key Employee or a Primary Management Official:

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 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 the Band or the NIGC in connection with the issuance, denial or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Band being unable to hire you in 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.

(b) The following additional notice shall be placed on the application form for a Key Employee and Primary Management Official:

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

(c) Existing Key Employees and Primary Management Officials shall be notified in writing that they shall either:

1. Complete a new application form that contains a Privacy Act notice; or
2. Sign a statement that contains the Privacy Act notice and consent to the uses described in that notice.

Section 1303. Fingerprints

The Reservation Business Committee shall perform or cause to be performed a background investigation for each Primary Management Official and Key Employee of the Gaming Operation. Fingerprints shall be obtained from each Primary Management Official and Key Employee by the Employee Compliance Department. Fingerprints shall be submitted to either (1) the State of Minnesota, Department of Public Safety, in accordance with the terms of the Tribal-State Compacts or (2) the NIGC. The fingerprints will be forwarded for processing through the Federal Bureau of Investigation and the National Criminal Information Center to determine the Applicant's criminal history, if any.

Section 1304. Background Investigations

(a) The Reservation Business Committee shall cause to be performed a background investigation for each Key Employee and Primary Management Official in the Band's Gaming Operation. Prior to determining eligibility of a person for a Key Employee or Primary Management Official license, the following information shall be obtained:

1. full name, other names used (oral or written), Social Security Number, birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. currently and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
3. the names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the Applicant during each period of residence listed under paragraph (a)2 of this section;
4. current business and residence telephone numbers and all cellular/mobile phone numbers;
5. a description of any existing and previous business relationships with other Indian tribes, including ownership interests in those businesses;
6. a description of any existing and previous business relationships with the Gaming industry generally, including ownership interests in those businesses;
7. the 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 and disposition if any;
9. for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
10. for each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (a)8 and (a)9 of this section, the criminal charge, the name and address of the court involved and the date and disposition;
11. the name and address of any licensing or regulatory agency with which the person has filed an application for any occupational license or permit, whether or not such license or permit was granted;
12. a current photograph (taken within the last year);
13. Fingerprints obtained in accordance with procedures adopted by the Reservation Business Committee pursuant to 25 C.F.R. § 522.2(h); and
14. any other information the Reservation Business Committee deems relevant.

(b) If, in the course of the background investigation, it is discovered that the applicant has a notice of results on file with the NIGC from a prior investigation and access is available to the earlier investigation materials (either through NIGC or the previous tribal investigative body), those materials may be relied on to update the investigation and investigative report. In conducting a background investigation, the Reservation Business Committee its agent shall keep confidential the identity of each person interviewed in the course of the investigation. When a Primary Management Official or Key Employee is employed by the Gaming Operation, a complete application file, containing all of the information listed in this Section, must be maintained.

Section 1305. Procedures for Conducting Background Investigations

The Reservation Business Committee or its authorized Agent(s) shall conduct a background investigation on each applicant for a Primary Management Official or Key Employee position sufficient to allow an eligibility determination to be made under this ordinance. The investigation shall:

- (a) Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
- (b) Contact each personal and business reference provided in the license application, when possible;

- (c) Obtain a personal credit check;
- (d) Conduct a civil history check;
- (e) Conduct a criminal history check by submitting the applicant's fingerprints to the State of Minnesota or the NIGC for forwarding to the FBI to perform a criminal history records check using the NCIC data base;
- (f) Based on the results of the criminal history check, as well as information acquired from the applicant or from other sources, obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and/or ongoing prosecutions;
- (g) Inquire into any previous or existing business relationships with the gaming industry and other Indian Tribes by contacting the entities or Tribes;
- (h) Verify the applicant's history and current status with any licensing agency by contacting the agency; and
- (i) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

Section 1306. Investigative Reports

- (a) An investigative report shall be created and maintained for each background investigation of a Primary Management Official or Key Employee.
- (b) Investigative reports shall include all of the following information:
 - 1. steps taken in conducting the investigation;
 - 2. results obtained;
 - 3. conclusions reached; and
 - 4. the basis for the conclusions.
- (c) The Reservation Business Committee and its investigator(s) shall promise to keep confidential the identity of each person interviewed in the course of the investigation, other than disclosure as required under Federal, Tribal, or applicable State law.

Section 1307. Eligibility Determination

(a) Eligibility determinations shall in the first instance be made by the Employee Compliance Department, which is hereby authorized to make such determinations. The Employee Compliance Department shall review the Applicant's prior activities, 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 receipt of a license and employment in the Gaming Operation. The eligibility determination shall be forwarded to the Reservation Business Committee for review, and if appropriate under the standards of this ordinance, the Reservation Business Committee may issue the license as prescribed in Section 1309 of this Chapter.

(b) If the Employee Compliance Department determines, based on the standards adopted in this ordinance, that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair, or illegal practices and methods and/or activities in the conduct of gaming, a license shall not be issued and a Gaming Operation shall not employ that person in a Key Employee or Primary Management Official position.

(c) A person aggrieved by a finding of the Employee Compliance Department may petition the Reservation Business Committee, in a format prescribed by the Reservation Business Committee, for review of the eligibility determination made by the Employee Compliance Department. If the Reservation Business Committee determines, based on the standards adopted in this ordinance, that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair, or illegal practices and methods and/or activities in the conduct of Gaming, a license shall not be issued and a Gaming Operation shall not employ that person in a Key Employee or Primary Management Official position.

(d) Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.

Section 1308. Notice of Results of Background Investigation

(a) Before issuing a license to a Key Employee or Primary Management Official, the Reservation Business Committee shall prepare or cause to be prepared a Notice of Results of the Applicant's background investigation to submit to the NIGC.

(b) The notice of results must be submitted to the NIGC no later than sixty (60) days after the Applicant begins working for the Gaming Operation and the Gaming Operation shall not employ as a Key Employee or Primary Management Official a person who does not have a license within ninety 90 days of the submission of the application.

- (c) The Notice of Results shall include the following information:
1. The Applicant's name, date of birth and social security number;
 2. The date on which the Applicant began, or will begin, working as a Primary Management Official or Key Employee;
 3. A summary of the information presented in the investigative report, including:
 - i. licenses that have been previously denied;
 - ii. Gaming licenses that have been revoked, even if subsequently reinstated;
 - iii. every known criminal charge brought against the Applicant within the last ten (10) years of the date of the application; and
 - iv. every felony offense of which the Applicant has been convicted or any ongoing prosecution.
 - v. A copy of the eligibility determination made in accordance with Section 1307 above.

Section 1309. Granting a Gaming License

- (a) All Primary Management Officials and Key Employees of the Gaming Operation must have a valid Gaming license.
- (b) The Reservation Business Committee is responsible for granting and issuing Gaming licenses to Primary Management Officials and Key Employees.
- (c) The Reservation Business Committee may issue a license to a Primary Management Official or Key Employee applicant only after submitting a Notice of Results to the NIGC as required by section 1308 above.
- (d) The Reservation Business Committee shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.
- (e) The Reservation Business Committee shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or Primary Management Official Applicant. Such a request shall suspend the 30-day period under paragraph (g) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (f) No person may be employed as a Primary Management Official or Key Employee if a license is not issued within ninety (90) days of employment at a Gaming Operation.

(g) The Reservation Business Committee must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to the issuance of such license from the National Indian Gaming Commission, provided the objections are received within thirty (30) days of the date the NIGC receives the Notice of Results for the Applicant. The Reservation Business Committee may reconsider a license application for a Primary Management Official or Key Employee if a statement of itemized objections to the issuance of a license is received more than thirty (30) days from the NIGC's receipt of the Notice of Results for the Applicant. In either case, the Reservation Business Committee must take the objections of the NIGC into consideration when reconsidering a license application. The Reservation Business Committee shall make the final decision whether to issue a license to such Applicant.

(h) If the Reservation Business Committee has issued a license to a Primary Management Official or Key Employee before receiving a statement of objections from the NIGC, the Reservation Business Committee may suspend or revoke the license after providing notice and an opportunity for a hearing as required by Chapter 14 of this ordinance.

Section 1310. Denying a Gaming License

(a) The Reservation Business Committee shall not issue a license to a Primary Management Official or Key Employee if the Reservation Business Committee determines, after applying the standards contained in this Ordinance, and after considering any objections received from the NIGC, 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 danger of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of Gaming.
4. has made a materially false statement in an application to the Reservation Business Committee or in any verbal or written statement submitted to the Reservation Business Committee.
5. has been convicted of a felony within five years of the commencement of employment with the Gaming Operation; or convicted of a felony or gross misdemeanor involving fraud, misrepresentation, or gambling.
 - i. The restriction of subsection (a)(5) shall not disqualify the applicant from employment as a Primary Management Official or Key Employee whose duties or responsibilities relate to the operation of blackjack, if the Band by governmental resolution waives such a restriction after the applicant has demonstrated to the Band evidence of sufficient rehabilitation and present fitness.

(b) If the Reservation Business Committee denies a license to a Primary Management Official or Key Employee, the Reservation Business Committee shall:

1. Notify the NIGC; and
2. Forward a copy of the eligibility determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 1311. Suspension or Revocation of a Gaming License

(a) The Reservation Business Committee may suspend, revoke or condition the license of a Primary Management Official or Key Employee if it determines that the Primary Management Official or Key Employee:

1. is no longer eligible for a license under the standards contained in this ordinance;
2. has violated a federal, state or tribal law related to Gaming, or has failed to comply with a validly issued order of the Reservation Business Committee;
3. has made a materially false or misleading statement in a license application or in any verbal or written submission to the Reservation Business Committee; or
4. has falsified any books, records or materials relating to any transaction connected with the operation of the Gaming Enterprise.

(b) The Reservation Business Committee shall suspend and may revoke the license of a Primary Management Official or Key Employee if the Reservation Business Committee receives a timely statement of objections or other notice from the NIGC that the Primary Management Official or Key Employee is not eligible for a license. The Reservation Business Committee shall:

1. immediately suspend the license;
2. provide written notice of the suspension and the proposed revocation to the licensee;
3. provide the licensee with written notice of his or her right to request a hearing; and
4. after consideration of the NIGC objections to the issuance of the license as well as any information received at a hearing, if timely requested, make a final written determination to revoke or reinstate the license and provide written notice of its final decision to the Licensee and the NIGC within 45 days of receipt of objections to the license from the NIGC.

Section 1312. Records Retention

The Reservation Business Committee shall retain and cause to be retained for no less than three (3) years from the date a Primary Management Official or Key Employee is terminated from employment with the Gaming Establishment, the following documentation:

- (a) The application for licensing;
- (b) Investigative reports; and
- (c) The eligibility determination.

Chapter 14. Vendor Licenses

Section 1401. Licenses for Vendors

(a) Vendors of gaming services or supplies with a value of \$10,000 or more annually must have a vendor license issued by the Reservation Business Committee in order to transact business with the Gaming Operation. Contracts for professional legal and accounting services are excluded from this section.

(b) In order to obtain a vendor license, an Applicant must complete the required applications identified in Section 1401(c) below, and may be required to submit to background checks of itself and, if a business entity, its principals. Principals of a business include its officers, directors, managers, owners, partners, governors, non-institutional stockholders that either own 10% or more of the shares or are the ten (10) largest stockholders, and the on-site supervisor or manager as designated by the Band, if applicable.

(c) Applicants for vendor licenses must submit a business license application and, when applicable, a video gaming device manufacturer/distributor license application. Through that process, the applicant must provide the following:

1. The name of the business, its business address, business phone, federal tax ID Number (or SSN if a sole proprietorship), its main office address if different from business address, any other names used by the business, and the type of service(s) the Applicant will provide;
2. A statement 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 its incorporation, and a certified copy of its articles of incorporation, partnership agreement, or other organizational documents which describe the formation and existence of the business;
4. Its trade name(s), other name(s) ever used, and the names of any wholly owned subsidiaries or other businesses owned by the Applicant or its principals;
5. A general description of the business and its activities;
6. A statement whether the Applicant has ever had a license related to Gaming revoked for any reason, and if so, a description of the circumstances involved.;
7. Any further information that the Reservation Business Committee deems relevant.

(d) The following notice shall be placed on the application form for a vendor license:

“Inclusion of false or misleading information on this application may be grounds for denial or revocation of the license”.

(f) Each application shall be accompanied by a non-refundable application fee of \$50.00. The Band may charge additional license fees, to be established by the Reservation Business Committee, to cover its expenses in investigating and licensing under this section.

(g) A background investigation may be conducted for any applicant for a gaming vendor’s license. The background investigation may include:

1. verification of the Applicant’s business organization status and verification of its eligibility to do business in the State of Minnesota;
2. verification of the information contained on the vendor application, including in particular if the vendor has ever had a license suspended, conditioned, or revoked for any reason; and
3. a criminal history check of the vendor and its principals;
4. The background investigation may also include a check of the credit history for the vendor and its principals.
5. A complete investigative report covering each of the steps taken in a background investigation of a vendor applicant and its principals may be completed and presented to the Reservation Business Committee prior to its consideration of the vendor license application.
6. The Reservation Business Committee may adopt regulations listing gaming authorities that it recognizes and may authorize exemptions to the background investigation requirement for vendors who have received a license from one of the listed gaming authorities.

Chapter 15: Licensing Hearings

Section 1501. Hearing Request

Except as otherwise provided in this Ordinance, any person aggrieved by a licensing decision of the Reservation Business Committee may request a hearing by submitting a written request to the Reservation Business Committee.

Section 1502. Timing of Request

A hearing must be requested within five (5) days of the date of the final licensing decision or the hearing is deemed waived. A hearing request must be accompanied by a complete explanation of why the person disagrees with the decision of the Reservation Business Committee.

Section 1503. Hearing Procedures

(a) The hearing will be conducted by an independent hearing officer appointed by the Reservation Business Committee for that purpose. The hearing officer will notify the licensee of the date, time and location of the hearing, which shall not be more than thirty (30) days from the date the hearing request was received by the Reservation Business Committee.

(b) At the hearing, both parties may, but need not, be represented by legal counsel. The hearing officer shall receive all evidence he/she deems relevant, including, but not limited to, the results of any background investigation conducted on the person.

(c) Within ten (10) days of the close of the hearing, the hearing officer shall issue a written decision, which includes findings of fact, and conclusions of law. The decision of the hearing officer is final and is not appealable.

(d) A person who requests but fails to appear at a hearing shall be in default, and the right to a hearing shall be deemed waived.

Chapter 16: Tribal Internal Control Standards

Section 1601. Adoption

The Reservation Business Committee shall adopt and implement Tribal Internal Control Standards (TICS) for the operation of the Band's Gaming Operation. The TICS shall be set forth in separate regulations to be reviewed and approved by the Reservation Business Committee.

Chapter 17: Class III Gaming Compact(s)

Section 1701. Class III Gaming Contingent on Compact with the State

Operation of any Class III game on the Band's Indian Lands shall not be permitted unless the game is authorized by a Tribal-State Compact approved by the Secretary of the Interior.

Section 1702. Compact for Video Games of Chance

This Ordinance hereby incorporates the provisions of the Tribal-State Compact for Control of Class III Video Games of Chance on the Fond du Lac Band of Lake Superior Chippewa Reservation in Minnesota, dated November 1, 1989, and all amendments to the Compact, which permits the operation of Class III video games of chance on the Band's Indian Lands.

Section 1703. Compact for Blackjack

This Ordinance hereby incorporates the provisions of the Tribal-State Compact for Control of Class III Blackjack on the Fond du La Band of Lake Superior Chippewa Reservation in Minnesota, dated May 21, 1991, and all amendments to the Compact, which permits the operation of Class III blackjack on the Band's Indian Lands.

CERTIFICATION

We do hereby certify that the foregoing Ordinance #09/93 was duly presented and adopted by Resolution #1174/93 by a vote of 2 for, 0 against, 0 silent, with a quorum of 3 being present at a Special Meeting of the Fond du Lac Reservation Business Committee held on June 28, 1993 in Duluth, Minnesota, and subsequently amended as follows: by Resolution #1246/93 on August 24, 1993; by Resolution #1062/03 on March 25, 2003; by Resolution #1071/16 on February 24, 2016; and by Resolution #1071/16 Amended on April 6, 2016.



Wally Dupuis, Chairman



Ferdinand Martineau, Jr., Sec./Treas.

laws:93 09 (062893;082493;032503;022416;040616)