|  |
| --- |
| **NATIONAL INDIAN GAMING COMMISSION****SELF-REGULATION CERTIFICATION AUDIT****ELIGIBILITY CHECKLIST** |
| **Tribe:** |  | **Fiscal Year End:** |  |
| **Prepared****By:** |  |  |  |

**Identify gaming facility(ies):**

|  |  |  |
| --- | --- | --- |
| **Name** | **Address** | Class II Class III |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Identify tribal, gaming commission, and/or gaming operation personnel contacted:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date of Inquiry/****Observation** | **Person Interviewed** | **Position** | **Years of Service** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

|  |
| --- |
| **This evaluation must be completed before proceeding to the approval criteria. Advise the D.C. office of findings before continuing the investigation. This section should be completed before the onsite self-regulation audit begins.** |
| A tribe is eligible to petition for a certificate of self-regulation of Class II gaming if, for three-year period immediately preceding the date of its petition: |  |  |  | 518.3 |  |
| **1.** | The tribe has continuously conducted Class II gaming;  |  |  |  | 518.3(a) |  |
| **2.** | All gaming that the tribe has engaged in, or has licensed and regulated, on Indian lands within the tribe’s jurisdiction is located within a state that permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by federal law);  |  |  |  | 518.3(b);25 U.S.C. 2710(b)(1)(A) |  |
| **3.** | The governing body of the tribe has adopted an ordinance or resolution that the NIGC Chair has approved;  |  |  |  | 518.3(c);25 U.S.C. 2710(b)(1)(B) |  |
| **4.** | The tribe has issued a separate license for each place, facility, or location on Indian lands at which class II gaming is conducted; *(Review and obtain a copy of each license.)* |  |  |  | 518.3(d);25 U.S.C. 2710(b)(1)(B) |  |
| **5.** | The net revenues from any tribal gaming are not being used for purposes other than: (i) to fund tribal government operations or programs;(ii) to provide for the general welfare of the Indian tribe and its members;(iii) to promote tribal economic development;(iv) to donate to charitable organizations; or(v) to help fund operations of local government agencies; *(Interview the tribal government chief financial officer (CFO) to ascertain how gaming revenue is disbursed. Review and obtain a copy of the Net Revenue Allocation Plan if applicable.)* |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(B) |  |
| **6.** | The tribe has provided the annual outside audits of the gaming to the Commission; *(Review and obtain a copy of the applicable preceding 3 years annual audit.)*  |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(C) |  |
| **7.** | All contracts for supplies, services, or concessions for a contract amount in excess of $25,000 annually (except contracts for professional legal or accounting services) relating to such gaming are subject to annual independent audits; |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(D) |  |
| **8.** | The construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety; |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(E) |  |
| **9.** | There is an adequate system which ensures that background investigations are conducted on the PMOs and key employees of the gaming enterprise and that oversight of such officials and their management is conducted on an ongoing basis; *(Review and obtain a copy of the standard adopted by the tribe for background investigations and licensing)* |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(F)(i) |  |
| **10.** | The system adopted by the tribe for background investigations and licensing include: |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(F)(ii) |  |
| **a.** | Notification to the NIGC of the results of a background check before the issuance of a gaming license; and |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(F)(ii)(III) |  |
| **b.** | A standard whereby any person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, is not eligible for employment; and  |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(F)(ii)(II) |  |
| **c.** | Prompt notification to the NIGC of the issuance of gaming licenses to PMOs and key employees? |  |  |  | 518.3(d);25 U.S.C. 2710(b)(2)(F)(ii)(I) |  |
| **11.** | In cases where per capita payments from Class II gaming revenue have been made to tribal members: *(Interview the tribal government CFO to ascertain whether per capita payments are being made to tribal members.*  |  |  |  | 518.3(d);25 U.S.C. 2710(b)(3) |  |
| **a.** | Has the tribe prepared a plan to allocate revenues to uses authorized by 25 U.S.C. 2710(b)(2)(B)? *(Review per capita plan and obtain copy.)*  |  |  |  | 518.3(d);25 U.S.C. 2710(b)(3)(A) |  |
| **b.** | Has the revenue allocation plan been approved by the Secretary of the Interior; *(Review approval documentation and obtain copy.)* |  |  |  | 518.3(d);25 U.S.C. 2710(b)(3)(B) |  |
| **12.** | The gaming operation and the TGRB have maintained all records required to support the petition for self-regulation. *(Determine the record retention policy for the casino operation, gaming commission, and tribal government. Obtain copy if applicable.)*  |  |  |  | 518.3(e) |  |