



JAN - 6 2004

John P. Froman, Chief
Peoria Tribe of Indians of Oklahoma
118 South Eight Tribes Trail
P.O. Box 1527
Miami, OK 74355

Dear Chief Froman:

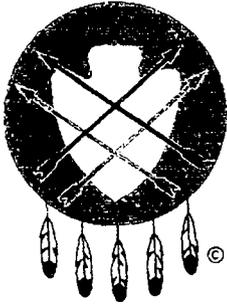
This letter responds to your request dated December 18, 2003, to the National Indian Gaming Commission (NIGC) to review and approve the Peoria Tribal Gaming Ordinance. The NIGC received the request, which included several related documents, on December 19, 2003. The Business Committee of the Peoria Tribe approved the Gaming Ordinance on November 4, 2003, by Resolution No. R-11-04-03-C. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Peoria Tribe has jurisdiction.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Peoria Tribe on future gaming issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Philip N. Hogen". The signature is written in a cursive style with a large, sweeping initial "P".

Philip N. Hogen
Chairman



PEORIA TRIBE OF INDIANS OF OKLAHOMA

118 S. Eight Tribes Trail (918) 540-2535 FAX (918) 540-2538

P.O. Box 1527

MIAMI, OKLAHOMA 74355

CHIEF
John P. Froman

SECOND CHIEF
Joe Goforth

RESOLUTION R-11-04-03-C

**“GAMING ORDINANCE OF JULY 1, 2003 RESCINDED
AND APPROVAL OF GAMING ORDINANCE”**

WHEREAS, the Peoria Tribe of Indians of Oklahoma is a federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of June 26, 1936, and is governed by its Constitution approved by the Acting Deputy Commissioner of Indian Affairs on August 13, 1997; and

WHEREAS, the Business Committee of the Peoria Tribe of Indians of Oklahoma is authorized to enact resolutions and act on behalf of the Peoria Tribe under Article VIII, Section 2, of the Constitution; and

WHEREAS, the Business Committee desires to improve the social and economic conditions for all tribal members and desires to improve and expand its tribal government and has determined the operation of a tribally owned, operated and managed Indian Gaming Facility will substantially provide for the same; and

WHEREAS, to conform with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701 et seq., and the regulations promulgated by the National Indian Gaming Commission, the Peoria Tribe of Indians of Oklahoma must regulate gaming activities on tribal property; and

WHEREAS, the Business Committee has determined that all gaming conducted on lands belonging to the Peoria Tribe of Indians of Oklahoma shall be regulated by the Peoria Tribal Gaming Commission to protect the public health, welfare and morals of residents, employees and patrons from the adverse effects which may derive from unregulated gaming; and

WHEREAS, the Peoria Tribal Business Committee, at its regular meeting on July 1, 2003, did adopt Resolution R-07-01-03-D approving the Gaming Ordinance of the Peoria Tribe of Indians of Oklahoma; and

WHEREAS, the Peoria Tribal Business Committee has, upon recommended changes from the National Indian Gaming Commission, determined the Gaming Ordinance adopted on July 1, 2003, does not fully meet the needs of the tribe in regulating gaming activity on tribal lands; and

WHEREAS, revisions to the Gaming Ordinance have been diligently reviewed and the proposed Gaming Ordinance as presented on November 4, 2003, is determined to meet the

requirements required by law and will serve to regulate gaming activity on tribal lands.

NOW THEREFORE, BE IT RESOLVED, the Gaming Ordinance of the Peoria Tribe of Indians of Oklahoma enacted on July 1, 2003 is hereby rescinded; and

BE IT FURTHER RESOLVED, the Gaming Ordinance as presented on November 4, 2003 is hereby approved and shall be certified by the Chief and Secretary of the Peoria Tribe; and,

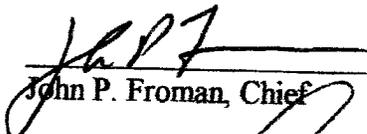
BE IT FINALLY RESOLVED, the Gaming Ordinance of the Peoria Tribe of Indians of Oklahoma shall be in full force and effect as of this date.

CERTIFICATION

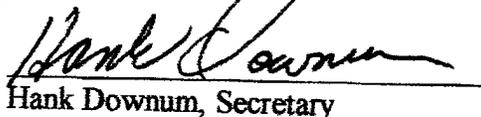
The foregoing resolution numbered R-11-04-03-C, "GAMING ORDINANCE OF JULY 1, 2003 RESCINDED AND APPROVAL OF GAMING ORDINANCE", was presented and discussed at a duly called regular meeting of the Peoria Tribal Business Committee held on this 4th day of November, 2003, with a recorded vote of:

7 For, _____ Opposed, _____ Abstentions

By cast of majority vote, Resolution Number R-11-04-03-C does hereby PASS
Pass/Fail
this 4th day of November, 2003.

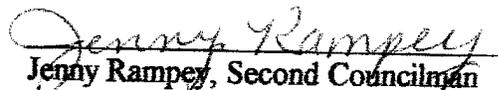

John P. Froman, Chief

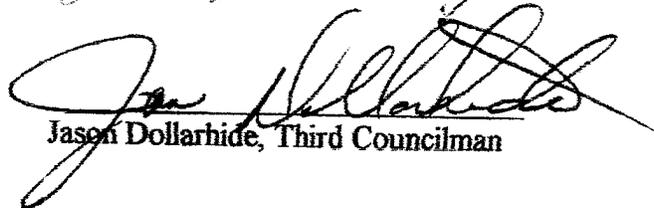

Joe Goforth, Second Chief

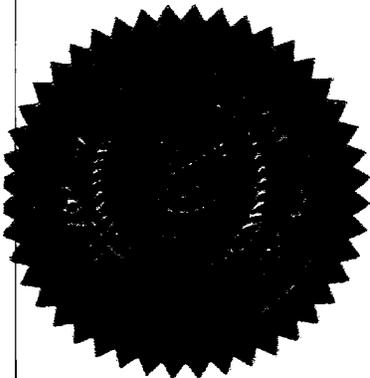

Hank Downum, Secretary


LeAnne Reeves, Treasurer

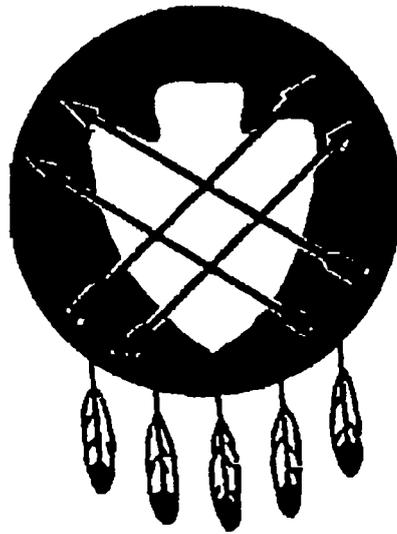

Claude Landers, First Councilman


Jenny Rampey, Second Councilman


Jason Dollarhide, Third Councilman



**THE
PEORIA TRIBE OF INDIANS
OF OKLAHOMA**



GAMING ORDINANCE

ENACTED NOVEMBER 4, 2003

The Peoria Tribe of Indians of Oklahoma
GAMING ORDINANCE

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**The Peoria Tribe of Indians of Oklahoma
GAMING ORDINANCE**

SECTION 1. DECLARATION OF POLICY

1.1 Declaration of Policy.

It is the declared policy of the Peoria Tribe of Indians of Oklahoma, (hereinafter referred to as the "Tribe"):

- (a) All gaming conducted on Tribal Lands of the Tribe shall be regulated by the Peoria Tribal Gaming Commission to protect the public health, welfare and morals of residents, employees and patrons from the adverse effects which may derive from unregulated gaming;
- (b) It is the objective of the Tribe to achieve and sustain the maximum Tribal revenue from gaming;
- (c) The conduct of gaming activities provided for by this Ordinance on Tribal Lands regulation thereof shall conform with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701 et seq., and the regulations promulgated by the National Indian Gaming Commission.

1.2 Definitions.

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

- (a) "Act" means the Indian Gaming Regulatory Act, 102 Stat. 2467, codified 25 U.S.C. § 2701 et seq.;
- (b) "Bingo" means a game of chance (whether or not electronic, computer, other technologic aids are used in connection therewith):
 - (1) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
 - (2) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - (3) 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) pulltabs, lotto, punchboards, tip jars, instant bingo, and other games similar to bingo; and

(4) card games that -

(A) are explicitly authorized by the laws of the State; or

(B) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(c) "Business Committee" means the Tribal Business Committee as described in the Constitution of the Peoria Tribe of Indians of Oklahoma.

(d) "Chairman" means the Chairman of the National Indian Gaming Commission, or his or her designee.

(e) "Cheating" means operating or playing a game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for himself/herself or someone in privity with him/her an advantage over and above the chance of the game.

(f) "Class II gaming" means that gaming defined in 25 U.S.C. § 2703(7) and 25 C.F.R. § 502.3.

(g) "Class III gaming" means that gaming defined in 25 U.S.C. § 2703(8) and 25 C.F.R. § 502.4

(h) "Commission" means the National Indian Gaming Commission.

(i) "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.

(j) "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 management contractor.

(k) "Gross revenues" means all monies collected or received by a gaming operation, including admission fees.

(l) "In privity with" means one who acts jointly with another or as accessory before the fact to an act committed by the other or as a conspirator with the other.

(m) "Key employee" of a gaming operation means:

(1) a person who performs one or more of the following functions:

- (A) bingo caller;
- (B) counting room supervisor;
- (C) security personnel;
- (D) custodian of gaming supplies or cash;
- (E) floor manager;
- (F) pit boss;
- (G) dealer;
- (H) croupier;
- (I) approver of credit; or
- (J) custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(3) if not otherwise included, the four most highly compensated persons in the gaming operation.

(n) "Management contract" means any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

(o) "Management contractor" means the person or entity holding a contract entered into pursuant to 25 U.S.C. § 2710(d)(9) or § 2711.

(p) "Net revenues" means gross gaming revenues of a gaming operation less -

(1) amounts paid out as, or paid for, prizes;

(2) total gaming-related operating expenses, excluding management fee.

(q) "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 assistant of a licensee.

(r) "Person" means any individual, firm, partnership, corporation, company, or association.

(s) "Primary management official" means:

(1) the person having management responsibility for a management contract;

(2) any person who has authority:

(A) to hire and fire employees; or

(B) to set up working policy for the gaming operation; or

(3) the chief financial officer or other person who has financial management responsibility;

(t) "Tribal Commission" means the Peoria Tribal Gaming Commission.

(u) "Tribal lands" means

(1) all lands within the limits of any Indian reservation; and

(2) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

(v) "Tribal-State Compact" means an agreement between the Tribe and the State of Oklahoma concerning Class III gaming negotiated pursuant to 25 U.S.C. § 2710(d).

SECTION 2. TRIBAL GAMING COMMISSION

2.1 Tribal Gaming Commission.

(a) There is hereby established a Tribal Gaming Commission, which shall be called the Peoria Tribal Gaming Commission, hereinafter referred to as "Tribal Commission". The Tribal Commission shall consist of three (3) members appointed by the Chief and ratified by a majority vote of the Business Committee. All Tribal Commission members must be at least 25 years of age.

(b) Commissioners shall serve for terms of three (3) years and may be removed from office prior to the end of their term only for cause and by unanimous vote of the remainder of the Commission or by a vote of five Business Committee members at any duly called meeting.

(c) In order to establish staggered terms, the Business Committee shall appoint the first commissioners as follows: one shall serve a 1-year term, one shall serve a 2-year term, and one shall serve a 3-year term, (initial terms only). After the initial term, all subsequent terms of appointment shall run for three years. Vacancies shall be filled within 60 days by appointment of the Chief, and ratification of the Business Committee, provided, however, that a Commissioner whose term has expired shall hold their seat

until it is filled. A vacancy shall be deemed to occur when a Commissioner is removed, resigns or upon expiration of his or her term without regard to whether the Commissioner seeks reappointment. When a vacancy occurs, notice of such vacancy shall be posted for at least fifteen (15) days. The notice shall identify the qualifications specific to the vacancy, and request interested parties to file a statement with the Tribal Commission reflecting their qualifications and interest in serving as a Tribal Commission member.

(d) A Commissioner's seat shall become immediately vacant upon conviction of any felony or conviction of a misdemeanor related to illegal gambling or bribery. Cause for removal of a Commissioner shall include but not be limited to: use of a tribal position for personal gain, failure to perform Tribal Commission duties adequately or according to this Ordinance, violation of any law of the Peoria Tribe of Indians of Oklahoma, and bringing discredit or disgrace to the Tribal Commission.

2.2 Conflict of Interest.

Tribal Commission members may hold other non-elective and non-managerial tribal positions and may engage in business and gamble in any gaming operation, provided, however that they may not be employed in or own any interest in or gamble in a gaming operation authorized by this ordinance. No member of the Tribal Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance.

2.3 Compensation.

Tribal Commission members shall receive a stipend of fifty dollars (\$50) per meeting, and reimbursement of reasonable travel expenses for travel related to Tribal Commission business.

2.4 Voting.

The Tribal Commission shall act by majority vote of a quorum present and each member of the Tribal Commission shall be entitled to one vote. A quorum shall consist of two members.

2.5 Conduct of Business.

The Tribal Commission shall adopt bylaws for the conduct of business, which shall include the following provisions:

(a) The Tribal Commission shall select annually from its membership a Chair, Vice-Chair and Secretary. The Chair shall have the power to convene special meetings with not less than 48 hours written notice to members of the Commission, Business Committee and Peoria gaming operations. Written notice of special meetings must be posted at tribal headquarters.

(b) General sessions of the Tribal Commission shall be open to the public.

(c) Executive sessions of the Tribal Commission shall not be open to the public. The Tribal Commission may not take official action while in executive session, but may discuss Tribal Commission personnel action, licensing matters and pending litigation.

(d) The Tribal Commission shall meet not less than once every two (2) months to hear recommendations and set policy, to hear reports from the Director, to make licensing, suitability and approval determinations, to conduct disciplinary proceedings, to hear player dispute appeals, and to transact other business.

SECTION 3. TRIBAL GAMING COMMISSION AUTHORITY

3.1 Authority and Responsibility.

The Tribal Commission shall have the authority and responsibility to:

(a) to receive and process all license applications related to the conduct of Class II and Class III gaming activities on lands within the jurisdiction of the Tribe, and issue licenses to all such gaming operations, persons, individuals, and distributors who are required to be licensed by this Ordinance and who qualify for such licensure, and to notify the National Indian Gaming Commission of the issuance of any license when so required by federal law or regulation;

(b) to adopt standards for licensing the occupations within the Tribe's gaming operations;

(c) to investigate gaming and non-gaming employee license applicants for gaming operations, determine the eligibility of applicants for a license, and issue gaming licenses to eligible applicants;

(d) to review all contracts entered into by a gaming operation to:

(1) determine whether the transaction documents are a contract; and

(2) determine whether the contract is or is not related to gaming, and, if related to gaming, whether it is subject to the provisions of this Ordinance; and

(3) determine whether the non-Tribal party to the contract must be licensed under the provisions of this Ordinance.

(e) to investigate non-management gaming contractors and approve non-management gaming contractor licenses for any person or entity working in or for the Tribe's gaming operations who requires such a license;

- (f) to license any person, organization or entity selling, leasing, marketing or otherwise distributing gambling devices, equipment, games, or implements of gambling, to the Tribe's gaming operations;
- (g) to investigate and license any management contractors of the Tribe's gaming operations, or any ancillary contractors of any management contractor, who provide supplies, services, concessions or property to the Tribe's gaming operations or to any management contractor in connection therewith;
- (h) to limit, condition, suspend, restrict, or revoke any license it may issue and assess fines for violations of this Ordinance or of any rules or regulations promulgated by the Commission as provided for in this Chapter;
- (i) to adopt reasonable standards consonant with the size and scope of the gaming operation, including game rules, under which all gambling operations shall be held, including regulations concerning security and surveillance operations, and the prize and wagering structure in accordance with the applicable provisions, if any, of any class III gaming compact between the Tribe and the State of Oklahoma;
- (j) to inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed and to inspect all equipment and supplies in, upon, or about a gaming operation, or inspect any equipment or supplies, wherever located, which may or have been used in the gaming operation;
- (k) to summarily seize and remove from a gaming operation and impound equipment and supplies for the purpose of examination, inspection, evidence, or forfeiture in those instances where the Commission has reasonable cause to believe that a violation of this Ordinance has occurred and hold such property pending any final hearing determination of the appropriate disposition of such property;
- (l) to enter without restriction the offices, facilities, or other places of business of a licensee to determine compliance with this Ordinance provided that the licensee maintains the right to have any member of the Commission entering such locations accompanied by security personnel for the purpose of facilitating the unrestricted access of such member of the Commission;
- (m) to require, and cause to be conducted annually, outside independent audits of all gaming activity as required by the Indian Gaming Regulatory Act and submitting such audits to the National Indian Gaming Commission pursuant to 25 C.F.R. Section 522.4 (b)(3); require, and cause to be conducted annually, outside audits of all contracts related to the conduct of gaming, with the exception of those contracts for professional legal and accounting services, whether those contracts be for supplies, services, or other subject matter which the Commission determines to be related to gaming, and which are for a contract amount in excess of \$25,000;

- (n) to access upon demand and inspect, examine, copy and audit all papers, books and records of applicants and licensees respecting any revenue or income produced by any gaming operation;
- (o) to require verification of the daily gross revenues and income of any class II and class III licensed gaming activity, and verification of all other matters affecting the enforcement of the public policy of or any of the provisions of this Ordinance in order to safeguard the integrity of tribal gaming operations;
- (p) to seize and impound any patron's winnings which the Commission may have reason to believe may have been won or obtained in violation of this Ordinance or any other law pending a civil forfeiture hearing on such seizure and/or a criminal proceeding in connection therewith;
- (q) to formally suspend, revoke, and ensure the appropriate disposition of a license held by a licensee for a violation committed by a licensee, or an employee of the licensee, of this Ordinance or a Commission rule or regulation or for engaging in a fraudulent practice;
- (r) to investigate alleged violations of this Ordinance, the Commission rules, regulations, orders or final decisions, any class III gaming compact entered into between the Tribe and the State of Oklahoma, and any other applicable laws, and to take appropriate disciplinary action, including the imposition of civil fines, against a licensee or any employee of a licensee for the violation, or institute appropriate legal action for enforcement, or both;
- (s) for the purpose of enforcing the provisions of this Ordinance, to exercise the powers of a peace officer of the Tribe except that members of the Commission and Commission employees have no authority to carry firearms in the performance of their official duties;
- (t) to hold hearings, and to require licensees or license applicants to appear and testify under oath regarding matters related to the enforcement of the provisions of this Ordinance and regulations promulgated thereunder, complaints received about matters within the purview of the Commission to address, actions by the Commission regarding licenses, or any other matters over which the Commission has authority;
- (u) to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records and other pertinent documents, and administer oaths and affirmations to the witnesses, when, in the judgment of the Commission, it is necessary to enforce this Ordinance or the rules and regulations of the Commission;
- (v) to assure that the payouts from the gambling games authorized under this Ordinance and the payout percentages for all slot machines and video lottery machines are in accordance with any applicable requirements of the compact between the Tribe and the State of Oklahoma governing class III gaming on Indian lands of the Tribe. If there is

no such applicable requirement in any compact entered into by the Tribe, the Commission shall adopt by rule maximum and minimum payout percentages subject to the approval of the Tribal Business Committee;

- (w) consistent with the terms of any management contract, to oversee and carry out necessary surveillance of all gambling activities conducted at a tribal gaming operation;
- (x) to consult with the Tribe's legal counsel to advise the Commission as needed;
- (y) to hear and consider for resolution any dispute between members of the public and the Tribe with regard to gaming activities licensed pursuant to the terms of this Ordinance;
- (z) to defend this Ordinance in any court with proper jurisdiction or before any federal agency, however, any reference herein to defending this Ordinance shall not be deemed a waiver of the Tribe's sovereign immunity from suit;
- (aa) to propose an annual budget to the Tribal Council to support Commission operations undertaken pursuant to the provisions of this Ordinance; remuneration to or salaries for the Commissioners shall be set by the Tribal Council as part of such annual budget;
- (bb) to take any other actions as may be reasonable and appropriate to enforce and administer this Ordinance and the rules and regulations of the Commission, including the assessment and collection of such fees and fines provided for in this Chapter;
- (cc) to approve or disapprove all documents necessary for the promotion or operation of gaming within the jurisdictional boundaries of the Peoria Tribe of Indians of Oklahoma;
- (dd) to collect fees and interest as provided for in Sections 6 and 8 of this Ordinance;
- (ee) to issue any such forms as it deems necessary for the regulation of gaming on Peoria Tribe of Indians of Oklahoma lands;
- (ff) to maintain a correct and full accounting of all payments, fees, penalties, interest, and civil fines received under authority of this Ordinances.

3.2 Commission Director.

(a) The Tribal Commission shall hire a Director, with the approval of the Business Committee, who shall be responsible for the day-to-day monitoring of gaming activities, including the implementation and enforcement of the rules and regulations promulgated by the Tribal Commission. No one convicted of a felony of any kind or a misdemeanor related to illegal gambling or bribery may serve as director. The Director shall not have any financial interest in gambling or any gaming facility patron.

(b) The Director shall, subject to the approval of the Tribal Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance related to the establishment of all gaming activity. In all decisions, the Director shall act to promote and ensure integrity, security, honesty and fairness of the operation and administration of all gaming activity. The duties of the Director include, but are not limited to, the following:

- (1) Confirm management is carrying out its responsibilities as provided for in this Ordinance.
- (2) Communicate with the NIGC as necessary and appropriate and ensure compliance with the rules and regulations of that agency;
- (3) Process and maintain records of license applications and background investigations;
- (4) Review all records, documents and anything else necessary and pertinent to enforcement of any provisions of this Ordinance;
- (5) Recommend to the Tribal Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Ordinance.

SECTION 4. GAMING AUTHORIZED

4.1 Interest and Responsibility.

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

4.2 Authorization.

If the Tribe 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.

4.3 Class II Licensing.

Class II games as follows may be licensed for conduct on Tribal Lands:

- (a) bingo as defined under the Act (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);
- (b) non-banking card games deemed as Class II gaming under 25 C.F.R. 502.3 (c);

(c) any game determined to be a Class II game by the Tribal Commission, amendment of the Act, by regulation, or by decision of the National Indian Gaming Commission or the federal courts.

4.4 Class III Licensing.

Class III games as follows may be licensed for conduct on Tribal Lands:

(a) such games as may be provided for in a compact between the State of Oklahoma and the Tribe, or such procedures as prescribed by the Secretary of the Interior pursuant to the Act.

SECTION 5. GAMING LICENSE REQUIRED

5.1 Licensing Requirements.

A Tribal gaming license shall be required for:

- (a) each person or entity having a management contract; and
- (b) each primary management official and each key employee.
- (c) each place, facility, or location on Tribal Lands at which Class II or Class III gaming is conducted.

SECTION 6. APPLICATION FOR LICENSES

6.1 Application Forms.

Each person or entity having a management contract, each primary management official and each key employee shall complete an application for an initial license or renewal of an existing gaming license for each gaming establishment on an application form prescribed by the Tribal Commission. 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 establishment 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 corporation, by an executive officer thereof, or by some other person specifically authorized by the corporation to sign the application, in which case written evidence of the signatory's authority shall be attached. 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 Tribal Commission shall be immediately informed in writing and, until that information is filed with the Tribal Commission, any action of the representative shall be presumed to be that of the applicant.

6.2 Notice.

(a) 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 the 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 employed in a gaming operation. The information will be used by 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 to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance 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's 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 SSN may result in errors in processing your application."

(b) Existing key employees and Primary management officials, if any, 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 routine uses described in that notice.

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

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001)."

(d) The Tribal Commission shall notify in writing existing key employees and primary management officials, if any, that they shall either:

(1) Complete a new application form that contains a notice regarding false statements; or

(2) Sign a statement that contains the notice regarding false statements.

6.3 Payment of Application Fee.

Each application shall be accompanied by payment of an application fee established by the Tribal Commission to which shall include the cost of the background investigation conducted pursuant to Section 7 below.

6.4 Organizational Chart.

The management contractor shall file along with the application an organizational chart of its management organization and job descriptions for employees of the gaming operation. The chart shall identify which employees are or will be the primary management officials and the key employees of the gaming operation.

6.5 Description on Application.

An application for a gaming license shall include a description of the place, facility, or location on Tribal Lands where the applicant will operate a gaming operation or where the applicant will be employed.

6.6 Other Gaming License.

Each applicant for a gaming license who has or will have a contract with the Tribe to manage a tribal gaming enterprise shall state whether he/she already has a management contract to operate any Indian or non-Indian gaming operation and, if so, a description of the location of each such operation.

6.7 Management Contractor's Application.

A management contractor's application shall include information required by 25 U.S.C. § 2711 and 25 C.F.R. § 537.1.

SECTION 7. BACKGROUND INVESTIGATIONS

7.1 General.

The Tribal Commission shall conduct, or cause to be conducted, a background investigation of the management contractor and each applicant for a position who is designated as a key employee or primary management official sufficient to make a

qualification determination under Section 7.3 below and consistent with the requirements outlined in 25 C.F.R. Sections 556 and 558. The Tribal Commission shall coordinate its background investigations with the Federal Bureau of Investigation databases. In conducting the investigation, the Tribal Commission shall keep confidential the identity of each person interviewed in the course of the investigation. The Tribal Commission shall use the Bureau of Indian Affairs Tribal Police, Miami Police Department, Ottawa County Sheriff's Office, or any other law enforcement agency or other capable entity with prior consent by the NIGC, to assist in processing background investigations.

7.2 Background Investigations.

(a) The Tribal Commission shall request from each primary management official and from each key employee all of the following information:

- (1) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business addresses, residence addresses since age 18, and drivers license number(s);
- (3) the names and current addresses of at least five (5) personal references, including one personal reference who was acquainted with the applicant during the most recent period of residence listed under paragraph (2) of this Section;
- (4) current business and residence telephone numbers;
- (5) a description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (6) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) the name and address of any licensing or regulatory agency with which the person has filed an application for 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 misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;

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

(11) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(12) a current photograph;

(13) fingerprints consistent with procedures adopted by the Tribal Commission pursuant to 25 C.F.R. § 522.2 (h); and

(14) any other information the Tribal Commission deems relevant.

(b) The Tribal Commission shall conduct an investigation sufficient to make a determination of employee eligibility under Section 7.3

7.3 Eligibility Determination.

(a) The Tribal Commission shall ensure that any person involved with the conduct of gaming activities is a person of good character, honesty, and integrity.

(b) The Tribal Commission shall review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of such person for employment in the gaming operation. If the Tribal Commission determines that employment of the person poses a threat to the public interest or to the effective regulation and control of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming, neither the management contractor or the Tribe shall employ that person.

7.4 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Tribal Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Section 7.3.

(b) The Tribal Commission shall forward the report referred to in Subsection 7.5 to the National Indian Gaming Commission within 60 days after an employee begins work

or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

(c) 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.

7.5 Report to the National Indian Gaming Commission.

(a) Pursuant to the procedures set out in Section 7.4 of this Ordinance, before issuing a license, the Tribal Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- (1) the steps taken in conducting the background investigation;
- (2) the results obtained;
- (3) the conclusions reached; and
- (4) the basis for those conclusions.

(b) The Tribal Commission shall submit, with the report, a copy of the eligibility determination made under Section 7.3

(c) If a license is not issued to an applicant, the Tribal Commission:

- (1) shall notify the National Indian Gaming Commission; and
- (2) may forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

(d) With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations 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.

SECTION 8. ISSUANCE OF LICENSES; RENEWAL; SUSPENSION

8.1 General.

(a) If, within a thirty (30) day period after the National Indian Commission receives a report, the National Indian Gaming Commission notifies the Tribal Commission 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 Tribal Commission has

provided an application and investigative report to the National Indian Gaming Commission, the Tribal Commission may issue a license to such applicant.

(b) The Tribal 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 30-day period under Section 8.1, until the Chairman of the National Indian Gaming Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Commission shall make the final decision whether to issue a license to such applicant.

(d) The Tribal Commission may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate annual fee, provided that no license shall be issued to or renewed for an applicant:

- (1) who is not a person of good character, honesty, and integrity;
- (2) who is not found by the Tribal Commission to be eligible for employment under the criteria of Section 7.3;
- (3) who has had, or who is in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction;
- (4) who is delinquent in the payment of any obligation owed to the Tribe or Tribal Commission pursuant to this Ordinance or a management contract; and
- (5) who has failed to comply with the Act, regulations of the National Indian Gaming Commission, this Ordinance or regulation that the Tribal Commission has or may adopt.

8.2 Validity.

Each gaming license shall be valid for a two-year period commencing on the approval of the gaming license.

8.3 Assignment; Transfer; Display.

A gaming license may not be assigned or transferred and is valid only for use by the person in whose name it is issued and at the gaming establishment for which it is issued.

A gaming license shall be conspicuously displayed at all times at the gaming establishment for which it is issued.

8.4 No Class III Gaming License.

Until authorized by a Tribal-State Compact, no gaming license shall be issued for any Class III gaming.

8.5 License Suspension.

(a) If, after the issuance of a gaming license, the Tribal Commission receives from the National Indian Gaming Commission, or any other source, reliable information indicating that a key employee or a primary management official is not eligible for employment, the Tribal Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The Tribal Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(c) After a revocation hearing, the Tribal Commission shall decide to revoke or to reinstate a gaming license. The Tribal Commission shall notify the National Gaming Commission of its decision.

SECTION 9. GAMING LICENSE FEES

9.1 Annual Fee.

The annual fee for each gaming license issued pursuant to this Ordinance to the holder of a valid management contract shall be \$2,500.00 and for each primary management official and key employee shall be \$25.00.

9.2 Adjustment of Annual Fee.

The Tribal Commission may adjust the amount of the annual fee, provided that any increase shall take effect only on the ensuing January 1.

9.3 Payment in Advance.

The annual license fee shall be paid in advance of the initial issuance or renewal of a license.

9.4 Prorated Annual Fee.

The annual license fee shall be prorated in the case of each initially issued license.

SECTION 10. RECORDS AND REPORTS

10.1 Keep and Maintain.

Each gaming operation shall keep and maintain sufficient books and records to substantiate the receipts, expenses, and uses of revenues relating to the conduct of gaming activities 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.

10.2 Statement of Gross Revenues and Net Revenues.

No later than the fifteenth day of each month, each gaming operation shall provide, in a report form prescribed by the Tribal Commission, a statement of gross revenues and net revenues received or collected at each gaming establishment during the immediately preceding period.

10.3 Falsification.

No licensee shall falsify any books or records relating to any transaction connected with the conduct of gaming activities authorized under this Ordinance.

10.4 Inspection by Tribal Commission.

All books and records of each gaming operation relating to licensed gaming activities shall be subject to inspection, examination, photocopy and auditing by the Tribal Commission or a person designated by the Tribal Commission at anytime during reasonable hours.

10.5 Audit.

The Tribal Commission shall cause to be conducted, at least annually, an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

10.6 Insurance Policies.

A copy of all insurance policies covering each gaming enterprise or any part thereof shall be filed with the Tribal Commission.

SECTION 11. GROSS REVENUES

11.1 Expenditure and Disbursements.

Consistent with reasonable gaming industry business practices, the gross revenues derived from operations of a tribal-owned and licensed gaming operations may be

expended and dispersed by management contractor as outlined in the management contract.

SECTION 12. MAINTENANCE OF GAMING FACILITY

12.1 General.

Each gaming facility licensed under this Ordinance shall be constructed, maintained and operated in a manner which adequately protects the environment and the public health and safety.

SECTION 13. VIOLATIONS

13.1 Gaming License.

No person shall operate or conduct any gaming activity in a gaming operation within the exterior boundaries of the Tribal Lands without a gaming license issued by the Tribal Commission, as required by this Ordinance.

13.2 Falsifying Information.

No licensee or license applicant shall provide false information in connection with any document or proceeding under this Ordinance.

13.3 Accounting and Inspection.

(a) No management contractor shall fail to account fully for all moneys received or collected in connection with gaming activities.

(b) In compliance with 25 C.F.R. § 571.5 or § 571.6, or of a Tribal Ordinance or resolution approved by the Chairman of the National Indian Gaming Commission under parts 522 or 523 in Title 25 C.F.R., a gaming operation shall not refuse to allow an authorized representative of the National Indian Gaming Commission or an authorized Tribal Commission official to enter or inspect a gaming operation.

13.4 Age Limit.

No person under the age of eighteen (18) years shall be permitted to participate in any gaming activity.

13.5 Cheating.

No person shall engage in cheating in any gaming activity.

13.6 Possession of a Firearm.

No person, other than a law enforcement officer or security personnel licensed to carry a firearm, may enter or remain in a gaming establishment under this Ordinance while in the possession of a firearm or other weapon.

13.7 Violation of Any Provision, Rule, Regulation or Order.

No person shall intentionally violate any provision of this Ordinance, nor any rule, regulation or order that the Tribal Commission may promulgate or issue.

13.8 In Privity.

Any person who is in privity with 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, and shall be treated in a similar manner.

13.9 Compliance of Ordinance.

Management contractor is responsible for ensuring that all primary management officials and key employees assisting in the operation of any gaming activity on the licensee's behalf comply with this Ordinance. A violation by any such officials or employees shall be deemed a violation by management contractor and subject management contractor to civil enforcement action. It shall not be a defense that management contractor was unaware of the violation.

13.10 Fraudulent Scheme or Technique.

No person, playing in or conducting any gaming activity authorized under this Ordinance, shall:

- (a) use bogus or counterfeit cards, or substitutes or use any game cards that have been tampered with;
- (b) employ or have on one's person any cheating device to facilitate cheating in any gaming activity;
- (c) use any fraudulent scheme or technique, including when an operator or player of games of charitable gaming tickets directly or indirectly solicits, provides, or receives inside information of the status of game for the benefit of either person; or
- (d) knowingly cause, aid, abet, or conspire with another person or any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.

SECTION 14. CIVIL ENFORCEMENT

14.1 Action to be Taken.

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

- (a) Impose a civil fine not to exceed five hundred dollars (\$500.00) for each violation, and if such violation is a continuing one, for each day of such violation, unless the violation involves a failure to file a report when due.
- (b) Impose a penalty of fifty dollars (\$50.00) per day for failure to file any report when due and five hundred dollars (\$500.00) per day for failure to file such report after notice and demand.
- (c) Suspend or revoke any gaming license issued by the Tribal Commission.
- (d) Bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions:
 - (1) suspension or termination of the license and further conduct of gaming activities;
 - (2) seizure of any gaming apparatus, proceeds, or other property of a licensee connected with the gaming activities engaged in by the licensee;
 - (3) in the case of any non-member of the Tribe, expulsion of such persons from Tribal Lands;
 - (4) collection of any unpaid fees and/or interest;
 - (5) execution on any nonexempt property of a violator located within the exterior boundaries of the Tribal Lands.

14.2 Jurisdiction.

Any court of competent jurisdiction shall have jurisdiction over any civil action brought by the Tribal Commission under this Ordinance, and any court of competent jurisdiction shall have the authority to impose any and all sanctions imposed by the Tribal Commission pursuant to this Ordinance.

14.3 Notification.

Before taking any enforcement action authorized in this Section, the Tribal Commission shall use its best efforts to notify the alleged violator, in person or by letter delivered to his/her last known address, of the charges against him/her, and allow the alleged violator an opportunity for a prompt hearing. If the alleged violator fails to respond, or cannot be found, the Tribal Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate.

14.4 Acknowledgment.

Every person or entity which applies for a gaming license and accepts such license thereby acknowledges the civil enforcement jurisdiction and authority of the Tribal Commission and a court of competent jurisdiction under this Ordinance to order an execution on his/her nonexempt property, the suspension or termination of his/her further conduct of gaming activities and the seizure of his/her gaming equipment or proceeds or other property, upon a proper finding of the Tribal Commission or the court that the person has violated a provision of the Act, regulations of the National Indian Gaming Commission, this Ordinance, or regulations promulgated by the Tribal Commission, despite lack of actual notice, provided that the Tribal Commission has used its best efforts to notify the person, in person, or by letter delivered to his/her last known address.

SECTION 15. USE OF NET REVENUES

15.1 Expenditures.

Net revenues from gaming conducted under this Ordinance shall only be expended for the following purposes:

- (a) to fund Tribal government operations 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; or
- (e) to help fund operations of local governmental agencies.

15.2 Approval of Operating Budget.

The operating budget of the Tribal Commission, including necessary payroll and expenses, shall be approved by the Business Committee and shall be funded from revenues of the Tribal General Fund.

SECTION 16. HEARINGS AND APPEALS

16.1 Petition for Payment of Penalty.

Any licensee paying a penalty for late filing or failing to file a report for which there is an acceptable excuse may petition the Tribal Commission for a credit. The petitioner may petition the Tribal Commission for a credit. The petition shall be filed within thirty (30) days after the petitioner knew or should have known that payment was excusable, but not more than six (6) months after payment in any case.

16.2 Petition for Hearing and Reconsideration.

Any person or entity aggrieved by a decision made or action taken by the Tribal Commission without notice and opportunity for hearing, may petition the Tribal Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action.

16.3 Petition for Review.

Any person or entity aggrieved by a decision made or action taken by the Tribal Commission after notice and opportunity for hearing may petition any court of competent jurisdiction for review. Such petition shall specifically set forth the reasons for aggrieving, and be filed with the Court no later than thirty (30) days after the Tribal Commission's decision or action. The court shall set the matter for hearing no later than thirty (30) days after receipt of the petition, and may, upon establishing that it has jurisdiction and finds good cause, affirm, modify, reverse and/or vacate the Tribal Commission's order.

SECTION 17. APPLICABLE LAW

17.1 Controversies Involving Contract.

All controversies involving contracts relating to gaming entered into under the authority of the Tribe on Tribal Lands shall be resolved, as appropriate, in accordance with:

- (a) the Act;
- (b) regulations promulgated by the National Indian Gaming Commission;
- (c) the laws, ordinances and regulations of the Tribe; and
- (d) if no Tribal laws exists, the law of the State of Oklahoma.

SECTION 18. SERVICE

18.1 Tribal Commission Service Agent.

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

18.2 Management Service Agent.

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

SECTION 19. SAVINGS PROVISION

19.1 Invalidity.

If any provision of this Ordinance or the application thereof to any entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect, and, to this end, the provisions of this Ordinance are severable.

SECTION 20. POLICIES AND PROCEDURES FOR RESOLUTION OF DISPUTES BETWEEN MANAGER AND CUSTOMERS

20.1 Improper Conduct by Customers.

(a) Notice of warning regarding the improper conduct set in paragraph (b) of this section or other gaming rules established and enforced by the gaming operation shall be posted by Manager at the entrance of the gaming operation and/or given to patrons upon entering the premises.

(b) The following improper conduct shall result in ejection of a patron from any gaming operation:

- (1) cheating;
- (2) possession of weapons in the gaming operation;
- (3) possession of alcohol that has been brought by a patron into the gaming operation;
- (4) possession of a controlled substance in the gaming operation;
- (5) disorderly conduct, including the willful, or wanton disregard for the rights of others, and any other act which is disruptive to the gaming operation and other patrons.

(c) Failure by a patron to provide proof of age when requested by gaming operation personnel shall result in ejection of the patron from the gaming operation premises. Any admission fees shall be refunded in such instance.

(d) Ejection of a patron shall be accomplished by security personnel, upon approval of the Manager or an alternate.

20.2 Complaints by Customers.

- (a) Either the Manager or an alternate shall be readily available at all times to resolve complaints by patrons involving the gaming operation.
- (b) If the Manager or an alternate are unable to resolve any dispute, the matter may, upon request of the patron, be referred to the Tribal Commission for resolution. Action by the Tribal Commission may be initiated by making a written request.
- (c) Decisions of the Tribal Commission may, at the patron's request, be appealed to the Business Committee. Action by the Business Committee is initiated by making a written request. The decision of the Business Committee on any dispute referred to it for resolution shall be final.

SECTION 21. AMENDMENT OF ORDINANCE

21.1 Amendment by Majority Vote.

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

SECTION 22. EFFECTIVE DATE / REPEAL

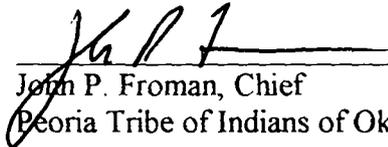
22.1 General.

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

CERTIFICATION

The foregoing Gaming Ordinance of the Peoria Tribe of Indians of Oklahoma was duly enacted and approved by the Business Committee of the Peoria Tribe of Indians of Oklahoma this 4th day of November, 2003, by a vote of:

 7 FOR; AGAINST; ABSTAIN



John P. Froman, Chief
Peoria Tribe of Indians of Oklahoma

ATTEST:



Hank Downum, Secretary
Peoria Tribe of Indians of Oklahoma

