



January 4, 2005

Joseph F. Halloran  
Jacobson, Buffalo, Schoessler & Magnuson  
Energy Park Financial Center, Suite 210  
1360 Energy Park Drive  
St. Paul, MN 55108

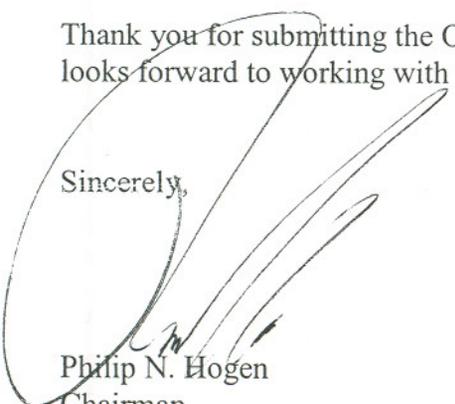
Re: Prairie Island Indian Community Gaming Ordinance

Dear Mr. Halloran:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Prairie Island Indian Community Gaming Ordinance. The Ordinance was received in this office on October 27, 2004. The Prairie Island Indian Community approved the Gaming Ordinance October 19, 2004, by Resolution 04-10-19-140. This letter constitutes approval of that submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Ordinance for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues.

Sincerely,



Philip N. Hogen  
Chairman

**Doreen Hagen**  
President

**Victoria Winfrey**  
Secretary



**Ronald Johnson**  
Vice President

**Lucy Taylor**  
Treasurer

**Alan Childs, II**  
Assistant Secretary/Treasurer

**Prairie Island Tribal Council  
(A Tribal Government)**

**RESOLUTION 04-10-19-140**

**WHEREAS**, the Prairie Island Indian Community in the State of Minnesota (also known as the Prairie Island Mdewakanton Dakota Community) is a federally recognized Tribe organized under 25 U.S.C. § 476, and is governed under the terms of the Constitution and Bylaws adopted by the Tribal Members on May 23, 1936, and approved by the Secretary of the Interior on June 20, 1936; and

**WHEREAS**, the Constitution and Bylaws provide that the Community Council (sometimes referred to as the Tribal Council) is the governing body for the Prairie Island Indian Community (Article IV, Section 1); and

**WHEREAS**, the Tribal Council has the authority under the Constitution and Bylaws to promulgate ordinances, resolutions, institute regulations, and consider various legal matters that fall within the authority of a federally recognized Indian tribe; and

**WHEREAS**, the Tribal Council has the authority under the Constitution and Bylaws to promote the general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the Reservation; and

**WHEREAS**, the Prairie Island Indian Community is a federally recognized Indian Tribe that owns and operates a gaming enterprise, Treasure Island Resort & Casino ("CASINO"), located at 5734 Sturgeon Lake Road, Welch, Minnesota 55089 regulated under the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701 et seq. ("IGRA"); and

**WHEREAS**, the Prairie Island Indian Community Gaming Ordinance needs to be amended and updated; and

**WHEREAS**, by Tribal Council Resolution Number 04-08-11-105, the Tribal Council approved the amended Prairie Island Indian Community Gaming Ordinance (the Gaming Ordinance) for publication and comment from Community Members; and

**WHEREAS**, pursuant to the requirement of the Prairie Island Legislative Procedure Resolution Number 03-08-02-69, the Tribal Council caused the Gaming Ordinance to be published to Community Members and comments were requested and received from Community Members; and

**WHEREAS**, pursuant to the requirements of the Prairie Island Legislative Procedure Resolution Number 03-08-02-69, the publication period for the Gaming Ordinance is now complete; and

**WHEREAS**, the Tribal Council has considered the comments from Community Members and has determined that the Gaming Ordinance is in proper form and is ready for final approval.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Prairie Island Indian Community Tribal Council hereby grants final approval to the Prairie Island Indian Community Gaming Ordinance as Amended October 19, 2004; and
2. The Tribal Council directs the Community's Legal Department to submit the Prairie Island Indian Community Gaming Ordinance to the Chairman of the National Indian Gamin Association for approval and to take all necessary steps to secure that approval.

**VOTE SUMMARY**

President Doreen Hagen	<input type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input checked="" type="checkbox"/> absent
Vice President Ronald Johnson	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Secretary Victoria Winfrey	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Treasurer Lucy Taylor	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Assistant Secretary / Treasurer Alan Childs II	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent

absent  
Doreen Hagen  
Tribal Council President

Ronald Johnson  
Ronald Johnson  
Tribal Council Vice President

Victoria Winfrey  
Victoria Winfrey  
Tribal Council Secretary

Lucy Taylor  
Lucy Taylor  
Tribal Council Treasurer

Alan Childs II  
Alan Childs II  
Tribal Council Assistant Secretary/Treasurer

## **TITLE I. GENERAL PROVISIONS**

### **Section 100. SHORT TITLE.**

This Ordinance shall be known and may be cited as the Gaming Ordinance of the Prairie Island Indian Community, as amended.

### **Section 101. FINDINGS AND INTENT.**

The Prairie Island Indian Community Tribal Council finds that:

- A. The Community was organized by the membership to "form a more perfect union, develop our natural resources, insure our domestic tranquillity, promote the general welfare, to enjoy certain rights of home rule, to provide education in schools of higher learning including vocational, trade, high schools, and colleges for our people, and to secure the opportunities offered us under the Indian Reorganization Act..." Preamble, Constitution and Bylaws of the Prairie Island Indian Community in Minnesota.
- B. The Prairie Island Indian Community desires to be self-sufficient in its internal affairs, as reliance upon federal and other resources has been adverse to the quality of life within this Community in both the present and the past.
- C. Public gaming operations have been introduced to the Prairie Island Indian Community and are of vital interest to the public health, safety, and welfare of the people. Instead of prohibiting such operations, they need to be regulated in a manner commensurate with the interests of the Prairie Island Mdewakanton Sioux people.
- D. By virtue of the treaties between the United States of America and the Prairie Island Mdewakanton Sioux and the statutes and court decisions of the United States, which together have established and maintained the doctrine of Indian sovereignty, there remains the federal guarantee of the perpetual integrity of the Prairie Island Indian Community.
- E. The Prairie Island Indian Community requires methods for establishing a base to generate revenues for self-perpetuation and essential governmental services.
- F. The regulation of public gaming within the Prairie Island Indian Community is in the best interest of the Prairie Island Mdewakanton Sioux people. Further, the Prairie Island Indian Community Tribal Council determines that the intent of this Ordinance is to:
  - 1. Completely regulate and control gaming on trust lands located within the Prairie Island Indian Community, in compliance with applicable law;

2. Provide, through the revenue generated by and taxes levied on Community licensed gaming operations, a source of funding for tribal government operations and programs, and programs for the general welfare of the Community;
3. Foster a spirit of cooperation with the National Indian Gaming Commission in the regulation of Community gaming;
4. Protect gaming as a means of promoting tribal economic development; and
5. Ensure that Community gaming is conducted fairly and honestly by both the operator and the players as a genuine means of providing both recreation and entertainment, entirely free from organized crime and other corrupting influences.

### **Section 102. DEFINITIONS.**

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Section:

- A. "Applicant" shall mean any person or entity having on file with the Commission an application for a gaming license.
- B. "Community" shall mean the Prairie Island Mdewakanton Sioux Indian Community in the State of Minnesota, a federally recognized Indian tribe organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. §476.
- C. "Community Lands" or "Indian Lands" shall mean all lands within the limits of the Prairie Island Indian Community Reservation, and all lands over which the Community exercises governmental power and that is either held in trust by the United States for the benefit of the Community or a Community member or is held by the Community or Community member and is subject to restriction by the United States against alienation.
- D. "Community Council" or "Council" shall mean the governing body of the Prairie Island Indian Community in Minnesota.
- E. "Gaming Commission" or "Commission" shall mean the Prairie Island Indian Community Gaming Commission.
- F. "Gaming Inspectors" or "Inspectors" shall mean the employees of the Gaming Commission who assist in the regulation of gaming activities.
- G. "Tribal-State Compacts" and "Compacts" shall mean the agreements between the Community and the State of Minnesota concerning the operation of video games of chance and blackjack, and any amendments thereto or any Other Compacts.

H. "Gambling equipment" shall mean equipment of devices used in gambling, including but not limited to bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, tipboards, bill acceptors, card readers, electronic bingo machines, black jack table layouts, stacker boxes, cards, chips, tokens and video games of chance and all equipment or devices associated with such gambling equipment.

I. "Gambling" and "Gaming" shall mean the act of paying for the opportunity and participation in a game or games of chance for money or something of value, where motor skills play no part or are of no consequence in determining the outcome of the game; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e. foodstuffs, or games played in private homes or residences for prizes or games operated by charitable and educational organizations that are approved by the Council.

J. "Gaming enterprise" shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of bingo, the sale of pull tabs, or the conduct of other games of chance, including video games of chance.

K. "Gaming operator" shall mean a person, organization or entity that conducts the management of gaming at a Community gaming enterprise, including an entity entering into a management contract with the Community or the Community itself or any subdivision thereof.

L. "Gaming test laboratory" shall mean, as contemplated by Section 6.1 of the Tribal-State Compact regarding video Games of Chance, a laboratory agreed to and designated in writing by the Minnesota State Commissioner of Public Safety and the Tribal Council as competent and qualified to conduct scientific tests and evaluations of video games of chance and related equipment; a laboratory operated by or under contract with the states of Minnesota, or Nevada, or New Jersey, or South Dakota constitutes a designated gaming test laboratory.

M. "IGRA" shall mean the Indian Gaming Regulatory Act of 1988, Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. §2701 et seq.

N. "Key Employee" shall mean A person who performs one or more of the following functions: Bingo caller, Counting Room Supervisor, Chief of Security, Custodian of Gaming Supplies or cash, Floor Manager, Pit Boss, Dealer, Croupier, or Custodian of Gambling equipment, and any other person whose total cash compensation is in excess of \$50,000.00 per year, and the four most highly compensated persons in the gaming operation. It shall also mean, any person with the authority to sign checks or create or discharge financial obligations, whether acting alone or with others.

O. "Licensee" shall mean any person who has been issued a license by the Gaming Commission, excluding, specifically, persons who have been granted Temporary Employment Authorizations while their license applications are under review by the Gaming Commission.

P. "Management Official" shall mean any person with a direct financial interest in or management responsibility for the gaming operation and any person who has the authority to hire and fire employees, to set working policy for the gaming operation or the chief financial officer or other person with financial management responsibility for the gaming operation.

Q. "Other Compacts" shall mean such agreements as may in the future be entered into between the Community and the State of Minnesota, governing Class III gaming, as that term is defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703 (8).

R. "Other games of chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboards, tip jars, gaming tables, tokens, satellite television transmission, but shall not include video games of chance defined herein; or shall have the same meaning as the term Class II gaming as defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703 (7)(A). Any game of chance that is not prohibited by the criminal laws of the State of Minnesota, or is subject to permissive regulation pursuant to Minnesota law, chapter 349 or successor legislation shall be included in this definition.

S. "Traditional bingo" shall mean that game in which each player is supplied a card or board containing five adjoining horizontal and vertical rows with five spaces in each row each containing a number or figure therein and the word "free" marked in the center space thereof, or in which such a card or board is represented on a video screen. Upon announcement by the person conducting the game or the appearance on the video screen of any number or figure appearing on the player's card or board, the space containing said figures or number is covered by the player. When the player shall have covered all five spaces in any horizontal and vertical row, or shall have covered four spaces and the "free" space in a five space diagonal row, or shall have covered the required combination of spaces in some other preannounced pattern or arrangement, such combination of spaces covered shall constitute "bingo." The player or players to first announce "bingo" are awarded money, merchandise, or some other consideration by the person or persons conducting the game.

T. "Vendors" shall mean any person, corporation, sole proprietorship, partnership or any individual, including but not limited to, a merchant, retail dealer, supplier, importer, wholesale distributor who transfers property, goods, or other services by sale to a gaming facility, whether gaming or non-gaming related.

U. "Video game of chance" shall mean electronic or electromechanical video devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette, line-up symbols and numbers, or other common gambling forms, which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens, or replays, and contain a meter or device to record unplayed credits or replays; or otherwise shall have the same meaning as the term Class III gaming as defined by the Indian Gaming Regulatory Act of codified at 25 U.S.C. §2703 (8) and all equipment or devices used in association with video games of chance..

**Section 103 AUTHORIZATION OF GAMING ACTIVITIES**

The Prairie Island Indian Community hereby authorizes all permitted forms of Class I, Class II and Class III gaming on the Prairie Island Indian Community lands, subject to the provisions of this Ordinance and all regulations promulgated pursuant thereto, the Tribal-State Compacts, the IGRA and the Regulations promulgated pursuant thereto.

**Section 104. SEVERABILITY.**

The provisions of this Ordinance are severable; and if any part or provision hereof shall be held void by tribal or federal court or federal agency, the decision of the court or agency so holding shall not affect or impair any of the remaining provisions of the ordinance.

**TITLE II. DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT**

**Section 200. ESTABLISHMENT OF PRAIRIE ISLAND INDIAN COMMUNITY GAMING COMMISSION AND RATIFICATION OF PRIOR ACTIONS.**

A. The Prairie Island Indian Community Council hereby establishes the Prairie Island Indian Community Gaming Commission and delegates to it the authority to regulate the conduct of gaming activities on lands of the Prairie Island Indian Community consistent with the specific authorities delegated by Section 201 of the Ordinance, the Tribal-State Gaming Compacts, the IGRA and the regulations promulgated pursuant thereto, and any other laws and ordinances of the Prairie Island Indian Community, including any regulations promulgated by the Commission.

B. The Community Council further ratifies all actions taken by the Gaming Commission prior to the effective date of this amended Ordinance.

**Section 201. DELEGATION OF AUTHORITY TO COMMISSION.**

A. The Commission is authorized and empowered to exercise authorities including, but not limited to, the following:

1. To create all necessary forms;
2. To collect license fees and costs;
3. To process all license applications;
4. To issue, deny, limit, condition, suspend and revoke all licenses, including but not limited to C and C-1 licenses, and to notify the National Indian Gaming Commission of such action if required by the IGRA;

5. To issue citations for violations of this Ordinance, any regulations promulgated by the Commission pursuant to this Ordinance, any order of the Commission or any license condition or other limitation;
6. To impose penalties, including but not limited to licensing action and/or fines of up to \$1000.00 for violations of this Ordinance, any regulations promulgated by the Commission pursuant to this Ordinance, any order of the Commission or any license condition or other limitation;
7. To conduct or cause to be conducted audits of gaming activities including but not limited to all contracts for supplies, services, or concessions for a contract amount in excess of Twenty-five Thousand Dollars (\$25,000.00) annually (except for contracts for professional legal or accounting services, relating to Class II and Class III gaming, as defined by the Indian Gaming Regulatory Act, 25 U.S.C. §2703);
8. To conduct or cause to be conducted audits to ensure the health, safety and environmental status of the gaming operations;
9. To retain legal counsel, subject to the approval of the Community Council;
10. To defend this Ordinance before any Tribal, Federal, State, or local tribunal;
11. To conduct or cause to be conducted all background investigations that are necessary for the issuance of Commission licenses;
12. To conduct hearings as necessary, to issue decisions relative to those hearings and to impose penalties or sanctions, if necessary;
13. To prepare and submit to the Community Council an annual budget at the beginning of each fiscal year for the purpose of allocating funds to the Commission for its operations pursuant to the provisions of this Ordinance. The Commission may in accordance with any approved budget employ such staff as it deems necessary to fulfill its responsibilities under this Ordinance;
14. To ensure compliance with this Ordinance, the IGRA, the Regulations promulgated pursuant to the IGRA, the Tribal-State Compacts, any Regulations promulgated by the Commission pursuant to this Ordinance and any applicable codes adopted by the Community Council;
15. To recommend to the Community Council policies and guidelines relating to gaming, including amendments to this Ordinance; and
16. To promulgate regulations to fulfill any of the authorities delegated hereby or that might in the future be delegated to the Commission.

B. The Commission also may exercise any other authority or perform any other duty that might hereafter be delegated to the Commission by the Community Council.

C. In the event that the Commission lacks sufficient members to conduct business or to otherwise fulfill the duties delegated hereby, the Community Council will resume the authority hereby delegated on a temporary, emergency basis.

## **Section 202. MEMBERSHIP**

A. Qualifications: The Prairie Island Indian Community Gaming Commission shall be composed of enrolled members of the Prairie Island Indian Community who have submitted to a background investigation that demonstrates that they are members in good standing, which is defined to be a person who has not been convicted of a felony or a misdemeanor involving a gaming offense or dishonesty (a crime involving dishonesty is defined to be a conviction for fraud, embezzlement, theft by swindle, and/or theft by misrepresentations) is current in all financial obligations to the Community, and is duly appointed by the Community Council.

B. Number and Tenure: The Gaming Commission shall be composed of five (5) members, appointed by a majority vote of a quorum of the Community Council and shall hold office so long as they remain qualified as defined in Subsection A, above.

C. Resignation and Removal: Commissioners may resign at any time, effective immediately or at a specified later date, by giving written notice to the Executive Director of the Commission and the Community Council. Commissioners may be removed for cause by a majority vote of a quorum of the Community Council, after a hearing. Cause for removal of a Commissioner includes but is not limited to, commission of a felony or any gaming offense in any jurisdiction, breach of confidentiality, dereliction of duties, or any other cause as provided by this Ordinance or any other applicable Prairie Island Indian Community Ordinance or Judicial Code.

If a Gaming Commissioner becomes a duly elected member of the Community Council, the Gaming Commissioner shall resign their position as Commissioner when the election is certified pursuant to the Prairie Island Indian Community Election Ordinance.

D. Filling Vacancies: Vacancies on the Gaming Commission caused by death, resignation, removal or other cause, shall be filled by appointment of a new Commissioner by a majority vote of a quorum of the Community Council.

## **Section 203. OFFICERS AND STAFF.**

A. Executive Director – Selection and Duties.

1. Every two (2) years, the Gaming Commission shall elect an Executive Director by a majority of a voting quorum of the Commission.

2. Duties - Executive Director: The Executive Director of the Gaming Commission shall preside at all meetings of the Gaming Commission and perform such duties and exercise such powers as are necessary or incident to the supervision and management of the business and affairs of the Gaming Commission. In the absence of the Executive Director, an acting Executive Director will be appointed by a majority vote of a quorum of the Commission.

B. Staff and Consultants: The Commission may employ staff and consultants as follows:

1. Staff/Employees may include, but is not limited to the following:

- a. Regular. Regular Employees are those individuals working in excess of thirty-two (32) hours per week.
- b. Part Time. Part Time Employees are those individuals working less than thirty-two (32) hours per week.
- c. Temporary. Temporary Employees are those individuals who are employed for a finite term irrespective of the number of hours worked per week.

2. The Commission may hire professional consultants that may include, but are not limited to, the following:

- a. Auditor. Auditor includes any person or entity performing accounting or auditing services pursuant to the requirements of the Tribal State Compacts, the IGRA and the Regulations promulgated pursuant thereto, this Ordinance and any Regulations promulgated pursuant thereto.
- b. Investigator. Investigator includes any person or entity that provides investigative services in fulfillment of the requirements of the Tribal State Compacts, the IGRA and the Regulations promulgated pursuant thereto, this Ordinance and any Regulations promulgated pursuant thereto. An investigator may also be hired as a regular, part-time or temporary employee.
- c. Lawyer. Lawyer includes any person or entity which provides services under a contract with the Community Council that has been approved by the Secretary of the United States Department of the Interior, or his designee at the Bureau of Indian Affairs, Minneapolis Area Office, pursuant to Article V, Section 1(b) of the Constitution of the Prairie Island Indian Community to advise the Commission on implementing and fulfilling its regulatory duties under the requirements of the Tribal State Compacts, the IGRA and the Regulations promulgated pursuant thereto, this Ordinance and any Regulations promulgated pursuant thereto.

3. The hiring of Staff and Consultants by the Commission is subject to approval by the Community Council.

Commission Staff are subject to all of the conditions of employment imposed by the Community's Personnel Handbook, including but not limited to, the prohibition against employee fraternization imposed by that Handbook.

#### **Section 204. MEETINGS.**

A. Regular meetings: Regular meetings of the Gaming Commission shall be held weekly on Wednesday at 9:00 a.m., in the Gaming Commission offices or such other designated location agreed upon by the Gaming Commission. Notice is not necessary for regular meetings.

B. Special Meetings: Any Commission member can call a Special Meeting of the Gaming Commission. Notice of a Special Meeting shall be a specific agenda delivered to each Commissioner at least twenty-four (24) hours prior to the special meeting.

C. Special or Emergency Meetings Without Notice: Special or Emergency Meetings may be conducted by the Gaming Commission without notice required by Section 204.B. if the Commission determines that such a meeting is necessary. All Commissioners must be contacted when a special or emergency meeting is called. Any Commissioner may, in writing or orally, either before, at, or after any meeting of the Gaming Commission, waive notice thereof and, without notice, any Commissioner by attendance at such meeting, and participation therein, shall be deemed to have waived notice of the action taken at any meeting of the Gaming Commission.

Proceedings and decisions of all Gaming Commission at a Special or Emergency meeting shall be recorded and distributed to all Gaming Commissioners.

D. Quorum and Transaction of Commission Business: A majority of three (3) of five (5) members of the Gaming Commission shall constitute a quorum for the transaction of business at any meeting of the Gaming Commission.

E. Presence at Meetings: Members of the Gaming Commission must attend Commission meetings. If a Commission member is unable to attend a meeting in person, that Commissioner may participate in the meeting by means of telephonic conference or similar communications equipment by which all persons participating in the meeting can simultaneously hear each other, and such participation at a meeting shall constitute presence in person at the meeting.

F. Voting: Each member of the Gaming Commission shall have the power to exercise one (1) vote on all matters to be decided by resolution of the Commission. The affirmative vote of a majority of a quorum of the Commissioners shall constitute a duly authorized action of the Commission.

**Section 205. CONFLICT OF INTEREST.**

Commissioners and Commission employees may not participate in any Commission decision involving a gaming business, enterprise, or Gaming Vendor in which the Commissioner or Commission employee has a financial interest. Commission members and employees may not accept any gift or thing of value from a Gaming Vendor or from the Gaming Establishment or any of its officers, employees or agents. For the purpose of this Section, a Community member's interest in per capita payments made pursuant to the Community's Gaming Revenue Allocation Ordinance shall not constitute a financial interest in a gaming business or enterprise.

**Section 206. COMPENSATION.**

Commissioners shall be compensated in accordance with an annual budget that has been adopted and approved by the Community Council.

**Section 207. COMMISSION STRUCTURE.**

A. The Commission shall include departments for Compliance and Enforcement,, Employee Licensing, Vendor Licensing and Surveillance. One Commissioner shall oversee each Department. The Commission may further organize itself as it deems necessary to fulfill its responsibilities under this Ordinance, including the creation of committees or divisions as may be necessary.

B. The Compliance and Enforcement Department is primarily responsible for making recommendations on the application and implementation of the regulatory functions as provided in this Ordinance and any regulations promulgated pursuant thereto, the Compacts, the IGRA and all regulations promulgated pursuant thereto. Members of the Compliance and Enforcement Department will observe for infractions of applicable laws or regulations, document the infractions on the appropriate multiple part form and submit the form to management for corrective action. If the situation warrants immediate action, the Commissioner will notify management and the Community Council and document the incident afterwards. If appropriate corrective action is not taken within the deadline established by the Department, the Commissioner of Compliance and Enforcement will report the non-compliance to the full Commission which may take enforcement action, including but not limited to, imposing fines and suspending or revoking gaming licenses.

C. The Licensing Department is primarily responsible for reviewing all employee license applications, including Primary Management Officials, Key Employees, completing appropriate background investigations, making recommendations to the full Commission regarding whether to approve, deny, suspend, revoke or condition licenses in order to ensure compliance with the proscribed suitability standards and making all necessary reports to the Commission, the Community Council, the State of Minnesota and the National Indian Gaming Commission.

D. The Vendor Licensing Department is primarily responsible for reviewing all license applications from Gaming and Non-Gaming Vendors, completing appropriate background investigations, making recommendations to the full Commission regarding whether to approve, deny, suspend, revoke or condition licenses to assure compliance with the proscribed suitability

standards and making all necessary reports to the Commission, the Community Council, the State of Minnesota and the National Indian Gaming Commission. The Vendor Licensing Department also is responsible for maintaining a current list of approved Gaming and Non-Gaming Vendors and for ensuring that the Community's gaming operations only conduct business with approved vendors.

E. The Surveillance Department is primarily responsible for overseeing Surveillance activities, reporting incidences that have been detected by surveillance activities to the full Commission and recommending to the Commission the appropriate response, and ensuring that surveillance activities and equipment are in full compliance with all applicable laws and regulations.

**Section 208. ADDRESS.**

The address of the Prairie Island Indian Community Gaming Commission is:

P.O. Box 75  
5734 Sturgeon Lake Road  
Red Wing, Minnesota 55066

**Section 209. AGENT OF SERVICE.**

The designated agent for service of process for any official determination, order or notice of violation is:

Executive Director  
Prairie Island Indian Community Gaming Commission  
P.O. Box 75  
5734 Sturgeon Lake Road  
Red Wing, Minnesota 55066

**TITLE III. LICENSING**

**Section 300. LICENSE REQUIRED.**

Any person, organization or entity conducting gaming activities on land that is subject to the jurisdiction the Prairie Island Indian Community, or any person, organization or entity selling, leasing, or otherwise distributing gambling equipment or video games of chance to the Community, shall be required to have and display prominently a valid, and current Community gaming license issued pursuant to the provisions of this Ordinance. Any other forms of public gaming operations being conducted within the jurisdiction of the Community without the lawful written approval of the Commission are prohibited.

**Section 301. APPLICATION REQUIRED.**

All persons or organizations who may seek to engage in gaming activities within the jurisdiction of the Community must apply for the appropriate license prior to the scheduled activities or as otherwise allowed in the discretion of the Commission. The application must be made in writing on a form that has been approved for use by the Commission.

**Section 302. PAYMENT OF FEES AND COSTS.**

A. Each application for an initial or renewal license shall be accompanied by payment of the appropriate license fee, unless the license fee has been exempted by Section 314.C.. All license fees shall be non-refundable and made payable to the Prairie Island Indian Community c/o the Prairie Island Indian Community Gaming Commission. An application that is not accompanied by the appropriate license fee will be deemed incomplete and will not be processed by the Commission until the fee is received.

B. The Commission may also impose such additional fees that are reasonably related to the cost of enforcement of the Ordinance, including but not limited to cost of background investigations.

**Section 303. LICENSE AS A REVOCABLE PRIVILEGE.**

A Commission license is a revocable privilege. A licensee shall not be deemed to have any vested right in or to a Commission license and a Commission license does not convey any property or liberty interest to the Licensee. The burden of proving qualifications to hold a Commission license rests at all times on the licensee.

**Section 304. CLASSES OF LICENSES.**

A. Upon proper application and approval, the following classes of licenses may be issued by the Commission:

1. Class A license for a gaming enterprise in which a gaming operator wishes to conduct traditional bingo and other games of chance at a Community gaming enterprise;
2. Class B license for a gaming enterprise in which a gaming operator wishes to conduct video games of chance or other gaming subject to other compacts at a Community gaming enterprise;

3. Class C license for any management official or key employee of either a gaming operation or the Community and a Class C-1 license for any other employee, not licensed as a management official or key employee, of a gaming operation or the Community who is employed in a gaming enterprise licensed under the provisions of this Ordinance. The fee for Class C and C-1 licenses shall be \$50.00;

4. Class D license to any distributor or manufacturer of gambling equipment and/or video games of chance to be used in a community gaming enterprise. The fee for a Class D license shall be \$100.00;

5. Class E license for each video game of chance to be used in a Community gaming enterprise; and

6. Class F license for each person or entity that provides a Community gaming enterprise with non-gaming related supplies, services or concessions. The fee for a Class F license shall be \$100.00.

B. All Commission licenses shall be valid for a period of one year from the date of issuance.

### **Section 305. APPLICATION FOR GAMING ENTERPRISE.**

The application for a gaming enterprise shall contain the following information:

A. the name and address of the gaming operator;

B. the name(s) and address(es) of all interested parties (including those with direct or indirect financial interests) and their interest and connection with the applicant;

C. the name and location of the gaming enterprise for which the gaming operator license is being sought, the number and types of games to be played, a detailed plan of any proposed construction with an environmental impact study, the number of planned employees, and a business plan which includes a pro-forma projection;

D. explicit and detailed information of any criminal record of any party of interest whose name appears on the application to determine whether any party of interest:

1. has committed a felony or gaming offense in any jurisdiction;

2. has engaged in prior activities or maintains habits or associations affecting his present conduct which would:

a. pose a threat to the public and Community interests;

b. threaten the effective regulation and control of Community gaming;

- c. enhance the dangers of unsuitable, unfair, or illegal methods, or activities in the conduct of gaming.
3. the name and address of all proposed or actual ancillary contractors who provide supplies, services, concessions or property to the proposed gaming operator;
4. the social security number(s) of all parties of interest whose name appears on the application;
5. a description of any previous experience which the proposed operator has had with the gaming industry generally, and Indian gaming in particular, including specifically the name and address of any licensing or regulatory agency with which such applicant has had contact relating to gaming;
6. a financial statement of the applicant; and
7. any additional information as may be deemed necessary by the Commission, the State of Minnesota Department of Public Safety of the National Indian Gaming Commission.

**Section 306. APPLICATION AND INVESTIGATION OF CLASS II AND III GAMING LICENSE APPLICANTS.**

A. The application for Class II and III Gaming licenses shall contain:

1. The following statement:

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 agencies when relevant to civil, criminal or regulatory investigations or prosecution or when pursuant to a requirement by the Prairie Island Indian Community Gaming Commission 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 the Prairie Island Indian Community Gaming Commission or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Prairie Island Indian Community 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.

2. The following notice:

A false statement on any part of your application may be grounds for refusing you a license or revoking your license or for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (18 U.S.C. §1001).

3. The full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

4. Currently and for the previous 5 years: Business and employment positions held, ownership interest in those businesses, business and residence addresses, and drivers license numbers;

5. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (4) of this Section;

6. Current business and residence telephone numbers;

7. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

8. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

9. 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;

10. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition;

11. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

12. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed in response to the provisions of this section, the charge, the name and address of the Court in which the charge was filed and the date and form of the disposition of the charge;

13. The name and address of any license or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

14. A photograph;
15. A financial statement; and
16. Any additional information, including the fingerprints of the applicant, as may be determined by the Commission.

B. The Commission shall conduct an investigation sufficient to make a determination that employment of a person under investigation poses or does not pose a threat to the public interest or to the effective regulation of or control of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods or activities in the conduct of gaming. In conducting a background investigation, the Commission shall keep confidential the identity of each person interviewed in the course of the investigation. The Commission shall perform the following:

1. conduct the background investigation, which includes, at a minimum, a check of the criminal history records maintained by the Federal Bureau of Investigation, a check of the criminal history information maintained by the Minnesota Department of Public Safety, and a check of criminal history information maintained by other States, Counties and Localities identified by the applicant;
2. review and approve the investigative work done;
3. report the results of the background investigation to the National Indian Gaming Commission;
4. obtain fingerprints;
5. make suitability determinations;
6. verify by written and/or oral communication information submitted by the applicant;
7. inquire into the applicant's prior activities, criminal record, if any, and reputation, habits and associations;
8. interview a sufficient number of knowledgeable people such as former employers, personal references, and others referred in order to provide a basis for the Commission to make a finding concerning the eligibility for employment in a gaming operation;
9. prepare an investigative report that includes the following:
  - a. steps taken in conducting the background investigation;
  - b. results obtained including the documentation of all potential problem areas noted and disqualifying information obtained;
  - c. conclusions reached; and,

d. the basis for those conclusions.

C. If the National Indian Gaming Commission and the Commission possess an investigative report for an employee, the Commission may update that report instead of performing an entirely new investigation.

**Section 307. REPORT TO NATIONAL INDIAN GAMING COMMISSION FOR CLASS II AND CLASS III GAMING APPLICATIONS AND INVESTIGATION REPORTS FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS.**

A. The Commission shall provide to the National Indian Gaming Commission a copy of a completed application and Commission investigation report regarding all primary management official or a key employee applicants.

B. The Commission's investigative report to the National Indian Gaming Commission shall include, at a minimum, the following information:

1. Steps taken in conducting a background investigation;
2. Results obtained;
3. Conclusions reached;
4. The basis for those conclusions; and
5. Whether a license was issued or denied.

C. In the event that the Commission has determined to issue a license to a primary management official or key employee, then the Commission's report to the National Indian Gaming Commission must also include a copy of the Commission's determination that the applicant does not pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the danger of unsuitable, unfair, or illegal practices, methods or activities in the conduct of gaming, and such submission must be made no later than 120 days from the date that the applicant was hired.

D. During a 30-day period beginning when the National Indian Gaming Commission receives a report submitted under paragraph (C) of this Section, the Chairman of the National Indian Gaming Commission may request additional information from the Commission concerning an employee who is the subject of such a report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

E. If, at the conclusion of the 30-day period described under paragraph (D) of this Section, the National Indian Gaming Commission has not notified the Commission that it has any objections, the Commission may issue the license.

**Section 308. NON-GAMING LICENSE APPLICATIONS.**

A. The Commission may use applications for non-gaming license applicants that require the same disclosure as Class II and III gaming license applications.

B. The background investigation process for non-gaming license applicants will be narrower in scope than that for Class II and III gaming licenses. At minimum, the investigation will include the following:

1. review of application for completeness;
2. verification of all information submitted by applicant;
3. search of law enforcement records for any outstanding warrants and court records for any outstanding judgments or liens;
4. sufficient inquiry into the applicant's prior work record, personal and criminal record, if any, to develop an understanding of the applicant's reputation, habits and associations. This inquiry may include interviewing, by phone or in person, personal and professional references, former employers and others in order to provide a basis for the development of an eligibility determination, and to assess the applicant's chance for development of a successful working relationship with the Community's gaming enterprise; and
5. documentation of any potential problem areas and disqualifying information obtained.

**Section 309. LICENSE SUSPENSION FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES.**

A. If, after the issuance of a gaming license, the National Indian Gaming Commission receives reliable information indicating that an employee is not eligible for licensing under Section 306 (B) of this Ordinance, it will notify the Commission.

B. Upon receipt of notification by the National Indian Gaming Commission as set out in Section 309(A), the Commission shall suspend the license at issue and provide written notice to the Licensee of the suspension and proposed revocation as well as the licensee's right to request a hearing before the Commission pursuant to the provisions of the Commission's hearing procedures as detailed in the Commission's Regulations.

C. In the event the licensee makes a timely request for a hearing, the Commission shall make a determination whether to revoke or to reinstate a gaming license and shall provide written notice of its decision to the Licensee and the National Indian Gaming Commission.

**Section 310. APPLICATION FOR DISTRIBUTORS OF VIDEO GAMES OF CHANCE AND GAMBLING EQUIPMENT.**

The application for any person, organization or entity wishing to sell, lease or otherwise distribute gambling equipment and/or video games of chance to the Community shall contain, at a minimum, the following information:

- A. the name(s) and mailing address of the person or entity making the application;
- B. the names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the applicant;
- C. the nature of the license applied for; the type of activity to be engaged in under the license;
- D. explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the State of Minnesota, of the applicant, any person involved in the organization, and any party of interest whose name appears on the application;
- E. any additional information necessary to allow the Community or the State of Minnesota to investigate the applicant or any person included on the application;
- F. whether the applicant has been properly licensed by the State of Minnesota pursuant to Minnesota Statute Section 349.151; and proof of being the holder of a current and valid distributor or manufacturer license from the State of Minnesota; or properly licensed and holding a current and valid license from either the State of New Jersey, or Nevada, or South Dakota;
- G. whether the applicant has ever had a distributor or manufacturer license revoked or suspended by the state that issued the license and, if so, the circumstances surrounding the state's action;
- H. a statement of waiver allowing the Community and the State of Minnesota to conduct a background investigation of the applicant and any person whose name is required to appear on the application; and
- I. whether the applicant or any person whose name is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages.

**Section 311. LICENSING MANUFACTURERS AND DISTRIBUTORS OF VIDEO GAMES OF CHANCE.**

The following requirements shall apply to management and conduct of all video games of chance within any gaming enterprise licensed pursuant to the provisions of this Ordinance:

A. Licensing of manufacturers: No gaming enterprise may own, lease, or operate video games of chance that have been manufactured by a manufacturer that has not received a license from the Commission pursuant to the provisions of this Ordinance. The Commission shall issue licenses only to manufacturers of video games of chance holding a valid license from the States of Minnesota, New Jersey, Nevada, or South Dakota.

B. Licensing of distributors: No gaming enterprise may own, lease, or operate video games of chance that have been distributed by a distributor that has not received a license from the Commission pursuant to the provisions of this Ordinance. The Commission shall issue licenses only to distributors of video games of chance holding a valid license from the States of Minnesota, New Jersey, Nevada, or South Dakota.

C. Suspension, revocation, or non-renewal of manufacturer or distributor license: In the event that the States of Minnesota, New Jersey, Nevada, or South Dakota, suspends, revokes, or refuses to renew a license of a manufacturer or distributor of video games of chance similarly licensed by the Commission, such action shall be grounds for similar action by the Commission, which shall suspend, revoke, or refuse to renew the license issued by the Commission to such manufacturer or distributor.

D. Technical standards (testing and approval of video games of chance): No video game of chance may be purchased, leased or otherwise acquired by a gaming enterprise unless:

1. the video game of chance is purchased, leased, or acquired from a manufacturer or distributor licensed to sell, lease, or distribute video games of chance by the Commission pursuant to the provisions of this Ordinance; and
2. the video game of chance, or a prototype thereof, has been tested, approved or certified by a gaming test laboratory as meeting all requirements and standards of the compact on video games of chance or other applicable compacts.

E. Any gaming activity involving video games of chance shall be conducted in strict compliance with the compact on video games of chance and any other compacts between the Prairie Island Indian Community and the State of Minnesota.

## **Section 312. MACHINE LICENSES.**

An entity with whom the Community enters into a lease or sales agreement regarding video games of chance must obtain from the Commission an annual non-transferable license for each video game of chance to be placed in a gaming enterprise.

A. An application for a license for a video game of chance shall contain the following information:

1. the name and address of the applicant with proof of a current and valid distributor or manufacturer license issued by a state and the Community;

2. identification numbers or codes for each video game of chance placed in a Community gaming enterprise, including the manufacturer, the serial number and the model number;
3. proof of approval and certification of the machine by an approved gaming test laboratory or proof that the video game of chance conforms precisely to the exact specifications of the video game of chance prototype tested and approved by the gaming test laboratory;
4. all other information as required by the Tribal-State Compact on Video Games of Chance; and
5. proof of a current and valid video game of chance license issued by the State of Minnesota pursuant to Minnesota Statute Section 349.52.

B. Upon issuance, the Commission shall have attached to each video game of chance licensed under the provisions of this Ordinance, an unremovable identification plate on the exterior cabinet which contains the information as required by the Tribal-State Compact on Video Games of Chance and the Prairie Island Indian Community Minimal Internal Control Standards, as those controls may be amended from time to time.

### **Section 313. FRAUD ON APPLICATION.**

It shall be unlawful for any applicant to lie, falsify or willfully deceive the commission in the submission of a license application. Fraud on an application will result in revocation of the license at issue and may also result in other sanctions as the Commission deems are appropriate in its discretion.

### **Section 314. EXEMPTIONS.**

A. The following activities do not require a license under this title:

1. Gaming not for gain: Gaming in which no cash or valuable prizes are won, other than “points” for cumulative competitive ratings or “places” for immediate competitive rankings, is not subject to the provisions of this ordinance. However, gaming for gain that is conducted by a non-profit organization is subject to the requirements of this ordinance if cash or valuable prizes are awarded. “Valuable prize” means an object or service worth One Hundred Dollars (\$100.00) or more in fair market value.
2. Traditional Indian Gaming: Traditional Indian gaming activity, (i.e. nature of hand games) are not subject to the provisions of this Ordinance. The Commission is hereby authorized to determine on a case-by-case basis, upon request, whether a particular traditional gaming activity qualifies for exemption.

B. The Community's Gaming Establishments shall be automatically licensed with the adoption of this Ordinance and shall be issued a Class A and Class B license. These licenses shall be renewed each year until otherwise directed by the Community Council by written resolution or amendment to this Ordinance.

C. Class A, B and E Licenses shall be exempt from license fees.

**Section 315. RETENTION OF APPLICATIONS FOR EMPLOYEES OF A GAMING OPERATION OTHER THAN KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS.**

The Commission shall retain applications for licensure and reports (if any) of background investigations for inspection by the Chairperson of the National Indian Gaming Commission or his or her designee for not less than three (3) years from the date of hire.

**Section 316. LICENSE DISPLAY.**

Every licensed gaming operator shall display in a prominent place a current and valid Commission license for that location.

**Section 317. GENERAL LICENSE CONDITIONS.**

A. No credit extended: All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by any gaming enterprise. This restriction shall not apply to credits won by players who activate play on video games of chance after inserting coins or currency into the game, and shall not restrict the right of a gaming enterprise to offer check cashing or to install or accept bank card or credit card transactions in the same manner as would be normally permitted at any retail business within the State of Minnesota.

B. Minimum age for players: No person below the age of eighteen (18) years on the date of gaming shall be permitted to participate in the gaming in any gaming enterprise licensed under the provisions of this ordinance. If any person below the age of eighteen (18) years plays and otherwise qualifies the win any prize, the prize shall not be paid, and the estimated amount wagered during the course of the game shall be returned to the player.

C. Prohibition on firearms: No firearms or air-guns which are capable of discharging dangerous projectiles or gases including, but not limited to, "bb's" or C02 guns, rifles, shotguns, pistols, or revolvers, shall be allowed on the premises except as permitted for security by an employed security force or other city, state, or federal law enforcement officers in the course of their official duties.

D. Change of Address of Licensee. When a licensee changes a location of public gaming activities within the Prairie Island Indian Community Reservation Indian Lands, the Commission shall, after notification by the licensee or such changes, issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.

E. It shall be unlawful for a licensee to engage in pawnbroking or to take goods or materials in hock or to lend money or engage in similar activity with persons solely for the purpose of enabling the person to gamble.

F. It shall be unlawful for any person to possess a firearm or dangerous weapon on premises where licensed gaming is allowed, with the exception of firearms possessed by duly authorized peace officers.

G. It shall be unlawful for any licensee to fail to notify the Commission of any new prospective key employee, new ancillary contractor, or new operator. The Commission shall investigate and provide approval or disapproval of the applicant or new key employee, contractor, or operator within thirty (30) days. Any information received by the Commission shall be confidential.

H. It shall be unlawful for any licensee to begin, without the approval of the Commission:

1. the employment of a new key employee or primary management official; or
2. the performance of any new contract; or
3. the control of any new operator.

I. A licensee is required during normal business hours, to maintain his premises open for inspection by the Commission or any other authorized government agency and keep its books and financial records open for similar inspection.

J. Licensed gaming operators and tribal gaming operators must produce at a player's request, losing tickets, copies of canceled checks or other evidence of loss acceptable to the Internal Revenue Service if requested by the player or contestant at the time the player or contestant buys a ticket or otherwise enters the game.

### **Section 318. NON-TRANSFERABILITY.**

The license issued pursuant to the provisions of this ordinance is valid only for the person(s) or organization(s), or entities at the place of business shown on the face thereof. The license is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Commission. Any request for transferring or assignment of a License must be made in writing to the Commission for its consideration.

**Section 319. RULES OF PLAY DISPLAYED OR MADE AVAILABLE UPON REQUEST.**

The gaming operation must either prominently display in writing all rules and regulations pertaining to all gaming activities, including but not limited to traditional bingo, other games of chance and video games of chance, near to where the gaming activity is conducted or must make available on request by any person a written list of all such rules and regulations.

The gaming operation shall utilize gaming rules and regulations that are in compliance with the laws of the Community, the State of Minnesota, and the United States of America, any compact on video games of chance or other compacts and specifically the Indian Gaming Regulatory Act of 1988.

**Section 320. VIOLATIONS.**

A Violation of any provision of this Ordinance or any of the Commission's Regulations by a licensee, the licensee's agent, or employee may:

- A. be deemed contrary to the public health, safety, morals, good order, and general welfare of the Community and its members;
- B. be subject to refusal to grant or renew a license, or for suspension or revocation of a license;
- C. be subject to the filing of criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Commission; and
- D. be subject to the imposition of a fine pursuant to Section 321.

Acceptance of a license or renewal thereof or condition imposed thereon by a licensee constitutes agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Commission and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It shall be the responsibility of the licensee to keep informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violations.

**Section 321. CIVIL PENALTY PROVISIONS.**

Any licensee violating any provision of this Ordinance, any regulation promulgated by the Community Council or this Commission any provision of the IGRA or the regulations promulgated pursuant thereto or any provision of the Compacts between the Community and the State of Minnesota may be subject to action by the Commission including but not limited to adverse licensing action and/or the imposition of a civil penalty of not more than One Thousand Dollars (\$1,000.00) or other penalty alternative under Community law.

## **TITLE IV. RULES OF GENERAL APPLICABILITY**

### **Section 400. NOTICE OF AMENDMENT.**

The Community Council will provide notice to the Commission and to Community members of its intention to amend, repeal or otherwise alter any provision of this Ordinance

### **Section 401. COMPLIANCE WITH THE IGRA.**

It shall be the policy of the Community to fully comply with all applicable federal law, to include the provisions of the Indian Gaming Regulatory Act (25 U.S.C. §2701 et. seq.), and the Tribal-State Compact on Video Games of Chance and other Compacts, if any, in the conduct of all gaming activity within the jurisdiction of the Community including, but not limited to, the requirement in the IGRA and the Federal Regulations promulgated pursuant thereto that the Community will construct, maintain and operate its gaming facilities in a manner that adequately protects the environment and the public health and safety.

### **Section 402. SOLE PROPRIETARY INTEREST.**

The Prairie Island Indian Community shall have the sole proprietary interest and responsibility for the conduct of any gaming activity, Class II or Class III, as those terms are defined by the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2703 (7),(8) within the jurisdiction of the Community.

### **Section 403. USE OF GAMING NET REVENUES.**

Net revenues derived from gaming activity shall be utilized for the following purposes:

- A. To fund Community government operations or programs;
- B. To provide for the general welfare of the Community and its members;
- C. To promote Community economic development;
- D. To donate to charitable organizations; or
- E. To help fund operations of local government agencies.

**Section 404. PER CAPITA PAYMENTS.**

Net revenues from any gaming activity (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. §2703) may be used to make per capita payments to Community members only if the payment is made pursuant to a gaming revenue allocation ordinance that has been approved by the Secretary of the United States Department of the Interior, or the Secretary's designee.

**Section 405. NO CONTINUING OPERATIONS PERMITTED.**

No licenses will be issued to allow the continuing operation of individually owned gaming establishments since none were in operation on September 1, 1986 and Section 302 of this Ordinance does not permit individually owned gaming establishments.

**Section 406. DISPUTE RESOLUTION PROCESS.**

A. Disputes between a customer, player or member of the public and the gaming facility relating to gaming activities shall be dealt with initially by the supervisor on duty at the time that the dispute arises.

B. If the dispute is not resolved to the satisfaction of the aggrieved party, he or she can submit a written complaint to the manager of the gaming facility who, within ten (10) business days of receipt of the complaint, shall render a decision on the dispute in writing, stating the reasons for the decision.

C. If thereafter the aggrieved party remains unsatisfied, he or she may submit a written statement of the dispute and the reasons for his or her dissatisfaction to the Executive Director of the Gaming Commission. The Executive Director shall refer the dispute to the full Commission, which may in its sole discretion, request additional information from the aggrieved party, the manager of the gaming facility, or other parties and may conduct a hearing on the matter. The Commission shall issue a final written decision on the dispute within ten (10) business days from receipt of the written statement from the aggrieved party, or within ten (10) business days from the completion of the hearing, if one is conducted.

D. Decisions of the Gaming Commission are final and non-appealable and may be enforced exclusively through the Prairie Island Indian Community Tribal Court.