



November 3, 2010

Philip Mahowald, General Counsel  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, MN 55089

RE: Gaming ordinance amendment, Resolution No. 10-07-21-85.

Dear Mr. Mahowald:

This letter responds to your request on behalf of the Prairie Island Indian Community for the National Indian Gaming Commission to review and approve the Community's amendments to its gaming ordinance.

The amendments were adopted by Tribal Council Resolution No. 10-07-21-85 and make the following substantive changes:

- (1) Reduces the number of gaming commissioners from five to three and redistributes responsibilities accordingly;
- (2) Includes labor unions in the definition of gaming vendors, and, as such, requires them to be licensed by the tribal government; and
- (3) Updates Privacy Act and False Statements language to conform to NIGC regulations, 25 C.F.R. § 556.2-3.

All changes are consistent with the requirements of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and the amended ordinance is hereby approved. As my review and approval is limited to the requirements set forth in IGRA, I express no opinion on whether the amendment is consistent with the National Labor Relations Act or other applicable laws.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read "T Stevens".

Tracie L. Stevens  
Chairwoman

**Victoria Winfrey**  
President

**Edward Buck**  
Secretary



**Alan W. Childs II**  
Vice President

**Johnny Johnson**  
Treasurer

**Ronald Johnson**  
Assistant Secretary/Treasurer

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

AUG - 6 2010

**RESOLUTION 10-07-21-85**

**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 a Constitution and Bylaws adopted by tribal members on May 23, 1936, and approved by the Secretary of the Interior on June 20, 1936, as amended (the "Constitution and Bylaws"); and

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

**WHEREAS**, the Tribal Council has the authority under the Constitution and Bylaws to promulgate ordinances, resolutions, and 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 Tribal Council is the duly elected body and the only entity authorized to act or speak on behalf of the Prairie Island Indian Community; 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 updated to reflect certain amendments; and

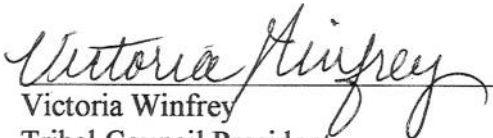
**WHEREAS**, the Tribal Council has determined that the amended Gaming Ordinance, attached as Exhibit A, is in proper form and is ready for final approval.

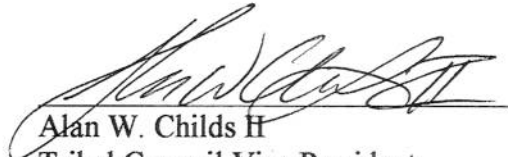
**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Prairie Island Indian Community Tribal Council hereby grants final approval to the Prairie Island Indian Community Gaming Ordinance as amended July 21, 2010; 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 Gaming Association for approval and to take all necessary steps to secure that approval.

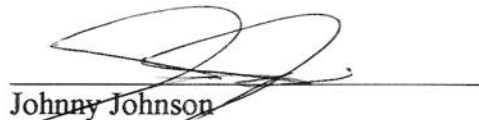
**VOTE SUMMARY**

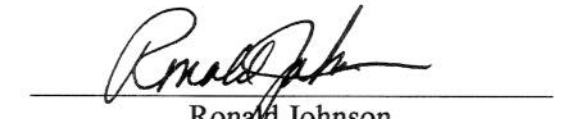
President Victoria Winfrey	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Vice President Alan W. Childs II	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Secretary Edward Buck	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Treasurer Johnny Johnson	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent
Assistant Secretary / Treasurer Ronald Johnson	<input checked="" type="checkbox"/> for, <input type="checkbox"/> against, <input type="checkbox"/> abstain, <input type="checkbox"/> absent

  
Victoria Winfrey  
Tribal Council President

  
Alan W. Childs II  
Tribal Council Vice President

  
Edward Buck  
Tribal Council Secretary

  
Johnny Johnson  
Tribal Council Treasurer

  
Ronald Johnson  
Tribal Council Assistant Secretary/Treasurer

## **TITLE I. GENERAL PROVISIONS**

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

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

### **Section 101. PURPOSE AND AUTHORITY.**

The Community Council of the Prairie Island Indian Community enacts this Ordinance in order to regulate all forms of Gaming on Community Lands. Under the authority granted by the Prairie Island Indian Community Constitution, the Community Council is the governing body of the Community and is vested with the sovereign powers of the Community delegated to it by the Community pursuant to Article V of the Constitution and that are inherent in the Community as a sovereign nation. These powers, and the obligations that they impose on the Community Council, include promoting the peace, safety, morals and general welfare of the Community, protecting and preserving the property of the Community, maintaining law and order on Community Lands and managing the economic affairs of the Community.

### **Section 102. FINDINGS AND DECLARATION OF POLICY.**

The Community Council finds and declares the following to be the public policy of the Community:

A. The Community was organized by the membership to "form a more perfect union, develop our natural resources, insure our domestic tranquility, 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. 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 recognized, preserved and fostered tribal sovereignty, there remains the federal guarantee of the perpetual integrity of the Prairie Island Indian Community.

C. The Prairie Island Reservation was established to provide a permanent home for the Community's exclusive and undisturbed use and benefit.

D. The Prairie Island Indian Community desires to be self-sufficient and self-determined in its internal affairs, as reliance on non-tribal resources has been adverse to the quality of life within the Community.



E. Government gaming operations have been introduced to the Prairie Island Indian Community and are vital 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 Indian Community.

F. The Prairie Island Indian Community requires resources to establish an economic base to generate revenues for self-perpetuation and essential governmental services.

G. The regulation of government gaming within the Prairie Island Indian Community is in the best interest of the Prairie Island Mdewakanton Sioux people.

H. It is the express legislative intention of the Community Council in adopting this Ordinance 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 government gaming, 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 the Community's government gaming;
4. Protect gaming as a means of promoting tribal economic development;
5. Ensure that the Community's government gaming is conducted fairly and honestly by both the operator and the players as a genuine means of providing both recreation and entertainment; and
6. Ensure that the Community's government gaming is entirely free from organized crime and other corrupting influences by investigating and licensing all Persons having any contact with those activities and by strictly regulating all Gaming activities.

### **Section 103. REPEALER.**

This Ordinance is enacted by adoption of Community Council Resolution No. 10-07-21-85, which also repeals the Prairie Island Indian Community Gaming Ordinance, adopted, as amended, on October 19, 2004 by Resolution No. 04-10-19-140 (the 2004 Gaming Ordinance), provided that the repeal of the 2004 Gaming Ordinance shall not have the effect of reviving any other Gaming Ordinance or other Community law that was repealed by adoption of the 2004 Gaming Ordinance. This Ordinance and the repeal of the 2004 Gaming Ordinance shall be effective on the date upon which the National Indian Gaming Commission approves the Ordinance.

#### **Section 104. SEVERABILITY.**

If any provision of this Ordinance or its application to any Person or circumstance is determined to be invalid by an adjudicatory forum with jurisdiction, or by a change in applicable law, the invalidity shall not affect any other provision or application of this Ordinance that can be given effect without reliance on the invalid provision or application. To this end, the provisions of this Ordinance are severable.

#### **Section 105. DEFINITIONS.**

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

A. "Agent" shall mean any person, whether compensated or not, who is authorized or allowed to represent a principal or who undertakes on behalf of a principal to promote, facilitate or otherwise act on behalf of the principal.

B. "Applicant" shall mean any Person having filed with the Commission an application for a License.

C. "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.

D. "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 are either held in trust by the United States for the benefit of the Community or a Community member or are held by the Community or Community member and are subject to restriction by the United States against alienation.

E. "Community Council", "Tribal Council", or "Council" shall mean the governing body of the Prairie Island Indian Community in Minnesota.

F. "Game" shall mean any game of chance, however conducted, operated, or played, that comes within the definition of Gaming.

G. "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 authorized by the Commission and operated in compliance with state law.

H. "Gaming Commission" or "Commission" shall mean the Prairie Island Indian Community Gaming Commission.

I. "Gaming Device" shall mean any mechanical, electromechanical or electronic equipment, contrivance, component, or machine, whether used remotely or directly in connection with any Gaming that affects the result of a wager by determining or predicting the outcome of a Game or the odds of winning or losing a Game. This term shall be broadly construed to promote the purposes of this Ordinance and shall also include any devices, machines, components, or contrivances that do affect, or are capable of affecting in any way, the playing of any Game.

J. "Gaming Employee" shall mean Key Employees, Primary Management Officials and any person with access to secure areas of the Gaming Enterprise or Gaming Facility and any person with direct access to the personal property of patrons of the Gaming Enterprise or Gaming Facility, including but not limited to, housekeeping, valet, marina and RV park staff.

K. "Gaming Enterprise" shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of Gaming.

L. "Gaming Equipment or Supplies" shall mean:

1. Any machine, mechanism, device, or implement that may affect the result of a Game by determining win or loss, including without limitation, any of the following:

- a. Any Gaming Device;
- b. Software used with any Gaming Device; and
- c. Cards.

2. Equipment or 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, card shuffling devices, tokens and related hardware or software that affect the result of the game; all equipment or devices associated with such gambling equipment.

3. Services to maintain, repair, or renovate any equipment or supplies described in subsection 1(a) or (b) and any other services that directly relate to Gaming activities or Gaming Operations, security, or surveillance at a Gaming Facility.

M. "Gaming Facility" or "Gaming Facilities" shall mean any location or structure, stationary or movable, wherein Gaming is permitted and Gaming Operations are conducted.

N. "Gaming Inspectors" or "Inspectors" shall mean the employees of the Gaming Commission who assist in the regulation of gaming activities.

O. "Gaming Operations" shall mean the conduct of Gaming and related business activities by a Gaming Enterprise.

P. "Gaming Vendor" shall mean any Vendor who sells, leases, or otherwise supplies any Gaming Equipment or Supplies or services, including Labor Organizations, Labor Organization Agents, Officers, Principal Employees and any Person engaged in Labor Organizing Activities, but excluding legal and accounting services to the Tribe or the Gaming Enterprise.

Q. "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.

R. "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.*

S. "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 Operations. It shall also mean, any person with the authority to sign checks or create or discharge financial obligations, whether acting alone or with others.

T. "Labor Organization" shall mean any labor union or other organization or association whose purpose includes, in whole or in part, negotiating or administering on behalf of employees any collective bargaining agreement or labor disputes, adjusting or seeking to adjust grievances, negotiating, bargaining or administering wages, rates of pay, hours of employment, working conditions or other terms or conditions of employment. Labor Organization shall also include an affiliate of any Labor Organization that is chartered by the same parent body, or governed by the same constitution and bylaws of the parent, and Labor Organizations having the relation of parent and subordinate or subsidiary. Labor Organization shall also include any Agent, Officer or Principal Employee acting on behalf of or with the permission or at the direction of a Labor Organization.

U. "Licensee" shall mean any Person who has been issued a license by the Gaming Commission, but shall not mean Persons who have been granted a temporary license while their license applications are under review by the Gaming Commission.

V. "Non-Gaming Employee" shall mean any person employed by the Gaming Enterprise who does not qualify as a Gaming Employee.

W. "Non-Gaming Vendor" shall mean any Vendor that does not qualify as a Gaming Vendor who transfers non-gaming related property, goods, or provides non-gaming services to a Gaming Facility, including Labor Organizations, Labor Organization Agents, Officers, Principal Employees



and any Person engaged in Labor Organizing Activities, but excluding legal and accounting services.

X. "Officer" means any person designated as an officer under the organizational documents of any organization, any person authorized to perform the functions of president, vice president, chairman, vice-chairman, secretary, treasurer or other executive function of an organization any member of its executive committee or similar governing body.

Y. "Organizing Activity" shall mean any manner of soliciting membership in a Labor Organization directed at an employee of the Tribe or the Gaming Enterprise, including without limitation, solicitation by direct personal appeal, distributing cards regarding interests or representation, distributing or posting a flyer, poster or advertisement, or any other form of communication with employees of the Tribe or the Gaming Enterprise.

Z. "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).

AA. "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.

BB. "Person" shall mean a natural person and legal entities, created by law and given certain legal rights and duties of a human being, and shall include but not be limited to businesses, proprietorships, associations, partnerships, syndicates, corporations, firms, joint ventures, trusts, Labor Organizations, States and local governments. The term "person" used without an initial capital "P" refers exclusively to a natural person.

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

DD. "Principal Employee" shall mean any employee of an organization who, by reason of remuneration or of a management supervisory or policy-making position, exercises any authority, discretion or influence with regard to any matter relating to employees of the entity or of those under the organizational control of the entity.

EE. "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.

FF. "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.

GG. "Vendors" shall mean any Person who transfers property, goods, or provides services to a gaming facility, whether gaming or non-gaming related, including Labor Organizations, Labor Organization Agents, Officers, Principal Employees and any Person engaged in Labor Organizing Activities, but excluding legal and accounting services.

HH. "Video Games 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.

Any term not defined by this Ordinance shall be interpreted consistent with its plain and ordinary meaning and in a way that protects and implements the Community's full sovereign authority.

#### **Section 106. AUTHORIZATION OF GAMING ACTIVITIES.**

A. 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 and policies adopted pursuant thereto, the Tribal-State Compacts, the IGRA and the Regulations promulgated pursuant thereto. Any Person who commits an act of unauthorized Gaming on Community Lands shall be subject to the enforcement provisions of this Ordinance and may be referred for criminal prosecution as permitted by state and federal law.

B. All Gaming permitted by this Ordinance must be licensed and regulated pursuant to the provisions of this Ordinance. 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 this Ordinance does not permit individually-owned gaming establishments.

**Section 107. OWNERSHIP OF GAMING/SOLE PROPRIETARY INTEREST.**

The Prairie Island Indian Community shall have the sole proprietary interest in and sole responsibility for the conduct of Gaming on Community Lands.

**Section 108. USE OF GAMING NET REVENUES.**

Net revenues derived from any government gaming activity (as defined by the IGRA, 25 U.S.C. §2703) shall be utilized for the purposes and in the amounts defined by 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.

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

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

A. The Community Council hereby establishes the Prairie Island Indian Community Gaming Commission and delegates to it the authority to regulate the conduct of Gaming on Community Lands consistent this Ordinance and all regulations promulgated pursuant to this Ordinance, the Tribal-State Gaming Compacts, the IGRA and the Regulations promulgated pursuant thereto, all other applicable laws and ordinances of the Community, and all policies adopted by the Gaming Enterprise and to take all actions consistent with this Ordinance and applicable law necessary to ensure the integrity of Gaming on Community Lands and to protect the Community's Gaming from corrupting influences.

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

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

A. The Commission shall have the authority:

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, 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, all policies adopted by the Gaming Enterprise, any order of the Commission or any license condition or other limitation;
6. To impose civil penalties, including but not limited to licensing action and/or fines of up to \$1,000.00, for violations of this Ordinance, any regulations promulgated by the Commission pursuant to this Ordinance, all policies adopted by the Gaming Enterprise, any order of the Commission or any license condition or other limitation;
7. To conduct or cause to be conducted audits of Gaming activities and Gaming Operations, including but not limited to, all contracts for supplies, services, or concessions for a contract amount in excess of Ten Thousand Dollars (\$10,000.00) 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 that Gaming is operated in a manner that protects public 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 prior to 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, policies adopted by the Gaming Enterprise, and any applicable codes adopted by the Community Council;
15. To act as the Community's authorized representative in providing intergovernmental approvals for non-tribal charitable gaming activities on Community Lands as may be required by the laws, regulations or policies of the state of Minnesota and its agencies of jurisdiction and to provide regulatory oversight of the permitted gaming activity;

16. To recommend to the Community Council policies and guidelines relating to gaming, including amendments to this Ordinance; and

17. To promulgate regulations and adopt policies to fulfill all 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 may resume the authority hereby delegated on a temporary, emergency basis or may appoint a Community Council member to serve as a Gaming Commissioner on a *pro tem* basis.

## **Section 202. INDEPENDENCE OF THE COMMISSION.**

In the performance of its gaming regulatory duties, the Commission shall be and shall act independently and autonomously from the Community Council. No prior or subsequent review by the Community Council of any actions of the Commission shall be required or permitted, except as may be otherwise explicitly provided in this Ordinance. Notwithstanding the foregoing, the Commission shall be subject to all Community law, including generally-applicable administrative policies and procedures that are not in conflict with this Ordinance.

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

A. 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, 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. The Gaming Commission shall be composed of three (3) 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. 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, a misdemeanor involving fraud, embezzlement, theft by swindle and/or theft by misrepresentation, breach of confidentiality, dereliction of duties, or any other cause as provided by this Ordinance.

D. If a Gaming Commissioner is elected to the Community Council, the Gaming Commissioner shall resign as Commissioner upon taking the oath of office after election to the Community Council.

E. Vacancies on the Gaming Commission caused by death, disability, resignation, removal, or election to the Community Council, shall be filled by appointment of the Community Council.

F. Executive Director – Selection and Duties.

1. Every two (2) years, the Gaming Commission shall elect from among the Commissioners an Executive Director by a majority of the full Commission.

2. In addition his or her duties as a Gaming Commissioner, 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.

G. Staff and Consultants.

1. The Commission may employ staff to assist in the exercise of authority delegated.

2. The Commission may hire professional consultants to assist in the exercise of authority delegated.

3. The hiring of staff and retention of consultants by the Commission is subject to approval by the Community Council. Those hired or retained are governmental employees and consultants.

4. Commission staff is subject to all of the conditions of employment imposed by the Community's Personnel Handbook.

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

A. 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 location agreed upon by the Gaming Commission at the preceding regular meeting. This Subsection A constitutes notice of regular meetings of the Gaming Commission.

B. 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. Notice may be waived by attendance at a meeting, provided that a member who is present for the sole purpose of objecting to a lack of notice shall not be deemed to have waived notice.

C. All meetings and decisions of all Gaming Commission meetings shall be recorded and minutes distributed to all Gaming Commissioners.

D. A majority of two (2) of three (3) members of the Gaming Commission shall constitute a quorum for the transaction of business at any meeting of the Gaming Commission.

E. 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. Each member of the Gaming Commission shall have the power to vote on all matters decided by the Commission. The affirmative vote of a majority of two members of the Commission shall constitute an official action of the Commission.

#### **Section 205. CONFLICTS OF INTEREST.**

Commissioners and Commission employees may not participate in any Commission decision involving a Gaming business, enterprise, or 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 Vendor or from the Gaming Enterprise 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. FUNDING.**

A. The Commission shall be funded by an annual budget to be prepared by the Commission for Community Council approval. The Commission budget shall take into account any unexpended funds retained by the Commission at the end of the prior fiscal year, excluding funds that are obligated for costs or expenses incurred during the prior fiscal year.

B. Commission funding shall be in an amount that is adequate for the Commission to fulfill all of its regulatory responsibilities under this Ordinance. The Community Council may approve requests by the Commission for supplemental budgetary appropriations as necessary.

C. Commissioners shall be compensated in accordance with an approved budget. Commissioners shall be reimbursed for expenses they incur in conducting the business of the Commission.

## **Section 207. COMMISSION STRUCTURE.**

A. The Commission shall include a Division for Compliance and Enforcement and a Division for Licensing. One Commissioner shall oversee each Division. The Commission may further organize itself as it deems necessary to fulfill its responsibilities under this Ordinance, including the creation of committees or subdivisions.

B. The Compliance and Enforcement Division shall be responsible for ensuring compliance with this Ordinance, all regulations and policies issued by the Commission pursuant to this Ordinance, the Compacts, the IGRA and all regulations issued by the NIGC pursuant to the IGRA and all other regulatory matters that fall within the Commission's delegated authority. The Compliance and Enforcement Division shall also be responsible for overseeing surveillance activities, to ensure the implementation of surveillance activities that detect violations of Gaming regulations, employee conduct rules and other applicable laws, 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.

C. The Licensing Division shall be responsible for reviewing all employee license applications, 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 suitability standards and making all necessary reports to the Commission, the Community Council, the State of Minnesota and the National Indian Gaming Commission. The Licensing Division shall also be responsible for reviewing all license applications from 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 Licensing Division also is responsible for maintaining a current list of approved Gaming and Non-Gaming Vendors. The Community's Gaming Operations are responsible to ensure that the business is conducted only with approved Vendors.

## **Section 208. ADDRESS.**

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

Prairie Island Indian Community Gaming Commission  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089



## **Section 209. AGENT OF SERVICE.**

Any notice required by law or regulation to be served on the Commission shall be directed to:

Executive Director  
Prairie Island Indian Community Gaming Commission  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089

## **TITLE III. LICENSING**

### **Section 300. LICENSE REQUIRED.**

Unless otherwise exempted under this Title, any Person employed by the Gaming Enterprise, engaged as a Vendor or otherwise engaged in Gaming on Community Lands must possess a valid License issued by the Commission pursuant to this Ordinance.

### **Section 301. APPLICATION REQUIRED.**

Licenses will be issued by the Commission only upon receipt of a written application using a form that has been approved for use by the Commission.

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

A. The Gaming Commission shall establish a schedule detailing the fees applicable to all licenses issued by the Commission.

B. Each application for an initial or renewal license shall be accompanied by payment of the applicable fee, unless exempted under Section 325. All fees are non-refundable and shall be made payable to the Prairie Island Indian Community Gaming Commission. An application that is not accompanied by the applicable fee will be deemed incomplete and will not be processed by the Commission until the fee is paid.

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

### **Section 303. LICENSE 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.

#### **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 Facility in which Traditional Bingo and Other Games of Chance are operated;
2. Class B license for a Gaming Facility in which Video Games of Chance or Other Class III Gaming is operated;
3. Class C license for Gaming Employees;
4. Class D license to Gaming Vendors;
5. Class E license for each Video Game of Chance to be used in a Community Gaming Enterprise;
6. Class F license for Non-Gaming Vendors; and
7. Class G license for Non-Gaming Employees.

B. All Commission licenses, with the exception of Class E licenses, are valid for a period of one year from the date of issuance. Class E licenses are valid until revoked, suspended by or surrendered to the Commission.

#### **Section 305. CLASS A & B LICENSE APPLICATIONS.**

A. Community Gaming Facilities must be licensed by the Commission.

B. Applications for Class A & B licenses must provide sufficient evidence for the Commission to determine whether Gaming Operations are conducted in a manner that adequately protects the environment and public health and safety, and that the Gaming Facility has been constructed and is maintained in compliance with applicable health, safety and environmental standards.

C. Applications for Class A and B licenses shall contain the following information:

1. The name and address of the Gaming Operator.
2. 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.
3. The name and location of the Gaming Facility for which the license is being sought, the number and types of games to be played, a detailed floor plan, any proposed construction with an environmental impact study, the number of employees, hours of operation and emergency operation plan.



4. Certification that the Gaming Operations and the Gaming Facility meet all applicable Federal and Tribal health and safety standards. To show such compliance, the Gaming Enterprise may submit certified copies of compliance certificates issued by the agencies responsible for the enforcement of the applicable health and safety standards. If health and safety standards are not met, proof must be submitted by the Gaming Enterprise that it is in the process of improvements which, when completed, will place the Gaming Facility in compliance with applicable standards.

5. Certification that the Gaming Operations and the Gaming Facility meet all applicable Federal and Tribal environmental standards. To show compliance with applicable environmental standards, the Gaming Enterprise may submit certified copies of an environmental site audit of the Gaming Facility which was prepared by the agency responsible for the enforcement of applicable environmental standards. If the applicable environmental standards are not met, proof must be submitted by the Gaming Enterprise that remediation of the Gaming Facility is being actively sought, which, if accomplished, will place the Gaming Facility in compliance with the applicable standards.

#### **Section 306. CLASS C LICENSE APPLICATIONS.**

A. Any person qualifying as a Gaming Employee must obtain a Class C License from the Commission.

B. The application for Class C licenses shall require:

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 Community 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 Community or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the 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 ten (10) years: business and employment positions held, ownership interest in those businesses, business and residence addresses, and driver's 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 address(s) and telephone number(s).

7. Residence addresses from age 18 to the time of application.

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

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

10. The name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted.

11. 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 expected disposition.

12. For each misdemeanor conviction or ongoing misdemeanor prosecution, the name and address of the court involved, the charge, the date of the incident and the date and manner of disposition.

13. For each criminal charge whether or not there is a conviction, if such criminal charge 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 or expected form of the disposition of the charge.

14. 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.

15. A photograph.

16. A financial statement.

17. Fingerprints of the applicant.

B. The Commission shall conduct an investigation sufficient to make a determination whether licensing the Person under investigation poses 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:

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. Verify by written and/or oral communication information submitted by the applicant.

4. Inquire into the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

5. Interview persons who are familiar with the applicant, such as former employers, personal references provided by the applicant and others referred to in the application.

6. Make suitability determinations.

7. 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.

d. The basis for those conclusions.

8. Report the results of the background investigation to the National Indian Gaming Commission.

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

#### **Section 307. CLASS G LICENSE APPLICATIONS.**

A. Any person who qualifies as a Non-Gaming Employee, must obtain a Class G License from the Commission.

B. The Commission may use applications for non-gaming license applicants that require the same disclosure as Class C license applications.

C. The background investigation process for Non-Gaming Employee license applicants will be the same in scope as that for Class C licenses. At minimum, the investigation will include the following:

1. Review application for completeness;
2. Verify all information submitted by applicant;
3. Search law enforcement records for any outstanding warrants and court records for any outstanding judgments or liens;
4. Inquire 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. Document any potential problem areas and disqualifying information obtained.

#### **Section 308. CLASS D LICENSE APPLICATIONS.**

A. Any Person who qualifies as a Gaming Vendor must obtain a Class D license from the Commission.

B. The application for a Class D license shall require, at a minimum, the following:

1. The name(s) and mailing address of the person or entity making the application;

2. The names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the applicant;
3. The nature of the license applied for; the type of activity to be engaged in under the license;
4. Explicit and detailed disclosure of any criminal record of the applicant, any person involved in the organization, and any party of interest whose name appears on the application;
5. Any additional information necessary to allow the Community or the State of Minnesota to investigate the applicant or any person included on the application;
6. Proof that the applicant is properly licensed, permitted, certified or otherwise authorized by the State of Minnesota for the activity proposed to be engaged in where such state authorization is required;
7. If applicable, proof of licensure by the States of Minnesota, New Jersey, Nevada or South Dakota. The Commission shall only issue licenses to manufacturers of Video Games of Chance that are licensee by the States of Minnesota, New Jersey, Nevada, or South Dakota;
8. 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; and
9. 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.

C. A Gaming Enterprise may not engage in business with any Person who qualifies as a Gaming Vendor under this Ordinance and who has not been issued a license from the Commission.

D. A Gaming Enterprise may not purchase, lease or otherwise acquire a Video Game of Chance unless 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. In the event that any state or tribal gaming regulatory authority suspends, revokes, or refuses to issue or renew a license to a Gaming Vendor licensed by the Commission, or any interested person who is or ought to have been identified in a Class D application, such action may be considered by the Commission in determining whether a licensing action will be taken by the Commission.

F. Any gaming activity involving Video Games of Chance shall be conducted in strict compliance with the Compact and any Other Compacts.

### **Section 309. CLASS E LICENSE APPLICATIONS.**

- A. Any Person with whom the Community or the Gaming Enterprise enters into a lease or sales agreement regarding Video Games of Chance must obtain from the Commission a non-transferable Class E license for each Video Game of Chance to be placed in a Gaming Enterprise.
- B. The Application for Class E licenses shall require 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 Statutes Section 349.52.
- C. Upon issuance, the Commission shall have attached to each Video Game of Chance licensed under the provisions of this Ordinance evidence of such a license on the exterior cabinet of the device.

### **Section 310. CLASS F LICENSE APPLICATIONS.**

- A. Unless exempted under this Title, any Person qualifying as a Non-Gaming Vendor must obtain a Class F License from the Commission.
- B. The application for a Class F License shall require the following information:
1. The name(s) and mailing address of the person or entity making the application;
  2. The names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the applicant;
  3. The nature of the license applied for; the type of activity to be engaged in under the license;



4. Explicit and detailed disclosure of any criminal record, any person involved in the organization, and any party of interest whose name appears on the application;
5. Any additional information necessary to allow the Community or the State of Minnesota to investigate the applicant or any person included on the application;
6. Whether the applicant has ever held a privileged license that has been revoked or suspended by the jurisdiction that issued the license and, if so, the circumstances surrounding the state's action; and
7. A statement of waiver allowing the Community to conduct a background investigation of the applicant and any person whose name is required to appear on the application.

C. A Gaming Enterprise may not engage in business with any Person who qualifies as a Non-Gaming Vendor under this Ordinance and who is not exempted from licensure under Section 325 of this Title and has not been issued a Class F license from the Commission.

D. In the event that any state or tribal gaming regulatory authority suspends, revokes, or refuses to issue or renew a license to a Non-Gaming Vendor licensed by the Commission, or any interested person who is or ought to have been identified in a Class D application, such action may be considered by the Commission in determining whether a licensing action will be taken by the Commission.

### **Section 311. LICENSE QUALIFICATIONS.**

No License shall be issued to any Person if the Applicant:

- A. Is under the age of eighteen (18).
- B. Unless pardoned for activities under this subsection by the Community, or pardoned for activity under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for activities under this subsection by the state or Federal government, has been convicted of, or entered a pleas of guilty or no contest to, any of the following:
  1. Any gambling-related offense;
  2. Any offense involving fraud or misrepresentation;
  3. Any offense involving a violation of any provision of chs. 349 or 349A or any rule promulgated by the State of Minnesota Department of Public Safety, Division of Alcohol and Gambling, or any rule promulgated by the Minnesota Racing Commission;
  4. A felony not addressed in paragraphs a, b, or c; or



5. Any offense involving the violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

C. Has failed to present proof of United States citizenship or legal United States residence for a minimum of five years prior to the date of the license application.

D. Is determined to be a Person whose prior activities, criminal record, reputation, habits, or associations pose a threat to the public interest or to the effective regulation and control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

E. Has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or any rule, regulation or policy of the Community addressing conflicts of interest.

#### **Section 312. BURDEN OF PROOF.**

The burden of proof to establish eligibility to obtain or maintain a License shall be by clear and convincing evidence and the burden must be met by the Applicant or Licensee.

#### **Section 313. AUTHORITY TO CONDITION AND LIMIT LICENSE.**

Every License issued by the Commission shall be conditioned upon the Licensee continuing to remain eligible to hold such License under the requirements of this Ordinance and any special conditions prescribed by the Commission. The Commission reserves the right to impose additional conditions or limitations on any License, which may require the Applicant or Licensee to comply with certain conditions or limitations as a requirement of holding a License. Such conditions or limitations shall be related to the Class of License sought or held and shall be narrowly tailored to address any special regulatory concerns associated with the Applicant or Licensee as revealed by the background investigation, including particular job responsibilities or contractual obligations to be performed by the Applicant or Licensee.

#### **Section 314. CLAIM OF PRIVILEGE.**

At any time during the licensing process, the Applicant may claim any privilege afforded by law. An Applicant's claim of privilege with respect to the production of requested information or documents or the provision of required information, testimony or evidence may constitute grounds for the denial, suspension or revocation of a license or permit.

#### **Section 315. FRAUD ON APPLICATION.**

Any misrepresentation, including by omission, fraud or falsification of information on an application may result in the denial, suspension or revocation of the license and may also result in other sanctions as the Commission deems are appropriate in its discretion.

### **Section 316. INITIAL ELIGIBILITY DETERMINATION.**

- A. The Commission shall make an initial determination regarding an Applicant's eligibility for licensure, based on the results of a preliminary background investigation.
- B. The Commission shall make a final eligibility determination after a complete background investigation and, based on that investigation, either:
1. Grant a temporary license, with or without conditions, to the Applicant; or
  2. Deny the application.
- C. If the Commission determines that an Applicant is ineligible for a License, the Commission shall notify the Applicant in writing, which shall, at a minimum, advise the Applicant of the right to review any information that was discovered during the preliminary background investigation and was relied on by the Commission in reaching its determination. The Commission shall also notify the National Indian Gaming Commission of the final ineligibility determination.

### **Section 317. CLASS C & G LICENSE APPLICATION REPORTS TO NATIONAL INDIAN GAMING COMMISSION.**

- A. The Commission shall provide to the National Indian Gaming Commission a copy of a completed application and Commission investigation report regarding all Class C and G license 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 decided to issue a Class C or G license, 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 the Person 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 318. NIGC LICENSING OBJECTIONS.**

A. If, after an applicant is issued a Class C license, the National Indian Gaming Commission receives reliable information indicating that an employee is not eligible for the license, it will notify the Commission.

B. Upon receipt of notification by the National Indian Gaming Commission as set out in paragraph (A), the Commission shall provide written notice to the Licensee of the NIGC's objection to the licensing decision and shall conduct an inquiry into the NIGC licensing objection, including at the Commission's discretion, conducting a hearing.

C. When the Commission has completed its inquiry into the NIGC licensing objection, the Commission shall make a final written determination regarding the status of the objected-to license and shall provide written notice of its final decision to the Licensee and the National Indian Gaming Commission.

#### **Section 319. TEMPORARY LICENSES.**

Upon receipt of a complete application for a License and the completion of a preliminary background investigation, an applicant may receive a temporary license for a one hundred-twenty (120) day period, unless the Commission determines in its discretion that a background investigation demonstrates grounds for the potential disqualification of the Applicant. A temporary license permits the license holder to engage in activities permitted by the Commission, subject to limitations that the Commission may impose. A temporary license shall be valid until either replaced by a License, the one hundred-twenty (120) day temporary license period has expired, or the temporary license is cancelled by the Commission, whichever occurs first.

#### **Section 320. LICENSE ISSUANCE.**

Any License issued under authority of this Ordinance shall be effective from the date of issuance, which date shall be indicated on the license. In the case of Class C and G Licensees, shall also contain the Licensee's photograph and name. If a Class C or G licensee is promoted, transferred, reassigned or the Licensee's position is reclassified, the Licensee shall notify the Commission in writing, and the Commission shall review the Licensees status to determine whether additional investigation is warranted.

### **Section 321. SUPPLEMENTAL INFORMATION.**

The Commission may, in its discretion, request supplemental information from an applicant or Licensee. Supplemental information requested by the Commission shall be promptly submitted by an applicant and the applicant's failure or refusal to submit supplemental information may constitute grounds for the denial of a license application or the suspension or revocation of a license.

### **Section 322. CONTINUING DUTY TO PROVIDE INFORMATION.**

Applicants and Licensees owe a continuing duty to provide the Commission with information and materials relevant to the Applicant's or licensee's character or fitness to be licensed, including but not limited to any change in the licensee's status in any foreign jurisdiction. An applicant's or Licensee's failure to notify the Commission promptly of inaccuracies on an application or new information or materials that may be relevant to the Applicant or Licensee's status may constitute grounds to deny, suspend or revoke a license.

### **Section 323. LICENSING ACTION IN A FOREIGN JURISDICTION.**

If any state, tribal or other licensing jurisdiction refuses to renew a license or conditions, suspends or revokes a license or permit of an applicant or Licensee, or any interested person who was or ought to have been disclosed in a license application, the Commission may consider that action in determining whether licensing action should be taken by the Commission.

### **Section 324. LICENSE SUSPENSIONS AND REVOCATIONS.**

A. The Commission may suspend, condition or revoke any license issued under this Ordinance if:

1. After the issuance of a License, the Commission receives reliable information indicating that a Licensee is not eligible for a License or such information would justify the denial of the renewal of any License;
2. The Licensee has made a materially false or misleading statement in the Licensee's application, amendment or renewal application or in any submission made to the Commission in support thereof or has provided false or misleading information or documents in connection with any Commission investigation;
3. The Licensee has bribed or attempted to bribe or has received a bribe;
4. The Licensee has falsified any books or records relating to any transaction connected with the operation of the Gaming Enterprise; or
5. The Licensee has been convicted of, or entered a plea of guilty or no contest, to a crime involving the sale or distribution of controlled substances.

B. If the Commission has made a determination under paragraph A, it shall provide written notice to the Licensee that includes the following information:

1. The specific grounds upon which the proposed licensing action is based, including an identification of the relevant facts and the applicable sections of the Ordinance, the IGRA, the Compact or applicable regulations;
2. The Licensee's right to review the file upon which the determination was made and to make copies of any documents contained in that file; and
3. The Licensee's right to request a hearing before the Commission.

C. If, in the judgment of the Commission, the public interest and effective regulation and control of gaming activities requires the immediate removal of a Licensee from the Gaming Facility, the Commission may immediately suspend a License prior to the conduct of a hearing on the matter. Such an immediate suspension may take effect upon service of a Notice of Immediate Suspension which contains the information required by paragraph (B), above.

D. Commission hearings shall be conducted pursuant to the Commission's approved hearing procedures and the Commission shall maintain a complete and accurate record of all licensing proceedings.

E. If a Licensee fails to appear for his or her hearing before the Commission, that right shall be deemed to have been waived and the Commission may proceed on the proposed licensing action by default.

#### **Section 325. EXEMPTIONS.**

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

1. 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 qualified under the laws of the state of Minnesota to conduct such activities, must be conducted in strict compliance with the laws of the state of Minnesota, including the prior notice and authorization requirements of those laws. The Prairie Island Indian Community Gaming Commission is the Community's authorized representative to receive notice of such proposed activities and to grant any authorization or approval required by law.
2. Traditional Indian gaming activities, (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.



3. Non-Gaming Vendors providing less than \$10,000.00 in goods and services annually to the Tribe or the Gaming Enterprise.

B. Class A, B and E Licenses are exempt from license fees.

#### **Section 326. NON-TRANSFERRABILITY.**

Any license issued by the Commission 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 327. RETENTION OF APPLICATIONS.**

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 three years from the date of separation of employment by the licensed employee with the Gaming Enterprise and for three years for Gaming and Non-Gaming Vendors.

#### **Section 328. LICENSE DISPLAY.**

Every Gaming Facility shall display in a prominent place a current and valid Commission license for that location.

### **TITLE IV. COMPLIANCE AND ENFORCEMENT**

#### **Section 400. COMPLIANCE AND ENFORCEMENT DUTIES.**

A. The Compliance and Enforcement Division shall ensure compliance with all audit and financial oversight requirements regarding Gaming revenues, monitor compliance with the IGRA and all regulations promulgated pursuant to the IGRA, this Ordinance and all Commission regulations, including all Community Minimum Internal Control Standards, and the Compacts and to pursue enforcement activities for the failure of any Licensee or other Person subject to the jurisdiction of the Commission for any failure to comply with those laws and regulations, and to perform such other functions as the Commission may assign.

B. Gaming Inspectors shall be assigned to all essential functions of the Gaming Enterprise including, without limit, Gaming Machines, Table Games, Bingo, Pull-tabs, Complimentary Services, Player Development, Cage, Hard Count, Soft Count, Surveillance, Information Services and Technologies, Food and Beverage, and Shipping and Receiving. Gaming Inspectors shall conduct daily observations and provide daily reports for each of these areas and shall conduct random, periodic audits of these areas. Gaming Inspector reports shall be promptly delivered to the Gaming Commission, which shall be responsible for follow-up on any instances of regulatory non-

compliance, pursuant to procedures that are established in regulations promulgated by the Commission. Gaming Inspectors also may make recommendations to the Gaming Commission regarding any independent audit needs.

#### **Section 401. ENFORCEMENT ACTIONS.**

A. Acceptance of a license 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.

B. 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.

C. When infractions of applicable laws or regulations are detected, the Division will document the infraction on the appropriate multiple-part form and submit the form to management for corrective action. If appropriate corrective action is not taken within the deadline established by the Division, 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.

D. If the situation requires immediate action to prevent loss or to maintain the integrity of Gaming, the Commission may take immediate action, and will notify management and the Community Council and document the incident afterwards.

E. The Commission will further implement its compliance and enforcement activities through promulgated regulations.

### **TITLE V SURVEILLANCE**

#### **Section 500. SURVEILLANCE DUTIES AND REPORTING.**

A. The Compliance and Enforcement Division shall act as a liaison to the Casino Surveillance Department and shall be responsible for ensuring that all Gaming surveillance activities, including but not limited to, equipment maintenance, observation and reporting of all persons including but not limited to gaming employees, customers, consultants, and gaming services vendors, observation and reporting of all regulatory incidents to the Commission and Gaming Management, conform to applicable laws, regulations and policies. The Compliance and Enforcement Division shall also coordinate all Commission investigative activities with the Casino Surveillance Department and will perform such other regulatory functions as the Commission may assign.

B. The Casino Surveillance Department shall be within the Casino's organizational structure but shall have a reporting obligation to the Gaming Commission through the Commission's Compliance and Enforcement Division as identified by an organizational chart that will be adopted and approved by Casino Management and the Commission upon adoption of this Ordinance.

#### **Section 501. OPERATIONAL POLICIES REQUIRED.**

A. The Casino Surveillance Department shall develop, implement and maintain written policies and procedures to:

1. Control the conduct and integrity of the Surveillance Department, including policies and procedures for implementing the duties and responsibilities identified in the Prairie Island Indian Community Minimum Internal Control Standards, subject to the approval by the Commission;
2. Govern the use and release of Surveillance recordings and/or reports; and
3. Assist the Gaming Security Department to carry out its official duties and to coordinate its activities in order to effectuate the protection of patrons and the assets of the Gaming Enterprise.

B. The Casino Surveillance Department shall submit its written policies and procedures, and any amendments that may be adopted hereto, to the Commission for review and approval by the Commission.

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

#### **Section 600. 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.

#### **Section 601. 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 to 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.

## **Section 602. 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 CO2 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.

## **Section 603. PROHIBITION ON PAWNBROKING.**

No person may engage in pawn broking or take goods or materials in hock or lend money or engage in similar activity at a Gaming Facility.

## **Section 604. RULES OF PLAY DISPLAYED OR MADE AVAILABLE UPON REQUEST.**

A. The Gaming Enterprise 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.

B. The Gaming Enterprise 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 605. INSPECTION OF BOOKS AND RECORDS.**

Gaming Enterprises and Gaming Facilities are 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.

## **Section 606. PRODUCTION OF EVIDENCE OF LOSS.**

Gaming Enterprises 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 607. 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 608. 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 of 1988 (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 609. 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.