

**Tribal  
Background Investigations  
& Licensing Refresher**

Miranda Blakley, Compliance Officer  
Tulsa Region  
Marci Ober, Sr. Compliance Officer  
Tulsa Region

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### Purpose of Training

- Review background and licensing process
- Discuss the eligibility & submission requirements under 556 / 558
- Improve accuracy of information submitted to the NIGC

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### The Rules



- IGRA
- NIGC Regulations
- State Compact
- Tribal Ordinance
- TGRA Regulations

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### Who gets a background and license?

- Key Employees of the gaming operation
- Primary Management Officials

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### Key Employee

- Bingo Caller, Counting Room Supervisor, Chief of Security, Custodian of gaming supplies or cash , Floor Manager, Pit Boss, Dealer, Croupier, Approver of Credit
- Custodian of gambling devices including person with access to cash and accounting records within such devices
- If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- If not otherwise included, the four most highly compensated persons in the gaming operation
- Any other person designated by the tribe as a Key employee

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### Primary Management Official

- The person having management responsibility for a management contract;
- Any person who has the authority;
  - To hire and fire employees; or
  - to set up working policy for the gaming operation, or
- The chief financial officer or other person who has financial management responsibility.
- Any other person designated by the tribe as a PMO employee

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## Licensing Process

- Complete the gaming application that contains the information requirements set forth in §556.2, 556.3 and 556.4.
- The application must contain the Privacy Notice and False Statement Notice. Any new amendments to tribal gaming ordinances (submitted after February 25, 2013), must comply with these regulations.
- The tribe may ask any other information on the application they deem relevant.

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## Requirements

- Identifying Info: Name, aliases, DOB, SSN, Citizenship, etc.
- Business employment positions (Current and for the previous five years)
- Names & addresses of (3) personal references
- Current business and residence telephone numbers
- Previous Business Relationships with Indian tribes, including ownership
- Previous Business Relationships with the gaming industry

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- The name and address of any licensing or regulatory agency
- For each felony - charged, ongoing prosecution or conviction
- For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years
- For each criminal charge (excluding minor traffic charges) whether or not there is a conviction
- A photograph
- Fingerprints

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## Tribal Eligibility Determination

After conducting an investigation, the TGRA will make a determination based on:

- Prior activities
- Criminal record, if any; and
- Reputation, habits and associations.

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## Investigative Report

Steps taken in conducting a background investigation

- Results obtained
- Conclusions reached
- The basis for those conclusions



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## Notice of Results

- The NOR is due to NIGC within 60 days after the applicant begins work.
- The NOR can be submitted via mail, faxed or hand delivered to region office
- 25 CFR Part 556.6

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## NOR Submission

- Name, aliases, DOB & SSN
- Date on which applicant began or will begin work / date transferred
- A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
  - Gaming License History (Applied, Obtained, Denied, Revoked, Reinstated)
  - Every known criminal charge brought against the applicant within the last 10 years of the date of application; and
  - Felony charges (current/ongoing), convictions (regardless of time since occurrence)
- A copy of the eligibility determination made under §556.5

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## NIGC No Objection Letter

- Within 30 days of receiving the tribe's NOR, the Region Office will review the submission and may issue a no objection letter to the tribe.
- These letters are in standard form and may contain one or several applicant names.

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## NIGC Objection

### Reasons for an objection

- Illegal gambling, theft, fraud, embezzlement, violent crimes, drug activity
- Numerous arrests, recent criminal activity, outstanding warrants
- Regulatory infractions



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## Notice of License

- IGRA requires to submit two notices to the NIGC: (1) a notice of results of the background investigation; and (2) notice of license decision
- Within **30 days** after granting a license, notify the NIGC – effective 2/25/2013
- Please take steps to ensure this is being completed timely.
- Several methods available to make the notification.

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## Notice of Not Licensed

If a tribe does not license an applicant:

- The tribe shall notify the Commission; and
- Forward copies of its eligibility determination and NOR to NIGC
- Denials, terminations prior to licensing, etc.
- Revocations



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## 90 Days

- A gaming operation shall not employ a key employee or primary management official who does not have a license after 90 days.



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## Other Notices

- Renewals
- Reinstatements / Rehires
- Courtesy Notices



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## Courtesy Notices

- Please notify NIGC of legal name changes for KE/PMOs.
- Social Security Number corrections or changes
- This helps maintain accurate information within the database.

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## Review Timeline

- NOR due in \_\_\_ days.
- NIGC review in \_\_\_ days.
- Notice of license due in \_\_\_ days.
- No KE/PMO works in casino more than \_\_\_ days without a license.



Temporary employees (those working for less than 90 days) do not need to be licensed in accordance to 556/558? True or False

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## Confidentiality



Information from investigations **MUST** remain confidential.

Background information can only be shared with individuals who are **DIRECTLY** involved in the licensing process.

Management is **NOT** authorized to review or receive background investigation results, specifically FBI record information.

Management should **ONLY** be informed of the decision.

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## Records Retention

• 25 CFR part 558.3(e) A tribe shall retain the following for inspection by the Chair or his or her designee for no less than three years from the date of termination of employment:

- (1) Applications for licensing;
- (2) Investigative reports; and
- (3) Eligibility determinations.

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## Updating the Gaming Ordinance

• All tribal gaming ordinances and ordinance amendments that have been approved by the Chair prior to February 25, 2013 and that reference this part do not need to be amended to comply with this section. All future ordinance submissions, however, must comply.

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## Reminder

- The Tribe (Gaming Commission) is the final licensing authority.
- The Tribe (Gaming Commission) is the sole keeper of all records pertaining to the background investigation and licensing of their Key Employees and PMO.
- The Tribe (Gaming Commission) is the responsible party for the security, integrity, and compliance of the licensing files.

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**Licensing is a key element in maintaining the integrity of the Indian gaming industry and ensuring that tribes are the primary beneficiaries of their gaming activities.**

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## Questions



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