



VIA FIRST CLASS MAIL

September 26, 2018

Mr. Stephen Ward, Esq.
Conner & Winters, LLP
4000 One Williams Center
Tulsa, OK 74172-0148

Re: Sac and Fox Nation Revision to Gaming Ordinance; Resolution No. SF-18-175

Dear Mr. Ward:

This letter responds to your July 19, 2018 request on behalf of the Sac and Fox Nation for the National Indian Gaming Commission Chairman to review and approve an amendment to the Tribe's gaming ordinance.

Resolution Number SF-18-175 revises the Tribe's Gaming Ordinance in entirety. Through this revision, the amended 2008 Gaming Ordinance is revoked, superseded and replaced.

The gaming ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions concerning this letter or the ordinance review process, please contact Suzanne Nunn at (202) 632-7013.

Sincerely,

A handwritten signature in black ink, reading "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman

cc: Business Committee, Sac and Fox Nation, *via facsimile* (918) 968-1142
Rodney Casteel, Executive Director, Sac and Fox Nation Gaming Commission,
via facsimile (405) 273-1372
Elizabeth Lohah Homer, Homer Law Chartered, *via facsimile* (202) 955-5605

SAC AND FOX NATION GAMING ORDINANCE OF 2018

EXHIBIT A.

**Sac and Fox Nation Business Committee Resolution
No. SF-18-175, adopted July 5, 2018**

***Submission to Chairman, National Indian Gaming
Commission, July 19, 2018***



SAC AND FOX NATION

920883 S Hwy. 99 Building A • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

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DATE 07-06-2018

SECRETARY
SAC & FOX NATION

Jacqueline K. King

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SAC AND FOX NATION
CHARLOTTE CARTWRIGHT
COURT CLERK

RESOLUTION SF-18-175

SAC AND FOX NATION

RECESSED SPECIAL BUSINESS COMMITTEE MEETING

SAC AND FOX RESERVATION
STROUD, OKLAHOMA

BY

DEPUTY

JULY 5, 2018

A PUBLIC LAW ADOPTING AND ENACTING THE SAC AND FOX NATION GAMING ORDINANCE OF 2018.

WHEREAS, the Business Committee of the Sac and Fox Nation met in a Recessed Special meeting on the 5th day of July, 2018; there being a quorum present; and

WHEREAS, the Sac and Fox Nation of Oklahoma ("Nation") is a federally recognized Indian tribe organized under its Constitution and Bylaws approved by the Secretary of Interior on October 27, 1937, pursuant to the Oklahoma Indian Welfare Act of 1936; and

WHEREAS, pursuant to Article III of the Constitution of the Nation, a body known as the Business Committee shall have the power to transact business and otherwise act on the Nation's behalf; and

WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (the "IGRA"), requires that tribal governments engaging in Class II and Class III gaming, as defined in such act, adopt a law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indian lands; and

WHEREAS, by P.L. #SF-93-68, the Business Committee first adopted by resolution such a law governing Class II gaming activities on the Nation's lands pursuant to the IGRA, which was later amended by P.L. #SF-95-14, #SF/GC-03-07, P.L. #SF-04-86, and P.L. #SF-04-138; and

WHEREAS, the above referenced resolutions were effectively superseded by the Business Committee's passage of P.L. #SF-09-10, a law governing all Class I, II, and III gaming activities (the "Gaming Ordinance of 2008") on the Nation's lands codified at Title 4 of the Nation's Code of Laws, which was later amended by P.L. #SF-11-14 and P.L. #SF-11-19; and

WHEREAS, the Business Committee finds that a comprehensive revision of the Gaming Ordinance of 2008 is necessary to better govern the procedures and methods to be utilized with regard to the conduct of gaming on the Nation's lands; and

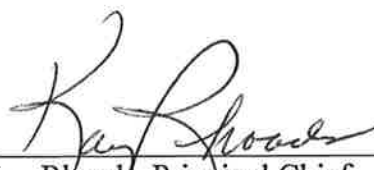
WHEREAS, the Business Committee finds that the attached "Gaming Ordinance of 2018" should be adopted as the Nation's law and codified at Title 4 of the Nation's Code of Laws, and the Gaming Ordinance of 2018 should be submitted to the National Indian Gaming Commission for approval.

NOW, THEREFORE BE IT ENACTED BY the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:

- That:** Upon adoption and enactment of the Gaming Ordinance of 2018 by this Business Committee, it shall be submitted to the Chairman of the NIGC for approval pursuant to 25 U.S.C. §§ 2710(b) and (d); and
- That:** Upon approval of this law by the Chairman of the NIGC as required by federal law, the current Title 4 of the Sac and Fox Code of Law is hereby amended by replacing the existing language in its entirety with the attached Gaming Ordinance of 2018; and
- That:** The Gaming Ordinance of 2018 shall be effective as set forth herein and upon their approval by the Chairman of the NIGC, and such shall be promptly filed in the Office of the Court Clerk of the Nation upon such approval; and
- That:** The Gaming Ordinance of 2018 shall be codified at Title 4 of the Sac and Fox Code of Laws.

CERTIFICATION

WE, Kay Rhoads, Principal Chief, and Jacklyn K. King, Secretary, of the Sac and Fox Nation, do hereby certify **Resolution SF-18-175** to be a true and exact resolution as approved by the Business Committee in a Recessed Special meeting at the Sac and Fox Reservation, Stroud, Oklahoma, on the 5th day of July, 2018, by the vote of: Kay Rhoads-Yes; Audrey R. Lee-Yes; Jacklyn K. King-Absent; Jared A. King-Yes; and Robert E. Williamson-Yes.



Kay Rhoads, Principal Chief
Sac & Fox Nation



Jacklyn K. King, Secretary
Sac and Fox Nation



TITLE 4: SAC AND FOX NATION GAMING ORDINANCE OF 2018

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SAC AND FOX NATION GAMING ORDINANCE OF 2018

Section 1-1. FINDINGS AND DECLARATIONS

(A) The Sac and Fox Nation finds and declares that:

(1) Gaming on the Indian lands of the Sac and Fox Nation provides economic development opportunities and a source of revenue for the Sac and Fox Nation and its political and business subdivisions which is needed to promote a strong tribal government, economic self-sufficiency, employment, job training, and to fund essential social programs and services to its members and other persons associated with the Nation;

(2) The continued growth and success of Indian gaming is dependent upon public confidence and trust that Indian gaming is conducted honestly and is free from criminal and corrupt elements;

(3) Public confidence and trust can only be maintained by strict and fair regulation of all persons, practices, and activities related to the operation of Indian gaming;

(4) It is essential to the health, safety, and general welfare of the citizens of the Sac and Fox Nation that standards and regulations to govern the conduct of gaming activities be established and promulgated;

(5) The Nation has the sole proprietary interest in and responsibility for the conduct of gaming activities on the Indian lands of the Sac and Fox Nation; and

(6) The Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 et seq., recognizes the authority of the Sac and Fox Nation to regulate gaming on the Indian lands of the Sac and Fox Nation.

(B) Therefore, the Business Committee enacts this Ordinance to protect and promote the political integrity, economic security, health, safety, and welfare of the Nation, its members and all persons living in or visiting the Nation.

Section 1-2. REPEAL OF PRIOR ORDINANCE

This Ordinance shall become effective as a replacement for Sac and Fox Gaming Ordinance of 2008, as amended, which was approved by Resolution No. SF-11-14 of the Sac and Fox Nation Business Committee, immediately upon its approval by the Chair of the National Indian Gaming Commission. Upon such approval, this Title shall revoke, supersede, and replace the prior 2008 Gaming Ordinance, as amended, in its entirety. All other laws of the Tribe inconsistent with the provisions of this Title and existing as of the effective date of

this Title are hereby repealed, including all inconsistent laws, codes, ordinances, and resolutions. Repeal by this Title of any law, code, ordinance, or resolution shall not have the effect of reviving any prior law, code, ordinance, Title, or resolution heretofore repealed or suspended by such repealed code.

The Sac and Fox Nation retains continuing authority to amend this Title, or to enact and promulgate additional statutory or regulatory provisions relating to the conduct of gaming within the jurisdiction of the Sac and Fox Nation to protect the public health and safety, provided, that:

(A) Amendment of any provision of this Title shall be effective only if such provision(s) is/are approved by the Chairman of the National Indian Gaming Commission as provided in 25 U.S.C. § 2701 et seq.; and

(B) No subsequent enactment or amendment of any Nation Law, Ordinance, Resolution, or Regulation shall conflict with or be interpreted to conflict with any provision of this Title and/or the regulations issued pursuant thereto unless the same be approved by the Chairman of the NIGC as provided in 25 U.S.C. § 2710.

(C) The regulations of the Commission current on the effective date of this Title may remain in full force and effect for up to fourteen (14) months unless inconsistent with any provision of this Title or earlier superseded by duly adopted regulations pursuant to this Title.

Chapter One—PRELIMINARY PROVISIONS AND DEFINITIONS

Section 1-101. Purpose

This Title governs all Gaming Operations on the Sac and Fox Nation's Indian Lands.

Section 1-102. Jurisdiction

(A) As a sovereign nation, the Nation possesses and exercises its governmental authority, powers, and jurisdiction to the fullest extent permitted under law over all of its Indian country, all gaming activities and Gaming Operations and other activities conducted on its Indian Lands.

(B) The act of entry by any person or entity upon the premises of any Gaming Facility subject to this Title, the act of transacting business with any Tribal governmental instrumentality, agency, component, enterprise, authority, or other Tribal entity subject to this Title, the act of applying or accepting employment with a Gaming Operation, or the act of applying for any license, permit, or registration required by this Title shall constitute consent to the civil and/or, where applicable, criminal jurisdiction of the Nation, including consent to

the jurisdiction of the courts and the governmental bodies and agencies of the Nation with respect to any civil or regulatory matter arising out of such consensual relationship with the Nation.

(C) The act of entry into the jurisdiction of the Nation by an extraterritorial seller or merchant or other person engaged in commerce, or by its/their agent, shall be deemed to be consent by such person or entity to the jurisdiction of the Nation, including the jurisdiction of the courts, governmental bodies, taxing authorities, and other regulatory agencies of the Nation, for any dispute or other matter arising out of such transaction, regardless of where the sale or transaction was made or took place.

(D) All Gaming Operation Patrons, licensees, applicants for such licenses, Management Contractors, and employees of all Gaming Operations, whether permanent or temporary, and whether of Indian or non-Indian blood, descent, or tribal membership, shall be deemed to have voluntarily submitted themselves, or the entities which employ them in the case of Management Contractors, to the jurisdiction of the Nation, the Commission, and courts and to the provisions of this subsection and to the provisions of this Title and to the provisions of any other gaming laws, rules or regulations of the Nation by virtue of such participation in gaming, employment, contracts, licenses, and applications relating to gaming within the jurisdiction of the Nation and the Nation's authority to regulate such gaming.

Section 1-103. Definitions

(A) "Ancillary Activity" means an economic activity owned, operated, or managed by a Gaming Operation to support gaming activities or to provide amenities for Patrons as a means of encouraging or promoting patronage of the Gaming Facility, including, for example, lodging, food and beverage, retail, and other economic activities or operations.

(B) "Business Committee" means the Business Committee of the Sac and Fox Nation as provided in Article III of the Constitution of the Nation.

(C) "Chairperson" means the Chairperson of the Sac and Fox Nation Gaming Commission.

(D) "Class I Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

(E) "Class II Gaming" means Class II Gaming as defined at 25 U.S.C. § 2703(7)(A), and any regulations promulgated thereunder.

(F) "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming.

(G) "Collateral Agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a Management Contract, or to any rights, duties or obligations created between the Nation (or any of its members, subdivisions, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

(H) "Commission" or "Gaming Commission" means the Sac and Fox Nation Gaming Commission, an independent regulatory agency and governmental subdivision of the Sac and Fox Nation established to regulate the Nation's Gaming Operations pursuant to this Title, IGRA, the Compact, and all other Nation and/or federal laws and regulations applicable to the Nation's Gaming Operations.

(I) "Commissioner" means any member of the Gaming Commission.

(J) "Compact" means the Tribal-State compact concerning Class III Gaming approved by Business Committee Resolution No. SF-05-74 (2005) and Oklahoma State Question 712 (2004), as approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d) on June 1, 2005 (70 Fed. Reg. 31,499), and any successor or additional Class III Tribal-State compacts entered into by the Nation and approved pursuant to federal law.

(K) "Complimentary" means a service or item provided to a Patron by a gaming facility or by a third party on behalf of the Gaming Operation at no cost, or at a reduced cost.

(L) "Confidential Information" means all private, confidential, and/or proprietary information of the Nation or any political or business subdivision thereof, including personal information and data regarding licensees, license applicants, Patrons, and vendors, as well as non-public information concerning the Nation's Gaming Operations.

(M) "Person Directly Related to" means a spouse, domestic partner, child, parent, sibling, or any person living in the same household.

(N) "Executive Director" means the regulatory official employed by the Gaming Commission and supervised by the Commission Chairperson to direct the day-to-day affairs of the Commission and to carry out all regulatory functions delegated by the Commission or as otherwise set forth in this Title.

(O) "Firearm" means air guns which are capable of discharging dangerous projectiles or gases, including but not limited to "B.B.'s" or CO2 guns, rifles, shotguns, pistols, or revolvers.

(P) "Gaming Facility" means each location or structure in which authorized gaming is licensed, promoted, performed, conducted, or operated pursuant to this Title.

(Q) "Gaming Financier" means, unless otherwise provided herein or in a compact in effect with the State of Oklahoma, any provider of financing to a Gaming Operation.

(R) "Gaming Operation" means an economic entity of the Nation licensed to manage and operate the Nation's Class II and/or Class III Gaming activities and Ancillary Activities thereto, including: (1) any federally chartered entity of the Nation; (2) any subdivision of the Nation; (3) any economic entity established by the Nation under Nation law; and/or any gaming management contractor, but only when the Management Contract has been properly approved by the Nation and the Chairman of the NIGC.

(S) "Gaming Vendor" means any person or entity that provides gaming or gaming-related goods and services, including, for example, cash-related services, player tracking/rewards systems, accounting software, ticket redemption systems, kiosks, back-of-house software systems, currency processing equipment, or any equipment, device, or service directly or indirectly supporting gaming activities.

(T) "Grievance Committee" means the Grievance Committee of the Sac and Fox Nation.

(U) "Indian Land" or "Indian Lands" means all lands of the Sac and Fox Nation that meet the definition of Indian lands as defined in 25 U.S.C. § 2703(4).

(V) "Key Employee" means:

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

- (a) Bingo caller;
- (b) Counting room supervisor;
- (c) Chief of security;
- (d) Custodian of gaming supplies or cash;
- (e) Floor manager;
- (f) Pit boss;
- (g) Dealer;
- (h) Croupier;
- (i) Approver of credit; or

(j) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) If not otherwise included, any other person whose total cash compensation exceeds \$50,000 per year;

(3) If not otherwise included, the four most highly compensated persons in the Gaming Operation; or

(4) Any other persons designated by the Commission as a key employee.

(W) "Management Contract" means any contract, subcontract, or Collateral Agreement between the Nation or a subdivision of the Nation and a contractor, or between a contractor and a subcontractor if such contract, subcontract, or Collateral Agreement provides for the management of all or part of a gaming facility operated within the Nation.

(X) "Nation," as well as the terms "Tribe" and "Tribal," means the Sac and Fox Nation.

(Y) "Net Revenues" means gross gaming revenues of a Gaming Operation less:

(1) Amounts paid out as, or paid for prizes; and

(2) Total gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees;

(Z) "NIGC" means the National Indian Gaming Commission as established by the Act of October 17, 1988, Pub. L. 100-497, 25 U.S.C. §§ 2701, et. seq.

(AA) "Non-Gaming Vendor" means a vendor who provides services or goods that do not have the ability to impact the integrity of gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers.

(BB) "Patron" means any person who is on the premises of a Gaming Facility, for the purpose of participating in any gaming, promotional, or Ancillary Activity; or, for purposes of a tort claim, means any person who is on-premises for the purpose of playing covered, or Class III, games as provided in the Compact.

(CC) "Per Capita Payment" means a distribution of money or other thing(s) of value to all members of the Nation or to identified groups of members paid directly from the Net Revenues in accordance with the Nation's Revenue Allocation Plan as approved by the Secretary of the Interior.

(DD) "Premises" means all interior and exterior areas of a gaming facility, including parking areas and ancillary structures located on the property.

(EE) "Primary Management Official" means:

(1) The person(s) having management responsibility for a Management Contract;

(2) Any person who has authority:

- (a) To hire and fire employees;
- (b) To set up working policy for a Gaming Operation; or
- (c) The chief financial officer or other person who has financial management responsibility.

(3) Any other person designated by the Commission as a primary management official.

(FF) "Prize Claim" means a Patron's claim arising from: (1) the play of any authorized game of chance; (2) the amount of any prize which has been awarded; (3) the failure to be awarded a prize; (4) or the right to receive a refund or other compensation brought by a Patron against a Gaming Operation pursuant to the Compact and any subsequent revisions or amendments to the Compact.

(GG) "Qualified Gaming Financier" means any Gaming Financier that is: a federally or state-regulated bank, savings and loan, or trust, or other federally or state-regulated lending institution, or other commercial lending institution; any agency of the federal, a state, or a tribal or a local government, a broker-dealer registered under the Securities Exchange Act of 1934, as amended; an investment company registered under the Investment Company Act of 1940, as amended; an investment advisor registered under the Investment Advisors Act of 1940, as amended; or an insurance company registered under any federal or state insurance agency; or any person or entity, including but not limited to, an institutional investor who, alone or in conjunction with others, lends money through publicly or commercially traded bonds or instruments or their assignees or transferees, or which bonds or commercially traded instruments are underwritten by any entity whose shares are publicly traded or which underwriter, at the time of the underwriting, has assets in excess of One Hundred Million Dollars (\$100,000,000.00).

(HH) "Secretary" and "Secretarial" mean the Secretary of the Interior of the United States, or his or her delegees.

(II) "Tort Claim" means a Patron's claim of bodily injury, personal injury, or property damage arising out of, connected with, or relating to the operation of the Nation's Gaming Operation, Gaming Facility, gaming activities, or Ancillary Activities including but not limited to injuries resulting from the entry onto the Nation's land for purposes of patronizing the Gaming Facility.

Section 1-104. Gaming Authorized

(A) Class I, Class II, and Class III Gaming are hereby authorized within the jurisdiction of the Nation.

(B) Class I Gaming shall continue to be exercised and controlled in the traditional manner and shall not be regulated by this Title.

(C) Class II Gaming on Indian lands of the Nation shall continue to be within the jurisdiction of the Nation but shall be subject to the applicable provisions of the Act of October 17, 1988, Pub. L. 100-497, 102 Stat. 2467.

(D) Class III Gaming on Indian lands of the Nation shall continue to be within the jurisdiction of the Nation but shall be subject to the provisions of any Compact which is in effect, or any Secretarial procedures approved by the Secretary of the Interior in lieu of a compact, and applicable provisions of the Act of October 17, 1988, P.L. 100-497, 102 Stat. 2467. In any conflict between this Title and the Compact or Secretarial procedures, the relevant Compact provision(s) or Secretarial procedures shall govern.

Chapter Two—PROVISIONS REQUIRED BY PUBLIC LAW 100-497

Section 2-201. Ownership of Gaming

(A) The Nation shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized by this Title. For purposes of this section, the term "Nation" includes any political and business subdivisions of the Nation, and social or charitable organizations of the Nation.

(B) Privately owned gaming is prohibited within the jurisdiction of the Nation.

Section 2-202. Use of Gaming Revenue

Net revenues from tribal gaming shall be used only for the following purposes:

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

Section 2-203. Per Capita Payments

(A) The Revenue Allocation Plan adopted by Governing Council Resolution No.

SF-GC-96-Q4, approved effective October 1, 1996, in accordance with the United States Department of the Interior's "Guidelines to Govern the Review and Approval of Per Capita Payments" dated December 21, 1992, or any amended and approved Revenue Allocation Plan, shall continue to govern all Per Capita Payments made from net revenues.

(B) If the Nation elects to make per capita payments to Tribal members from revenues derived from its Gaming Operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

(1) The Nation shall authorize and issue such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary under 25 U.S.C. § 2710(b)(3).

(2) The Nation shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved. Per capita payments may be disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person, pursuant to the approved Revenue Allocation Plan.

(3) Tribal members shall be notified of the tax liability for per capita payments when such payments are made and how taxes will be withheld in accordance with the approved revenue allocation plan.

(4) The Nation shall designate or create a Tribal court system, forum, or administrative process for resolution of disputes concerning the allocation of Net Revenues and the distribution of per capita payments and will explain how it will correct deficiencies.

(5) The Nation shall ensure that the effective Tribal revenue allocation plan reserves an adequate portion of Net Revenues from the Tribal Gaming activity to do one or more of the following purposes: fund Tribal government operations or programs; provide for the general welfare of the Tribe or its members; promote Tribal economic development; donate to charitable organizations; or to help fund operations of local government.

(6) The Nation shall ensure that distributions of per capita payments are made according to specific eligibility requirements.

Section 2-204. Independent Audits Required

(A) The Commission shall cause an annual outside independent audit of each Gaming Operation to be conducted and shall submit the resulting audit reports to the Gaming Commission and: (1) the governing body of the audited Gaming Operation; (2) the Business Committee; and (3) the NIGC.

(B) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A of this Section.

Section 2-205. Environment, Public Health, and Safety

(A) Each Gaming Facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public. The Commission, by regulation, shall prescribe standards designed to ensure gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the health and safety of the public.

(B) Each Gaming Operation shall adopt policies and procedures consistent with the Commission's environment, public health and safety regulations and subject to the Commission's review and approval that assure adequate protection of the environment and the public health and safety at all gaming facilities,

(C) The policies and procedures adopted by each Gaming Operation shall establish adequate standards for gaming facilities with regard to:

- (1) Construction;
- (2) Fire prevention, suppression, and alarm systems;
- (3) Emergency preparedness for natural and man-made disasters;
- (4) Food & water quality and safety;
- (5) Environmental and safety hazards relating to construction & maintenance;
- (6) Handling and disposal of hazardous and waste materials;
- (7) Sanitation; and
- (8) Security

Each Gaming Operation shall consult with the professional staff of the Blackhawk Health Center, the Sac and Fox Police Department, and the Sac and Fox Justice Department regarding public health and safety issues mentioned in this Section and take their views into account in the preparation of its policies and procedures.

(D) The Commission shall verify that an inspection of each gaming facility is conducted annually by qualified inspectors and the Commission may compel the inspection

of any gaming facility at such times as it deems necessary. Upon completion, a copy of the inspection reports shall be provided to the Commission.

(E) The Commission may bring any enforcement action necessary to enforce compliance with applicable environment, public health and safety laws, regulations, as well as the policies and procedures issued pursuant to this Section.

(F) The Commission shall take immediate notice of inspection reports indicating conditions that pose a clear and imminent threat: (1) to the environment, which, if uncorrected, could result in actual harm to life or destruction of property; or (2) to human health and well-being, which, if uncorrected, could result in serious illness or death. The Commission may order the immediate closure of all or part of any gaming facility, or such lesser remedy in the event of the presence of a condition creating actual and imminent jeopardy to public health and safety, which order may extend only so long as may be required to abate such condition in the judgment of the Commission.

Section 2-206. Internal Control Standards

(A) The Commission by regulation shall adopt, implement, and enforce Tribal Internal Control Standards ("TICS") to govern the operation of all gaming facilities and gaming activities in accordance with applicable provisions of the Compact and the regulations of the NIGC, with such enhancements and additions as may be useful or necessary to further protect the government of the Nation, the gaming facilities and Ancillary Activities, and the public interest. The Commission shall provide public notice of proposed TICS and other Commission rules prior to formal adoption and afford a reasonable opportunity for the Nation's citizens and other interested persons, including the Nation's Gaming Operations, to provide comments. Any TICS, as adopted by the Commission, shall not become effective until an official copy is filed with the Secretary of the Nation, and also provided to the Attorney General of the Nation.

(B) The TICS shall be compliant with the NIGC's Minimum Internal Control Standards and all applicable standards set forth in the Compact. The Tribal Internal Control Standards so approved shall thereafter govern all Class II and Class III Gaming within the jurisdiction of the Nation, until and unless they are amended by the Commission in the same manner in which they were adopted.

(C) Pursuant to the standards set forth in the TICS and subject to review and approval of the Commission, each Gaming Operation shall adopt and operate in accordance with internal control policies and procedures, setting forth in detail the requisite procedures governing each controlled activity.

Section 2-207. Agent for Service of Process

The Nation hereby designates the Principal Chief as agent for service of process, who may be contacted at:

Office of the Principal Chief
Sac and Fox Nation
920883 S. Highway 99
Stroud, Oklahoma 74079

Section 2-208. Payment of Taxes and Regulatory Fees to the Nation

Each Gaming Facility shall pay all Tribal taxes due, and its fair share of the regulatory fees imposed by law to reimburse the Nation for the cost of regulating gaming within its Indian lands.

Chapter Three—GENERAL PROVISIONS

Section 3-301. Complimentary Items

(A) The issuance, tracking, and reporting of complimentary items in a Gaming Facility shall be governed by the Tribal Internal Control Standards regulations established by the Commission and in accordance with policies and procedures adopted by the Gaming Operation and approved by the Commission.

(B) Complimentary items may be distributed solely for the purpose of inducing patronage of the Gaming Operation. Key Employees, Primary Management Officials, members of the governing body of the Nation's Gaming Operations, Commissioners, employees of the Commission, and elected officials of the Nation, including judicial officers, and their spouses, domestic partners, and household members shall not be eligible to receive complimentary items; provided, however, that food and beverages reasonably and appropriately provided and received in the normal course of business, such as business meetings, seminars, and other business functions are not prohibited by this provision; and provided further, that at public events held at a gaming facility, such as trade fairs, conferences, or similar public activities, free food and beverages and other items offered to all attending members of the general public may be equally offered to, and received by, such persons.

(C) Complimentary Items shall be included in the annual budget for each gaming facility, within maximum limits specified and approved by, the governing body of the Gaming Operation.

Section 3-302. Compliance with Federal Law

In addition to its authority to enforce compliance with this Title and regulations issued hereunder, the Commission is hereby delegated the authority to monitor, enforce, and sanction violations of all federal laws and regulations applicable to the Nation's gaming

activities including, without limitation, the pertinent provisions of Title 25 of the United States Code and the Code of Federal Regulations, Title 26 of the United States Code and the Code of Federal Regulations, and Title 31 of the U.S. Code and Code of Federal Regulations, among others that are or may become applicable.

Section 3-303. Ethical Conduct Respecting Gaming

(A) The Nation recognizes that the duties of the governing body of each Gaming Operation and the Commission include making important and difficult decisions on highly sensitive issues. Accordingly, the Nation has determined that the members of the governing body of each Gaming Operation and the Gaming Commissioners shall be held to extremely high ethical standards. Prior to taking their positions, the Commissioners, governing members of each Gaming Operation, and Primary Management Officials of each Gaming Operation shall agree in writing to support, protect, and defend the Constitution, Charter, and laws of the Nation, to be bound by the principles of the Business Ethics and Conflict of Interest Policy of the Nation, and to refrain from conduct defined as Misconduct in Office by the Code of Laws of the Nation.

(B) The following constitute examples of the principles of the Business Ethics and Conflict of Interest Policy and definitions of Misconduct in Office that are especially applicable in the gaming context:

(1) Neither Commissioners, governing members of a Gaming Operation nor casino managers or employees of a Gaming Operation shall hold financial interests that conflict with the conscientious performance of their respective duties. Per Capita distributions are not considered financial interests that would conflict with the conscientious performance of duty by a tribal member holding any of the positions described in this Section 1-303.

(2) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

(3) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall not solicit or accept any gift or other item of monetary value, including complimentary items or services, from any person or entity seeking official action or inaction from the Commission, a Gaming Operation, or a gaming facility nor doing business with, or conducting activities conducted by the entity, or whose interests may be substantially affected by the performance or nonperformance of the entity's duties except as specifically authorized by law.

(4) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall make no unauthorized commitments or promises of any kind purporting to bind the Nation or any of its

agencies or subordinate entities.

(5) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall not use their positions for private gain.

(6) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall act impartially, in accordance with all relevant laws, and shall not give preferential treatment to any person, nor wrongfully withhold action to which any person is entitled on account of any matter personal to the individual.

(7) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall ensure that the property and assets of gaming facilities are properly segregated and safeguarded, and that such property and assets are not used for unauthorized activities.

(8) Commissioners and casino managers and employees shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

(9) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(10) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards applicable to the individual.

(11) Commissioners, governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall disclose any real or apparent financial or personal conflicts. If there is an actual conflict or the appearance of one, the individual shall not take part in any decision related to the conflict.

(C) The Gaming Commissioners shall determine by regulation whether any additional employees of the Commission, shall be required to be bound by these principles.

(D) In the event of a conflict of interest, the conflicted Commissioner governing members of a Gaming Operation and/or casino managers or employees of a Gaming Operation shall recuse him or herself from the matter. Should the need for recusal arise, the conflicted individual shall so notify the other members of the body in which such person serves in order that an alternate may be selected to carry out the duties of the conflicted individual in relation to the matter.

Section 3-304. Violations

In addition to any other civil and/or criminal acts that may be regulated or prohibited by this Title, other Laws of the Sac and Fox Nation, or applicable federal or state law, the following prohibited activities shall constitute civil violations under this Title and may subject any person or entity to the enforcement authority of the Gaming Commission as provided in this Title.

(A) Gaming license. No person shall operate or conduct Gaming or Ancillary Activities in a Gaming Facility without a gaming license issued by the Commission under this Title.

(B) Falsifying information. No licensee or license applicant shall intentionally omit or provide false information to the Commission, the Nation, or any of its governmental agencies in connection with any document, statement, or proceeding under this Title.

(C) Accounting and Inspection. No management contractor or Primary Management Official shall fail to account fully for all monies received or collected in connection with the Gaming Operation and/or gaming or gaming related activities nor omit the filing of any report required under a management contract, the laws or regulations of the Nation, or pursuant to an order, directive, or inquiry of the Commission. No Gaming Operation nor any manager, employee, or agent of the Gaming Facility shall obstruct or refuse to allow an authorized representative of the NIGC or an authorized Commission official to enter upon the premises of a Gaming Facility to carry out inspections or other regulatory functions nor refuse to provide such officials with any documents, books, records, materials or surveillance recordings requested by such officials.

(D) Age Limit. No person under the age of eighteen (18) shall participate in gaming activities. In the event a person who has not attained the age of eighteen participates in any gaming facility and wins a prize, the prize shall not be awarded, but instead shall be forfeited to the Nation and the consideration wagered shall be returned to the underage participant.

(E) Cheating. No person shall engage in cheating in any gaming activity.

(F) Possession of a Firearm. No person, other than a law enforcement officer duly authorized by the Nation or invited by the Nation to be on the premises or duly authorized security officer, may enter or remain in or on the premises of a Nation Gaming Operation while in possession of a firearm.

(G) Violation of any provision, rule, regulation, or order. No person shall violate any provision of this Title, or any rule, order or regulation that the Commission may promulgate or issue, including any internal control procedure.

(H) Fraudulent scheme or techniques. No person participating in or conducting any gaming activity authorized under this Title shall:

- (1) Use bogus or counterfeit cards or dice, or substitutes, or use any

game cards or dice that have been tampered with, altered, or marked;

(2) Employ or have on one's person any device which may be used to facilitate cheating in a gaming activity;

(3) Use any fraudulent scheme or technique; including the disclosure or receipt of inside information concerning a gaming or promotional activity for the benefit of any person; or

(4) Knowingly cause, aid, abet, or conspire with another person to steal, cheat, or violate any provision of this Title or any regulation adopted under this Title.

(I) Failure to Maintain Suitability. It shall be a substantial violation for any licensee to fail or cease to meet the suitability standard established by this Title.

(J) Fraudulent Conduct. It shall be a substantial violation of this Title for any person or entity to engage in fraudulent conduct, which includes:

(1) Defrauding the Nation, the Gaming Operation, any Ancillary Activity, any Gaming Operation licensee, or any participant in any gaming activity or promotion;

(2) Providing false, misleading, or materially inaccurate information in relation to any official inquiry of the Commission or any license application or vendor registration program established by Gaming Commission;

(3) Claiming, collecting, taking, or attempting to claim, collect or take money or anything of value in or from a Gaming Facility to which one is not entitled; or claiming, collecting, or taking an amount greater than the amount actually won in a game or promotion;

(4) Falsifying, destroying, wrongfully altering, or failing to produce any books, data, records, or other information relating to the Gaming Operation and/or its Ancillary Activities required to be produced under applicable laws or regulations;

(5) Offering or attempting to offer anything of value, to a licensee in an act that is an attempt to induce, or may be perceived as an attempt to induce, the licensee to act in a manner contrary to the official duties of that licensee;

(6) Acceptance by licensee of anything of value with the expectation that the receipt of value is intended, or may be perceived as intended, to induce the licensee to act in a manner contrary to their official duties; and

(7) Entering into any contract or making payment on any contract for the delivery of goods or services to the Gaming Operation, when such contract results in the acquisition of goods or services for less than fair value.

(K) Unlawful conversion of gaming revenue. It shall be a substantial violation of this Title for any person or entity to convert gaming or gaming operation revenues for personal gain or for any purpose not authorized by the Nation, the Gaming Operation, or applicable law.

(L) Failure to comply with regulations. It shall be a violation of this Title for any person or entity subject to the Nation's jurisdiction to:

(1) Handle cash or cash equivalents in a manner inconsistent with the Nation's regulations or the Gaming Operation's internal control procedures;

(2) Carry out the installation of gaming machines in a manner that is inconsistent with Federal and Nation rules and regulations;

(3) Fail to respond to or comply with any lawful order, directive, inquiry, or demand of the Gaming Commission; or

(4) Impede, hinder, delay, interfere, misdirect, misinform, harass, or otherwise obstruct a Commissioner, employee of the Commission, or agent of the Commission in the carrying out of their duties.

(M) Gaming Management, Employees, and other Licensees. It shall be a violation of this Title for any gaming manager, employee, licensee, or other responsible person or official to:

(1) Fail to keep appropriate books and records sufficient to substantiate income and expenses and to verify the propriety of all expenditures and disbursements by any component of the Gaming Operation;

(2) Falsify any books or financial records related to any transaction connected with holding, operating, or conducting Gaming Activity, Gaming Promotions, or Ancillary Activities;

(3) Falsify, destroy, erase, hide, intentionally lose, alter without authorization, or otherwise misrepresent any records, documents, reports, books, data, metadata, or other information relating to a gaming corporation, operation, activity, facility, or the administration or accounting thereof;

(4) Make any unauthorized payments or disbursements related to the operation of Gaming or Ancillary Activities;

(5) Convert for one's personal use any funds, property, or other financial assets of the gaming operation;

(6) Place unlicensed or unauthorized gaming equipment on the gaming floor or permit the play of unauthorized games;

(7) Fail to report any matter so required to be reported to the Commission by this Title; or

(8) Obstruct, impede, hinder, delay, misdirect, misinform, harass, interfere with or otherwise fail to accommodate the request or directive of a Commissioner, employee of the Commission, or agent of the Commission in the carrying out of their duties.

(N) Facility Compliance. The management of each Gaming Facility is responsible for ensuring that all primary management officials and key employees assisting in the operation of any gaming activity comply with this Title, the gaming Compact, and all provisions of any Nation or federal law applicable to the Nation's gaming activities. A violation by any such primary management officials or key employees shall be deemed a violation by management and may subject both the licensee and the Gaming Operation to sanctions.

(O) Discretion of the Gaming Commission. Any person found to be in violation of any of the foregoing by the Gaming Commission may be permanently excluded from the Gaming Facility, have his or her license suspended or revoked, or be subject to such lesser sanction as may be imposed by the Commission pursuant to Section 1-430. The Gaming Commission shall have the discretion to bring an enforcement action against any person or entity whose actions or inactions present an actual or imminent threat or danger to the public health and safety of the facility or its Patrons or to the integrity of gaming. Actions taken by the Commission under this provision shall at all times be reasonable and prudent and the specific grounds for such action must be documented.

Section 3-305. Sovereign Immunity

(A) Nothing contained in this Title shall be construed to be a waiver of the sovereign immunity of the Nation or the Sac and Fox Tribe, Inc., or the officers, employees, agents, or business or political subdivisions thereof (the "Nation"), nor to be a consent to any suit beyond the limits specifically authorized by the laws of the Nation. All such authorizations shall be strictly construed.

(B) Persons who are not employees of the Nation, but who are performing substantial, necessary, or useful services to the Nation on a voluntary basis, who are acting under the supervision, or with the approval of an officer, agent, or employee of the Nation, and who would be immune from suit were the acts in which they were engaged done by any officer, agent or employee of the Nation, shall enjoy the protection of the sovereign immunity of the Nation to the same extent as a paid agent or employee.

Section 3-306. Patron Dispute Resolution by Gaming Operation

(A) All disputes between members of the gaming public and operators or employees of licensed gaming facilities must be promptly and, to the extent practicable, amicably reconciled by an authorized agent of the Gaming Operation or his or her authorized

representative and in accordance with the requirements and limitations established in this Section.

(B) In cases where the dispute cannot be promptly and amicably resolved or settled between an authorized agent and a Patron, the regulations adopted by the Commission and/or applicable internal control standards and procedures approved by the Commission must be followed.

(C) In no event shall the Gaming Operation ever settle a prize claim in a monetary award of an amount in excess of the available prize for the subject gaming activities or promotional prize.

(D) Except in relation to the Gaming Operation up to the limits of its liability insurance policy, no liability of any kind or nature shall ever attach to the property or assets of the Nation as a result of any settlement, award, or judgment in any claim asserted against a Gaming Operation of the Nation. The sovereign immunity of the Nation with respect to lawsuit against its officials, acting in their official capacities, is expressly reserved in any and all instances.

(E) The Commission shall verify that a brochure containing the procedures for the filing of prize and tort claims in accordance with this section is prepared by casino management and conspicuously posted at the cage and other appropriate areas of the casino at all times.

(F) Each gaming facility shall secure and maintain public liability insurance with liability limits not less than the amount required by regulation of the Commission and/or, where applicable, the Compact, for the express purposes of covering and satisfying Patron tort claims against that facility. This requirement for the maintenance of public liability insurance shall in no way be construed as a waiver of the Nation's sovereign immunity from suit or that of any of its entities or instrumentalities, including any agent, official or employee, provided that the insurer shall not assert the Nation's' sovereign immunity to avoid litigation or defeat any legitimate claim up to the limits of the policy.

(G) The Gaming Operation shall create and maintain a permanent record of all Patron disputes, including the name of the Patron; the date time, and location where the dispute arose; the name and badge number of the management official that settled the dispute, and the result of any settlement, including the amount.

(H) The Gaming Operation shall notify the Commission within forty-eight (48) hours of the lodging of a Patron dispute. Any related settlement shall also be communicated to the Commission within forty-eight (48) hours.

Section 3-307. Prize Claims

(A) In the event of a dispute between a Patron and the Gaming Facility regarding the payment of a wager; distribution of winnings; or award of a promotional prize, the Patron may make a claim against the Gaming Operation by filing a written prize claim notice with the Gaming Operation within ten (10) days of the event which is the basis of the prize claim. Failure to file the prize claim within such 10-day period shall forever bar such prize claim.

(B) The written notice of the prize claim shall state, at a minimum, the following information:

- (1) Time;
- (2) Date;
- (3) Place;
- (4) Circumstances of the claim;
- (5) Identity of tribal or gaming employees, and witnesses, as applicable;
- (6) Amount of the relief demanded; and
- (7) The name, address, and telephone number of the claimant.

(C) If the Gaming Operation denies the prize claim, the claimant shall have forty-eight (48) hours from the date the claim was denied to file the prize claim with the Commission. Failure to file the prize claim during such 48-hour period shall forever bar such prize claim.

(D) Upon receipt of the prize claim notice, the Commission shall promptly review, investigate, and make a determination regarding the prize claim based on the claimant's written submission. Alternatively, the Commission may conduct a hearing and receive evidence with regard to such claim if it deems an evidentiary proceeding useful in the resolution of the prize claim. If a hearing is granted and the Patron having been given with notice of the hearing fails to appear without notice and good cause the Commission may dismiss such claim by default.

(E) Any portion of the prize claim which remains unresolved after thirty (30) days from the date of filing with the Commission shall be deemed denied if the Commission fails to notify the claimant in writing of its approval within such 30-day period.

(F) To appeal the Commission's decision, the claimant must file an appeal with the District Court of the Nation not later than thirty (30) days after the Commission's decision or constructive denial.

(G) In no event shall a prize claim ever result in a monetary award of an amount in excess of the available prize for the subject gaming activities or promotional prize.

(H) The Commission is hereby authorized to promulgate regulations consistent with the provisions set forth in this Section and the Compact to further clarify the requisite procedures for the filing and disposition of prize claims.

Section 3-308. Tort Claims

(A) Any Patron having a claim against the Gaming Operation for personal injury or property damage must present that claim to the Gaming Operation on the date of the alleged incident and prior to leaving the gaming facility premises. If, due to the circumstances, the Patron is unable to file such claim on the date of the alleged incident, the Patron or the Patron's representative must file the claim within ninety (90) days of the date of the alleged injury or damage. In the event a claim is not filed within ninety (90) days after the date of the alleged injury or damage, but within one (1) year, any judgment arising from the act which is the subject of the claim shall be reduced by ten percent (10%).

(B) The Gaming Operation shall forward the Commission the notice of tort claim within forty-eight (48) hours of its receipt by the Gaming Operation. If the Patron or the Patron's representative should file the notice with the Commission, the Commission shall forward the notice of claim to the Gaming Operation within forty-eight (48) hours of its receipt.

(C) The tort claim notice shall state the following:

- (1) Date;
- (2) Time;
- (3) Place;
- (4) Circumstances of the claim;
- (5) The identities of tribal or gaming employees, and witnesses, as applicable;
- (6) The amount of compensation or other relief demanded;
- (7) The name, address, and telephone number of the claimant; and
- (8) The name, address, and telephone number of any representative authorized to settle the claim.

(D) The Gaming Operation shall promptly review, investigate, and make a determination regarding the tort claim within ninety (90) days from the filing date. Failure to notify the claimant of a decision within the specified ninety-day (90-day) period shall be deemed a denial of the claim.

(E) To appeal the Gaming Operation's decision, the claimant must file an appeal with the District Court of the Nation not later than thirty (30) days after the Gaming Operation's decision or constructive denial.

(F) The District Court of the Nation shall have exclusive jurisdiction to adjudicate a claim by a gaming Patron for personal injury or property damage provided for herein, but only if:

- (1) The purported injury occurred on the premises of a gaming facility licensed under this Title;
- (2) The claimant has filed a timely and valid tort claim notice as provided herein;
- (3) The claimant has followed all required procedures pursuant to the Nation's laws, including the pertinent terms of any Compact relating to tort claims;
- (4) The Gaming Operation has denied the claim; and
- (5) The claimant has filed an appeal with the District Court of the Nation no later than on the thirtieth (30th) day after the date on which the claim was denied by the Gaming Operation.

(G) Failure to file a tort claim notice within one (1) year of the date of the alleged injury or damage shall deprive the District Court of the Nation of jurisdiction over the matter and forever bar such tort claim against the Gaming Operation.

(H) The Nation's laws shall govern every tort claim brought pursuant to this Title, provided that the District Court of the Nation may assimilate and apply the laws of the State of Oklahoma in adjudicating tort claims. Such assimilation and application of the laws of the State of Oklahoma by the District Court of the Nation shall under no circumstances be construed as conferring any jurisdiction or authority on the State of Oklahoma or any department, agency, or subdivision of the State of Oklahoma.

(I) The maximum amount of damages payable for any tort claim for personal injury or property damage shall be limited to liability insurance coverage maintained by the Gaming Operation which shall, at a minimum, be consistent with any applicable requirements under the Compact in effect at the time the claim was filed.

(J) Nothing in this Section shall be construed to diminish or deprive the Commission of authority to independently investigate the circumstances pertaining to any alleged tort claim for purposes of carrying out the Commission's regulatory duties or functions.

Section 3-309. Right of Appeal & Finality of Decisions

The parties to an authorized judicial proceeding before the District Court of the Nation in which a prize claim or tort claim is in dispute shall have the right to appeal to the Supreme Court of the Nation as provided by law. A decision of the Sac and Fox District Court that is not appealed, or a decision of the Supreme Court of the Nation shall be final and not subject to further appeal.

Chapter Four—GAMING COMMISSIONER POWERS & DUTIES

Section 4-401. Gaming Commission

(A) The Commission, having been previously established under prior Nation law, is hereby re-confirmed as the independent gaming regulatory body of the Nation charged with regulating the Nation's Gaming Operations. The Commission shall have full and complete jurisdiction over all gaming matters arising under this Title, the Compact, and all other laws and regulations applicable to the Nation's Gaming and Ancillary Activities and shall have independent authority to regulate and supervise all Gaming, Promotional, and Ancillary Activities and to administer the provisions of this Title.

(B) The Commission shall consist of three members, at least two of whom must be enrolled members of the Sac and Fox Nation. There shall be among them a Chairperson, Vice Chairperson, and at least one additional Commissioner. Each member serving on the Commission on the effective date of this title shall serve the remainder of his or her current

term.

(C) The Commission shall employ an individual to serve as Executive Director of the Commission to administer the responsibilities of the Commission and to direct and oversee the Commission's staff.

(D) The purpose of the Gaming Commission is regulatory, not managerial, but it shall have full authority to review the actions and decision of the Gaming Operations, including its Gaming and Ancillary Activities to verify compliance with all applicable tribal, federal, and, if applicable by Compact, and applicable state laws and regulations.

(E) The Commission will serve as the licensing authority for individuals employed in the Gaming Operation and will administer background investigations as part of the licensing process. The Executive Director shall be authorized to make eligibility determinations pursuant to Section 1-516 and grant or deny applications for new and renewal licenses.

(F) The Commission will serve as the licensing and regulatory authority in relation to Ancillary Activities operated by the Gaming Operation and may by regulation establish an alternate licensing or permit program for employees of Ancillary Activities and may establish a regulatory framework for the conduct of such Ancillary Activities.

(G) The Commission will monitor and enforce compliance with the internal controls for the Gaming Operation, including, but not limited to, activities involving the tracking of Gaming Revenues and revenue from Ancillary Activities. The Gaming Commission will also monitor all Gaming Operations through clandestine surveillance of all areas of each Gaming Facility and will administer and supervise the surveillance function, provided that the funds generated by the Gaming Operations shall cover the cost of the surveillance function, as determined by the Business Committee.

(H) In order to carry out its regulatory duties, the Commission shall have immediate, unrestricted, and unfettered access to all areas of the Gaming Facility and all areas where Ancillary Activities are conducted, including accounting, information technology, storage, and administrative support areas, as well as unfettered access to all meetings of the governing body of the Gaming Operation, including meetings conducted in executive session, and records of the Gaming Operation wherever conducted or maintained, which it may exercise directly or through such agents or employees as determined by the Commission.

(I) The Commission shall have authority to take enforcement actions, including issuing notices of violation, closure orders, civil fine assessments, orders to compel, orders to cure, settlement agreements in lieu of enforcement actions, reopen orders, preopening agreements, and suspending or revoking any gaming license when appropriate; as well as the authority to order any licensee to appear and show cause before the Commission for violations or suspected violations of applicable laws or regulations.

(J) The Nation recognizes the importance of an independent Gaming Commission in maintaining a well-regulated Gaming Operation. The Commission shall be and shall act independently and autonomously from the Business Committee and Governing Council, in all

matters within its purview. No prior or subsequent review by the Business Committee or the Governing Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Title. To avoid potential conflicts of interest between the operation and regulation of the Gaming Facility, the Nation hereby finds that, at a minimum:

(1) No elected officer of the Sac and Fox Nation, any member of the Business Committee, Judges or Justices of the Nation's courts, Attorney General, Board members or employees of Sac and Fox Tribe, Inc., Sauk Business Enterprises members, employees of any of the Nation's gaming facilities, gaming contractors (including any principal of a management or other contracting company), persons ineligible to be key employees or primary management officials, or any person who has management responsibilities for any Gaming Operation may serve on the Gaming Commission;

(2) No member directly related to any Business Committee member, Judges, or Justices of the Nation's courts, Attorney General, Board members or employees of Sac and Fox Tribe, Inc., or Sauk Business Enterprises member may serve on the Commission;

(3) All persons employed by, or who are members of the Commission are prohibited from gambling in any of the Nation's Gaming Facilities; and

(K) Vacancies in the Commission membership shall be filled through appointment by the Principal Chief subject to confirmation by the Business Committee. If a vacancy occurs for any reason during an appointed term by any member of the Commission, the Principal Chief shall, upon recommendation from the remaining Commissioners, make a temporary appointment for the remainder of that term, provided that during the pendency of any vacancy or if a member is recused from hearing any matter properly before the Commission, the Commission may appoint a qualified individual to serve as Commissioner on a pro tem basis until such matter is concluded. The following categories of persons shall be deemed qualified to serve as Commissioner Pro Tem for purposes of this Section:

(1) Former Commissioners that left the Commission in good standing;

(2) An attorney actively licensed or admitted to practice law in the courts of the Nation; or in any state or tribal court; or in any district or territory of the United States, provided that such attorney's license or admission is in good standing;

(3) A retired judge or magistrate from any Nation, state, or federal court;
and

(4) A sitting member of any tribal gaming commission.

(L) Nominees for positions of Commissioner must satisfy the eligibility standards set forth for key employees and primary management officials, found in Section 1-516 et seq. of this Title. Such background investigations shall be performed by licensing officials of the Commission applying the eligibility standard as set forth in this Title.

(M) In addition to such other powers as conferred it by this Title, the Commission and/or its staff as appropriate shall have authority to:

- (1) Conduct or cause background investigations to be conducted on, at a minimum, Primary Management Officials and Key Employees;
- (2) Review and approve all investigative work conducted;
- (3) Report notice of results of background investigations to the NIGC;
- (4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
- (5) Make licensing eligibility determinations, which shall be signed by the Executive Director;
- (6) Issue gaming licenses to management officials and employees of the operations, consistent with the Executive Director's eligibility determination;
- (7) Deny any license application for cause and to revoke, cancel, condition, or suspend for cause any license, permit, or registration issued by the Commission;
- (8) Conduct all hearings pertaining to adverse licensing actions and civil violations of this Title, the IGRA, Compact, or other laws and regulations applicable to the Nation's Gaming and Ancillary Activities;
- (9) Establish standards for licensing the Nation's Gaming Facilities within the jurisdiction of the Commission;
- (10) Issue facility gaming licenses to the Nation's Gaming Facilities within the jurisdiction of the Commission;
- (11) Inspect, examine and monitor all gaming, promotional, and ancillary activities through surveillance, compliance and internal audit activities, approve the rules of various games, and authorize and inspect games, tables, equipment, machines, cards, dice, and chips or tokens and other paraphernalia used in all Gaming Operations to ensure compliance with applicable law;
- (12) Temporarily impound gaming equipment for investigation or analysis and shut down gaming equipment failing to conform to the standards required under laws and regulations applicable to the Gaming Operation;
- (13) Inspect, examine, and monitor the handling of all cash, cash equivalents, and cash transaction and accounting systems, and to have immediate access to review, inspect, examine, photocopy and audit all records of any Gaming and Ancillary Activities of a Gaming Operation;

(14) Ensure that all revenues and expenses of the Gaming Operation are properly assigned and disbursed in a manner consistent with Tribal and applicable federal law;

(15) Ensure compliance with all applicable laws, rules, and regulations applicable to the Nation's Gaming and Ancillary Activities, including those of the Nation and the United States as well as all compact provisions and all other applicable laws, regulations, and the terms of the Compact;

(16) Investigate any suspected wrongdoing associated with the Nation's Gaming Operations, including Gaming and Ancillary Activities and, where criminal wrongdoing is suspected or identified, report such activities to appropriate law enforcement agencies;

(17) Conduct hearings on Patron complaints and prize claims, in compliance with procedures adopted by the Commission by regulation;

(18) Comply with all reporting requirements under the IGRA, the Compact, and all other applicable laws and regulations;

(19) Promulgate and issue regulations establishing internal control standards applicable to all of the Nation's Gaming Operations and monitor and enforce compliance with such standards by all Gaming Operations within the jurisdiction of the Sac and Fox Nation, provided that all such regulations must meet or exceed the Minimum Internal Control standards promulgated by the NIGC.

(20) Review, approve, and audit operational procedures governing the Gaming Activities, Promotions, and Ancillary Activities of the Gaming Operation, including security, accounting, game rules, cash control, game procedures, and other matters, all of which, following approval, will have the force of law pursuant to this Title;

(21) Promulgate and issue regulations on the levying of fees necessary to defray the expenses of gaming license applications;

(22) Promulgate and issue regulations on the levying of civil fines or forfeitures respecting any person who violates applicable gaming law and regulations within the jurisdiction of the Sac and Fox Nation, and/or suspension or revocation of gaming licenses for violations of the gaming laws, rules, or any other applicable gaming law or regulations from state or federal jurisdictions; provided, that said regulations may not authorize the levy of a civil fine in excess of the amount which the NIGC is authorized to levy by statute;

(23) To issue orders of exclusion and maintain a list of persons not allowed to enter the premises of the Nation's gaming facilities to maintain the integrity of the gaming and/or ensure the public health and safety of Patrons and employees;

(24) Establish a list of persons who have voluntarily asked to be excluded from the Nation's gaming facilities and create regulations for enforcing this exclusion;

(25) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of tribal, federal, or state applicable laws, statutes, regulations, or resolutions as well as exchange information with other gaming regulatory agencies;

(26) To delegate the Commissions duties, responsibilities and functions as appropriate to the Commission's Executive Director, who shall be authorized to further delegate such duties, responsibilities, and functions to Commission staff.

(27) Select and retain professional services, including legal counsel, to assist in any of the issues over which the Commission exercises jurisdiction;

(28) Establish such video and audio surveillance standards as may be necessary, and conduct or approve such video and audio surveillance of gaming facilities as may be necessary to provide security and to enforce the standards applicable to gaming within the jurisdiction of the Nation;

(29) Review and approve the rules of gaming and marketing promotions;

(30) To classify and license Class I, II, and III gaming activities consistent with IGRA;

(31) To adopt an operating budget for the Commission, which shall set forth monthly expenditures, and submit such budget annually to the Business Committee for approval;

(32) Develop and administer forms as necessary to carry out the provisions of this Title;

(33) Perform such other duties the Commission deems appropriate for the proper regulation of the tribal Gaming Operations within the jurisdiction of the Nation;

(34) Promulgate regulations and guidelines as it deems appropriate to implement the provisions of this law.

(N) The Commission shall ensure that all records and information obtained as a result of an employee background investigation remains confidential and limited to only those persons who have a legitimate work-related need to access the information. This confidentiality provision does not apply to requests for such information or records from any tribal, federal or state law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.

(O) Gaming Commissioners shall serve a term of four (4) years. Each

Commissioner may continue to serve beyond the expiration of his or her term until the successor to such Commissioner has been appointed and confirmed.

(P) No person with a felony conviction for an offense an element of which involves dishonesty or violence may be considered for appointment to the Commission.

(Q) The independence of the Commission is essential to a well-regulated Gaming Operation. For that reason, Commissioners may only be removed from office by the Business Committee prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, misfeasance, or other acts that would render a Commissioner unqualified for his/her position.

(R) Any allegations of neglect of duty, misconduct, malfeasance, misfeasance, or other acts that would render a Commissioner unqualified for his/her position must be substantiated by a preponderance of the evidence.

(S) Any Commissioner subject to removal hereunder shall be given notice in writing of the specific grounds for a pending removal and an opportunity at a hearing before the Business Committee, which hearing shall be held not less than thirty (30) days after the Commissioner's receipt of the Notice of Removal hereunder, to appear and present evidence rebutting the grounds for his or her removal. Notice required hereunder may be made by personal service or by certified mail with return receipt requested.

(T) While a removal proceeding is underway pursuant to this section, the Business Committee may, in its discretion, order immediate suspension, pending a final determination concerning removal of a Commissioner who is subject to such proceeding.

(U) A final determination of the Business Committee removing a Commissioner shall be subject to review by the Nation's courts solely with respect to errors of law, and all findings of fact made by the Business Committee may be overturned only if clearly erroneous.

(V) A majority of the Commission shall constitute a quorum. A quorum shall be required for a final determination by the Commission. The Commission may act in its official capacity even if there is an absence.

(W) Gaming Commissioners shall be compensated at a level determined by the Business Committee, provided that once established, compensation shall not be reduced during a Commissioner's term. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

(X) Commissioners shall be reimbursed from Commission budgeted funds for all necessary and reasonable travel and other reasonable and necessary expenses which may be incurred by them from time to time, in accordance with tribal policies and procedures as may be in effect from time to time for the Nation generally.

Section 4-402. Buildings and Equipment

All Gaming Facilities shall, at no cost to the Commission or Nation, provide adequate workspace for Commission staff commensurate with the size of the facility. The Commission will use such buildings and equipment in the performance of its duties and responsibilities as may be authorized by the Business Committee. The Commission shall present its equipment needs in its budget.

Section 4-403. Personnel

(A) The Commission is hereby authorized to hire, fire, promote, demote, suspend, direct, supervise, train, manage, and appropriately delegate responsibilities and duties to such supervisory employees, accountants, investigators, secretaries, clerks, directors, administrators and other necessary personnel needed by the Commission to perform its duties and responsibilities.

(B) The Commission shall employ an Executive Director, to direct the day-to day affairs of the Commission; carry out regulatory duties, functions, and responsibilities; and supervise the Commission staff. The Executive Director will report directly to the Commission's Chairperson.

(C) The Executive Director shall have the power, in the name of the Commission, to make eligibility determinations, grant and deny licenses, conduct any investigation or inquiry, issue citations, compel the production of any information or documents, or otherwise exercise the licensing, investigatory and enforcement powers of the Commission, which the Commission may exercise under this Title.

(D) All Commission employees, and all matters relating to the hiring, promotion, discipline, and discharge of such employees shall be subject to the provisions of the Nation's Personnel Manual and in accord with the Commission's approved budget, and any amendments thereto.

(E) Any license applicant, licensee, person, or entity aggrieved by an action or decision of the Executive Director may appeal such action or decision to the full Commission, which may sustain, set-aside, remand, or take such other action as the Commission deems appropriate under the circumstances.

Section 4-404. Reasonable Assistance

The Commission may seek from, and shall render to, any department or agency of the Nation's government, cooperating agencies of the federal government including the National Indian Gaming Commission, any state or municipality, any foreign state or law enforcement agency, other tribal or state gaming regulatory bodies or law enforcement agencies, all reasonable, necessary, and lawful assistance that may be required or allowed

by law to protect the public, enforce the laws, and secure the integrity of the gaming industry.

Section 4-405. Enforcement Authority

(A) In the performance of its duties and responsibilities, the Commission shall exercise due diligence and professional judgment in all legal and enforcement matters arising before it for decision and may seek the advice of or be represented by its legal counsel. It may also seek advice from the Business Committee, and/or any other offices or agents of the Nation before making important decisions, if appropriate.

(B) The Commission shall bring or defend any lawful action in any court or before any agency or tribunal in order to enforce subpoenas, civil fines, civil penalties, or other lawful orders issued by the Commission, and defend the Commission, its officers, agents, and employees in the due execution of their authority.

(C) In both its administrative operations and hearings, and in legal actions brought by or against it, the Commission is authorized to compromise and settle any claims or matters relevant to its duties when such compromise or settlement is consistent with the purposes of this Title and the effective regulation of the Nation's Gaming Operations.

Section 4-406. License Fee Schedule

The Commission shall establish a schedule of fees to be paid by each proponent or applicant for a gaming license to assist in covering its expenses in investigating and licensing gaming facilities, all employees of a Gaming Facility, vendors, management contractors, and others who are required to be licensed to participate in gaming within the Sac and Fox Nation.

Section 4-407. Reporting Requirements

The Commission shall:

(A) Ensure that all Gaming Operations and facilities are current in their reports and payments due to the National Indian Gaming Commission under federal law; and

(B) Ensure that all Gaming Operations and facilities are current in any reports and payments required by a Compact which is in effect; and

(C) Ensure that all Gaming Operations and facilities are current in any reports and payments required by the laws of the Sac and Fox Nation; and

(D) Ensure that all Gaming Operations and facilities are current in any reports and payments that may be required by the Internal Revenue Service, the United States Department of Justice, or any other department or agency of the United States; and

(E) Provide written annual reports to the Business Committee and Governing Council on the status of the Nation's Gaming Operations no later than June 1st of each calendar year.

Section 4-408. Record Keeping System

(A) Each Gaming Operation shall keep and maintain sufficient books and records to substantiate the receipts, expenses, and uses of revenues relating to the conduct of Gaming and Ancillary Activities.

(B) All books and records relating to the gaming and Ancillary activities, including the records of any Primary Management Official, the Nation, and the Commission, must be maintained separately from each other to facilitate auditing of these books and records to ensure compliance with applicable gaming laws and regulations.

(C) All records shall be maintained for a period of five (5) years pursuant to generally accepted accounting principles and shall be suitable for audit pursuant to the standards of the American Institute of Certified Public Accountant (AICPA).

(D) The Commission shall establish a complete record keeping system and procedures necessary to ensure efficient record keeping and secure administrative control of the record keeping system. At a minimum, this record keeping system will:

(1) Maintain all records concerning licenses issued, persons denied licenses, persons prohibited from engaging in gaming activities, persons who have voluntarily requested that they not be allowed to participate in gaming within the Nation's jurisdiction, and all other official activities of the Gaming Commission.

(2) Upon request, furnish such information as may be in its possession to the Principal Chief, the Business Committee, the Governing Council, or any relevant committee or department thereof, concerning: (1) proposed management contracts and the principals of any entity proposing such management contract; (2) proposed gaming sites or locations; or, (3) transactions for the purchase or lease of gaming machines, equipment, supplies, and the manufacturers and/or suppliers thereof.

(3) Maintain an administrative record for actions taken by the Commission.

(4) Provide adequate safeguards to protect confidential information and guard against its disclosure other than as may be authorized or required by law.

(5) Unless otherwise specified in this Title, the record retention period for Commission records shall be five (5) years.

Section 4-409. Reporting NIGC Actions

The Commission shall immediately advise the Business Committee and the Attorney General when any actions of the NIGC may adversely affect the Nation, its Gaming Operations, or any Gaming Facility licensed by the Nation.

Section 4-410. Auditing Insurance Compliance

The Commission shall monitor the bonding and insurance coverage of all gaming facilities to insure that the Nation is a named insured against property losses including buildings and equipment owned, rented or leased by the Nation which are used by any Gaming Operation; against statutory, common law, and constitutional tort claims, and against such claims which may arise pursuant to a Compact which is in effect; against thefts and burglaries involving property or funds, misapplications or misappropriations of property or funds by agents, servants or employees of the Gaming Facility (including any management contractor), and against any other peril or hazard which the Commission may direct, including, but not limited to, fidelity and fiduciary bonds or insurance covering the employees of Gaming Operations, as is determined to be prudent and necessary.

Subchapter A—ADMINISTRATIVE HEARINGS

Section 4-421. Authority to Conduct Hearings

The Commission is hereby authorized to issue subpoenas, take testimony, administer oaths, and conduct hearings on all regulatory matters, including matters related to the licensing of Key Employees, Primary Management Officials, and others as provided in this Title. The Commission shall exercise appellate jurisdiction over all actions and decisions of the Executive Director and/or subordinate staff decision-makers. The conduct of Commission Hearings shall be according to the rules and regulations promulgated by the Gaming Commission.

Subchapter B—ENFORCEMENT – CIVIL FINES AND PENALTIES

Section 4-431. Enforcement Actions

(A) The Commission may take any or a combination of the following actions with respect to any person or entity who violates any provision of this Title:

(1) Impose civil fines and civil penalties for each separate material violation of the provisions of the gaming laws of the Nation, upon any licensee or employee of a Gaming Operation, upon any management contractor or employee thereof, or upon any applicant for such a license or contract, or other person involved in any way with a Gaming Operation or Gaming Facility;

(2) Suspend, deny, condition, or revoke any gaming or gaming-related license and de-register any registered vendor;

(3) Temporarily or permanently exclude, bar, or deny admission from or to the Gaming Facility, provided that the sanction shall be commensurate with the seriousness of the violation; and/or

(4) Issue, as appropriate, orders to cease and desist, compel, cure, or such other orders as may be appropriate under the circumstances.

(B) In determining whether to levy an administrative fine and the amount of the fine, a standard of reasonableness shall apply, taking into consideration the seriousness of the violation, history of violations, and amount of financial gain, if any, as a result of the violation. The Commission may establish by regulation a schedule of minimum and maximum civil fines or civil penalties to be imposed for particular violations.

(C) Licensees shall be prohibited from seeking indemnification by the Gaming Operation or the Nation for any action in which they have been adjudged to be liable for malfeasance, misfeasance, or misconduct; accused and/or convicted of a violation of criminal law; or a party to an enforcement action or proceeding commenced by the Commission that resulted in a fine or sanction for violation of applicable gaming laws and/or regulations.

Section 4-432. Citations to be Issued

(A) The Executive Director shall be authorized to issue written citations notifying an individual or entity of the Commission's preliminary decision to commence an enforcement action pursuant to Section 1-430 of this Ordinance.

(B) Prior to the Commission's proposed enforcement action becoming final, every individual or entity to whom a citation is issued shall have the right to a hearing before the Commissioners, unless the individual or entity voluntarily waives the right to a hearing or has been deemed in default for failure to appear at the date, time, and place set for the hearing.

(C) Commission decisions entered by default due to an individual's failure to appear shall be deemed final and not subject to further appeal, provided, that upon timely petition of the subject of a default action or decision, the Commissioners in their sole discretion vacate a default action or decision upon good cause shown.

Section 4-433. Right to a Hearing

(A) The Commissioners shall afford an applicant an opportunity for a hearing prior to any final action by the Commission denying an application for licensure or license renewal, provided that no applicant for a gaming license shall be permitted to be employed by the Gaming Operation where a preliminary denial of the application is pending.

(B) The Commissioners shall afford a licensee subject to a preliminary notice of order of revocation an opportunity for a hearing prior to any final action by the Commission revoking a license, provided that no licensee subject to a proposed order of license revocation shall be permitted to be work in the Gaming Operation while a proposed order of revocation is pending.

(C) No action of the Commission to impose an enforcement action pursuant to Section 1-430 shall become final unless the person affected is given notice of the proposed action and the opportunity to appear and be heard before the Commissioners, either in person or through a representative or legal counsel, and to submit such evidence as the Commissioners deem relevant to the matter at issue; provided, that in the event of the presence of a condition creating actual and imminent jeopardy to the integrity of gaming, the security of the Nation's assets, or the health and safety of the public, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person or entity as soon as it is reasonably practicable following such action.

(D) All hearings will be conducted by the Commissioners in accordance with this Title and such rules and regulations as may be promulgated by the Commission.

(E) The Commissioners shall determine by a preponderance of the evidence presented at such hearings whether the proposed licensing action, civil fine, or civil penalty should be assessed, which determination shall constitute a final action of the Commission.

(F) Any person or entity aggrieved by a final action of the Commission other than licensing actions or decisions may file a petition for appeal with the District Court of the Nation, provided that such appeal is filed within thirty (30) days from the date the Commission notified the subject of its final action. Failure to timely file an appeal with the District Court of the Nation shall deprive the court of jurisdiction over the matter and the action or decision of the Commission shall be final and not subject to further judicial review.

(G) Upon hearing of the appeal, the District Court of the Nation shall give deference to the administrative expertise of the Commission. The District Court of the Nation shall not set aside, modify, or remand any final action or decision of the Commission unless it finds such action or decision to be arbitrary and capricious; unsupported by a preponderance of the evidence; or contrary to law.

(H) The Supreme Court of the Nation shall have appellate jurisdiction over decisions of the District Court of the Nation as provided by law and in accordance with its rules, deadlines, and fees.

Section 4-434. Civil Fine and Penalties Are Debts

All such civil fines and civil penalties which have become final shall be deemed to constitute a lawful indebtedness of the offender to the Nation, which debt may be sued upon and recovered in any proper form of action in the name of the Commission in either the

Nation's Court or any other court of competent jurisdiction.

Section 4-435. Record of Final Assessments

The Commission shall keep a continuing record of all civil fines and civil penalties owing to the Nation and shall include a summary thereof in its annual report. The Commission may recommend charge offs of such civil fines and civil penalties which, in the judgment of the Commission, are uncollectible, and upon formal resolution of the Business Committee these fines may be charged off as uncollectible, and all records shall be properly amended to reflect such charge offs.

Section 4-436. Deposit of Fines and Penalties Collected

All income from the collection of civil fines and civil penalties shall be deposited into the Treasury Account of the Nation and may be appropriated by the Business Committee for the same purposes for which general revenues from taxation may be used.

Section 4-437. Personal Jurisdiction

(A) Any person who:

(1) Applies for and/or is granted a license under this Title;

(2) Applies for employment in any Gaming Facility licensed and/or regulated under this Title;

(3) Enters into any contract, engagement, or agreement with a Gaming Operation, Gaming Facility; or Ancillary Activity of a Gaming Operation; or enters into a management contract with the Nation; or

(4) Participates in any Gaming Activity authorized by this Title or enters onto the premises of any Gaming Facility licensed under this Code – is subject to the civil jurisdiction of the Nation, Commission, and the Nation's Courts and a person's performance of any of these acts shall constitute consent to the Nation's exercise of such jurisdiction.

(B) Limitation. Nothing in this Section shall limit the jurisdiction of the Nation, the Commission, or the Nation's Court under any circumstances not explicitly contemplated in this Title, nor shall this Title be construed to waive, in whole or in part, the Nation's or Operator's sovereign immunity from unconsented suit.

Section 4-438. Failure to Comply

The failure to pay any civil fine or adhere to the terms of any civil penalty which has become final shall constitute grounds and cause for the revocation of licenses, termination of employment of any employee of a licensed Gaming Operation, and/or a prohibition upon such person entering any Gaming Facility under the jurisdiction of the Nation. Notwithstanding any inconsistent provisions which may be contained in the Nation's Personnel Manual, grievance procedures contained therein shall not be available to Gaming Operation employees with respect to the imposition or assessment of civil fines and civil penalties by final orders of the Commission.

Chapter Five—LICENSING

Section 5-501. Licenses Required

A separate license shall be issued to every employee of every Gaming Facility, including all employees of management contractors licensed by the Commission who have any responsibilities at a gaming facility within the jurisdiction of the Nation.

Section 5-502. Licenses to Be Displayed

The authorized holder of any gaming license shall promptly exhibit such license to any member of the public, any Commission employee, any agent or employee of the NIGC, or to any law enforcement officer when requested to do so. Individual licenses shall be carried upon the person of all employees of all Gaming Operations at all times that they are on duty.

Section 5-503. Jurisdictional Consent Required

The Commission shall require all applicants for licenses to sign the following statement:

I hereby consent to the personal and subject matter jurisdiction of the Sac and Fox Gaming Commission, to the jurisdiction of the Sac and Fox Nation Courts, and to all orders and decisions thereof concerning all activities of every kind and nature in which I may be involved as a gaming participant, vendor, contractor, licensee, employee, or otherwise within the jurisdiction of the Sac and Fox Nation, and I hereby waive all jurisdictional defenses to any and all actions, hearings, orders, decisions, civil fines or civil penalties which may be imposed by either of such adjudicatory bodies or tribunals or any other courts of competent jurisdiction to enforce the same.

Subchapter A—KEY EMPLOYEE AND PRIMARY MANAGEMENT OFFICIAL

LICENSING**Section 5-511. Licenses Required**

The policies and procedures set out in this Subchapter shall be implemented with respect to Key Employees and Primary Management Officials employed at any Gaming Operation operated on Indian lands of the Nation. The Gaming Commission will issue licenses and perform background investigations according to requirements at least as stringent as those contained in the applicable provisions of 25 C.F.R. Parts 556 and 558, and the Compact, if applicable.

Section 5-512. License Application Forms

(A) The following notice shall be placed on the Nation's license application form for a Key Employee or a Primary Management Official before it is filled out by an applicant:

"In compliance with the Privacy Act of 1974, the following information is provided:

Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Nation's gaming regulatory authority and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Nation or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by the Nation or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with the Nation or a Gaming Operation of the Nation. Failure to consent to the disclosures indicated in this notice will result in the Nation being unable to license you for a Primary Management Official or Key Employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply an SSN may result in errors in processing your application."

(B) The following additional notice shall be placed on the application form for a Key Employee or a Primary Management Official before it is filled out by an applicant:

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

(C) The Commission shall notify in writing existing Key Employees and Primary

Management Officials who have not completed an application containing the notices set forth above that they shall either:

- (1) Complete a new application form that contains both the Privacy Act and False Statement notices; or
- (2) Sign a statement that contains the Privacy Act and False Statement notices and consent to the routine uses described in that notice.

Section 5-513. Fingerprints

Each applicant for a Key Employee or Primary Management Official license shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Commission or designee and forwarded to the NIGC for processing through the FBI to determine the applicant's criminal history, if any.

Section 5-514. Background investigations

(A) The Tribe shall perform a background investigation for each Primary Management Official and each Key Employee in its Gaming Operations. The investigation must be sufficient to allow the Commission to make an eligibility determination under Section 1-516 of this Ordinance. The Commission shall conduct or cause to be conducted the background investigations of Primary Management Officials and Key Employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.

(B) The Commission shall request from each Primary Management Official and from each Key Employee all of the following information:

- (1) Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender, all languages (spoken and/or written);
- (2) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers' license numbers;
- (3) The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (B)(2) of this section;
- (4) Current business and residence telephone numbers, and all cell phone numbers;
- (5) A description of any existing and previous business relationships with other Indian tribes, including ownership interests in those businesses;

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

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

(8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition and final disposition, if any;

(9) 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 of disposition and final disposition, if any;

(10) 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 pursuant to paragraph (B)(8) or (B)(9) of this section, the criminal charge, the name and address of the court involved and the date of disposition and final disposition, if any;

(11) The name and address of any licensing 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;

(12) A photograph taken within the last year;

(13) Any other information the Gaming Commission deems relevant; and

(14) Fingerprints obtained in accordance with procedures adopted by the Commission.

(C) When a Primary Management Official or Key Employee is employed by the Gaming Operation, a complete application file, containing all of the information listed in paragraph (B) of this section shall be maintained.

The Gaming Commission, its investigator and its agents shall keep confidential the identity of each person interviewed in the course of conducting a background investigation, unless disclosure is required: (1) under Federal law; (2) pursuant to an order or subpoena issued by a court or tribunal of competent jurisdiction; or (3) pursuant to the terms of an approved Tribal-State Gaming Compact

Section 5-515. Background Check Procedures

(A) As part of its review procedure, the Gaming Commission, or its agent, shall conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination. The investigator shall:

- (1) Verify the applicant's identity through items such as a social security card, driver's license, birth certificate, or passport;
- (2) Contact each personal and business reference provided in the License Application, when possible;
- (3) Obtain a personal credit check, at the Commission's discretion;
- (4) Conduct a civil history check;
- (5) Conduct a criminal history check, and submit the applicant's fingerprints to the NIGC for additional checking, and further obtain information from the appropriate court regarding misdemeanor convictions and criminal charges within the last ten (10) years and any past felony or felonies;
- (6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
- (7) Verify the applicant's history and status with any licensing agency by contacting the agency; and
- (8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(B) The assigned investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.

Section 5-516. Eligibility Determination

(A) Before a license is issued to a Primary Management Official or Key Employee, the Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations and make a finding concerning the eligibility of a Key Employee or Primary Management Official applicants for employment in a Gaming Operation. If the Commission, in applying the standards adopted in this Title, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Commission shall not license that person in a Key Employee or Primary Management Official position. Copies of the Eligibility Determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.

(B) This eligibility determination may include a statement describing how the information submitted by the applicant was verified; a summary of results following an inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; a statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Commission to make a finding concerning the eligibility for licensing required for employment in a Gaming Operation; and a statement documenting the disposition of all potential problem areas noted and potential disqualifying information obtained. A copy of the investigative report showing this information may be attached to the Eligibility Determination submitted to the NIGC unless these matters are restated in that instrument.

Section 5-517. Notice of Results of Background Investigations

(A) Before issuing a license to a Primary Management Official or Key Employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Gaming Operation. The notice of results shall include all of the following:

- (1) The applicant's name, date of birth, and Social Security number (SSN);
- (2) The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
- (3) A summary of the information presented in the investigative report, including licenses that have previously been denied; gaming licenses that have been revoked, even if subsequently reinstated; every known criminal charge brought against the applicant within the last 10 years of the date of the application; and every felony offense of which the applicant has been convicted or any ongoing prosecution; and
- (4) A copy of the Eligibility Determination made in accordance with Section 1-516.

Section 5-518. Investigative Reports

(A) Before issuing a license to a Primary Management Official or Key Employee, the Commission shall create and maintain an Investigative Report for each background investigation of each Key Employee or Primary Management Official and provide a copy to the NIGC. An Investigative Report shall include all of the following:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;

- (3) Conclusions reached; and
- (4) The bases for those conclusions.

Section 5-519. Granting a Gaming License

(A) All Primary Management Officials and Key Employees of the Gaming Operation must have a gaming license issued by the Commission. The Executive Director of the Commission is responsible for granting and issuing gaming licenses to Primary Management Officials and Key Employees. The Executive Director may license a Primary Management Official or Key Employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC as required by Section 5-517.

(B) The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.

(C) The Gaming Operation shall not employ an individual in a Primary Management Official or Key Employee position who does not have a license after ninety (90) days of beginning work at the Gaming Operation.

(D) The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within thirty (30) days of the NIGC receiving a notice of results of the applicant's background investigation.

(E) The Commission shall take the NIGC's objections into account when reconsidering a license application.

(F) If the Commission has issued a license to a Primary Management Official or Key Employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee.

(G) The Commission shall make the final decision whether to issue a license to an applicant for a Primary Management Official or Key Employee position.

Section 5-520. Denying Gaming Licenses

(A) The Commission shall not license a Primary Management Official or Key Employee if the Commission determines, in applying the eligibility standards in Section 1-516 for making eligibility determinations, that licensing the person poses a threat to the public interest; poses a threat to the effective regulation of gaming; or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and/or activities in the conduct of gaming.

(B) When the Commission does not issue a license to an applicant for a Primary Management Official or Key Employee position, or revokes a previously issued license after reconsideration, it shall notify the NIGC and forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 5-521. License Term

The Key Employee or a Primary Management Official gaming license issued shall be valid for a period of two (2) years from the date of issuance so long as the employee remains employed within the gaming industry in the Nation and shall be renewable on such terms and conditions as the Commission may establish by regulation.

Section 5-522. License Suspension or Revocation

(A) If, after the issuance of a gaming license, the Commission receives, from the NIGC or any other source with reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment, the Commission shall immediately suspend such license and provide the licensee with written notice of the suspension and proposed revocation.

(B) The Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. The right to a hearing under this Section shall vest only upon receipt of a license granted under this Title.

(C) After a revocation hearing, the Commission shall decide whether to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision to revoke or reinstate a license within forty-five (45) days of receiving notification from the NIGC that a Primary Management Official or Key Employee is not eligible for employment.

Section 5-523. Records Retention

(A) The Commission shall retain, for no less than three (3) years from the date a Primary Management Official or Key Employee is terminated from employment with the Nation, the following documentation:

- (1) Application for licensing;
- (2) Investigative Reports; and
- (3) Eligibility Determinations.

Subchapter B—NON-KEY EMPLOYEE LICENSING

Section 5-531. Licenses for Non-Key Employees

(A) The Gaming Commission is authorized to create and issue regulations implementing a less stringent licensing process, which may entail a simpler due diligence check rather than a full background investigation, for all employees of Gaming Operations or facilities who are not Key Employees or Primary Management Officials. At its discretion, the Gaming Commission may further investigate license applicants when appropriate and may require or conduct a full background check and NIGC check when it determines that circumstances either of the person or of the position applied for warrant such action.

Section 5-532. Applicant Investigations

The Gaming Commission shall review such portion of the applicant's prior activities, criminal record, if any, and reputation, habits and associations as the Commission determines necessary to make a finding concerning the eligibility of such applicants for employment in a Gaming Operation in the particular position or class of positions for which the license is requested.

Section 5-533. Licensing Standard

The standard for licensure shall be whether the employment of the license applicant in the position or class of positions for which the license is requested, would pose a threat to the public interest or to the effective regulation of gaming, or would create or enhance the danger of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

Section 5-534. Eligibility Determination

(A) If the Commission determines that employment of the license applicant in the position or class of positions for which the license is requested would not be inconsistent with the licensing standard, the purpose of this Title, or the public interest then the license shall be issued.

(B) If the Commission determines that such employment would be inconsistent with the licensing standard, the purpose of this Title, or the public interest, then that person shall not be licensed, and shall not be employed at any gaming facility within the jurisdiction of the Nation in such position or class of positions.

Section 5-535. License Term

(A) The non-key employee gaming license issued shall be valid for a period of two

years from the date of issue so long as the employee remains employed within the gaming industry in the Nation and shall be renewable on such terms and conditions as the Commission may establish by regulation.

(B) Such gaming licenses may be suspended or revoked in the same manner as licenses for Key Employees and Primary Management Officials.

Section 5-536. Fingerprints

Each applicant for a non-key employee license may be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken and be forwarded to the NIGC for processing through the FBI to determine the applicant's criminal history, if any.

Subchapter C—VENDOR LICENSING

Section 5-541. Vendor Licenses

(A) The Gaming Commission is authorized to create and issue regulations implementing a licensing process for vendors providing gaming or gaming-related services or supplies to the Gaming Operation. Such gaming vendors must have a vendor license from the Commission prior to transacting business with any Gaming Operation and gaming facility licensed by the Commission on behalf of the Nation. Vendors holding professional licenses issued by a recognized professional association including, but not limited to legal and accounting service providers, shall be excluded from the vendor licensing requirement, provided that this exclusion shall not apply to any person or entity providing services to the Gaming Operation not covered by such professional license.

(B) The Gaming Commission is authorized to create and issue regulations implementing a licensing or annual registration process for non-gaming vendors who provide services that do not have the ability to impact the integrity of gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers.

(C) The Commission may exempt from the licensing or registration requirement any vendor who:

- (1) Is a Tribal, Local, State, or Federal government agency;
- (2) Does not require access to the secured or controlled areas of the Gaming Facility;
- (3) Has no continuing or ongoing relationship with the Gaming Operation;

- (4) Provides goods or services used in the course of business travel;
- (5) Provides utilities or similar services essential to the conduct of business;
- (6) Is licensed, regulated, or certified by a State, a tribe, or the federal government; or
- (7) Will provide goods of insubstantial or insignificant amounts or quantities.

Section 5-542. Submission of Gaming Vendor Application

To obtain a gaming vendor license, a vendor must complete a gaming vendor license application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor(s) or manager(s) under the agreement with the Gaming Operation, if applicable. The Gaming Commission shall, by regulation, establish the scope of the investigation which shall be conducted concerning different classes of gaming vendors to protect the public interest.

Section 5-543. Contents of the Gaming Vendor Application

(A) Applications for gaming vendor licenses must include the following:

- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from the business address, any other names the applicant has done business under during the preceding ten years, type of service applicant will provide;
- (2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
- (3) If the applicant is a corporation, the place of incorporation, and the qualification to do business within the jurisdiction of the Nation unless it be a domestic corporation.
- (4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
- (5) General description of the business and its activities;
- (6) Whether the applicant will be investing in or loaning money to the Gaming Operation and, if so, how much;

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

(8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;

(9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;

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

(11) If the business has ever had a license revoked for any reason, the circumstances involved;

(12) A list of lawsuits to which the business has been a party, including the name and address of the court involved, and the date and disposition if any;

(13) List the business' funding sources and any liabilities of \$50,000 or more, unless the business is publicly traded, or is willing to submit a certified financial statement;

(14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and

(15) Any further information the Gaming Commission deems relevant.

(B) The following notice shall be placed on the application form for a gaming vendor and its principals:

Inclusion of false or misleading information in the gaming vendor application may be grounds for denial or revocation of the gaming vendor license.

Section 5-544. Gaming Vendor Background Investigation

Subject to the regulations of the Gaming Commission, the Gaming Commission shall complete a background investigation of the gaming vendor. This background investigation shall contain, at a minimum, the following steps:

(A) Verify the business' incorporation status, if any, and qualification to do business in the jurisdiction of the Nation;

(B) Obtain a business credit report, if available, and/or conduct a Better Business

Bureau check on the vendor,

(C) Obtain and check at least three (3) of the references listed in the vendor application; and

(D) The Commission will conduct an appropriate investigation of the principals of the business; said investigation may include, but is not limited to, items such as criminal history check, a credit report, and interviews with the personal references listed.

Section 5-545. Gaming Vendor Background Investigation Report

The Commission shall prepare an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals. The Commission may deny the applicant a vendor license if the Commission concludes that the applicant is not sufficiently stable and capitalized; is owned, operated, or managed by persons who fail to meet the eligibility standards in this Title; or has a history of performance failure or contentious business relationships.

Section 5-546. Monitoring & Audits

The Gaming Commission may investigate, monitor, and audit the activities of any licensed or registered vendor conducting business with the Gaming Operation.

Section 5-547. Vendor License Terms, Suspension, Revocation

(A) Vendor licenses shall be valid for a period of two (2) years from the date of issue so long as the vendor's business remains substantially unchanged, the ownership and management of the vendor's business does not significantly change, and the vendor routinely supplies its products or services to the gaming industry within the jurisdiction of the Nation, and shall be renewable on such terms and conditions as the Commission may establish by regulation.

(B) In the event of changes in the ownership or management of the vendor's business, the vendor shall promptly notify the Commission who shall conduct such investigation as is proper under the circumstances, and issue a new or amended license if necessary, unless the change creates an unacceptable risk to the public interest, the health, welfare, and safety of the Nation or the public, or to the integrity of the gaming industry within the jurisdiction of the Nation, in which case the Commission shall notify the vendor of its concerns and demand that the vendor take specified corrective action. If the vendor fails to take the necessary corrective action, the Executive Director may issue a citation to suspend the vendor license and institute revocation proceedings, subject to the notice and hearing requirements in Section 1-432.

(C) Vendor licenses may be suspended or revoked in the same manner as gaming

licenses for Key Employees and Primary Management Officials.

Subchapter D—MANAGEMENT CONTRACTOR LICENSING

Section 5-551. Management Contractor License

(A) In addition to the necessary license applications for each of its proposed Key Employees or Primary Management Officials, every proponent of a Management Contract shall submit to the Commission for its approval a copy of the draft contract, and all additional documents required by, or to be submitted to, the NIGC including, but not limited to background investigation applications and any supporting materials and documents.

(B) The Commission shall thereupon perform an investigation of the prospective candidate and its affiliates at least as stringent as the investigation conducted on applications for a license as a Key Employee or Primary Management Official. The Commission shall provide documents, analysis and recommendations to the Business Committee and the Nation's authorized entity having authority over the Gaming Operation which would be subject to the Management Contract regarding whether a contract should be entered into with the applicant. The Commission's analysis and recommendations should take place before application is submitted to the NIGC.

(C) The Commission shall also cause its lawyer to review the proposed contract to confirm that it is in compliance with all applicable laws and regulations.

(D) If the Commission determines that the draft Management Contract is in compliance with all applicable laws and regulations, and the proposed management contractor is eligible for the position under the standards applicable to Key Employees and Primary Management Officials, the Commission shall issue a conditional license to the Management Contractor for the draft contract and authorize its submittal to the Chairman of the NIGC for final approval. The conditional license shall automatically go into full force and effect upon the approval of the proposed Management Contract by the Chairman of the NIGC.

Section 5-552. Licenses Required

No proposed Management Contract shall be forwarded to the NIGC for approval until the proposed management contractor has been licensed by the Commission.

Section 5-553. Investigatory Fee

In addition to any management contractor license fee which may be due under the Commission's fee schedule, every person or entity who applies to the Commission for a Management Contract shall deposit with the Commission an investigatory fee of \$5,000

dollars to cover the costs of necessary background investigations and the legal review. Additional fees may be required if the initial fee proves to be inadequate to cover processing and preliminary investigation costs. All remaining sums not expended or charged in the processing procedure shall be returned to the applicant at the time the application is disapproved by the Commission, or at the time it is finally approved by the Chairman of the NIGC.

Section 5-554. License Term

The management contractor gaming license shall be valid during the term of the approved Management Contract and shall be renewable on such terms and conditions as the Commission may establish by regulation if that Management Contract is extended or renewed.

Section 5-555. License Suspension or Revocation

(A) If, after the issuance of a management contractor license, the Commission receives from the NIGC, or any other source, reliable information indicating that a management contractor is not eligible for employment or licensure, the Commission shall suspend such license and shall notify the licensee in writing of the suspension and the proposed revocation.

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

(C) After a revocation hearing, the Commission shall decide whether to revoke or to reinstate the management contractor license. The Commission shall notify the NIGC of its decision.

Section 5-556. Final NIGC Approval Required

At the initiation of each application for a management contractor license and at all material times thereafter, applicants shall be advised by the Commission that the final approval of a Management Contract or Collateral Agreement is reserved to the Chairman of the NIGC and that the approval and execution of such contracts and agreements, and the issuance of the Commission's conditional license, is only a preliminary step in the final approval process. A Management Contract shall not be effective and shall be considered unenforceable until approved by the Chairman of the NIGC.

Subchapter E—FACILITY LICENSES

Section 5-561. Facility Licenses Required

The Executive Director shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this Title, valid for a period of three years, provided:

- (1) Documentation is provided demonstrating that the Gaming Facility is located, or will be located if it is to be constructed, on the Nation's Indian Lands;
- (2) The Gaming Facility is of sound, physical structure with adequate, safe, and operational plumbing, electrical, heating, cooling, and ventilation systems in place;
- (3) The Gaming Operation has provided a complete description of the premises and the name and address at which gaming will be conducted;
- (4) The Gaming Facility has been inspected and approved for safety by a qualified building and fire inspector approved by the Commission;
- (5) The Gaming Facility is equipped with security and surveillance equipment meeting or exceeding provisions set forth in regulations established by the Commission;
- (6) The Gaming Operation has prepared, and the Gaming Facility is subject to an emergency preparedness plan approved by the Commission;
- (7) The Gaming Operation has submitted all documentation required by applicable regulations of the NIGC for a new facility or, for renewal of a license, such information required for reissuing a license;
- (8) The Gaming Operation has provided such other information as the Commission shall require by regulation;
- (9) The Gaming Operation has provided the Commission a copy of all requisite insurance policies; and
- (10) The Gaming Operation has paid all applicable license and regulatory fees and assessments.
- (11) The Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official or the proponent of the facility.

Section 5-562. Forfeiture; Restraint

(A) The Gaming Operation may withhold the award of any jackpot or promotional prize from any person who has been voluntarily or involuntarily excluded and whose name is on the exclusion list. Such person shall have five (5) days from the date of the incident to file

an appeal with the Commission. If such person timely files an appeal, the Commissioners shall afford the person a hearing and determine whether the award should be granted or forfeited. If the person fails to timely file an appeal, the Commissioners shall issue an order of forfeiture. In the event of forfeiture, the amount to which the person would otherwise have been entitled shall be deposited into the Treasury Account of the Nation and may be appropriated by the Business Committee for the same purposes for which general revenues from taxation may be used.

(B) Security employees of the Nation's Gaming Operations shall have the authority to remove any individual from the premises of a gaming facility whose behavior is loud, obnoxious, inappropriate, disruptive, aggressive, offensive, or violent; and where such behavior warrants the intervention of law enforcement officials, Security may restrain such person for a reasonable amount of time for the sole purpose of transferring the person to the custody of law enforcement officials. In no event shall any person be restrained by Security for more than two (2) hours except upon the request of law enforcement officials.

Section 5-563. Communications by the Commission

Communications within the Commission in relation to personnel, licensing, investigations, enforcement, and hearing matters as well as lawful communications between the Commission and its legal counsel, other regulatory agencies, and law enforcement officials are privileged and confidential and do not require disclosure unless such disclosure is required by an Order of the Tribal Court after in-camera inspection. Any member of the Commission, the Executive Director, and the Commission staff may claim this privilege.

Section 5-564. Calculation of Time

In computing any period of time prescribed or allowed by this Title or the Regulations of the Commission, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless the last day is a Saturday, a Sunday or a legal holiday under Tribal law or federal law. If the act to be done is the filing of or providing access to any report or document, and the last day of the period falls on a day in which the weather or other conditions have made the offices in which the report or document is to be filed inaccessible, the designated period shall extend until the end of the next day on which the office is accessible which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays and legal holidays under Nation or federal law shall be excluded from the computation period.

Subchapter F—LICENSING OF GAMING FINANCIERS

Section 5-571. Licensing of Qualified Gaming Financiers

Any Qualified Gaming Financier may be licensed as a gaming-related vendor under this Ordinance upon receipt by the Commission of an application in the form required by the Director, and upon payment of the required licensing fee, if any.

Section 5-572. Standards and Procedures

The Commission shall promulgate standards and procedures for the issuance of a Qualified Gaming Financier license consistent with this Title, subject to the approval of the Commission.

Section 5-573. Scope of License

(A) A license granted to a Qualified Gaming Financier shall constitute a license to the named applicant only and shall be effective only with respect to such applicant's activities as a Gaming Financier, and those activities necessary or incidental thereto, and no other activity which would otherwise cause the applicant to constitute a gaming-related vendor.

(B) Notwithstanding anything to the contrary in this law, none of the following persons or entities, solely in their capacity as such, shall be deemed to be a Gaming Financier or a gaming related vendor subject to licensing hereunder: (a) any person or entity holding or owed any debt securities, notes, loans, obligations under letters of credit or relating to cash or interest rate management, bonds, or other commercially traded instruments of a Gaming Operation initially purchased from such Gaming Operation by a Qualified Gaming Financier; and (b) any trustee, administrative agent, or entity performing similar functions, with respect to any debt securities, notes, loans, obligations under letters of credit or relating to cash or interest rate management, bonds or other commercially traded instruments of a Gaming Operation; and (c) any assignee of the rights and obligations of a person identified in subparts (a) or (b) of this paragraph.

Section 5-574. Obligations of Qualified Gaming Financiers

Except as otherwise provided herein, applicants licensed as Qualified Gaming Financiers hereunder will not be subject to regular reporting requirements, including such reporting requirements applicable to other licensees, during the term of their licenses. If a Qualified Gaming Financier's license lapses or otherwise terminates as herein provided, the recipient of such license shall not act as a Gaming Financier until it again duly files a completed application for such license.

Section 5-575. Term of Qualified Gaming Financier Licenses

Each Qualified Gaming Financier License shall remain in effect until the earlier of (i) the date upon which any loan obligations have been paid in full and all loan commitments by any party have terminated or have been fully satisfied, or (ii) withdrawal of the application by the applicant, or (iii) the expiration of any engagement letter or term sheet or loan agreement or other financing or security agreement between the Qualified Gaming Financier and the respective Gaming Operation.

Section 5-576. Background Investigations

Except as otherwise required by the Executive Director within his or her discretion, the background investigation of each executive officer of an applicant for a Qualified Gaming Financier license will consist solely of a review of publicly available information contained in filings with the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve Board, the Securities and Exchange Commission, the National Association of Securities Dealers, various stock exchanges, and other Tribal, federal, and state agencies regulating Qualified Gaming Financiers, depending upon the organization and the corporate charter of each such applicant.

Chapter Six—APPLICABLE LAWS

Section 6-601. Law Applicable to Tort Claims

The law governing every tort claim brought pursuant to this Ordinance shall be the laws of the Nation.

Section 6-602. Law Applicable to Contracts

(A) Every contract entered into by a Gaming Operation and the Commission with any person or entity who is required to hold a license or registration issued pursuant to this Ordinance, or that involves or relates to gaming, shall be subject to all applicable laws relating to and regulating Tribal gaming, including, without limitation, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., and the implementing regulations, 25 C.F.R. Chapter III, all Tribal laws relating to and regulating gaming activities, including but not limited to this Ordinance and the implementing regulations, any applicable Compact in force between the Tribe and the State of Oklahoma, and any other applicable laws and regulations. Any provision of any gaming or gaming-related contract contrary to this section shall be void as a matter of law and policy and shall be unenforceable.

(B) The parties to an agreement may expressly agree to choose a law governing the interpretation and enforcement of a contract, subject to this section.

Chapter Seven—MISCELLANEOUS PROVISIONS**Section 7-701. Effect of Repeal**

Subsequent repeal of this Ordinance or any portion thereof shall not have the effect of reviving any prior law of the Nation theretofore repealed or suspended.

Section 7-702. Savings Provision

If any provision of this Ordinance or the application thereof to any entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Title which can be given effect. Any invalid provisions shall be severed without effect on the remaining provisions of this law.

Section 7-703. Effective Date

This Ordinance shall take effect immediately upon its approval by the NIGC Chair.

Section 7-704. Reserved

SAC AND FOX NATION GAMING ORDINANCE OF 2018

EXHIBIT B.

**Sac and Fox Nation Tribal Gaming Regulations
(as of July 19, 2018)**

Contained on Enclosed Flash Drive

***Submission to Chairman, National Indian Gaming
Commission, July 19, 2018***



SAC AND FOX NATION GAMING ORDINANCE OF 2018

EXHIBIT D.

**Sac and Fox Nation Gaming Ordinance of 2008
(app. Nov. 20, 2008, as amended)**

***Submission to Chairman, National Indian Gaming
Commission, July 19, 2018***



November 20, 2008

George Thurman
Principal Chief
Sac and Fox Nation
Box 246
Stroud, OK 74079

Dear Chief Thurman:

This is in response to your request, dated October 29, 2008, to review and approve the second amended Sac and Fox Nation Gaming Ordinance of 2008, adopted through Resolution SF-09-10 on October 17, 2008. Your request is hereby approved under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2710.

The Sac and Fox Nation Gaming Ordinance of 2008 is a comprehensive rewrite of the Nation's first gaming code adopted in 1993 and approved in 1994. Among other things, the new code adds authorization to play Class III games in accordance with the Nation's tribal-state compact. The new code also sets forth the powers delegated to the Nation's Gaming Commission. I believe that the new gaming code will serve the Nation well, and I wish you and the Nation success on your gaming endeavors.

If you have any questions about this matter, you may contact Senior Attorney Jeffrey Nelson at (202) 632-7003.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip N. Hogen", is written over a light, circular background.

Philip N. Hogen
Chairman

**SAC AND FOX NATION**

Route 2, Box 246 • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

FILEDFILED
IN THE DISTRICT COURT**RESOLUTION SF-09-10**DATE 10-29-08

2008 OCT 29 P 2:23

SAC AND FOX NATIONSECRETARY
SAC & FOX NATIONSAC AND FOX NATION
CHARLOTTE CARTWRIGHT, COURT CLERK**SPECIAL BUSINESS COMMITTEE MEETING****SAC AND FOX RESERVATION**

BY: _____ DEPUTY

STROUD, OKLAHOMA**OCTOBER 17, 2008**

NOV - 3 2008

A PUBLIC LAW ADOPTING AND ENACTING THE SECOND AMENDED GAMING ORDINANCE OF 2008 AUTHORIZING GAMING, SETTING THE TERMS FOR CLASS I, II, AND III GAMING OPERATIONS ON THE INDIAN LANDS OF THE SAC AND FOX NATION, AS AMENDED.

WHEREAS, the Business Committee of the Sac and Fox Nation met at a duly special called, noticed, convened, and held meeting at the date and place aforesaid, there being a quorum present; and

WHEREAS, the Business Committee is authorized to transact business and otherwise act on behalf of the Nation pursuant to the Constitution, Charter, and Laws of the Sac and Fox Nation; and

WHEREAS, the Indian Gaming Regulatory Act requires that tribes engaging in Class II and Class III Gaming as defined in that Act adopt a Law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indians lands; and

WHEREAS, the Nation enacted the Gaming Ordinance of 2008 on May 8, 2008 and submitted the same to the National Indian Gaming Commission ("NIGC") for approval pursuant to 25 C.F.R. Part 522 on or about May 21, 2008; and

WHEREAS, the NIGC had issues with one portion of the definition of "Indian Lands" as follows "all lands within the limits of the Nation's reservation as described by the Act of February 13, 1891, Ch. 165, 26 Stat. 749" and indicated it would disapprove the submission; and

WHEREAS, the Nation withdrew the Law submission and resubmitted the Law on or about August 5, 2008 to address these issues and submit an Amended Gaming Ordinance; and

WHEREAS, the NIGC had new previously unidentified issues with one portion of the definition of "Indian Lands" and the definition of "games similar to bingo" and identified in a September 19, 2008 letter and indicated it would recommend disapproval of the submission; and

WHEREAS, the Nation disagrees with the basis for disapproval but desires to move forward by withdrawing the existing Gaming Ordinance submission and resubmitting the Second Amended Gaming Ordinance of 2008 with the remaining provisions and preserve the legal issue for later NIGC determination through a subsequent amendment; and

WHEREAS, the enactment of the Second Amended Gaming Ordinance of 2008 is in the best interest of the Sac and Fox Nation.

NOW, THEREFORE,

BE IT ENACTED BY THE BUSINESS COMMITTEE OF THE SAC AND FOX NATION, PURSUANT TO THE AUTHORITY VESTED THEREIN BY THE CONSTITUTION AND CHARTER:

THAT: upon approval of this Law by the Chairman of the NIGC as required by federal law, the current Title 4 of the Sac and Fox Code of Laws, and all prior ordinances or resolutions inconsistent with, or intended to be superseded by, this Act, including P.L. #SF-82-29, March 19, 1982; P.L. #SF-82-43, April 30, 1982; P.L. #SF-93-68, July 22, 1993; P.L. #SF-95-14, October 6, 1994; #SF/GC-03-07, July 19, 2003; P.L. #SF-04-86, May 10, 2004; P.L. #SF-04-138, August 23, 2004; P.L. #SF-08-180, May 8, 2008; P.L. #SF-08-237, August 5, 2008 are hereby repealed; and

THAT: the following provision shall then be codified in the Sac and Fox Code in a new Title to be entitled: "Gaming" and this Law shall thereafter govern all Class I, II and III Gaming within the jurisdiction of the Sac and Fox Nation.

AND, BE IT FURTHER ENACTED BY THE BUSINESS COMMITTEE OF THE SAC AND FOX NATION, PURSUANT TO THE AUTHORITY VESTED THEREIN BY THE CONSTITUTION AND CHARTER:

THAT: upon enactment of this Ordinance, it shall be submitted forthwith to the Chairman of the National Indian Gaming Commission for approval pursuant to the 25 U.S.C. §§2710 (b) and (d); and

THAT: this Ordinance shall be effective upon its approval by the Chairman of the National Indian Gaming Commission, and shall be promptly filed in the Office of the Court Clerk of the Sac and Fox Nation upon such approval; and

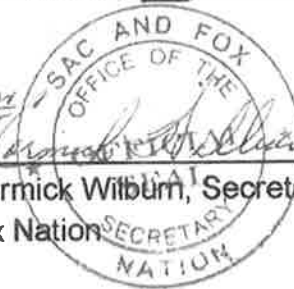

THAT: this Ordinance shall be codified at the appropriate locations in the Sac and Fox Code of Laws.

CERTIFICATION

WE, George Thurman, Principal Chief, and Gwen McCormick Wilburn, Secretary of the Sac and Fox Nation, do hereby certify the foregoing Resolution: P.L. #SF-09-10, to be a true, complete, and exact copy of the resolution as approved by the Business Committee in a properly called, noticed, and convened meeting held at the Sac and Fox Capitol Grounds, Sac and Fox Reservation, Stroud, Oklahoma on the day and year above stated, a quorum being present, by a vote of: George Thurman-yes, Cheryl McClellan Tofpi-yes, Michael Hackbarth-yes, Gwen McCormick Wilburn-yes, and Stella Nullake Nanaeto-yes.



George Thurman, Principal Chief
Sac and Fox Nation



Gwen McCormick Wilburn, Secretary
Sac and Fox Nation

FILED
IN THE DISTRICT COURT

2008 OCT 29 P 2:24

SAC AND FOX NATION
CHARLOTTE CARTWRIGHT, COURT CLERK

BY: _____ DEPUTY

SAC AND FOX GAMING ORDINANCE OF 2008

(As Amended October 17, 2008)



APPROVED MAY 8, 2008
APPROVED AUGUST 5, 2008
APPROVED OCTOBER 17, 2008

SAC AND FOX NATION

GAMING ORDINANCE OF 2008

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SAC AND FOX NATION GAMING ORDINANCE OF 2008

Section 1-1. FINDINGS AND DECLARATIONS

(A) The Sac and Fox Nation finds and declares that:

(1) Gaming on the Indian lands of the Sac and Fox Nation provides economic development opportunities and a source of revenue for the Sac and Fox Nation and its political and business subdivisions which is needed to promote a strong tribal government, economic self-sufficiency, employment, job training, and to fund essential social programs and services to its members and other persons associated with the Nation; and

(2) It is in the interests of the Nation, and the public to regulate and control gaming in a manner that will protect the environment, the health, security and general welfare of the Nation, the players, and the community.

(B) Therefore, the Business Committee enacts this Law to protect and promote the political integrity, economic security, health, safety, and welfare of the Nation, its members and all persons living in or visiting the Nation.

[History: Public Law No. SF-08-180.]

Section 1-2. CONTINUING AUTHORITY TO REGULATE GAMING

The Sac and Fox Nation retains continuing authority to amend this Title, or to enact and promulgate additional statutory or regulatory provisions relating to the conduct of gaming within the jurisdiction of the Sac and Fox Nation in order to protect the public health, safety, provided, that:

(A) Amendment of any provision of this Title which is required by the Indian Gaming Regulatory Act ("IGRA") of October 17, 1988, P.L. 100-497, codified at 25 U.S.C. §§2701, et. seq. and the authorized regulations issued pursuant thereto shall be effective only if such provisions are approved by the Chairman of the National Indian Gaming Commission ("NIGC") as provided in P.L. 100-497; and

(B) Such amendments, and any additional statutory or regulatory provisions shall be interpreted so as not to conflict with any provision of this Title which is required by the Act of October 17, 1988, P.L. 100-497, 25 U.S.C. §§2701, et. seq. and the authorized regulations issued pursuant thereto to the end that the provisions of this Title required by, and approved pursuant to, P.L. 100-497 shall govern any later amendments, statutes, or regulations unless the same be approved by the Chairman of the NIGC as provided in P.L. 100-497.

[History: Public Law No. SF-08-180.]

Chapter One—PRELIMINARY PROVISIONS AND DEFINITIONS

Section 1-101. Purpose

This Title governs all gaming operations on the Sac and Fox Nation's Indian lands.

[History: Public Law No. SF-08-180.]

Section 1-102. Definitions

Unless a different meaning is clearly indicated in this Law, the terms used herein shall have the same meaning as defined in the IGRA, 25 U.S.C. §2701 et seq., and its authorized regulations, currently found at 25 C.F.R. §500 et seq. Specifically:

(A) "Business Committee" means the Business Committee of the Nation as provided in Art. III of the CONST. OF THE SAC & FOX NATION.

(B) "Class I Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

[25 U.S.C. §2703(6); 25 C.F.R. §502.2]

(C) "Class II Gaming" means:

(1) The game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith):

(a) Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(b) In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(c) In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and

(2) Card games that:

(a) Are explicitly authorized by the laws of the State, or

(b) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of

operation of such card games or limitations on wagers or pot sizes in such card games.

(3) The term "Class II Gaming" does not include:

(a) Any banking card games, including baccarat, chemin de fer, or blackjack (21), or

(b) Electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

[25 U.S.C. §2703(7); 25 C.F.R. §502.3; United States v. 103 Electronic Gambling Devices, 223 F.3d 1091 (9th Cir. 2000); United States v. 1062 MegaMania Gambling Devices, 231 F.3d 713 (10th Cir. 2000); Diamond Games Enterprises v. Reno, 230 F.3d 365 (D.C. Cir. 2000); Seneca-Cayuga Tribe of OK v. NIGC, 327 F.3d 1019, (10th Cir. 2003), cert. denied, 540 U.S. 1218 (2004).]

(D) "Class III Gaming" means all forms of gaming that are not Class I Gaming or Class II Gaming.

[25 U.S.C. §2703(8); 25 C.F.R. §502.4]

(E) "Collateral Agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a Management Contract, or to any rights, duties or obligations created between the Nation (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

[25 C.F.R. §502.5; See, 25 U.S.C. §§2711(a)(3), 2712(a)]

(F) "Commission" or "Gaming Commission" means the Nation's Gaming Commission established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and State regulations or obligations made applicable by the Compact.

(G) "Commissioner" means any member of the Gaming Commission.

(H) "Compact" means the Tribal-State Compact concerning Class III Gaming approved by Sac and Fox Resolution SF-05-74 (2005) and Oklahoma State Question 712 (2004) approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. §2710(d) on June 1, 2005 (70 Fed. Reg. 31499), and any successor or additional class III Tribal-State Compacts entered into by the Nation and approved pursuant to federal law.

(I) "Complimentary" means a service or item provided by a gaming facility at no cost, or at a reduced cost.

(J) "Confidential Information" means all private and proprietary information belonging to the Nation, or to any political or business subdivision thereof which is authorized to conduct gaming activities on the Indian lands of the Nation, or involved in any way with the regulation of gaming which, if compromised, may have a significant

adverse impact on the Nation, any Gaming Operation, or any law enforcement action pending before any governmental body of the Nation. Confidential Information includes information that if compromised may have a significant impact on Sac and Fox customers, employees, or vendors. Confidential Information requires strong custody and access procedures, and is available only to authorized groups or functions on a "need to know" basis.

(K) "Directly related to" means a spouse, child, parent, grandparent, grandchild, aunt, uncle, sibling, or first cousin.

(L) "Electronic, computer or other technologic aid" means

(1) Any machine or device that:

- (a) Assists a player or the playing of a game;
- (b) Is not an electronic or electro-mechanical facsimile; and
- (c) Is operated in accordance with applicable Federal communications law.

(2) Include, but are not limited to, machines or devices that:

- (a) Broaden the participation levels in a common game;
 - (b) Facilitate communication between and among gaming sites;
- or
- (c) Allow a player to play a game with or against other players rather than with or against a machine.

(3) Examples of electronic, computer or other technologic aids include pull tab dispensers and/or readers, telephones, cables, televisions, screens, satellites, bingo blowers, electronic player stations, or electronic cards for participants in bingo games.

[25 C.F.R. §502.7. See, 25 U.S.C. §2703(7)(A)(i) ; United States v. 103 Electronic Gambling Devices, 223 F.3d 1091 (9th Cir. 2000); United States v. 1062 MegaMania Gambling Devices, 231 F.3d 713 (10th Cir. 2000); Diamond Games Enterprises v. Reno, 230 F.3d 365 (D.C. Cir. 2000); Seneca-Cayuga Tribe of OK v. NIGC, 327 F.3d 1019, (10th Cir. 2003), cert. denied, 540 U.S. 1218 (2004).]

(M) "Electronic or electro-mechanical facsimile" means a game played in an electronic or electro-mechanical format that replicates a game of chance by incorporating all of the characteristics of the game, except when, for bingo, lotto, and other games similar to bingo, the electronic or electro-mechanical format broadens participation by allowing multiple players to play with or against each other rather than with or against a machine.

[25 C.F.R. §502.8. See, 25 U.S.C. §2703(7)(B)(ii) ; *United States v. 103 Electronic Gambling Devices*, 223 F.3d 1091 (9th Cir. 2000); *United States v. 1062 MegaMania Gambling Devices*, 231 F.3d 713 (10th Cir. 2000); *Diamond Games Enterprises v. Reno*, 230 F.3d 365 (D.C. Cir. 2000); *Seneca-Cayuga Tribe of OK v. NIGC*, 327 F.3d 1019, (10th Cir. 2003), cert. denied, 540 U.S. 1218 (2004).]

(N) "Gaming Operation" means each economic entity that is licensed by the Nation to operate Class II or Class III Gaming, receives the revenues, issues the prizes, and pays the expenses. A Gaming Operation may be operated directly by the Nation, the Sac and Fox Tribe, Inc. pursuant to its federal corporate charter, or by other political or business subdivisions thereof, including Sauk Business Enterprises, or by a management contractor on behalf of such licensed entity of the Nation when the Management Contract has been properly approved by the Nation and the NIGC.

[25 C.F.R. §502.10]

(O) "House banking game" means any game of chance that is played with the house as a participant in the game, where the house takes on all players, collects from all losers, and pays all winners, and the house can win.

[25 C.F.R. §502.11]

(P) "Indian lands" means:

(1) Any lands the title to which is either held in trust by the United States for the benefit of the Nation or individual or held by the Nation or individual subject to restriction by the United States against alienation and over which the Nation exercises governmental power; and

(2) All lands acquired in trust for the benefit of the Nation after October 17, 1988, if said lands meet the requirements set forth in 25 U.S.C. §2719.

[Act of Feb. 13, 1891, Ch. 165, 26 Stat. 749; 25 U.S.C. §2703(4); 25 U.S.C. §2719; 25 C.F.R. §502.12]

(Q) "Key Employee" means:

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

- (a) Bingo caller;
- (b) Counting room supervisor;
- (c) Chief of security;
- (d) Custodian of gaming supplies or cash;
- (e) Floor manager;
- (f) Pit boss;
- (g) Dealer;

(h) Croupier;

(i) Approver of credit; or

(j) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

(3) If not otherwise included, the four most highly compensated persons in the Gaming Operation.

[25 C.F.R. §502.14]

(R) "Management Contract" means any contract, subcontract, or Collateral Agreement between the Nation or a subsidiary of the Nation and a contractor, or between a contractor and a subcontractor if such contract, subcontract, or Collateral Agreement provides for the management of all or part of a gaming facility operated within the Nation.

[25 C.F.R. §502.15. 25 U.S.C. §2711]

(S) "Nation" means the Sac and Fox Nation.

(T) "Net Revenues" means gross gaming revenues of a Gaming Operation less:

(1) Amounts paid out as, or paid for, prizes; and

(2) Total gaming-related operating expenses, excluding management fees;

[25 U.S.C. §2703(9); 25 C.F.R. §502.16]

(U) "NIGC" means the National Indian Gaming Commission as established by the Act of October 17, 1988, PL 100-497, 25 U.S.C. §§2701, et. seq.

(V) "Other games similar to bingo" means any game played in the same location as bingo (as defined in 25 U.S.C. §2703(7)(A)(i)) constituting a variant on the game of bingo, provided that such game is not house banked and permits players to compete against each other for a common prize or prizes..

[25 C.F.R. §502.9. 25 U.S.C. §2703(7)(A)(i)(III)]

(W) "Per Capita Payment" means the distribution of money or other thing of value to all members of the Nation, or to identify groups of members, which is paid directly from the Net Revenues in accordance with the Nation's Revenue Allocation Plan as approved by the Secretary of the Interior.

[25 U.S.C. §2710(b)(3), 25 C.F.R. §290.2; "NIGC Bulletin 05-05"§106(a); SF-GC-96-04; 61 Fed. Reg. 2904 et seq. (June 7, 1996) and letter approving revenue allocation plan dated May 19, 1997 from Acting Area Director Anadarko Area Office, Bureau of Indian Affairs]

(X) "Person having a direct or indirect financial interest in a Management Contract" means:

(1) When an individual person or persons are party to a Management Contract, any individual person having a direct financial interest in such Management Contract;

(2) When a trust is a party to a Management Contract, any beneficiary or trustee of that trust;

(3) When a partnership is party to a Management Contract, any partner;

(4) When a corporation is a party to a Management Contract, any person who is a director or who holds at least ten percent (10%) of the issued and outstanding stock alone or in combination with another stockholder who is directly related to such person; or

(5) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a Management Contract, all parties of that entity are deemed to be persons having a direct financial interest in a Management Contract.

[25 C.F.R. §502.17]

(Y) "Person having management responsibility for a Management Contract" means the person designated by the Management Contract as having management responsibility for a Gaming Operation, or a portion thereof.

[25 C.F.R. §502.18]

(Z) "Primary Management Official" means:

(1) The person(s) having management responsibility for a Management Contract;

(2) Any person who has authority:

(a) To hire and fire employees;

(b) To set up working policy for a Gaming Operation; or

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

[25 C.F.R. §502.19. See, 25 U.S.C. 2710(b)(2)(F)]

(AA) "Prize Claim" means a patron's dispute, in connection with (1) the play of any authorized game of chance; (2) the amount of any prize which has been awarded; (3) the failure to be awarded a prize; (4) or the right to receive a refund or other compensation brought by a patron against a Gaming Operation pursuant to the Compact and any subsequent revisions or amendments to the Compact.

[History: Public Law No. SF-08-180.]

(AB) "Tort Claim" means a claim for personal injury or property damage brought by a patron against a Gaming Operation pursuant to the Compact and any subsequent revisions or amendments to the Compact.

[History: Public Law No. SF-08-180.]

Section 1-103. Gaming Authorized

(A) Class I, Class II and Class III Gaming are hereby authorized within the jurisdiction of the Nation.

[25 C.F.R. §522.6(b)-(c)]

(B) Class I Gaming shall continue to be exercised and controlled in the traditional manner, and shall not be regulated by this Title.

(C) Class II Gaming on Indian lands of the Nation shall continue to be within the jurisdiction of the Nation, but shall be subject to the applicable provisions of the Act of October 17, 1988, P.L. 100-497, 102 Stat. 2467.

[25 U.S.C. §2710(a)(2)]

(D) Class III Gaming on Indian lands of the Nation shall continue to be within the jurisdiction of the Nation, but shall be subject to the provisions of any Compact which is in effect, or any Secretarial procedures approved by the Secretary of the Interior in lieu of a compact, and applicable provisions of the Act of October 17, 1988, P.L. 100-497, 102 Stat. 2467. In any conflict between this Law and the Compact or Secretarial procedures, the relevant Compact provision(s) or Secretarial procedures shall govern.

[25 U.S.C. §§2710(d)(1)(C), 2710(d)(5)]

[History: Public Law No. SF-08-180.]

Chapter Two—PROVISIONS REQUIRED BY P.L. 100-497

Section 1-201. Ownership of Gaming

(A) The Nation shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Operation authorized by this Title. For purposes of this section, the term "Nation" includes the Sac and Fox Tribe, Inc., other political and

business subdivisions of the Nation, and social or charitable organizations of the Nation that are authorized by tribal law to operate gaming to support their purposes.

[25 U.S.C. §2710(b)(2)(A); 25 C.F.R. §522.4(b)(1); Senate Report (Indian Affairs Committee) No. 100-446, Aug. 3, 1988, 1988 U.S.C.C.A.N. 3071, 3082]

(B) Privately owned gaming is prohibited within the jurisdiction of the Nation.

[History: Public Law No. SF-08-180.]

Section 1-202. Use of Gaming Revenue

Net revenues from tribal gaming shall be used only for the following purposes:

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

[25 U.S.C. §2710(b)(2)(B); 25 C.F.R. §522.4(b)(2)]

[History: Public Law No. SF-08-180.]

Section 1-203. Per Capita Payments

(A) The Revenue Allocation Plan adopted by Resolution No. SF-GC-96-04, approved effective October 1, 1996, in accordance with the United States Department of the Interior's "Guidelines to Govern the Review and Approval of Per Capita Payments" dated December 21, 1992, or any amended and approved Revenue Allocation Plan, shall continue to govern all Per Capita Payments made from net revenues.

(B) If the Nation elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

- (1) The Nation shall authorize and issue such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. §2710(b)(3).

[25 U.S.C. §2710(b)(3); 25 C.F.R. §522.4(b)(2)(ii)]

- (2) The Nation shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved. Per capita

payments may be disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person, pursuant to the approved Revenue Allocation Plan.

[25 C.F.R. §290.12(b)(3)]

(3) Tribal members shall be notified of the tax liability for per capita payments and how taxes will be withheld in accordance with the approved revenue allocation plan.

[25 C.F.R. §290.12(b)(4); 26 C.F.R. Part 31]

[History: Public Law No. SF-08-180.]

(4) The Nation shall designate or create a Tribal court system, forum, or administrative process for resolution of disputes concerning the allocation of Net Revenues and the distribution of per capita payments and will explain how it will correct deficiencies.

[25 C.F.R. § 290.12(3)(iii), (b)(5); 25 C.F.R. § 290.22]

(5) The Nation shall ensure that the effective Tribal revenue allocation plan reserves an adequate portion of Net Revenues from the Tribal Gaming activity to do one or more of the following purposes: fund Tribal government operations or programs; provide for the general welfare of the Tribe or its members; promote Tribal economic development; donate to charitable organizations; or to help fund operations of local government.

[25 C.F.R. § 290.12(b)(1)]

(6) The Nation shall ensure that distributions of per capita payments are made according to specific eligibility requirements.

[25 C.F.R. § 290.12(3)(iii), (b)(5)]

Section 1-204. Independent Audits Required

(A) The Commission shall cause an annual outside independent audit of each Gaming Operation to be conducted, and shall submit the resulting audit reports to the governing body of the audited Gaming Operation, the Business Committee, and the NIGC.

[25 U.S.C. §2710(b)(2)(C); 25 C.F.R. §522.4(b)(3)]

(B) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A of this Section.

[25 U.S.C. §2710(b)(2) (D); 25 C.F.R. §522.4(b)(4)]

[History: Public Law No. SF-08-180.]

Section 1-205. Environmental Health and Safety

(A) The Commission will ensure gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

[25 U.S.C. §2710(b)(2)(E); 25 C.F.R. §522.4(b)(7)]

(B) The Commission will ensure each Gaming Operation shall adopt policies and procedures that assure adequate protection of the environment and the public health and safety at all gaming facilities.

(C) The policies and procedures issued by each Gaming Operation shall establish minimum standards for gaming facilities with regard to:

- (1) Emergency preparedness for natural and man-made disasters;
- (2) Food & water quality and safety;
- (3) Environmental and safety hazards relating to construction & maintenance;
- (4) Handling and disposal of hazardous and waste materials; and
- (5) Sanitation.

Each Gaming Operation shall consult with the professional staff of the Blackhawk Health Clinic, the Sac and Fox Police Department, and the Sac and Fox Justice Department regarding public health and safety issues mentioned in this Section, and take their views into account in the preparation of its policies and procedures.

[67 Fed. Reg. 46109 (July 12,2002)]

(D) The Commission shall require each gaming facility to conduct annual inspections of each gaming facility, and may inspect any gaming facility at such times as it deems necessary. One copy of each inspection report shall be provided to the governing body of the inspected Gaming Operation, and the Commission.

[67 Fed. Reg. 46109 (July 12,2002)]

(E) The Gaming Commission may bring any enforcement action necessary to enforce compliance with the policies and procedures issued pursuant to this Section.

[67 Fed. Reg. 46109 (July 12,2002)]

(F) The Commission shall take into account the inspection reports where conditions are present that pose a real and immediate threat: (1) To the environment, which, if uncorrected, would result in actual harm to life or destruction of property; or (2) to human health and well being, which, if uncorrected, could result in serious illness or death. The Commission may order the immediate closure of all or part of any gaming facility, or such lesser remedy as it deems necessary in order to protect the public health and safety or the environment.

[67 Fed. Reg. 46109 (July 12,2002)]

[History: Public Law No. SF-08-180.]

Section 1-206. Internal Control Standards

The Commission shall adopt and implement Tribal Internal Control Standards for the operation of all gaming facilities in accordance with any applicable provisions of the Compact and the regulations of the NIGC, with such enhancements as may be useful or necessary to further protect the government of the Nation, the gaming facilities, and the public interest. The Tribal Internal Control Standards shall be set out in separate regulations to be reviewed and adopted by the Commission to ensure that they are in compliance with the requirements of the NIGC and the Compact. The Tribal Internal Control Standards so approved shall thereafter govern all Class II and Class III Gaming within the jurisdiction of the Nation until and unless they are amended by the Commission in the same manner in which they were adopted.

[History: Public Law No. SF-08-180.]

Section 1-207. Agent for Service of NIGC Process

The Nation hereby designates the Principal Chief as agent for service of process from the NIGC, who may be contacted at:

Sac and Fox Nation
Route 2, Box 246
Stroud, Oklahoma 74079

[25 C.F.R. §519.1]

[History: Public Law No. SF-08-180.]

Section 1-208. Payment of Taxes and Regulatory Fees to the Nation

Each gaming facility shall pay all tribal taxes due, and its fair share of the regulatory fees imposed by law to reimburse the Nation for the cost of regulating gaming within its Indian lands.

[History: Public Law No. SF-08-180.]

Chapter Three—GENERAL PROVISION

Section 1-301. Complimentary Items

(A) The use of complimentary items shall be governed generally by regulations established by the Commission not inconsistent with this section.

(B) No Key Employee, Primary Management Official, member of the governing body of a Gaming Operation, Commissioner, employee of the Commission, or elected official of the Nation, including Judicial officers, nor any person in their immediate family or sharing a residence with such persons, shall be authorized to receive, or receive, complimentary items, provided, that food and beverages reasonably provided and received in the course of normal business meetings and operations are not prohibited by this provision, and provided further, that at a public event held at a gaming facility, trade fair, conference, or related public activity, free food and beverages and other complimentary items offered to all attending members of the general public equally may be offered to, and received by, such persons.

(C) Complimentary Items shall be included in the annual budget for each gaming facility, within any maximum limits specified and approved by, the governing body of the Gaming Operation.

[History: Public Law No. SF-08-180.]

Section 1-302. Compliance with Federal Law

The Nation, and all gaming operations conducted on its Indian lands, shall comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. §5311 et seq.

[History: Public Law No. SF-08-180.]

Section 1-303. Ethical Conduct Respecting Gaming

(A) The Nation recognizes that the duties of the governing body of each Gaming Operation and the Commission include making important and difficult decisions on highly sensitive issues. As such, the Nation has determined that the governing body of each Gaming Operation, and the Gaming Commission shall be held to extremely high ethical standards. Prior to taking their positions, the Commissioners shall agree in writing to support, protect, and defend the Constitution, Charter, and laws of the Nation, to be bound by the principles of the Business Ethics and Conflict of Interest Policy of the Nation, and to refrain from conduct defined as Misconduct in Office by the Code of Laws of the Nation.

(B) The following constitute examples of the principles of the Business Ethics and Conflict of Interest Policy and definitions of Misconduct in Office that are especially applicable in the gaming context:

(1) Commissioners shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators. Per Capita distributions are not considered financial interests that would conflict with the conscientious performance of duty by a manager or regulator.

(2) Commissioners shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.

(3) Commissioners shall not solicit or accept any gift or other item of monetary value, including complimentary items or services, from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the member's organization, or whose interests may be substantially affected by the performance or nonperformance of the Members' duties except as specifically authorized by law.

(4) Commissioners shall make no unauthorized commitments or promises of any kind purporting to bind the Nation or any of its agencies or subordinate entities.

(5) Commissioners shall not use their positions for private gain.

(6) Commissioners shall act impartially, in accordance with all relevant laws, and shall not give preferential treatment to any person, nor wrongfully withhold action to which any person is entitled on account of any matter personal to the Member.

(7) Commissioners shall ensure that the property and assets of gaming facilities are properly segregated and safeguarded, and that such property and assets are not used for unauthorized activities.

(8) Commissioners shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.

(9) Commissioners shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(10) Commissioners shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards applicable to the member.

(11) Commissioners shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

(C) The Gaming Commissioners shall determine by regulation whether any additional employees of the Commission, shall be required to take the foregoing oath, and be bound by these principles.

[History: Public Law No. SF-08-180. The "Business Ethics and Conflict of Interest Policy of the Sac and Fox Nation" referred to in this section is intended to refer to the policy approved by Public Law SF#06-204, August 29, 2006, including any future amendments, substitutions, or replacements for that policy.]

Section 1-304. Sovereign Immunity

(A) Nothing contained in this Title shall be construed to be a waiver of the sovereign immunity of the Nation or the Sac and Fox Tribe, Inc., or the officers, employees, agents, or business or political subdivisions thereof (the "Nation"), nor to be a consent to any suit beyond the limits specifically authorized by the laws of the Nation. All such authorizations shall be strictly construed.

(B) Persons who are not employees of the Nation, but who are performing substantial, necessary, or useful services to the Nation on a voluntary basis, who are acting under the supervision, or with the approval of an officer, agent, or employee of the Nation, and who would be immune from suit were the acts in which they were engaged done by any officer, agent or employee of the Nation, shall enjoy the protection of the sovereign immunity of the Nation to the same extent as a paid agent or employee.

[History: Public Law No. SF-08-180.]

Section 1-305. Patron Dispute Resolutions

(A) All disputes between members of the gaming public and operators or employees of licensed gaming facilities shall be promptly and amicably reconciled by the managing official or his authorized representative.

(B) In cases where such disputes cannot be promptly and amicably settled, such cases shall be referred to an investigator/arbitrator by the managing official of the Gaming Operation, or the intervention of such an investigator/arbitrator by the managing official of the Gaming Operation, or the intervention of such an investigator/arbitrator may be requested by the aggrieved member of the gaming public. The investigator/arbitrator shall be an employee of the Commission who has been properly trained and assigned such duties on a regular basis. The investigator/arbitrator shall make all reasonable efforts to amicably settle the dispute. Should such a settlement not be effected, the investigator/arbitrator shall promptly make a written report on the controversy and advise the Chairman of the Commission who shall, in turn, promptly schedule a hearing by the Commission on the matter, giving all involved parties reasonable notice of time, place, and date of the hearing. The Commission shall either dismiss the grievance or enter an order against the operator of the facility to effect fairness, justice, and equity. In property cases the Commission may also impose a civil fine or a civil penalty upon the facility, its operator or any of its employees found to have committed a material wrong against a member of the gaming public. All decisions of the

Commission shall be final and unappealable, except as may otherwise be provided by applicable federal or tribal law. In such a case, appeals shall be taken only to the Sac and Fox Courts. The Nation expressly preserves all aspects of its sovereign immunity against lawsuits in any such circumstance or case.

(C) No liability of any kind or nature shall ever attach to the Nation as a result of any dispute or the final decision of the Commission. The sovereign immunity of the Nation against lawsuit of its officials, acting in their official capacities, is expressly reserved in any instance.

(D) A copy of the provisions of this section shall be appropriately posted conspicuously and in plain view of the gaming public at all gaming facilities within the jurisdiction of the Nation.

(E) Each Gaming Operation engaged exclusively in Class II Gaming operations shall maintain public liability insurance with liability limits not less than the amount required by regulation of the Commission, and the Compact, if applicable, for the express purposes of covering and satisfying tort claims against that facility.

Section 1-306. Right of Appeal & Finality of Decisions

The parties to an authorized judicial proceeding before the District Court of the Nation in which a prize claim or tort claim is in dispute shall have the right to appeal to the Supreme Court of the Nation as provided by law. A decision of the Sac and Fox District Court that is not appealed, or a decision of the Supreme Court of the Nation shall be final and conclusive.

[History: Public Law No. SF-08-180.]

Chapter Four—GAMING COMMISSIONER POWERS & DUTIES

Section 1-401. Gaming Commission

(A) The Nation hereby establishes a Gaming Commission who shall regulate tribal gaming operations. The Commission shall consist of three members, at least two of whom must be enrolled members of the Sac and Fox Nation. There shall be among them a Chairperson, Vice Chairperson, and at least one additional Commissioner. The Commission may employ an Executive Director who may also serve as a Commissioner.

(B) The purpose of the Gaming Commission is regulatory, not managerial. The Commission will conduct oversight to ensure compliance with tribal, federal, and, if applicable by Compact, state laws and regulations. The Commission will serve as the licensing authority for individuals employed in the Gaming Operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the internal controls for the gaming operation and in tracking revenues. The Gaming Commission will also monitor all gaming operations through clandestine surveillance of all areas of each gaming facility. In order

to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all records. The Commission shall have authority to take enforcement actions, including notices of violation, closure orders, civil fine assessments, settlement agreements in lieu of enforcement actions, reopen orders, pre-opening agreements, and suspension or revocation of any gaming license when appropriate.

(C) The Nation recognizes the importance of an independent Gaming Commission in maintaining a well-regulated gaming operation. The Commission shall be and shall act independently and autonomously from the Business Committee and Governing Council, in all matters within its purview. No prior or subsequent review by the Business Committee or the Governing Council of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Law. To avoid potential conflicts of interest between the operation and regulation of the Gaming Facility, the Nation hereby finds that, at a minimum:

(1) No elected officer of the Sac and Fox Nation, any member of the Business Committee, Judges or Justices of the Nation's courts, Attorney General, Board members or employees of Sac and Fox Tribe, Inc., Sauk Business Enterprises members, employees of any of the Nation's gaming facilities, gaming contractors (including any principal of a management or other contracting company), persons ineligible to be key employees or primary management officials, or any person who has management responsibilities for any gaming operation may serve on the Gaming Commission;

(2) No member directly related to or living with any Business Committee member, Judges, or Justices of the Nation's courts, Attorney General, Board members or employees of Sac and Fox Tribe, Inc., Sauk Business Enterprises member may serve on the Commission;

(3) All persons employed by, or who are members of the Commission are prohibited from gambling in any of the Nation's Facilities; and

[NIGC Model Ordinance, Bulletin No. 05-05, Section 108(b)]

(D) Commission positions shall be filled in the following manner:

Through appointment by the Principal Chief and confirmation by the Business Committee. If a vacancy occurs for any reason by any member of the Commission, the Principal Chief shall, upon recommendation from the remaining Commissioners, make a temporary appointment for the remainder of that term.

(E) Nominees for positions of Commissioner of the Commission must satisfy the suitability standards set forth for key employees and primary management officials, found in Section 1-514 et seq. of this Law. Such background investigations shall be performed under the direction of the Chief of the Nation's Police Department or his or her designee.

(F) The Commission shall have authority to:

- (1) Conduct or cause background investigations to be conducted on, at a minimum, Primary Management Officials and Key Employees;
- (2) Review and approve all investigative work conducted;
- (3) Report results of background investigations to the NIGC;
- (4) Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
- (5) Make licensing suitability determinations, which shall be signed by the Chairman of the Gaming Commission;
- (6) Issue gaming licenses to management officials and employees of the operations, consistent with the suitability determination;
- (7) Establish standards for licensing Tribal gaming operations within the jurisdiction of the Nation;
- (8) Issue facility gaming licenses to Tribal gaming operations within the jurisdiction of the Nation;
- (9) Inspect, examine and monitor all gaming activities through surveillance, compliance and internal audit activities, approve the rules of various games, and authorize and inspect games, tables, equipment, machines, cards, dice, and chips or tokens and other paraphernalia used in all gaming operations to ensure compliance with applicable law;
- (10) Inspect, examine, and monitor the handling of all cash, cash equivalents, and cash transaction and accounting systems, and to have immediate access to review, inspect, examine, photocopy and audit all records of any gaming establishment within the jurisdiction of the Nation;
- (11) Ensure compliance with all applicable laws of the Nation, the state, and federal laws, rules, and regulations regarding Indian gaming;
- (12) Investigate any suspicion of wrongdoing associated with any gaming activities and report such activities to appropriate law enforcement agents;
- (13) Hold hearings on patron complaints, tort claims, and prize claims, in compliance with procedures established in the gaming ordinance, or as requested by any gaming facility;

(14) Comply with any and all reporting requirements under the IGRA, Compact, if applicable, to which the Nation is a party, and any other applicable law;

(15) Promulgate and issue regulations necessary to establish and require compliance with minimal internal control standards for all gaming operations within the jurisdiction of the Sac and Fox Nation, which standards shall govern the procedures for handling and accounting for gaming cash and cash equivalents, extending credit to patrons, and procedures for acquiring gaming supplies and equipment;

(16) Promulgate and issue regulations on the levying of fees necessary to defray the expenses of gaming license applications;

(17) Promulgate and issue regulations on the levying of civil fines or forfeitures respecting any person who violates applicable gaming law and regulations within the jurisdiction of the Sac and Fox Nation, and/or suspension or revocation of gaming licenses for violations of the gaming laws, rules, or any other applicable gaming law or regulations from state or federal jurisdictions; provided, that said regulations may not authorize the levy of a civil fine in excess of the amount which the NIGC is authorized to levy by statute;

(18) Establish a list of persons not allowed to game within the Nation's gaming facilities to maintain the integrity of the gaming;

(19) Establish a list of persons who have voluntarily asked to be excluded from the Nation's gaming facilities and create regulations for enforcing this exclusion;

(20) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of tribal, federal, or state applicable laws, statutes, regulations, or resolutions;

(21) Establish such video and audio surveillance standards as may be necessary, and conduct or approve such video and audio surveillance of gaming facilities as may be necessary to provide security and to enforce the standards applicable to gaming within the jurisdiction of the Nation;

(22) Perform such other duties the Commission deems appropriate for the proper regulation of the tribal gaming operations within the jurisdiction of the Nation;

(23) Promulgate regulations and guidelines as it deems appropriate to implement the provisions of this law.

[NIGC Model Ordinance, Bulletin No. 05-05, Section 108(f)]

(G) The Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel or others employed by the tribal gaming operation on a need-to-know basis for actions taken in their official capacities.

This Section does not apply to requests for such information or records from any tribal, federal or state law enforcement or regulatory agency, or for the use of such information or records by the Commission and staff in the performance of their official duties.

[NIGC Model Ordinance, Bulletin No. 05 06, Section 100(g)]

(H) Terms of Office for Gaming Commissioner shall be as follows: the Chair shall serve an initial term of one year, with subsequent Chairs serving four-year terms. The Vice-Chair and Commissioner(s) shall serve an initial term of two years, with subsequent Vice Chairs and Commissioners serving four-year terms.

(I) Tribal citizens previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud) will only be allowed to serve as Commissioners if the Business Committee specifically finds a significant amount of time has passed and that the person is now of trustworthy character. The Business Committee shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate suitability determination before appointing an individual to a position as a Commission.

(J) The independence of the Commission is essential to a well-regulated Gaming Operation. For that reason, Commissioners may only be removed from office by the Grievance Committee prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered. A vote of the Grievance Committee on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected Commissioner to compensation for fees and expenses incurred in an appeal and any pay withheld.

(K) A majority of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for a final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission.

(L) Gaming Commissioners shall be compensated at a level determined by the Business Committee. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

[History: Public Law No. SF-08-180]

Section 1-402. Buildings and Equipment»

The Commission will use such buildings and equipment in the performance of its duties and responsibilities as may be authorized by the Business Committee. The Commission shall present its equipment needs in its budget.

[History: Public Law No. SF-08-180]

Section 1-403. Personnel

(A) The Commission is hereby authorized to hire, fire, promote, demote, suspend, direct, supervise, train, manage, and appropriately delegate responsibilities and duties to such supervisory employees, accountants, investigators, secretaries, clerks, directors, administrators and other necessary personnel needed by the Commission to perform its duties and responsibilities.

(B) All such employees, and all matters relating to the hiring, promotion, discipline, and discharge of such employees shall be subject to the provisions of the Nation's Personnel Manual and in accord with the Commission's approved budget, and any amendments thereto.

[History: Public Law No. SF-08-180]

Section 1-404. Reasonable Assistance

The Commission may seek from, and shall render to, any department or agency of the Nation's government, cooperating agencies of the federal government including the National Indian Gaming Commission, any state or municipality, any foreign state or law enforcement agency, other tribal or state gaming regulatory bodies or law enforcement agencies, all reasonable, necessary, and lawful assistance that may be required or allowed by law to protect the public, enforce the laws, and secure the integrity of the gaming industry.

[History: Public Law No. SF-08-180]

Section 1-405. Enforcement Actions

(A) In the performance of its duties and responsibilities, the Commission shall use its best judgment and discretion in all legal matters arising before it for decision, and may seek the additional advice of the Attorney General, Tribal Attorney / General Counsel, the Business Committee or other offices or agents of the Nation before making significant decisions.

(B) The Commission shall bring or defend any lawful action in any court or before other agency in order to enforce subpoenas, civil fines, civil penalties, or other lawful orders issued by the Commission, and defend the Commission, its officers, agents, and employees in the due execution of their authority.

(C) In either its administrative operations and hearings, or in legal action by or against it, the Commission is authorized to compromise and settle any claims or matters relevant to its duties when such compromise or settlement is consistent with the purposes of this Title and the development of the gaming industry within the jurisdiction of the Nation.

[History: Public Law No. SF-08-180]

Section 1-406. License Fee Schedule

The Commission shall establish a schedule of fees to be paid by each proponent or applicant for a gaming license to assist in covering its expenses in investigating and licensing gaming facilities, all employees of a gaming facility, vendors, management contractors, and others who are required to be licensed to participate in gaming within the Sac and Fox Nation.

[History: Public Law No. SF-08-180]

Section 1-407. Reporting Requirements

The Commission shall:

(A) Ensure that all Gaming Operations and facilities are current in their reports and payments due to the National Indian Gaming Commission under federal law; and

(B) Ensure that all Gaming Operations and facilities are current in any reports and payments required by a Compact which is in effect; and

(C) Ensure that all Gaming Operations and facilities are current in any reports and payments required by the laws of the Sac and Fox Nation; and

(D) Ensure that all Gaming Operations and facilities are current in any reports and payments required by the Internal Revenue Service; and

(E) Provide written annual reports to the Business Committee and Governing Council on the status of the Nation's gaming activities no later than June 1st of each calendar year.

[History: Public Law No. SF-08-180]

Section 1-408. Record Keeping System

The Commission shall establish a complete record keeping system and procedures necessary to ensure efficient record keeping and secure administrative control of the record keeping system. At a minimum, this record keeping system will:

(A) Maintain all records concerning licenses issued, persons denied licenses, persons prohibited from engaging in gaming activities, persons who have voluntarily requested that they not be allowed to participate in gaming within the Nation's jurisdiction, and all other official activities of the Gaming Commission.

(B) Maintain a handbook of NIGC documents, recommended and required forms and procedures, and NIGC informational releases and documents by use of the NIGC Fax on Demand System, or otherwise.

(C) Furnish necessary information, and substantiate any reports, to the Principal Chief, the Business Committee, the Governing Council, or any relevant committee or department thereof, concerning proposed management contracts and the principals thereof proposing such a contract, proposed gaming sites, or locations, applications for gaming operations, gaming machines, equipment and supplies, manufacturers and suppliers thereof, or on any other gaming matter, and to maintain the factual predicates for actions taken by the Commission.

(D) Provide adequate safeguards to protect confidential information and guard against its disclosure other than as may be authorized or required by law.

[History: Public Law No. SF-08-180]

Section 1-409. Reporting NIGC Actions

The Commission shall immediately advise the Business Committee, the Tribal Attorney / General Counsel and the Attorney General when any actions of NIGC may adversely affect the Nation or any gaming facility licensed by the Nation through Commission.

[History: Public Law No. SF-08-180]

Section 1-410. Auditing Insurance Compliance

The Commission shall monitor the bonding and insurance coverage of all gaming facilities to insure that the Nation is a named insured against property losses including buildings and equipment owned, rented or leased by the Nation which are used in any gaming facility; against statutory, common law, and constitutional tort claims, and against such claims which may arise pursuant to a compact which is in effect; against thefts and burglaries involving property or funds, misapplications or misappropriations of property or funds by agents, servants or employees of the gaming facility (including any management contractor), and against any other peril or hazard which the Commission may direct, including, but not limited to, fidelity and fiduciary bonds or insurance

covering the employees of gaming operations, as is determined to be prudent and necessary.

[History: Public Law No. SF-08-180]

Subchapter A—ADMINISTRATIVE HEARINGS

Section 1-420. Authority to Conduct Hearings

The Commission is hereby authorized to issue subpoenas, take testimony, and conduct hearings on all regulatory matters, including matters related to the revocation of licenses of Key Employees, Primary Management Officials, and others as provided in this Title. The conduct of Commission Hearings shall be according to the Rules and Regulations of the Gaming Commission.

[History: Public Law No. SF-08-180]

Subchapter B—CIVIL FINES AND PENALTIES

Section 1-430. Civil Fines and Civil Penalties

The Commission is hereby authorized to impose civil fines and civil penalties not to exceed Twenty-five Thousand Dollars (\$25,000) for each separate material violation of the provisions of the gaming laws of the Nation, upon any licensee or employee of a gaming operation, upon any management contractor or employee thereof, or upon any applicant for such a license or contract, or other person involved in any way with a Gaming Operation, or gaming facility who shall:

(A) Willfully defraud, deceive, or misrepresent any material fact to any official of the Commission, to an official of the Nation to influence the performance of duty, to the National Indian Gaming Commission during the course of the offender's application for employment, license, or contract, or during the course of such offender's license, employment or contract, or

(B) Embezzle, steal, cheat, or otherwise unlawfully convert to their own use, or the use of another, title or possession of any property belonging to the Nation, or to any Gaming Operation or gaming facility, a fellow employee or licensee, or member of the gaming public patronizing a licensed gaming facility, or

(C) Harass, threaten, assault or commit a physical trespass upon the person or unlawfully injure the property of any official of the Commission or of the Nation or National Indian Gaming Commission, a fellow employee or licensee, or member of the gaming public patronizing a licensed gaming facility.

The Commission may establish by regulation a schedule of minimum and maximum civil fines or civil penalties to be imposed for particular violations not in excess of the amount authorized by this section.

[History: Public Law No. SF-08-180]

Section 1-431. Citations to be Issued

The Commission may delegate authority to its supervisors, investigators, or enforcement officials to issue written citations to offenders for the civil fines and civil penalties provided by this section. Such citations shall advise an individual or entity of the alleged violation, the civil fine or penalty which may be imposed, their right to a hearing on the citation, and the time, date and place of the hearing before the Gaming Commission.

[History: Public Law No. SF-08-180]

Section 1-432. Right to a Hearing

Every person to whom a citation is issued shall have the right to a hearing before the Commission, unless they voluntarily choose to waive their right to a hearing by payment of the civil fine or civil penalty as assessed, or by failing to appear at the date, time, and place set for the hearing. All hearings will be conducted in accordance with this Title. The Commission shall determine from the evidence submitted at such hearings whether the civil fine or civil penalty should be assessed.

[History: Public Law No. SF-08-180]

Section 1-433. Civil Fine and Penalties are Debts

All such civil fines and civil penalties which have become final shall be deemed to constitute a lawful indebtedness of the offender to the Nation.

[History: Public Law No. SF-08-180]

Section 1-434. Record of Final Assessments

The Commission shall keep a continuing record of all civil fines and civil penalties owing to the Nation and shall include a summary thereof in its annual report. The Commission may recommend charge offs of such civil fines and civil penalties which, in the judgment of the Commission, are uncollectible, and upon formal resolution of the Business Committee these fines may be charged off as uncollectible, and all records shall be properly amended to reflect such charge offs.

[History: Public Law No. SF-08-180]

Section 1-435. Deposit of Fines and Penalties Collected

All income from the collection of civil fines and civil penalties shall be deposited into the Treasury Account of the Nation, and may be appropriated by the Business Committee for the same purposes for which general revenues from taxation may be used.

[History: Public Law No. SF-08-180]

Section 1-436. Personal Jurisdiction

All gaming operation patrons, licensees, applicants for such licenses, management contractors, and employees of all gaming operations, whether permanent or temporary, and whether of Indian or non-Indian blood, descent, or tribal membership, shall be deemed to have voluntarily submitted themselves, or the entities which employ them in the case of management contractors, to the jurisdiction of the Commission and to the provisions of this section and to the provisions of other relevant sections of this Title and to the provisions of any other gaming laws, rules or regulations of the Nation by virtue of such participation, contracts, licenses and applications therefore with the gaming industry within the jurisdiction of the Nation and the Nation's authority to regulate such gaming as confirmed by the IGRA.

[History: Public Law No. SF-08-180]

Section 1-437. Failure to Pay

The failure to pay any civil fine or civil penalty which has become final shall constitute grounds and cause for the revocation of licenses, termination of employment of any employee of a licensed gaming operation, and a prohibition upon such person entering any gaming facility with the jurisdiction of the Nation. Notwithstanding any inconsistent provisions which may be contained in the Nation's Personnel Manual, grievance procedures contained therein shall not be available to gaming operation employees with respect to the imposition or assessment of civil fines and civil penalties by final orders of the Commission.

[History: Public Law No. SF-08-180]

Chapter Five—LICENSING

Section 1-501. Licenses Required

A separate license shall be issued to every employee of every gaming facility, including all employees of management contractors licensed by the Commission who have any responsibilities at a gaming facility within the jurisdiction of the Nation.

[History: Public Law No. SF-08-180.]

Section 1-502. Licenses To Be Displayed

The authorized holder of any gaming license shall promptly exhibit such licenses to any member of the public, any Commission employee, any agent or employee of the NIGC, or to any law enforcement officer when requested to do so. Individual licenses shall be carried upon the person of all employees of all gaming operations at all times that they are on duty.

[History: Public Law No. SF-08-180.]

Section 1-503. Jurisdictional Consent Required

The Commission shall require all applicants for licenses to sign the following statement:

I hereby consent to the personal and subject matter jurisdiction of the Sac and Fox Gaming Commission, to the jurisdiction of the Sac and Fox Nation Courts, and to all orders and decisions thereof concerning all activities of every kind and nature in which I may be involved as a gaming participant, vendor, contractor, licensee, employee, or otherwise within the jurisdiction of the Sac and Fox Nation, and I hereby waive all jurisdictional defenses to any and all actions, hearings, orders, decisions, civil fines or civil penalties which may be imposed by either of such adjudicatory bodies or tribunals or any other courts of competent jurisdiction to enforce the same.

[History: Public Law No. SF-08-180.]

**Subchapter A—KEY EMPLOYEE AND PRIMARY MANAGEMENT
OFFICIAL LICENSING****Section 1-511. Licenses Required**

The policies and procedures set out in this Subchapter shall be implemented with respect to Key Employees and Primary Management Officials employed at any Gaming Operation operated on Indian lands of the Nation. The Gaming Commission will issue licenses and perform background investigations according to requirements at least as stringent as those contained in the applicable provisions of 25 C.F.R. Parts 556 and 558, or the Compact, if applicable.

[25 U.S.C. §2710(b)(2)(F); 25 C.F.R. §558.3; 25 U.S.C. §522.4(b)(5)]

[History: Public Law No. SF-08-180.]

Section 1-512. License Application Forms

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

"In compliance with the Privacy Act of 1974, the following information is provided:

Solicitation of the information on this form is authorized by 25 U.S.C. §2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a Gaming Operation. The information will be used by the Tribe and the NIGC 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 prosecutions or when necessary pursuant to a requirement by a Tribe or the NIGC in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigation of activities while associated with a Tribe or a Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in a Tribe 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."

[25 C.F.R. §556.2(a)]

(B) The following additional notice shall be placed on the application form for a Key Employee or a primary official:

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

[25 C.F.R. §556.3(a)]

(C) The Commission shall notify in writing existing Key Employees and Primary Management Officials who have not completed an application containing the notices set forth above that they shall either:

(1) Complete a new application form that contains both the Privacy Act and false statement notices; or

(2) Sign a statement that contains the Privacy Act and false statement notices and consent to the routine uses described in that notice.

[25 C.F.R. §556.2(b); 25 C.F.R. §556.3(b)]

[History: Public Law No. SF-08-180.]

Section 1-513. Fingerprints

Each applicant for a Key Employee or Primary Management Official license shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken and forwarded to the NIGC for processing through the FBI to determine the applicant's criminal history, if any.

[25 C.F.R. §522.2(h); 25 C.F.R. §556.4(a)(14)]

[History: Public Law No. SF-08-180.]

Section 1-514. Background Investigations

(A) The Commission is responsible for conducting background investigations and suitability determinations for each Primary Management Official and each Key Employee.

(B) The Commission shall request from each Primary Management Official and from each Key Employee all of the following information:

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

(2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers' license numbers;

(3) 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 (B)(2) of this section;

(4) Current business and residence telephone numbers;

(5) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;

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

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

(8) For each felony for which there was an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

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

(10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (B)(8) or

(B)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

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

(12) A photograph taken within the last year; and

(13) Any other information the Gaming Commission deems relevant.

[25 C.F.R. §556.4]

[History: Public Law No. SF-08-180.]

Section 1-515. Background Check Procedures

(A) As part of its review procedure, the Gaming Commission, or its agent, shall conduct a background investigation on each applicant sufficient to allow the Gaming Commission to make an eligibility determination. The investigator shall:

(1) Verify the applicant's identity through items such as a social security card, drivers license, birth certificate, or passport;

(2) Contact each personal and business reference provided in the License Application, when possible;

(3) Obtain a personal credit check, at the Commission's discretion;

(4) Conduct a civil history check;

(5) Conduct a criminal history check, and submit the applicant's fingerprints to the NIGC for additional checking, and further obtain information from the appropriate court regarding misdemeanor convictions and criminal charges within the last ten (10) years and any past felony or felonies;

(6) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;

(7) Verify the applicant's history and status with any licensing agency by contacting the agency; and

(8) Take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(B) The assigned investigator shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information.

(C) The Gaming Commission and its investigator may promise to keep confidential the identity of each person interviewed in the course of the investigation if so requested, other than disclosure as required under Federal, Tribal, or State law made applicable by Compact obligations, and in the performance of their lawful duties.

[History: Public Law No. SF-08-180.]

Section 1-516. Eligibility Determination

(A) The Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or Primary Management Official applicants for employment in a Gaming Operation. If the Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Gaming Operation within the jurisdiction of the Nation shall not employ that person in a Key Employee or Primary Management Official position.

[25 C.F.R. §558.2]

(B) This determination may include a Statement describing how the information submitted by the applicant was verified; a Statement of results following an inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; a Statement showing the results of interviews of a sufficient number of knowledgeable people (such as former employers, personal references, and others referred to by the applicant) in order to provide a basis for the Commission to make a finding concerning the eligibility for licensing required for employment in a Gaming Operation; and a Statement documenting the disposition of all potential problem areas noted and potential disqualifying information obtained. A copy of the investigative report showing this information may be attached to the Eligibility Determination unless these matters are restated in that instrument.

[25 C.F.R. §556.5(c). Moved from Model Ordinance Section 209(c)]

[History: Public Law No. SF-08-180.]

Section 1-517. Forwarding Documentation to the NIGC

When a Key Employee or Primary Management Official is employed to work at a Gaming Operation authorized by this ordinance, the Gaming Commission shall forward to the NIGC a completed application for employment, conduct the background investigation, and make the determination.

[25 C.F.R. §558.3(a)]

[History: Public Law No. SF-08-180.]

Section 1-518. Report to the NIGC

(A) The Commission shall prepare and forward a report on each background investigation of each Key Employee or Primary Management Official to the NIGC. An investigative report shall include all of the following:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and
- (4) The bases for those conclusions.

[25 C.F.R. §556.5(a), (b)]

(B) The Commission shall forward the completed investigative report to the NIGC within 60 days after a Key Employee or Primary Management Official begins work.

[25 C.F.R. §558.3(b)]

(C) The Commission shall submit, with the investigative report, a copy of the eligibility determination, unless the NIGC shall have advised the Commission that the submission of the eligibility determination is not necessary.

[25 C.F.R. §556.5(c)]

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

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

[25 C.F.R. §556.5(d)]

(E) The Commission shall retain all applications for employment and reports (if any) of background investigations for no less than three (3) years from the date of termination of employment, or denial of a license application. Records concerning applicants for licenses as Key Employees or Primary Management Officials shall be made available for inspection by the Chairman of the NIGC or his or her designee.

[25 C.F.R. §558.1 (c)]

[History: Public Law No. SF-08-180.]

Section 1-519. Granting a Gaming License

(A) If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a

license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the Gaming Commission has provided an application and investigative report to the NIGC, the Commission may issue a license to such applicant.

[25 C.F.R. §558.4(a)]

(B) The Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (A) of this section until the Chairman of the NIGC receives the additional information.

[25 C.F.R. §558.4(b)]

(C) If, within the thirty (30) day period described above, the NIGC provides the Gaming Commission with a Statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official for whom the Commission has provided an application and investigative report to the NIGC, the Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC.[25 C.F.R. §558.4(b)]

(D) The Gaming Commission shall make the final decision whether to issue a license to such applicant.

[25 C.F.R. §558.4(b)]

[History: Public Law No. SF-08-180.]

Section 1-520. License Term

The Key Employee or a Primary Management Official gaming license issued shall be valid for a period of two years from the date of issue so long as the employee remains employed within the gaming industry in the Nation, and shall be renewable on such terms and conditions as the Commission may establish by regulation.

[See, 25 C.F.R. §§558.2, 558.4(b)]

[History: Public Law No. SF-08-180.]

Section 1-521. License Suspension or Revocation

(A) If, after the issuance of a gaming license, the Commission receives from the NIGC or any other source reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

[25 C.F.R. §558.5(b)]

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

[25 C.F.R. §558.5(c)]

(C) After a revocation hearing, the Commission shall decide whether to revoke or to reinstate a gaming license. The Commission shall notify the NIGC of its decision.

[25 C.F.R. §558.5(d)]

[History: Public Law No. SF-08-180.]

Subchapter B—NON-KEY EMPLOYEE LICENSING

Section 1-531. Licenses for Non-Key Employees

(A) The Gaming Commission is authorized to create a less stringent licensing process, which may be a simple due diligence check rather than a full background investigation, for all employees of Gaming Operations or facilities who are not Key Employees or Primary Management Officials. At its discretion, the Gaming Commission may further investigate license applicants when appropriate, and may require or conduct a full background check and NIGC check when it determines that circumstances either of the person or of the position applied for warrant such action.

[History: Public Law No. SF-08-180.]

Section 1-532. Applicant Investigations

The Gaming Commission shall review such portion of the applicant's prior activities, criminal record, if any, and reputation, habits and associations as the Commission determines necessary to make a finding concerning the eligibility of a such applicants for employment in a Gaming Operation in the particular position or class of positions for which the license is requested.

[History: Public Law No. SF-08-180.]

Section 1-533. Licensing Standard

The standard for licensure shall be whether the employment of the license applicant in the position or class of positions for which the license is requested, would pose a threat to the public interest or to the effective regulation of gaming, or would create or enhance the danger of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

[History: Public Law No. SF-08-180.]

Section 1-534. Eligibility Determination

(A) If the Commission determines that employment of the license applicant in the position or class of positions for which the license is requested would not be inconsistent with the licensing standard, the purpose of this Title, or the public interest, then the license shall be issued.

(B) If the Commission determines that such employment would be inconsistent with the licensing standard, the purpose of this Title, or the public interest, then that person shall not be licensed, and shall not be employed at any gaming facility within the jurisdiction of the Nation in such position or class of positions.

[History: Public Law No. SF-08-180.]

Section 1-535. License Term

(A) The non-key employee gaming license issued shall be valid for a period of two years from the date of issue so long as the employee remains employed within the gaming industry in the Nation, and shall be renewable on such terms and conditions as the Commission may establish by regulation.

(B) Such gaming licenses may be suspended or revoked in the same manner as licenses for Key Employees and Primary Management Officials.

[See, 25 C.F.R. §§558.2, 558.4(b)]

[History: Public Law No. SF-08-180.]

Section 1-536. Fingerprints

Each applicant for a non-key employee license shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken and be forwarded to the NIGC for processing through the FBI to determine the applicant's criminal history, if any.

[25 C.F.R. §522.2(h); 25 C.F.R. §556.4(a)(14)]

[History: Public Law No. SF-08-180.]

Subchapter C—GAMING VENDOR LICENSING**Section 1-541. Licenses for Vendors**

(A) Vendors of gaming services or supplies must have a vendor license from the Commission in order to transact business with any gaming facility operated within the Nation. Contracts for professional legal and accounting services are excluded from this section.

(B) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(C) Non-gaming vendors are vendors who provide services that do not have the ability to impact the integrity of gaming operations, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Commission shall create a regulation detailing which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors who:

- (1) are a Tribal, Local, State, or Federal government agencies;
- (2) are regulated by a State, a tribe, or the federal government; or
- (3) will provide goods of insubstantial or insignificant amounts or quantities;

if the Commission determines that licensing of the vendor is not necessary to protect the public interest.

[History: Public Law No. SF-08-180.]

Section 1-542. Submission of Vendor Application

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own 10% or more of the stock or are the 10 largest stockholders, and the on-site supervisor or manager under the agreement with the Nation, if applicable. The Gaming Commission shall, by regulation, establish the scope of the investigation which shall be conducted concerning different classes of vendors to protect the public interest. A minimal investigation shall consist of verification of the basic information contained in the license application. The most strenuous investigation shall be the equivalent of that required for Key Employees or Primary Management Officials.

[History: Public Law No. SF-08-180.]

Section 1-543. Contents of the Vendor Application

(A) Applications for gaming vendor licenses must include the following:

- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from the business address, any other names the applicant has done business under during the preceding ten years, type of service applicant will provide;

(2) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

(3) If the applicant is a corporation, the place of incorporation, and the qualification to do business within the jurisdiction of the Nation unless it be a domestic corporation.

(4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;

(5) General description of the business and its activities;

(6) Whether the applicant will be investing in or loaning money to the Gaming Operation and, if so, how much;

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

(8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;

(9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five years;

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

(11) If the business has ever had a license revoked for any reason, the circumstances involved;

(12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition if any;

(13) List the business' funding sources and any liabilities of \$50,000 or more, unless the business is publicly traded, or is willing to submit a certified financial statement;

(14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company;

and

(15) Any further information the Gaming Commission deems relevant.

(B) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the vendor license.

[History: Public Law No. SF-08-180.]

Section 1-544. Vendor Background Investigation

Subject to the regulations of the Gaming Commission, the Gaming Commission shall complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

(A) Verify the business' incorporation status, if any, and qualification to do business in the jurisdiction of the Nation;

(B) Obtain a business credit report, if available, and/or conduct a Better Business Bureau check on the vendor;

(C) Call at least three (3) of the references listed in the vendor application; and

(D) The Commission will conduct an appropriate investigation of the principals of the business; said investigation may include such items such as criminal history check, a credit report, and interviews with the personal references listed.

[History: Public Law No. SF-08-180.]

Section 1-545. Vendor Background Investigation Report

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Commission for appropriate action which shall be consistent with the same due process standards made applicable to Key Employees and Primary Management Officials.

[History: Public Law No. SF-08-180.]

Section 1-546. Licenses for Non-Gaming Vendors

For non-gaming vendors, the Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring Tribal purchases.

[History: Public Law No. SF-08-180.]

Section 1-547. License Term, Suspension, Revocation

(A) The vendor gaming license issued shall be valid for a period of two (2) years from the date of issue so long as the vendor's business remains substantially unchanged, the ownership and management of the vendor's business does not significantly change, and the vendor routinely supplies its products or services to the gaming industry within the jurisdiction of the Nation, and shall be renewable on such terms and conditions as the Commission may establish by regulation.

(B) In the event of changes in the ownership or management of the vendor's business, it shall promptly notify the Commission who shall conduct such investigation as is proper under the circumstances, and issue a new or amended license if necessary, unless the change creates an unacceptable risk to the public interest, the health, welfare, and safety of the Nation or the public, or to the integrity of the gaming industry within the jurisdiction of the Nation, in which case the Commission shall notify the vendor of its concerns and demand that the vendor take specified corrective action. If the vendor fails to take the necessary corrective action, the Commission may suspend the vendor license and institute revocation proceedings.

(C) Such gaming licenses may be suspended or revoked in the same manner as licenses for Key Employees and Primary Management Officials.

[See, 25 C.F.R. §§558.2, 558.4(b)]

[History: Public Law No. SF-08-180.]

Subchapter D—MANAGEMENT CONTRACTOR LICENSING**Section 1-551. Management Contractors License**

(A) In addition to the necessary license applications for each of its proposed Key Employees or Primary Management Officials, every proponent of a Management Contract shall submit to the Commission for its approval a copy of the draft contract, and all additional documents required by, or to be submitted to, the NIGC including, but not limited to background investigation applications and any supporting materials and documents.

(B) The Commission shall thereupon perform an investigation of the prospective candidate and its affiliates at least as stringent as the investigation conducted on applications for a license as a Key Employee or Primary Management Official. The Commission shall provide documents, analysis and recommendations to the Business Committee and the Nation's authorized entity having authority over the Gaming Operation which would be subject to the Management Contract regarding whether a contract should be entered into with the applicant. The Commission's analysis and recommendations should take place before application is submitted to the NIGC.

(C) The Commission shall also cause its lawyer to review the proposed contract to confirm that it is in compliance with all applicable laws and regulations.

(D) If the Commission determines that the draft Management Contract is in compliance with all applicable laws and regulations, and the proposed management contractor is suitable for the position under the standards applicable to Key Employees and Primary Management Officials, the Commission shall issue a conditional license to the Management Contractor for the draft contract, and authorize its submittal to the Chairman of the NIGC for final approval. The conditional license shall automatically go into full force and effect upon the approval of the proposed Management Contract by the Chairman of the NIGC.

[History: Public Law No. SF-08-180.]

Section 1-552. Licenses Required

No proposed Management Contract shall be forwarded to the NIGC for approval until the proposed management contractor has been licensed by the Commission.

[History: Public Law No. SF-08-180.]

Section 1-553. Investigatory Fee

In addition to any management contractor license fee which may be due under the Commission's fee schedule, every person or entity who applies to the Commission for a Management Contract shall deposit with the Commission an investigatory fee of \$5,000 dollars to cover the costs of necessary background investigations and the legal review. Additional fees may be required if the initial fee proves to be inadequate to cover processing and preliminary investigation costs. All remaining sums not expended or charged in the processing procedure shall be returned to the applicant at the time the application is disapproved by the Commission, or at the time it is finally approved by the Chairman of the NIGC.

[History: Public Law No. SF-08-180.]

Section 1-554. License Term

The management contractor gaming license shall be valid during the term of the approved Management Contract, and shall be renewable on such terms and conditions as the Commission may establish by regulation if that Management Contract is extended or renewed.

[See, 25 C.F.R. §§558.2, 558.4(b)]

[History: Public Law No. SF-08-180.]

Section 1-555. License Suspension or Revocation

(A) If, after the issuance of a management contractor license, the Commission receives from the NIGC, or any other source, reliable information indicating that a management contractor is not eligible for employment, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

[25 C.F.R. §558.5(b)]

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

[25 C.F.R. §558.5(c)]

(C) After a revocation hearing, the Commission shall decide whether to revoke or to reinstate the management Contractor license. The Commission shall notify the NIGC of its decision.

[25 C.F.R. §558.5(d)]

[History: Public Law No. SF-08-180.]

Section 1-556. Final NIGC Approval Required

At the initiation of each application for a Management Contract and at all material times thereafter, applicants shall be advised by the Commission that the final approval of such a contract or agreement is reserved to the Chairman of the NIGC and that the approval and execution of the contracts, and the issuance of the Commission's conditional license, is only a preliminary step in the final approval process. A Management Contract shall not be effective and shall be considered void until approved by the Chairman of the NIGC.

[History: Public Law No. SF-08-180.]

Subchapter E—FACILITY LICENSES**Section 1-561. Facility Licenses Required**

The Commission shall issue a separate license to each place, facility, or location on Indian lands where class II and/or Class III gaming is conducted under this Title. The Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official or the proponent of the facility.

[25 U.S.C. §2710(b)(1)(B); 25 C.F.R. §522.4(b)(6)]

[History: Public Law No. SF-08-180.]



December 14, 2010

By First Class Mail & Facsimile

Stephen Ward, Esq.
Conner & Winters
4000 One Williams Center
Tulsa, OK 74172
(918) 586-8982

Re: Sac and Fox Nation gaming ordinance amendments

Dear Mr. Ward:

This letter responds to your request to review and approve amendments to the Sac and Fox Nation's gaming ordinance. The amendments were enacted by Resolutions No. SF-11-14 and SF-11-19 on October 20 and November 12, 2010, and submitted to NIGC on October 21 and November 15, 2010. The amendments change the process for removal of the Nation's gaming commissioners and updates the Privacy Act and false statement language on the Tribe's licensing forms.

We appreciate that the Tribe brought these amendments to our attention and provided us a copy of the updated ordinance. The Tribe's amended ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require assistance, please contact Dorinda Strmiska, Staff Attorney, at (202) 632-7003

Sincerely,

A handwritten signature in cursive script that reads "Stevens".

Tracie L. Stevens
Chairwoman



SAC AND FOX NATION

920883 S Hwy. 99 Building A • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

FILED
IN THE DISTRICT COURT

RESOLUTION SF-11-14

2010 OCT 20 P 3:32

SAC AND FOX NATION

EMERGENCY BUSINESS COMMITTEE MEETING

CLERK
CHARLOTTE CANTRELL COURT CLERK

SAC AND FOX RESERVATION

STROUD, OKLAHOMA

BY: *[Signature]* DEPUTY

OCTOBER 20, 2010

FILED
DATE 10-20-10
SECRETARY
SAC & FOX NATION
[Signature]
OCT 21 2010

A PUBLIC LAW ADOPTING AND ENACTING AMENDMENTS TO THE SAC AND FOX NATION GAMING ORDINANCE OF 2008, AS AMENDED, REVISING THE PROCEDURES FOR REMOVAL OF GAMING COMMISSIONERS.

WHEREAS, the Business Committee of the Sac and Fox Nation met in an emergency meeting held the 20th day of October 2010; there being a quorum present, and

WHEREAS, the Business Committee is authorized to transact business and otherwise act in behalf of the Nation pursuant to the Constitution, Charter, and Laws of the Sac and Fox Nation, and

WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., requires that tribal governments engaging in Class II and Class III gaming, as defined in such act, adopt a law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indian lands, and

WHEREAS, the Nation enacted the Gaming Ordinance of 2008 (the "2008 Ordinance" or the "Ordinance") as a comprehensive revision of its gaming laws, which Ordinance, as subsequently amended, was approved by the Chairman of the National Indian Gaming Commission (the "NIGC") on or about November 20, 2008, and

WHEREAS, the Nation's Grievance Committee recently has begun an attempt to remove a Gaming Commissioner pursuant to Section 1-401(J) of the 2008 Ordinance, without following the Nation's Grievance Committee Procedure Ordinance, and without affording minimal due process to the target of such proceedings, and

WHEREAS, the Business Committee of the Nation has determined that Section 1-401(J) is vague and ambiguous, and does not adequately protect the integrity and independence of the Gaming Commission, and therefore that such section of the gaming ordinance should be amended as set forth herein in the best interests of the Nation.

NOW, THEREFORE,

Be it enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:

That: The following amendments to Section 1-401(J) of the Ordinance, as described herein and/or with deletions to the existing ordinance indicated by strikethroughs and with additions to the existing ordinance indicated by underlining, shall be enacted as the law of the Nation:

"The independence of the Commission is essential to a well-regulated Gaming Operation. For that reason, Commissioners may only be removed from office by the Grievance Committee ~~Business Committee~~ prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Any Commissioners ~~subject to removal hereunder will~~ shall be given ~~an~~ notice in writing of the specific grounds for a pending removal, and an opportunity at a hearing before the Business Committee, which hearing shall be held not less than thirty (30) days after the Commissioner's receipt of the notice of removal hereunder, to provide appear and present evidence rebutting the grounds for their his or her proposed removal before the removal is considered. Notice required hereunder may be made by personal service or by certified mail, with return receipt requested. While a removal proceeding is underway pursuant to this section, the Business Committee may, in its discretion, order the immediate suspension, pending a final determination concerning removal, of a Commissioner who is subject to such proceeding. A ~~vote~~ final decision of the Grievance Committee Business Committee removing a Commissioner shall be subject to review by the Nation's Courts solely with respect to errors of law, and all findings of fact made by the Business Committee may be overturned only if clearly erroneous. ~~on the validity of the removal shall be final and not subject to further appeal. A wrongful removal shall entitle the affected commissioner to compensation for fees and expenses incurred in an appeal and any pay withheld.~~";

That: the preceding amendments to Section 1-401(J) shall be effective as of October 20, 2010, and further that any all proceedings of the Nation's Grievance Committee pursuant to Section 1-401(J) that are ongoing and/or that are initiated subsequent to such date shall be null and void.

And, be it further enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:

That: Upon enactment of these amendments, it shall be submitted forthwith to the Chairman of the NIGC for approval pursuant to 25 U.S.C. §§ 2710(b) and (d); and

That: These amendments shall be effective as set forth herein and upon their approval by the Chairman of the NIGC, and such shall be promptly filed in the Office of the Court Clerk of the Sac and Fox Nation upon such approval; and

That: These amendments shall be codified at the appropriate locations in the Sac and Fox Code of Laws.

CERTIFICATION

WE, George Thurman, Principal Chief, and Jacklyn K. Williams, Secretary, of the Sac and Fox Nation, do hereby certify the foregoing **Resolution No. SF-11-14** to be a true, complete, and exact copy of the resolution as approved by the Business Committee in a properly called emergency meeting held on the Sac and Fox Reservation, Stroud, Oklahoma, on the 20th day of October, 2010, by a vote of: George Thurman-absent; Cheryl McClellan-yes; Jacklyn K. Williams-yes; Randle Carter-yes; and Stella Nullake-absent.

for Cheryl L. McClellan
George Thurman, Principal Chief
Sac and Fox Nation

Jacklyn K. Williams
Jacklyn K. Williams, Secretary
Sac and Fox Nation





SAC AND FOX NATION

920883 S Hwy. 99 Building A • Stroud, Oklahoma 74079 • (918) 968-1141 • FAX (918) 968-1142

NOV 15 2010

FILED

DATE 11-12-10

SECRETARY

SAC & FOX NATION

Justin K. Williams

RESOLUTION SF-11-19

SAC AND FOX NATION

FILED EMERGENCY SPECIAL BUSINESS COMMITTEE MEETING
IN THE DISTRICT COURT SAC AND FOX CASINO CONFERENCE ROOM
SHAWNEE, OKLAHOMA

2010 NOV 12 P 4:26

NOVEMBER 12, 2010

SAC AND FOX NATION
CHARLOTTE CARTER, COURT CLERK

BY: *[Signature]* DEPUTY
A PUBLIC LAW ADOPTING AND ENACTING AMENDMENTS TO THE SAC AND
FOX NATION GAMING ORDINANCE OF 2008, AS AMENDED, UPDATING
LANGUAGE OF REQUIRED NOTICES.

WHEREAS, the Business Committee of the Sac and Fox Nation met at a duly called, noticed, convened, and held Emergency Special meeting at the date and place aforesaid, there being a quorum present; and

WHEREAS, the Business Committee is authorized to transact business and otherwise act in behalf of the Nation pursuant to the Constitution, Charter, and Laws of the Sac and Fox Nation; and

WHEREAS, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., requires that tribal governments engaging in Class II and Class III gaming, as defined in such act, adopt a law prescribing procedures and methods to be utilized with regard to the conduct of gaming within their Indian lands; and

WHEREAS, the Nation enacted the Gaming Ordinance of 2008 (the "2008 Ordinance" or the "Ordinance") as a comprehensive revision of its gaming laws, which Ordinance, as subsequently amended, was approved by the Chairman of the National Indian Gaming Commission (the "NIGC") on or about November 20, 2008; and

WHEREAS, the NIGC recently has advised the Nation, in conjunction with the process of approval of pending amendments to the 2008 Ordinance, that the language of certain notices in the Ordinance must be updated to conform with the current requirements of 25 C.F.R. §§ 556.2 and 556.3; and

WHEREAS, the Business Committee of the Nation has determined that the appropriate sections of the 2008 Ordinance should be amended, as set forth herein, in the best interests of the Nation and in conformity with the NIGC's regulations.

NOW, THEREFORE,

Be it enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:

That: The following language, which amends and replaces the language of Section 1-512(A) and (B) of the Ordinance, in its entirety, shall be enacted as the law of the Nation:

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

‘In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe’s being unable to license you for a Primary Management Official or Key Employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.’

(B) The following additional notice shall be placed on the application form for a Key Employee or a primary official:

‘A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment.’

And, be it further enacted by the Business Committee of the Sac and Fox Nation, pursuant to the authority vested therein by the Constitution and Charter:

That: Upon enactment of these amendments, these amendments shall be submitted forthwith to the Chairman of the NIGC for approval pursuant to 25 U.S.C. §§ 2710(b) and (d); and

That: These amendments shall be effective as set forth herein upon their approval by the Chairman of the NIGC, and such shall be promptly filed in the Office of the Court Clerk of the Sac and Fox Nation upon such approval; and

That: All license application forms used by the Nation's Gaming Commission within one hundred eighty (180) days after the effective date of these amendments shall contain notices in compliance with these amendments; and

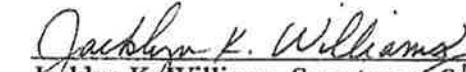
That: These amendments shall be codified at the appropriate locations in the Sac and Fox Code of Laws.

CERTIFICATION

WE, George Thurman, Principal Chief, and Jacklyn K. Williams, Secretary, of the Sac and Fox Nation, do hereby certify the foregoing Resolution No. SF-11-19 to be a true, complete, and exact copy of the resolution as approved by the Business Committee in a properly called Emergency Special meeting held on the Sac and Fox Reservation, Shawnee, Oklahoma, on the 12th day of November, 2010, by a vote of: George Thurman-yes; Cheryl McClellan-absent; Jacklyn K. Williams-yes; Randle Carter-yes; and Stella Nullake-yes.



George Thurman, Principal Chief
Sac and Fox Nation



Jacklyn K. Williams, Secretary
Sac and Fox Nation



SAC AND FOX NATION GAMING ORDINANCE OF 2018

EXHIBIT C.

**Class III Gaming Compact between the Sac and Fox Nation
and the State of Oklahoma (eff. June 1, 2005)**

***Submission to Chairman, National Indian Gaming
Commission, July 19, 2018***

targeted project contained on the application submission date;

(c) You will receive 3 Points if your application demonstrates that the number of project-based affordable units in your plan is 125 percent or more of the number of existing public housing units that the targeted project contained on the application submission date;

(d) You will receive 2 Points if your application demonstrates that the number of project-based affordable units in your plan is 110 to 124 percent of the number of existing public housing units that the targeted project contained on the application submission date

(e) You will receive 1 Point if your application demonstrates that the number of project-based affordable units in your plan is 100 to 109 percent of the number of existing public housing units that the targeted project contained on the application submission date.

(f) You will receive 0 Points if your application demonstrates that the number of project-based affordable units in your plan is less than the number of existing public housing units that the targeted project contained on the application submission date or if your application does not address this factor to an extent that makes HUD's rating of this factor possible.

Dated: May 25, 2005.

Milan Ozdinec,

Acting Deputy Assistant Secretary for Public Housing and Voucher Programs.

[FR Doc. 05-10857 Filed 5-31-05; 8:45 am]

BILLING CODE 4210-33-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Class III Gaming Compacts taking effect.

SUMMARY: Notice is given that the Tribal-State Compacts between the Iowa Tribe, the Modoc Tribe, the Ottawa Tribe, the Delaware Nation, and the Sac & Fox Nation and the State of Oklahoma, are considered to have been approved and are in effect.

EFFECTIVE DATE: June 1, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under Section 11 (d)(7)(D) of the Indian

Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior must publish in the **Federal Register** notice of any Tribal-State compact that is approved, or considered to have been approved for the purpose of engaging in Class III gaming activities on Indian lands. The Acting Principal Deputy Assistant Secretary-Indian Affairs, Department of the Interior, through his delegated authority did not approve or disapprove these compacts before the date that is 45 days after the date these compacts were submitted. These compacts authorize these Indian tribes to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games. Therefore, pursuant to 25 U.S.C. 2710(d)(7)(C), these compacts are considered to have been approved, but only to the extent they are consistent with IGRA.

Dated: May 18, 2005.

Michael D. Olsen,

Acting Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 05-10877 Filed 5-31-05; 8:45 am]

BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal—State Class III Gaming Compact.

SUMMARY: This notice publishes an Approval of the Amended and Restated Tribal-State Government-to-Government Compact for the regulation of Class III Gaming on the Warm Springs Reservation.

EFFECTIVE DATE: June 1, 2005.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in class III gaming activities on Indian lands. This Amended and Restated Tribal-State Compact

supercedes in its entirety the 1995 Tribal-State Compact as amended by Amendments I through XI, for the regulation of gaming at the Ka-Nee-Ta gaming facility on the Warm Springs Reservation. The Associate Deputy Secretary, Department of the Interior, through his delegated authority, is publishing notice that the Amended and Restated Tribal-State Government-to-Government Compact for the Regulation of Class III Gaming on the Warm Springs Reservation is in effect.

Dated: May 20, 2005.

James E. Cason,

Associate Deputy Secretary.

[FR Doc. 05-10878 Filed 5-31-05; 8:45 am]

BILLING CODE 4310-4N-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-1320-EL, WYW163339]

Coal Lease Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of invitation for coal exploration license.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.A. 201(b), and to the regulations adopted at 43 CFR 3410, all interested parties are hereby invited to participate with Antelope Coal Company on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Campbell and Converse Counties, WY:

T. 40 N., R. 71 W., 6th P.M., Wyoming

Sec. 5: Lots 8, 9, 16-18;

Sec. 6: Lots 8-23;

Sec. 7: Lots 5-18;

Sec. 8: Lots 1-16;

Sec. 9: Lots 2-16;

Sec. 10: Lots 5, 6, 11-14;

Sec. 15: Lots 3-6, 11-14;

Sec. 17: Lots 1-16;

T. 41 N.R. 71 W., 6th P.M., Wyoming

Sec. 7: Lots 5-20;

Sec. 8: Lots 1-14, N½SE¼;

Sec. 9: Lots 1-16;

Sec. 10: Lots 9-16;

Sec. 14: Lots 3, 4;

Sec. 15: Lots 1-5, 12, 13;

Sec. 17: Lots 1-16;

Sec. 18: Lots 5-20;

Sec. 19: Lots 4-19;

Sec. 20: Lots 1-16;

Sec. 21: Lots 1-16;

Sec. 22: Lots 2, 7, 8, 14-16;

Sec. 27: Lots 6-11;

Sec. 28: Lots 1-8;

SAC AND FOX NATION

FILED

IN THE DISTRICT COURT

DATE 3-10-05

DOCKET _____ PAGE _____

SAC & FOX NATION

C. Cantor COURT CLERK

DEPUTY

FILED

DATE 3/07/05

SECRETARY

SAC & FOX NATION

Steve M. Munn



CLASS III GAMING COMPACT

between

THE SAC AND FOX NATION

Approved By: Sac and Fox Resolution SF-05- 74 (2005)

and

THE STATE OF OKLAHOMA

Approved By: State Question 712 (2004)

3A O.S. §280. Offer of Model Tribal Gaming Compact

The State of Oklahoma through the concurrence of the Governor after considering the executive prerogatives of that office and the power to negotiate the terms of a compact between the state and a tribe, and by means of the execution of this act, and with the concurrence of the State Legislature through the enactment of this act, hereby makes the following offer of a model tribal gaming compact regarding gaming to all federally recognized Indian tribes as identified in the Federal Register within this state that own or are the beneficial owners of Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C., Section 2703(4), and over which the tribe has jurisdiction as recognized by the Secretary of the Interior and is a part of the tribe's "Indian reservation" as defined in 25 C.F.R., Part 151.2 or has been acquired pursuant to 25 C.F.R., Part 151, which, if accepted, shall constitute a gaming compact between this state and the accepting tribe for purposes of the Indian Gaming Regulatory Act. Acceptance of the offer contained in this section shall be through the signature of the chief executive officer of the tribal government whose authority to enter into the compact shall be set forth in an accompanying law or ordinance or resolution by the governing body of the tribe, a copy of which shall be provided by the tribe to the Governor. No further action by the Governor or the state is required before the Compact can take effect. A tribe accepting this Model Tribal Gaming Compact is responsible for submitting a copy of the Compact executed by the tribe to the Secretary of the Interior for approval and publication in the Federal Register. The tribe shall provide a copy of the executed Compact to the Governor. No tribe shall be required to agree to terms different than the terms set forth in the Model Tribal Gaming Compact, which is set forth in Section 22 of this act. As a precondition to execution of the Model Tribal Gaming Compact by any tribe, the tribe must have paid or entered into a written agreement for payment of any fines assessed prior to the effective date of the State-Tribal Gaming Act by the federal government with respect to the tribe's gaming activities pursuant to the Indian Gaming Regulatory Act.

Notwithstanding the provisions of Sections 941 through 988 of Title 21 of the Oklahoma Statutes, the conducting of and the participation in any game authorized by the model compact set forth in Section 22 of this act are lawful when played pursuant to a compact which has become effective.

Twelve percent (12%) of all fees received by the state pursuant to subsection A of Part 11 of the Model Tribal Gaming Compact set forth in Section 22 of this act shall be deposited in the Oklahoma Higher Learning Access Trust Fund, and eighty-eight percent (88%) of such fees shall be deposited in the Education Reform Revolving Fund. Provided, the first Twenty Thousand Eight Hundred Thirty-three Dollars and thirty-three cents (\$20,833.33) of all fees received each month by the state pursuant to subsection A of Part 11 of the Model Tribal Gaming Compact set forth in Section 22 of this act shall be transferred to the Department of Mental Health and Substance Abuse Services for the treatment of compulsive gambling disorder and educational programs related to such disorder.

Historical Data

Added by Laws 2004, SB 1252, c. 316, § 21, State Question No. 712, Legis. Ref. No. 335, approved at the general election held November 2, 2004.

3A O.S. §281. Provisions of the Model Tribal Gaming Compact

This section sets forth the provisions of the Model Tribal Gaming Compact.

**MODEL TRIBAL GAMING COMPACT
Between the Sac and Fox Nation
and the STATE OF OKLAHOMA**

This Compact is made and entered into by and between the Sac and Fox Nation, a federally recognized Indian tribe ("tribe"), and the State of Oklahoma ("state"), with respect to the operation of covered games (as defined herein) on the tribe's Indian lands as defined by the Indian Gaming Regulatory Act, 25 U.S.C., Section 2703(4).

Part 1. TITLE

This document shall be referred to as the "Sac and Fox Nation and State of Oklahoma Gaming Compact".

Part 2. RECITALS

1. The tribe is a federally recognized tribal government possessing sovereign powers and rights of self-government.
2. The State of Oklahoma is a state of the United States of America possessing the sovereign powers and rights of a state.
3. The state and the tribe maintain a government-to-government relationship, and this Compact will help to foster mutual respect and understanding among Indians and non-Indians.
4. The United States Supreme Court has long recognized the right of an Indian tribe to regulate activity on lands within its jurisdiction.
5. The tribe desires to offer the play of covered games, as defined in paragraphs 5, 10, 11 and 12 of Part 3 of this Compact, as a means of generating revenues for purposes authorized by the Indian Gaming Regulatory Act, 25 U.S.C., Section 2701, et seq., including without limitation the support of tribal governmental programs, such as health

care, housing, sewer and water projects, police, corrections, fire, judicial services, highway and bridge construction, general assistance for tribal elders, day care for the children, economic development, educational opportunities and other typical and valuable governmental services and programs for tribal members.

6. The state recognizes that the positive effects of this Compact will extend beyond the tribe's lands to the tribe's neighbors and surrounding communities and will generally benefit all of Oklahoma. These positive effects and benefits may include not only those described in paragraph 5 of this Part, but also may include increased tourism and related economic development activities.

7. The tribe and the state jointly wish to protect their citizens from any criminal involvement in the gaming operations regulated under this Compact.

Part 3. DEFINITIONS

As used in this Compact:

1. "Adjusted gross revenues" means the total receipts received from the play of all covered games minus all prize payouts;
2. "Annual oversight assessment" means the assessment described in subsection B of Part 11 of this Compact;
3. "Central computer" means a computer to which player terminals are linked to allow competition in electronic bonanza-style bingo games;
4. "Compact" means this Tribal Gaming Compact between the state and the tribe, entered into pursuant to Sections 21 and 22 of the State-Tribal Gaming Act;
5. "Covered game" means the following games conducted in accordance with the standards, as applicable, set forth in Sections 11 through 18 of the State-Tribal Gaming Act: an electronic bonanza-style bingo game, an electronic amusement game, an electronic instant bingo game, nonhouse-banked card games; any other game, if the operation of such game by a tribe would require a compact and if such game has been: (i) approved by the Oklahoma Horse Racing Commission for use by an organizational licensee, (ii) approved by state legislation for use by any person or entity, or (iii) approved by amendment of the State-Tribal Gaming Act; and upon election by the tribe by written supplement to this Compact, any Class II game in use by the tribe, provided that no exclusivity payments shall be required for the operation of such Class II game;
6. "Covered game employee" means any individual employed by the enterprise or a third party providing management services to the enterprise, whose responsibilities include the rendering of services with respect to the operation, maintenance or management of covered games. The term "covered game employee" includes, but is not limited to, the

following: managers and assistant managers; accounting personnel; surveillance and security personnel; cashiers, supervisors, and floor personnel; cage personnel; and any other person whose employment duties require or authorize access to areas of the facility related to the conduct of covered games or the maintenance or storage of covered game components. This shall not include upper level tribal employees or tribe's elected officials so long as such individuals are not directly involved in the operation, maintenance, or management of covered game components. The enterprise may, at its discretion, include other persons employed at or in connection with the enterprise within the definition of covered game employee;

7. "Documents" means books, records, electronic, magnetic and computer media documents and other writings and materials, copies thereof, and information contained therein;

8. "Effective date" means the date on which the last of the conditions set forth in subsection A of Part 15 of this Compact have been met;

9. "Electronic accounting system" means an electronic system that provides a secure means to receive, store and access data and record critical functions and activities, as set forth in the State-Tribal Gaming Act;

10. "Electronic amusement game" means a game that is played in an electronic environment in which a player's performance and opportunity for success can be improved by skill that conforms to the standards set forth in the State-Tribal Gaming Act;

11. "Electronic bonanza-style bingo game" means a game played in an electronic environment in which some or all of the numbers or symbols are drawn or electronically determined before the electronic bingo cards for that game are sold that conforms to the standards set forth in the State-Tribal Gaming Act;

12. "Electronic instant bingo game" means a game played in an electronic environment in which a player wins if his or her electronic instant bingo card contains a combination of numbers or symbols that was designated in advance of the game as a winning combination. There may be multiple winning combinations in each game and multiple winning cards that conform to the standards set forth in the State-Tribal Gaming Act;

13. "Enterprise" means the tribe or the tribal agency or section of tribal management with direct responsibility for the conduct of covered games, the tribal business enterprise that conducts covered games, or a person, corporation or other entity that has entered into a management contract with the tribe to conduct covered games, in accordance with IGRA. The names, addresses and identifying information of any covered game employees shall be forwarded to the SCA at least annually. In any event, the tribe shall have the ultimate responsibility for ensuring that the tribe or enterprise fulfills the responsibilities under this Compact. For purposes of enforcement, the tribe is deemed to have made all promises for the enterprise;

14. "Facility" means any building of the tribe in which the covered games authorized by this Compact are conducted by the enterprise, located on Indian lands as defined by IGRA. The tribe shall have the ultimate responsibility for ensuring that a facility conforms to the Compact as required herein;

15. "Game play credits" means a method of representing value obtained from the exchange of cash or cash equivalents, or earned as a prize, in connection with electronic gaming. Game play credits may be redeemed for cash or a cash equivalent;

16. "Player terminals" means electronic or electromechanical terminals housed in cabinets with input devices and video screens or electromechanical displays on which players play electronic bonanza-style bingo games, electronic instant bingo games or electronic amusement games;

17. "Independent testing laboratory" means a laboratory of national reputation that is demonstrably competent and qualified to scientifically test and evaluate devices for compliance with this Compact and to otherwise perform the functions assigned to it in this Compact. An independent testing laboratory shall not be owned or controlled by the tribe, the enterprise, an organizational licensee as defined in the State-Tribal Gaming Act, the state, or any manufacturer, supplier or operator of gaming devices. The selection of an independent testing laboratory for any purpose under this Compact shall be made from a list of one or more laboratories mutually agreed upon by the parties; provided that the parties hereby agree that any laboratory upon which the National Indian Gaming Commission has relied for such testing may be utilized for testing required by this Compact;

18. "IGRA" means the Indian Gaming Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, codified at 25 U.S.C., Section 2701 et seq. and 18 U.S.C., Sections 1166 to 1168;

19. "Nonhouse-banked card games" means any card game in which the tribe has no interest in the outcome of the game, including games played in tournament formats and games in which the tribe collects a fee from the player for participating, and all bets are placed in a common pool or pot from which all player winnings, prizes and direct costs are paid. As provided herein, administrative fees may be charged by the tribe against any common pool in an amount equal to any fee paid the state; provided that the tribe may seed the pool as it determines necessary from time to time;

20. "Patron" means any person who is on the premises of a gaming facility, for the purpose of playing covered games authorized by this Compact;

21. "Principal" means, with respect to any entity, its sole proprietor or any partner, trustee, beneficiary or shareholder holding five percent (5%) or more of its beneficial or controlling ownership, either directly or indirectly, or any officer, director, principal management employee, or key employee thereof;

22. "Rules and regulations" means the rules and regulations promulgated by the Tribal Compliance Agency for implementation of this Compact;

23. "Standards" means the descriptions and specifications of electronic amusement games, electronic bonanza-style bingo games and electronic instant bingo games or components thereof as set forth in Sections 11 through 18 of the State-Tribal Gaming Act as enacted in 2004 or as amended pursuant to paragraph 27 of this Part or subsection D of Part 13 of this Compact, including technical specifications for component parts, requirements for cashless transaction systems, software tools for security and audit purposes, and procedures for operation of such games;

24. "State" means the State of Oklahoma;

25. "State Compliance Agency" ("SCA") means the state agency that has the authority to carry out the state's oversight responsibilities under this Compact, which shall be the Office of State Finance or its successor agency. Nothing herein shall supplant the role or duties of the Oklahoma State Bureau of Investigation under state law. The Oklahoma Horse Racing Commission and the Oklahoma Tax Commission shall have no role in regulating or oversight of any gaming conducted by a tribe;

26. "Tribal Compliance Agency" ("TCA") means the tribal governmental agency that has the authority to carry out the tribe's regulatory and oversight responsibilities under this Compact. Unless and until otherwise designated by the tribe, the TCA shall be the Sac and Fox Nation Gaming Commission. No covered game employee may be a member or employee of the TCA. The tribe shall have the ultimate responsibility for ensuring that the TCA fulfills its responsibilities under this Compact. The members of the TCA shall be subject to background investigations and licensed to the extent required by any tribal or federal law, and in accordance with subsection B of Part 7 of this Compact. The tribe shall ensure that all TCA officers and agents are qualified for such position and receive ongoing training to obtain and maintain skills that are sufficient to carry out their responsibilities in accordance with industry standards;

27. "State-Tribal Gaming Act" means the legislation in which this Model Tribal Gaming Compact is set forth and, at the tribe's option, amendments or successor statutes thereto;

28. "Tribal law enforcement agency" means a police or security force established and maintained by the tribe pursuant to the tribe's powers of self-government to carry out law enforcement duties at or in connection with a facility; and

29. "Tribe" means the Sac and Fox Nation.

Part 4. AUTHORIZATION OF COVERED GAMES

A. The tribe and state agree that the tribe is authorized to operate covered games only in accordance with this Compact. However, nothing in this Compact shall limit the tribe's

right to operate any game that is Class II under IGRA and no Class II games shall be subject to the exclusivity payments set forth in Part 11 of this Compact. In the case of electronic bonanza-style bingo games, there have been disagreements between tribes and federal regulators as to whether or not such games are Class II. Without conceding that such games are Class III, the tribe has agreed to compact with the state to operate the specific type of electronic bonanza-style bingo game described in this Compact to remove any legal uncertainty as to the tribe's right to lawfully operate the game. Should the electronic bonanza-style bingo game or the electronic instant bingo game described in this act be determined to be Class II by the NIGC or a federal court, then the tribe shall have the option to operate such games outside of this Compact; provided, any obligations pursuant to subsection F of Part 11 of this Compact shall not be affected thereby.

B. A tribe shall not operate an electronic bonanza-style bingo game, an electronic instant bingo game or an electronic amusement game pursuant to this Compact until such game has been certified by an independent testing laboratory and the TCA as meeting the standards set out in the State-Tribal Gaming Act for electronic bonanza-style bingo games, electronic instant bingo games or electronic amusement games, as applicable or any standards contained in the Oklahoma Horse Racing Commission rules issued pursuant to subsection B of Section 9 the State-Tribal Gaming Act that modify the standards for such games that may be conducted by organizational licensees. Provided, the tribe may rely on any certification of an electronic bonanza-style bingo game, an electronic instant bingo, or electronic amusement games by the Oklahoma Horse Racing Commission which was obtained by an organization licensee pursuant to the State-Tribal Gaming Act to establish certification compliance under this Compact. The tribe may also rely on any certification of an electronic bonanza-style bingo game, electronic instant bingo or an electronic amusement game by the TCA obtained by another tribe which has entered into the model compact to establish certification compliance under this Compact.

Part 5. RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR OPERATIONS

A. Regulations. At all times during the Term of this Compact, the tribe shall be responsible for all duties which are assigned to it, the enterprise, the facility, and the TCA under this Compact. The tribe shall promulgate any rules and regulations necessary to implement this Compact, which at a minimum shall expressly include or incorporate by reference all provisions of Part 5 and the procedural requirements of Part 6 of this Compact. Nothing in this Compact shall be construed to affect the tribe's right to amend its rules and regulations, provided that any such amendment shall be in conformity with this Compact. The SCA may propose additional rules and regulations related to implementation of this Compact to the TCA at any time, and the TCA shall give good faith consideration to such suggestions and shall notify the SCA of its response or action with respect thereto.

B. Compliance; Internal Control Standards. All enterprises and facilities shall comply with, and all covered games approved under the procedures set forth in this Compact shall be operated in accordance with the requirements set forth in this Compact, including, but not limited to, those set forth in subsections C and D of this Part. In addition, all enterprises and facilities shall comply with tribal internal control standards that provide a level of control that equals or exceeds those set forth in the National Indian Gaming Commission's Minimum Internal Control Standards (25 C.F.R., Part 542).

C. Records. In addition to other records required to be maintained herein, the enterprise or tribe shall maintain the following records related to implementation of this Compact in permanent form and as written or entered, whether manually or by computer, and which shall be maintained by the enterprise and made available for inspection by the SCA for no less than three (3) years from the date generated:

1. A log recording all surveillance activities in the monitoring room of the facility, including, but not limited to, surveillance records kept in the normal course of enterprise operations and in accordance with industry standards; provided, notwithstanding anything to the contrary herein, surveillance records may, at the discretion of the enterprise, be destroyed if no incident has been reported within one (1) year following the date such records were made. Records, as used in this Compact, shall include video tapes and any other storage media;

2. Payout from the conduct of all covered games;

3. Maintenance logs for all covered games gaming equipment used by the enterprise;

4. Security logs as kept in the normal course of conducting and maintaining security at the facility, which at a minimum shall conform to industry practices for such reports. The security logs shall document any unusual or nonstandard activities, occurrences or events at or related to the facility or in connection with the enterprise. Each incident, without regard to materiality, shall be assigned a sequential number for each such report. At a minimum, the security logs shall consist of the following information, which shall be recorded in a reasonable fashion noting:

- a. the assigned number of the incident,

- b. the date of the incident,

- c. the time of the incident,

- d. the location of the incident,

- e. the nature of the incident,

f. the identity, including identification information, of any persons involved in the incident and any known witnesses to the incident, and

g. the tribal compliance officer making the report and any other persons contributing to its preparation;

5. Books and records on all covered game activities of the enterprise shall be maintained in accordance with generally accepted accounting principles (GAAP); and

6. All documents generated in accordance with this Compact.

D. Use of Net Revenues. Net revenues that the tribe receives from covered games are to be used for any one or more of those purposes permitted under IGRA:

1. To fund tribal government operations or programs;
2. To provide for the general welfare of the tribe and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

- E.**
1. The tribe's rules and regulations shall require the enterprise at a minimum to bar persons based on their prior conduct at the facility or who, because of their criminal history or association with criminal offenders, pose a threat to the integrity of the conduct of covered games.
 2. The TCA shall establish a list of the persons barred from the facility.
 3. The enterprise shall employ its best efforts to exclude persons on such list from entry into its facility; provided, neither persons who are barred but gain access to the facility, nor any other person, shall have any claim against the state, the tribe or the enterprise or any other person for failing to enforce such bar.
 4. Patrons who believe they may be playing covered games on a compulsive basis may request that their names be placed on the list. All covered game employees shall receive training on identifying players who have a problem with compulsive playing and shall be instructed to ask them to leave. Signs and other materials shall be readily available to direct such compulsive players to agencies where they may receive counseling.

F. Audits.

1. Consistent with 25 C.F.R., Section 571.12, Audit Standards, the TCA shall ensure that an annual independent financial audit of the enterprise's conduct of covered games subject to this Compact is secured. The audit shall, at a minimum, examine revenues and expenses in connection with the conduct of covered games in accordance with generally accepted auditing standards and shall include, but not be limited to, those matters necessary to verify the determination of adjusted gross revenues and the basis of the payments made to the state pursuant to Part 11 of this Compact.

2. The auditor selected by the TCA shall be a firm of known and demonstrable experience, expertise and stature in conducting audits of this kind and scope.

3. The audit shall be concluded within five (5) months following the close of each calendar year, provided that extensions may be requested by the tribe and shall not be refused by the state where the circumstances justifying the extension request are beyond the tribe's control.

4. The audit of the conduct of covered games may be conducted as part of or in conjunction with the audit of the enterprise, but if so conducted shall be separately stated for the reporting purposes required herein.

5. The audit shall conform to generally accepted auditing standards. As part of the audit report, the auditor shall certify to the TCA that, in the course of the audit, the auditor discovered no matters within the scope of the audit which were determined or believed to be in violation of any provision of this Compact.

6. The enterprise shall assume all costs in connection with the audit.

7. The audit report for the conduct of covered games shall be submitted to the SCA within thirty (30) days of completion. The auditor's work papers concerning covered games shall be made available to the SCA upon request.

8. Representatives of the SCA may, upon request, meet with the auditors to discuss the work papers, the audit or any matters in connection therewith; provided, such discussions are limited to covered games information and pursue legitimate state covered games interests.

G. Rules for Play of and Prizes for Covered Games. Summaries of the rules for playing covered games and winning prizes shall be visibly displayed in the facility. Complete sets of rules shall be available in pamphlet form in the facility.

H. Supervisory Line of Authority. The enterprise shall provide the TCA and SCA with a chart of the supervisory lines of authority with respect to those directly responsible for the conduct of covered games, and shall promptly notify those agencies of any material changes thereto.

I. Sale of Alcoholic Beverages. The sale and service of alcoholic beverages in a facility shall be in compliance with state, federal and tribal law in regard to the licensing and sale of such beverages.

J. Age Restrictions. No person who would not be eligible to be a patron of a pari-mutuel system of wagering pursuant to the provisions of subsection B of Section 208.4 of Title 3A of the Oklahoma Statutes shall be admitted into any area in a facility where covered games are played, nor be permitted to operate, or obtain a prize from or in connection with the operation of, any covered game, directly or indirectly.

K. Destruction of Documents. Enterprise books, records and other materials documenting the conduct of covered games shall be destroyed only in accordance with rules and regulations adopted by the TCA, which at a minimum shall provide as follows:

1. Material that might be utilized in connection with a potential tort claim pursuant to Part 6 of this Compact, including, but not limited to, incident reports, surveillance records, statements, and the like, shall be maintained at least one (1) year beyond the time which a claim can be made under Part 6 of this Compact or, if a tort claim is made, beyond the final disposition of such claim;
2. Material that might be utilized in connection with a prize claim, including but not limited to incident reports, surveillance records, statements, and the like, shall be maintained at least one hundred eighty (180) days beyond the time which a claim can be made under Part 6 of this Compact or, if a prize claim is made, beyond the final disposition of such claim; and
3. Notwithstanding anything herein to the contrary, all enterprise books and records with respect to the conduct of covered games or the operation of the enterprise, including, but not limited to, all interim and final financial and audit reports and materials related thereto which have been generated in the ordinary course of business, shall be maintained for the minimum period of three (3) years.

L. Location. The tribe may establish and operate enterprises and facilities that operate covered games only on its Indian lands as defined by IGRA. The tribe shall notify the SCA of the operation of any new facility following the effective date of this Compact. Nothing herein shall be construed as expanding or otherwise altering the term "Indian lands", as that term is defined in the IGRA, nor shall anything herein be construed as altering the federal process governing the tribal acquisition of "Indian lands" for gaming purposes.

M. Records of Covered Games. The TCA shall keep a record of, and shall report at least quarterly to the SCA, the number of covered games in each facility, by the name or type of each and its identifying number.

PART 6. TORT CLAIMS; PRIZE CLAIMS; LIMITED CONSENT TO SUIT

A. Tort Claims. The enterprise shall ensure that patrons of a facility are afforded due process in seeking and receiving just and reasonable compensation for a tort claim for personal injury or property damage against the enterprise arising out of incidents occurring at a facility, hereinafter "tort claim", as follows:

1. During the term of this Compact, the enterprise shall maintain public liability insurance for the express purposes of covering and satisfying tort claims. The insurance shall have liability limits of not less than Two Hundred Fifty Thousand Dollars (\$250,000.00) for any one person and Two Million Dollars (\$2,000,000.00) for any one occurrence for personal injury, and One Million Dollars (\$1,000,000.00) for any one occurrence for property damage, hereinafter the "limit of liability", or the corresponding limits under the Governmental Tort Claims Act, whichever is greater. No tort claim shall be paid, or be the subject of any award, in excess of the limit of liability;
2. The tribe consents to suit on a limited basis with respect to tort claims subject to the limitations set forth in this subsection and subsection C of this Part. No consents to suit with respect to tort claims, or as to any other claims against the tribe shall be deemed to have been made under this Compact, except as provided in subsections B and C of this Part;
3. The enterprise's insurance policy shall include an endorsement providing that the insurer may not invoke tribal sovereign immunity in connection with any claim made within the limit of liability if the claim complies with the limited consent provisions of subsection C of this Part. Copies of all such insurance policies shall be forwarded to the SCA;
4. Any patron having a tort claim shall file a written tort claim notice by delivery to the enterprise or the TCA. The date the tort claim notice is filed with the enterprise or the TCA shall be deemed the official date of filing the tort claim notice. The tort claim notice shall be filed within one (1) year of the date of the event which allegedly caused the claimed loss. Failure to file the tort claim notice during such period of time shall forever bar such tort claim; provided that a tort claim notice filed with the enterprise or the TCA more than ninety (90) days, but within one (1) year, after the event shall be deemed to be timely filed, but any judgment thereon shall be reduced by ten percent (10%).
5. If the tort claim notice is filed with the TCA, the TCA shall forward a copy of the tort claim to the enterprise and the SCA within forty-eight (48) hours of filing, and if the tort claim notice is filed with the enterprise, the enterprise shall forward a copy of the tort claim to the TCA and the SCA within forty-eight (48) hours of filing;
6. The tort claim notice shall state the date, time, place and circumstances of the incident upon which the tort claim is based, the identity of any persons known to

have information regarding the incident, including employees or others involved in or who witnessed the incident, the amount of compensation and the basis for said relief; the name, address and telephone number of the claimant, and the name, address and telephone number of any representative authorized to act or settle the claim on behalf of the claimant;

7. All tort claim notices shall be signed by the claimant. The rules and regulations may additionally require that the tort claim notices be signed under oath. The rules and regulations may also require that as a condition of prosecuting tort claims, the claimant shall appear to be interviewed or deposed at least once under reasonable circumstances, which shall include the attendance of the claimant's legal counsel if requested; provided that the enterprise shall afford claimant at least thirty (30) days' written notice of the interview or deposition; and provided further that the claimant's failure to appear without cause for any interview or deposition properly noticed pursuant to this paragraph shall be deemed a voluntary withdrawal of the tort claim;

8. The enterprise shall promptly review, investigate, and make a determination regarding the tort claim. Any portion of a tort claim which is unresolved shall be deemed denied if the enterprise fails to notify the claimant in writing of its approval within ninety (90) days of the filing date, unless the parties by written agreement extend the date by which a denial shall be deemed issued if no other action is taken. Each extension shall be for no more than ninety (90) days, but there shall be no limit on the number of written agreements for extensions, provided that no written agreement for extension shall be valid unless signed by the claimant and an authorized representative of the enterprise. The claimant and the enterprise may continue attempts to settle a claim beyond an extended date; provided, settlement negotiations shall not extend the date of denial in the absence of a written agreement for extension as required by this paragraph;

9. A judicial proceeding for any cause arising from a tort claim may be maintained in accordance with and subject to the limitations of subsection C of this Part only if the following requirements have been met:

- a. the claimant has followed all procedures required by this Part, including, without limitation, the delivery of a valid and timely written tort claim notice to the enterprise,
- b. the enterprise has denied the tort claim, and
- c. the claimant has filed the judicial proceeding no later than the one-hundred-eightieth day after denial of the claim by the enterprise; provided, that neither the claimant nor the enterprise may agree to extend the time to commence a judicial proceeding; and

10. Notices explaining the procedure and time limitations with respect to making a tort claim shall be prominently posted in the facility. Such notices shall explain the method and places for making a tort claim, that this procedure is the exclusive method of making a tort claim, and that claims that do not follow these procedures shall be forever barred. The enterprise shall make pamphlets containing the requirements in this subsection readily available to all patrons of the facility and shall provide such pamphlets to a claimant within five (5) days of the filing of a claim.

B. Prize Claims. The enterprise shall ensure that patrons of a facility are afforded due process in seeking and receiving just and reasonable compensation arising from a patron's dispute, in connection with his or her play of any covered game, the amount of any prize which has been awarded, the failure to be awarded a prize, or the right to receive a refund or other compensation, hereafter "prize claim", as follows:

1. The tribe consents to suit on a limited basis with respect to prize claims against the enterprise only as set forth in subsection C of this Part; no consents to suit with respect to prize claims, or as to any other claims against the tribe shall be deemed to have been made under this Compact, except as provided in subsections A and C of this Part;

2. The maximum amount of any prize claim shall be the amount of the prize which the claimant establishes he or she was entitled to be awarded, hereafter "prize limit";

3. Any patron having a prize claim shall file a written prize claim notice by delivery to the enterprise or the TCA. The date the prize claim is filed with the enterprise or the TCA shall be deemed the official date of filing the prize claim notice. The prize claim notice shall be filed within ten (10) days of the event which is the basis of the claim. Failure to file the prize claim notice during such period of time shall forever bar such prize claim;

4. If the prize claim notice is filed with the TCA, the TCA shall forward a copy of the prize claim to the enterprise and the SCA within forty-eight (48) hours of its filing; and if the prize claim notice is filed with the enterprise, the enterprise shall forward a copy of the tort claim to the TCA and the SCA within forty-eight (48) hours of filing;

5. The written prize claim notice shall state the date, time, place and circumstances of the incident upon which the prize claim is based, the identity of any persons known to have information regarding the incident, including employees or others involved in or who witnessed the incident, the amount demanded and the basis for said amount, the name, address and telephone number of the claimant, and the name, address and telephone number of any representative authorized to act or settle the claim on behalf of the claimant;

6. All notices of prize claims shall be signed by the claimant. The rules and regulations may additionally require that the prize claim notices be signed under oath;

7. The enterprise shall promptly review, investigate and make a determination regarding the prize claim. Claimants shall cooperate in providing information, including personal sworn statements and agreeing to be interviewed, as the enterprise shall reasonably request. The claimant is permitted to have counsel present during any such interview;

8. If the prize claim is not resolved within seventy-two (72) hours from the time of filing the claim in accordance with paragraph 5 of this subsection, the TCA shall immediately notify the SCA in writing that the claim has not been resolved;

9. In the event the claim is resolved, the TCA shall not be obligated to report that fact to the SCA, but shall make TCA reports available for review;

10. Any portion of a prize claim which is unresolved shall be deemed denied if the enterprise fails to notify the claimant in writing of its approval within thirty (30) days of the filing date, unless the parties agree by written agreement to extend the date. Each extension shall be for no more than thirty (30) days, but there shall be no limit on the number of written agreements for extensions; provided, that no written agreements for extension shall be valid unless signed by the claimant and an authorized representative of the TCA. The claimant and the enterprise may continue attempts to settle a claim beyond an extended date; provided, settlement negotiations shall not extend the date of denial in the absence of a written extension required by this paragraph;

11. A judicial proceeding for any cause arising from a prize claim may be maintained in accordance with and subject to the limitations of subsection C of this Part only if the following requirements have been met:

a. the claimant has followed all procedures required by this Part, including without limitation, the delivery of a valid and timely written prize claim notice to the enterprise,

b. the enterprise has denied the prize claim, and

c. the claimant has filed the judicial proceeding no later than one hundred eighty (180) days after denial of the claim by the enterprise; provided that neither the claimant nor the enterprise may extend the time to commence a judicial proceeding; and

12. Notices explaining the procedure and time limitations with respect to making a prize claim shall be prominently posted in the facility. Such notices shall explain the method and places for making claims, that this procedure is the exclusive

method of making a prize claim, and that claims that do not follow this procedure shall be forever barred. The enterprise shall make pamphlets containing the requirements in this subsection readily available to all patrons of the facility and shall provide such pamphlets to a claimant by the TCA within five (5) days of the filing date of a claim.

C. Limited Consent to Suit for Tort Claims and Prize Claims. The tribe consents to suit against the enterprise in a court of competent jurisdiction with respect to a tort claim or prize claim if all requirements of paragraph 9 of subsection A or all requirements of paragraph 11 of subsection B of this Part have been met; provided that such consent shall be subject to the following additional conditions and limitations:

1. For tort claims, consent to suit is granted only to the extent such claim or any award or judgment rendered thereon does not exceed the limit of liability. Under no circumstances shall any consent to suit be effective as to any award which exceeds such applicable amounts. This consent shall only extend to the patron actually claiming to have been injured. A tort claim shall not be assignable. In the event any assignment of the tort claim is made in violation of this Compact, or any person other than the patron claiming the injury becomes a party to any action hereunder, this consent shall be deemed revoked for all purposes.

Notwithstanding the foregoing, consent to suit shall not be revoked if an action on a tort claim is filed by (i) a court appointed representative of a claimant's estate, (ii) an indispensable party, or (iii) a health provider or other party subrogated to the claimant's rights by virtue of any insurance policy; provided, that nothing herein is intended to, or shall constitute a consent to suit against the enterprise as to such party except to the extent such party's claim is:

a. in lieu of and identical to the claim that would have been made by the claimant directly but for the appointment of said representative or indispensable party, and participation of such other party is in lieu of and not in addition to pursuit of the claim by the patron, and

b. the claim of such other party would have been subject to a consent to suit hereunder if it had been made by the claimant directly; and

2. For prize claims, consent is granted only to the extent such claim does not exceed the prize limit. Under no circumstances shall any award exceed the prize limit. This consent shall only extend to the patron actually claiming to have engaged in the play of a covered game on which the claim is based. Prize claims shall not be assignable. In the event any assignment of the prize claim is made, or any person other than the claimant entitled to make the claim becomes a party to any action hereunder, this consent shall be deemed revoked for all purposes. Notwithstanding the foregoing, consent to suit shall not be revoked if an action on a prize claim is filed by (i) a court-appointed representative of a claimant's estate, or (ii) an indispensable party, provided that nothing herein is intended to, or shall

constitute a consent to suit against the enterprise as to such party except to the extent such party's claim is:

- a. in lieu of and identical to the claim that would have been made by the claimant directly but for the appointment of said representative or indispensable party, and participation of such other party is in lieu of and not in addition to pursuit of the claim by the patron, and
- b. the claim of such other party would have been subject to a consent to suit hereunder if it had been made by the claimant directly.

D. Remedies in the Event of No or Inadequate Insurance for Tort Claim. In the event a tort claim is made and there is no, or inadequate, insurance in effect as required under this Compact, the enterprise shall be deemed to be in default hereunder unless, within ten (10) days of a demand by the SCA or a claimant to do so, the enterprise has posted in an irrevocable escrow account at a state or federally chartered bank which is not owned or controlled by the tribe, sufficient cash, a bond or other security sufficient to cover any award that might be made within the limits set forth in paragraph 1 of subsection A of this Part, and informs the claimant and the state of:

1. The posting of the cash or bond;
2. The means by which the deposit can be independently verified as to the amount and the fact that it is irrevocable until the matter is finally resolved;
3. The right of the claimant to have this claim satisfied from the deposit if the claimant is successful on the claim; and
4. The notice and hearing opportunities in accordance with the tribe's tort law, if any, otherwise in accordance with principles of due process, which will be afforded to the claimant so that the intent of this Compact to provide claimants with a meaningful opportunity to seek a just remedy under fair conditions will be fulfilled.

Part 7. ENFORCEMENT OF COMPACT PROVISIONS

A. The tribe and TCA shall be responsible for regulating activities pursuant to this Compact. As part of its responsibilities, the tribe shall require the enterprise do the following:

1. Operate the conduct of covered games in compliance with this Compact, including, but not limited to, the standards and the tribe's rules and regulations;

2. Take reasonable measures to assure the physical safety of enterprise patrons and personnel, prevent illegal activity at the facility, and protect any rights of patrons under the Indian Civil Rights Act, 25 U.S.C., Sec. 1302-1303;
3. Promptly notify appropriate law enforcement authorities of persons who may be involved in illegal acts in accordance with applicable law;
4. Assure that the construction and maintenance of the facility meets or exceeds federal and tribal standards for comparable buildings; and
5. Prepare adequate emergency access plans to ensure the health and safety of all covered game patrons. Upon the finalization of emergency access plans, the TCA or enterprise shall forward copies of such plans to the SCA.

B. All licenses for members and employees of the TCA shall be issued according to the same standards and terms applicable to facility employees. The TCA shall employ qualified compliance officers under the authority of the TCA. The compliance officers shall be independent of the enterprise, and shall be supervised and accountable only to the TCA. A TCA compliance officer shall be available to the facility during all hours of operation upon reasonable notice, and shall have immediate access to any and all areas of the facility for the purpose of ensuring compliance with the provisions of this Compact. The TCA shall investigate any such suspected or reported violation of this Compact and shall require the enterprise to correct such violations. The TCA shall officially enter into its files timely written reports of investigations and any action taken thereon, and shall forward copies of such reports to the SCA within fifteen (15) days of such filing. Any such violations shall be reported immediately to the TCA, and the TCA shall immediately forward the same to the SCA. In addition, the TCA shall promptly report to the SCA any such violations which it independently discovers.

C. In order to develop and foster a positive and effective relationship in the enforcement of the provisions of this Compact, representatives of the TCA and the SCA shall meet, not less than on an annual basis, to review past practices and examine methods to improve the regulatory scheme created by this Compact. The meetings shall take place at a location mutually agreed to by the TCA and the SCA. The SCA, prior to or during such meetings, shall disclose to the TCA any concerns, suspected activities, or pending matters reasonably believed to possibly constitute violations of this Compact by any person, organization or entity, if such disclosure will not compromise the interest sought to be protected.

Part 8. STATE MONITORING OF COMPACT

A. The SCA shall, pursuant to the provisions of this Compact, have the authority to monitor the conduct of covered games to ensure that the covered games are conducted in compliance with the provisions of this Compact. In order to properly monitor the conduct of covered games, agents of the SCA shall have reasonable access to all areas of the facility related to the conduct of covered games as provided herein:

1. Access to the facility by the SCA shall be during the facility's normal operating hours only; provided that to the extent such inspections are limited to areas of the facility where the public is normally permitted, SCA agents may inspect the facility without giving prior notice to the enterprise;

2. Any suspected or claimed violations of this Compact or of law shall be directed in writing to the TCA; SCA agents shall not interfere with the functioning of the enterprise; and

3. Before SCA agents enter any nonpublic area of the facility, they shall provide proper photographic identification to the TCA. SCA agents shall be accompanied in nonpublic areas of the facility by a TCA agent. A one-hour notice by SCA to the TCA may be required to assure that a TCA officer is available to accompany SCA agents at all times.

B. Subject to the provisions herein, agents of the SCA shall have the right to review and copy documents of the enterprise related to its conduct of covered games. The review and copying of such documents shall be during normal business hours or hours otherwise at tribe's discretion. However, the SCA shall not be permitted to copy those portions of any documents of the enterprise related to its conduct of covered games that contain business or marketing strategies or other proprietary and confidential information of the enterprise, including, but not limited to, customer lists, business plans, advertising programs, marketing studies, and customer demographics or profiles. No documents of the enterprise related to its conduct of covered games or copies thereof shall be released to the public by the state under any circumstances. All such documents shall be deemed confidential documents owned by the tribe and shall not be subject to public release by the state.

C. At the completion of any SCA inspection or investigation, the SCA shall forward a written report thereof to the TCA. The TCA shall be apprised on a timely basis of all pertinent, nonconfidential information regarding any violation of federal, state, or tribal laws, the rules or regulations, or this Compact. Nothing herein prevents the SCA from contacting tribal or federal law enforcement authorities for suspected criminal wrongdoing involving the TCA. TCA may interview SCA inspectors upon reasonable notice and examine work papers and SCA in the same fashion that SCA inspectors may examine auditors' notes and make auditor inquiry unless providing such information to the TCA will compromise the interests sought to be protected. If the SCA determines that providing the information to the TCA will compromise the interests sought to be protected, then the SCA shall provide such information to the tribe in accordance with Part 13 of this Compact.

D. Nothing in this Compact shall be deemed to authorize the state to regulate the tribe's government, including the TCA, or to interfere in any way with the tribe's selection of its governmental officers, including members of the TCA; provided, however, the SCA and the tribe, upon request of the tribe, shall jointly employ, at the tribe's expense, an

independent firm to perform on behalf of the SCA the duties set forth in subsections A and B of this Part.

Part 9. JURISDICTION

This Compact shall not alter tribal, federal or state civil adjudicatory or criminal jurisdiction.

Part 10. LICENSING

- A. 1. Except as provided in paragraph 4 of Part 3, no covered game employee shall be employed at a facility or by an enterprise unless such person is licensed in accordance with this Compact. In addition to the provisions of this Part which are applicable to the licensing of all covered game employees, the requirements of 25 C.F.R., Part 556, Background Investigations for Primary Management Officials and Key Employees, and 25 C.F.R., Part 558, Gaming Licenses for Key Employees and Primary Management Officials, apply to Key Employees and Primary Management Officials of the facility and enterprise.
2. All prospective covered game employees shall apply to the TCA for a license. Licenses shall be issued for periods of no more than two (2) years, after which they may be renewed only following review and update of the information upon which the license was based; provided, the TCA may extend the period in which the license is valid for a reasonable time pending the outcome of any investigation being conducted in connection with the renewal of such license. In the event the SCA contends that any such extension is unreasonable, it may seek resolution of that issue pursuant to Part 11 of this Compact.
3. The application process shall require the TCA to obtain sufficient information and identification from the applicant to permit a background investigation to determine if a license should be issued in accordance with this Part and the rules and regulations. The TCA shall obtain information about a prospective covered game employee that includes:
- a. full name, including any aliases by which applicant has ever been known,
 - b. social security number,
 - c. date and place of birth,
 - d. residential addresses for the past five (5) years,
 - e. employment history for the past five (5) years,

f. driver license number,

g. all licenses issued and disciplinary charges filed, whether or not discipline was imposed, by any state or tribal regulatory authority,

h. all criminal arrests and proceedings, except for minor traffic offenses, to which the applicant has been a party,

i. a set of fingerprints,

j. a current photograph,

k. military service history, and

l. any other information the TCA determines is necessary to conduct a thorough background investigation.

4. Upon obtaining the required initial information from a prospective covered game employee, the TCA shall forward a copy of such information to the SCA, along with any determinations made with respect to the issuance or denial of a temporary or permanent license. The SCA may conduct its own background investigation of the applicant at SCA expense, shall notify the TCA of such investigation within a reasonable time from initiation of the investigation, and shall provide a written report to the TCA of the outcome of such investigation within a reasonable time from the receipt of a request from the TCA for such information. SCA inspector field notes and the SCA inspector shall be available upon reasonable notice for TCA review and inquiry.

5. The TCA may issue a temporary license for a period not to exceed ninety (90) days, and the enterprise may employ on a probationary basis, any prospective covered game employee who represents in writing that he or she meets the standards set forth in this Part, provided the TCA or enterprise is not in possession of information to the contrary. The temporary license shall expire at the end of the ninety-day period or upon issuance or denial of a permanent license, whichever event occurs first. Provided that the temporary license period may be extended at the discretion of the TCA so long as good faith efforts are being made by the applicant to provide required information, or the TCA is continuing to conduct its investigation or is waiting on information from others, and provided further that in the course of such temporary or extended temporary licensing period, no information has come to the attention of the TCA which, in the absence of countervailing information then in the record, would otherwise require denial of license. A permanent license shall be issued or denied within a reasonable time following the completion of the applicant's background investigation.

6. In covered gaming the tribe shall not employ and shall terminate, and the TCA shall not license and shall revoke a license previously issued to, any covered game employee who:

- a. has been convicted of any felony or an offense related to any covered games or other gaming activity,
- b. has knowingly and willfully provided false material, statements or information on his or her employment application, or
- c. is a person whose prior activities, criminal record, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of the conduct of covered games, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of covered games or the carrying on of the business and financial arrangements incidental thereto.

7. The SCA may object to the employment of any individual by the enterprise based upon the criteria set forth in paragraph 6 of subsection A of this Part. Such objection shall be in writing setting forth the basis of the objection. The SCA inspector's work papers, notes and exhibits which formed the SCA conclusion shall be available upon reasonable notice for TCA review. The enterprise shall have discretion to employ an individual over the objection of the SCA.

8. The TCA shall have the discretion to initiate or continue a background investigation of any licensee or license applicant and to take appropriate action with respect to the issuance or continued validity of any license at any time, including suspending or revoking such license.

9. The TCA shall require all covered game employees to wear, in plain view, identification cards issued by the TCA which include a photograph of the employee, his or her first name, a four-digit identification number unique to the license issued to the employee, a tribal seal or signature verifying official issuance of the card, and a date of expiration, which shall not extend beyond such employee's license expiration date.

- B. 1. Any person or entity who, directly or indirectly, provides or is likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to the enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the enterprise in any consecutive twelve-month period within the immediately preceding twenty-four-month period, or any person or entity who provides through sale, lease, rental or otherwise covered games, or parts, maintenance or service in connection therewith to the tribe or the enterprise at any time and in any amount, shall be licensed by the TCA prior to the provision thereof. Provided, that attorneys or certified public accountants and their firms shall be exempt from the licensing

requirement herein to the extent that they are providing services covered by their professional licenses.

2. Background investigations and licensing shall follow the same process and apply the same criteria as for covered game employees set forth in paragraph 6 of subsection A of this Part.

3. In the case of a license application of any entity, all principals thereof shall be subjected to the same background investigation required for the licensing of a covered game employee, but no license as such need be issued; provided, no license shall be issued to the entity if the TCA determines that one or more of its principals will be persons who would not be qualified to receive a license if they applied as covered game employees.

4. Nothing herein shall prohibit the TCA from processing and issuing a license to a principal in his or her own name.

5. Licenses issued under this subsection shall be reviewed at least every two (2) years for continuing compliance, and shall be promptly revoked if the licensee is determined to be in violation of the standards set forth in paragraph 6 of subsection A of this Part. In connection with such a review, the TCA shall require the person or entity to update all information provided in the previous application.

6. The enterprise shall not enter into, or continue to make payments pursuant to, any contract or agreement for the provision of goods or services with any person or entity who does not meet the requirements of this Part including, but not limited to, any person or entity whose application to the TCA for a license has been denied, or whose license has expired or been suspended or revoked.

7. Pursuant to 25 C.F.R., Part 533, all management contracts must be approved by the Chair of the National Indian Gaming Commission. The SCA shall be notified promptly after any such approval.

8. In addition to any licensing criteria set forth above, if any person or entity seeking licensing under this subsection is to receive any fee or other payment based on the revenues or profits of the enterprise, the TCA may take into account whether or not such fee or other payment is fair in light of market conditions and practices.

- C. 1. Subject to the exceptions set forth in paragraph 4 of this subsection, any person or entity extending financing, directly or indirectly, to the facility or enterprise in excess of Fifty Thousand Dollars (\$50,000.00) in any twelve-month period shall be licensed prior to providing such financing. Principals thereof shall be subjected to background investigations and determinations in accordance with the procedures and standards set forth in subsection A of this Part. Licenses issued under this section shall be reviewed at least every two (2) years for continuing

D. Nothing in this Compact shall be deemed to authorize the state to impose any tax, fee, charge or assessment upon the tribe or enterprise except as expressly authorized pursuant to this Compact; provided that, to the extent that the tribe is required under federal law to report prizes awarded, the tribe agrees to copy such reports to the SCA.

E. In consideration for the covenants and agreements contained herein, the state agrees that it will not, during the term of this Compact, permit the nontribal operation of any machines or devices to play covered games or electronic or mechanical gaming devices otherwise presently prohibited by law within the state in excess of the number and outside of the designated locations authorized by the State-Tribal Gaming Act. The state recognizes the importance of this provision to the tribe and agrees, in the event of a breach of this provision by the state, to require any nontribal entity which operates any such devices or machines in excess of such number or outside of the designated location to remit to the state at least quarterly no less than fifty percent (50%) of any increase in the entities' adjusted gross revenues following the addition of such excess machines. The state further agrees to remit at least quarterly to eligible tribes, as liquidated damages, a sum equal to fifty percent (50%) of any increase in the entities' adjusted gross revenues following the addition of such excess machines. For purposes of this Part, "eligible tribes" means those tribes which have entered into this Compact and are operating gaming pursuant to this Compact within forty-five (45) miles of an entity which is operating covered game machines in excess of the number authorized by, or outside of the location designated by, the State-Tribal Gaming Act. Such liquidated damages shall be allocated pro rata to eligible tribes based on the number of covered game machines operated by each Eligible Tribe in the time period when such adjusted gross revenues were generated.

F. In consideration for the covenants and agreements contained herein, the tribe agrees that in the event it has currently or locates in the future a facility within a radius of twenty (20) miles from a recipient licensee as that term is defined in subsection K of Section 4 of the State-Tribal Gaming Act that it shall comply with the requirements of subsection K of Section 4 of the State-Tribal Gaming Act.

Part 12. DISPUTE RESOLUTION

In the event that either party to this Compact believes that the other party has failed to comply with any requirement of this Compact, or in the event of any dispute hereunder, including, but not limited to, a dispute over the proper interpretation of the terms and conditions of this Compact, the following procedures may be invoked:

1. The goal of the parties shall be to resolve all disputes amicably and voluntarily whenever possible. A party asserting noncompliance or seeking an interpretation of this Compact first shall serve written notice on the other party. The notice shall identify the specific Compact provision alleged to have been violated or in dispute and shall specify in detail the asserting party's contention and any factual basis

for the claim. Representatives of the tribe and state shall meet within thirty (30) days of receipt of notice in an effort to resolve the dispute;

2. Subject to the limitation set forth in paragraph 3 of this Part, either party may refer a dispute arising under this Compact to arbitration under the rules of the American Arbitration Association (AAA), subject to enforcement or pursuant to review as provided by paragraph 3 of this Part by a federal district court. The remedies available through arbitration are limited to enforcement of the provisions of this Compact. The parties consent to the jurisdiction of such arbitration forum and court for such limited purposes and no other, and each waives immunity with respect thereto. One arbitrator shall be chosen by the parties from a list of qualified arbitrators to be provided by the AAA. If the parties cannot agree on an arbitrator, then the arbitrator shall be named by the AAA. The expenses of arbitration shall be borne equally by the parties.

A party asserting noncompliance or seeking an interpretation of this Compact under this section shall be deemed to have certified that to the best of the party's knowledge, information, and belief formed after reasonable inquiry, the claim of noncompliance or the request for interpretation of this Compact is warranted and made in good faith and not for any improper purpose, such as to harass or to cause unnecessary delay or the needless incurring of the cost of resolving the dispute. If the dispute is found to have been initiated in violation of this Part, the Arbitrator, upon request or upon his or her own initiative, shall impose upon the violating party an appropriate sanction, which may include an award to the other party of its reasonable expenses incurred in having to participate in the arbitration; and

3. Notwithstanding any provision of law, either party to the Compact may bring an action against the other in a federal district court for the de novo review of any arbitration award under paragraph 2 of this Part. The decision of the court shall be subject to appeal. Each of the parties hereto waives immunity and consents to suit therein for such limited purposes, and agrees not to raise the Eleventh Amendment to the United States Constitution or comparable defense to the validity of such waiver.

Nothing herein shall be construed to authorize a money judgment other than for damages for failure to comply with an arbitration decision requiring the payment of monies.

Part 13. CONSTRUCTION OF COMPACT; FEDERAL APPROVAL

A. Each provision, section, and subsection of this Compact shall stand separate and independent of every other provision, section, or subsection. In the event that a federal district court shall find any provision, section, or subsection of this Compact to be invalid, the remaining provisions, sections, and subsections of this Compact shall remain in full force and effect, unless the invalidated provision, section or subsection is material.

B. Each party hereto agrees to defend the validity of this Compact and the legislation in which it is embodied. This Compact shall constitute a binding agreement between the parties and shall survive any repeal or amendment of the State-Tribal Gaming Act.

C. The parties shall cooperate in seeking approval of this Compact from an appropriate federal agency as a tribal-state compact under the Indian Gaming Regulatory Act.

D. The standards for electronic bonanza-style bingo games, electronic instant bingo games and electronic amusement games established in the State-Tribal Gaming Act as enacted in 2004, and, at the election of the tribe, any standards contained in the Oklahoma Horseracing Commission rules issued pursuant to subsection B of Section 9 of the State-Tribal Gaming Act are hereby incorporated in this Compact and shall survive any repeal of the State-Tribal Gaming Act, or any games authorized there under. In the event that any of said standards are changed by amendment of the State-Tribal Gaming Act, the tribe shall have the option to incorporate said changes into this Compact by delivery of written notice of said changes to the Governor and the SCA.

Part 14. NOTICES

All notices required under this Compact shall be given by certified mail, return receipt requested, commercial overnight courier service, or personal delivery, to the following persons:

Governor
Chair, State-Tribal Relations Committee
Attorney General
Principal Chief
Sac and Fox Nation
Rt. 2 Box 246
Stroud, OK 74079

With copies to:

Part 15. DURATION AND NEGOTIATION

A. This Compact shall become effective upon the last date of the satisfaction of the following requirements:

1. Due execution on behalf of the tribe, including obtaining all tribal resolutions and completing other tribal procedures as may be necessary to render the tribe's execution effective;

2. Approval of this Compact by the Secretary of the Interior as a tribal-state compact within the meaning of IGRA and publication in the Federal Register or satisfaction of any other requirement of federal law; and

3. Payment of the start-up assessment provided for in subsection C of Part 11 of this Compact.

B. This Compact shall have a term which will expire on January 1, 2020, and at that time, if organization licensees or others are authorized to conduct electronic gaming in any form other than pari-mutuel wagering on live horse racing pursuant to any governmental action of the state or court order following the effective date of this Compact, the Compact shall automatically renew for successive additional fifteen-year terms; provided that, within one hundred eighty (180) days of the expiration of this Compact or any renewal thereof, either the tribe or the state, acting through its Governor, may request to renegotiate the terms of subsections A and E of Part 11 of this Compact.

C. This Compact shall remain in full force and effect until the sooner of expiration of the term or until the Compact is terminated by mutual consent of the parties.

D. This Compact may be terminated by state upon thirty (30) days' prior written notice to the tribe in the event of either (1) a material breach by the tribe of the terms of a tobacco Compact with the state as evidenced by a final determination of material breach from the dispute resolution forum agreed upon therein, including exhaustion of all available appellate remedies there from, or (2) the tribe's failure to comply with the provisions of Section 346 et seq. of Title 68 of the Oklahoma Statutes, provided that the tribe may cure either default within the thirty-day notice period, or within such additional period as may be reasonably required to cure the default, in order to preserve continuation of this Compact.

The state hereby agrees that this subsection is severable from this Compact and shall automatically be severed from this Compact in the event that the United States Department of the Interior determines that these provisions exceed the state's authority under IGRA.

Part 16. AUTHORITY TO EXECUTE

This Compact, as an enactment of the people of Oklahoma, is deemed approved by the State of Oklahoma. No further action by the state or any state official is necessary for this Compact to take effect upon approval by the Secretary of the Interior and publication in the Federal Register. The undersigned tribal official(s) represents that he or she is duly authorized and has the authority to execute this Compact on behalf of the tribe for whom he or she is signing.

APPROVED:
SAC AND FOX NATION

Kay Rhoads Date 3-10-05
PRINCIPAL CHIEF

Historical Data

Added by Laws 2004, SB 1252, c. 316, § 22, State Question No. 712, Legis. Ref. No. 335, approved at the general election held November 2, 2004.

ACCEPTANCE BY THE SAC AND FOX NATION

Pursuant to RESOLUTION SF-05-74, the same being A RESOLUTION AUTHORIZING A TRIBAL/STATE CLASS III GAMING COMPACT BETWEEN THE SAC AND FOX NATION AND THE STATE OF OKLAHOMA AS CONTEMPLATED AND OFFERED BY STATE QUESTION 712 SUBJECT TO CERTAIN UNDERSTANDINGS AND RESERVATIONS AS SET OUT IN THIS RESOLUTION, AND TO SUBMIT SAME TO THE SECRETARY OF THE INTERIOR FOR APPROVAL PURSUANT TO FEDERAL LAW, the foregoing offer of a Class III Gaming Compact between the Sac and Fox Nation and the State of Oklahoma is hereby APPROVED and ACCEPTED subject to the understandings and reservations expressed in Resolution SF-05-74, the approval of the Secretary of the Interior, and publication in the Federal Register.

All notices to the Sac and Fox Nation required under Part 14 of the Compact shall be given by certified mail, return receipt requested, commercial overnight courier service, or personal delivery, to the following persons:

The Principal Chief
Business Committee
Attorney General

Sac and Fox Nation
Route 2, Box 246
Stroud, OK 74079

THE SAC AND FOX NATION BY:

Kay Rhoads
Kay Rhoads, Principal Chief

ATTEST:

George Thurman
George Thurman, Secretary

