



November 26, 2014

VIA FACSIMILE AND
FIRST CLASS MAIL

Mr. Tim Rhodd, Chairman
Iowa Tribe Executive Committee
3345 B. Thrasher Road
White Cloud, KS 66094
Fax: (785) 595-6610

RE: Amended Gaming Ordinance

Dear Chairman Rhodd:

This letter responds to your request for the Chairman of the National Indian Gaming Commission to review and approve the Iowa Tribe of Kansas and Nebraska's (Tribe) Amended Gaming Ordinance (Ordinance). The Ordinance was authorized by Resolution 14-R-20 on September 10, 2014, and was amended and restated in its entirety.

Thank you for bringing the amended ordinance to our attention. The 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, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, which appears to read "Jonodev O. Chauduri".

Jonodev O. Chauduri
Chairman (Acting)

**IOWA TRIBE OF KANSAS AND NEBRASKA
EXECUTIVE COMMITTEE
SEPTEMBER 10, 2014**

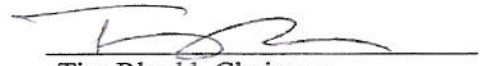
- WHEREAS, The Iowa Tribe Executive Committee being duly organized met this 10th day of September, 2014; and,
- WHEREAS, The Iowa Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Sec. 2, Article IV – Governing Bodies; and,
- WHEREAS, The Iowa Tribe of Kansas and Nebraska being organized and empowered by their Constitution and Bylaws (approved November 6, 1978 and amended August 27, 1980); and,
- WHEREAS, The Executive Committee has, by Resolution 95-R-29, promulgated and enacted a Class II and III Gaming Ordinance which Resolution 95-R-29 was approved by the National Indian Gaming Commission on August 20, 1997; and,
- WHEREAS, The Executive Committee has, by Resolution 97-R-15, promulgated and enacted a First Amendment to the Class II and Class III Gaming Ordinance which Resolution 97-R-15 was approved by the National Indian Gaming Commission on August 18, 1999; and,
- WHEREAS, The Executive Committee has, by Resolution 99-R-16, promulgated and enacted a Third Amendment to the Class II and Class III Gaming Ordinance which Resolution 99-R-16 was approved by the National Indian Gaming Commission on August 18, 1999; and,
- WHEREAS, The Executive Committee has, by Resolution 00-R-01, promulgated and enacted a Fourth Amendment to the Class II and Class III Gaming Ordinance which Resolution 00-R-01 was approved by the National Indian Gaming Commission on April 25, 2000; and,
- NOW THEREFORE, BE IT RESOLVED, That Tribal Resolution 95-R-29 as previously amended by Resolution 97-R-06, Resolution 97-R-15, Resolution 99-R-16 and Resolution 00-R-01 is hereby further amended by this Fifth Amendment to Class II and III Gaming Ordinance as follows:
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RESOLUTION 14-R-20
SEPTEMBER 10, 2014
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We have combined all Resolutions, added all required changes requested by the National Indian Gaming Commission and are requesting to update the document as our new Gaming Ordinance. Document attached.

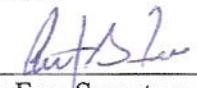
CERTIFICATION

The foregoing Resolution was duly adopted this 10th day of September, 2014 at a scheduled meeting of the Executive Committee of the Iowa Tribe of Kansas and Nebraska, at which 5 members of the Committee were present, constituting a quorum, by a vote of 4 for, 0 against. Chairman abstained.



Tim Rhodd, Chairman
Iowa Tribe Executive Committee

ATTEST:



Tony Fee, Secretary
Iowa Tribe Executive Committee

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(Revised August 25, 2014)

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**IOWA TRIBE OF KANSAS AND NEBRASKA
CLASS II AND III GAMING ORDINANCE
(Revised August 25, 2014)**

Section 1. Purpose

The Executive Committee of the Iowa Tribe of Kansas and Nebraska (hereinafter "Tribe"), empowered by the Tribe's Constitution and Bylaws to enact ordinances, hereby enacts this ordinance in order to govern and regulate the operation of Class II and III gaming operations on the Tribe's Reservation in the state of Kansas.

Section 2. Gaming Authorized

Class II and Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) and 25 U.S.C. Section 2703(8) (hereinafter "IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 and 25 C.F.R. Section 502.4 (as published in the Federal Register at 47 Fr 12382-12393, April 9, 1992) are hereby authorized.

Section 3. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance, unless the Tribe elects to allow individually owned gaming.

Section 4. Use of Net Gaming Revenues

- A. Net revenues from Class II and Class III gaming shall be used only for the following purposes:
 - 1. To fund the Tribe's government operations and 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;
 - 5. To help fund operations of local government agencies.
- B. If the Tribe elects to make per capita payments to Tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. Section 2710(b)(3).

Section 5. Audits

The Tribe shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audit reports to the NIGC.

All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 5(A) of this ordinance.

Section 6. Protection of the Environment and Public Health and Safety

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.

Section 7. Establishment of the Tribal Gaming Commission

- A. Establishment: There is hereby established the Iowa Tribe of Kansas and Nebraska Tribal Gaming Commission (hereafter "Tribal Gaming Commission")
- B. Powers and Duties: Subject to the terms, conditions and provisions of the Class III Gaming Compact made and entered into by and between the Tribe and the State of Kansas, the Tribal Gaming Commission shall have the following powers and duties:
 - 1. To grant, suspend or revoke licenses in accordance with this Gaming Ordinance and the Tribal-State Compact.
 - 2. To monitor and oversee the operation and conduct of all Gaming Activity within the exterior boundaries of the Tribe's Reservation on a continuing basis, including but not limited to ongoing monitoring and oversight of licensees engaged in the operation and conduct of such games.
 - 3. To inspect and examine all premises within the Tribe's Reservation at which a gaming activity is conducted.

4. To conduct or cause to be conducted background investigations of persons involved directly or indirectly in the operation or conduct of gaming activities within the Tribe's Reservation.
5. To inspect, examine, photocopy and audit all papers, books and records respecting gross receipts of gaming activities operated or conducted within the Tribe's Reservation and any other matters necessary to carry out the duties of the Tribal Gaming Commission under the Gaming Ordinance and the Tribal-State Compact.
6. To bring suits in the Tribal Court seeking temporary and permanent orders, closing a gaming activity in accordance with this Gaming Ordinance and the Tribal-State Compact.
7. To enter into contracts with tribal, federal, state and private entities for activities necessary to the discharge of the duties of the Tribal Gaming Commission under this Gaming Ordinance and the Tribal-State Compact and to cooperate with the National Indian Gaming Commission for the enforcement of federal regulations governing gaming on Indian reservations.
8. Subject to the approval of the Tribe's Executive Committee, to adopt the budget of the Tribal Gaming Commission annually.
9. Subject to the approval of the Tribe's Executive Committee, to establish fees for applications for licenses and renewals thereof and fees for licensees of gaming activities operated or conducted by such licensees.
10. To require by subpoena the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under consideration or investigation by the Tribal Gaming Commission and to bring actions in the Tribal Court for the enforcement of such subpoenas.
11. To administer oaths and affirmations to witnesses appearing before the Tribal Gaming Commission.
12. To hear appeals in accordance with this Gaming Ordinance and/or any management contract for the Gaming Facility entered into by the Tribe.

13. To keep minutes, records and books in which shall be kept a true, faithful and correct record of all proceedings of the Tribal Gaming Commission.
14. Subject to the approval of the budget by the Tribe's Executive Committee, to hire and/or designate an Executive Director and such other employees as may be necessary to discharge the Tribal Gaming Commission's duties under this Gaming Ordinance and the Tribal-State Compact.
15. To promulgate rules and regulations as it deems appropriate to implement the provisions of the Gaming Ordinance and the Tribal-State Compact.
16. To recommend amendments to this Gaming Ordinance to the Tribe's Executive Committee.
17. To submit quarterly and annual reports to the Tribe's Executive Committee on the activities of the Tribal Gaming Commission, such report to include information on the funding, income and expenses of the Tribal Gaming Commission, and;
18. To authorize the Tribal Police Force or Security to detain persons who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities.
19. To impose such fines and other sanctions (fines not to exceed \$500.00 per violation or occurrence if an employee or \$5000.00 for a Licensed Class II/III Vendor) as the Tribal Gaming Commission deems appropriate to insure that the operation of gaming is conducted in accordance with the Tribal State Gaming Compact, including Rules and Regulations promulgated by the Tribal Gaming Commission.

C. Composition: Staggered Terms: The Tribal Gaming Commission shall consist of three (3) Tribal Gaming Commissioners appointed by the Tribe's Executive Committee. Each Tribal Gaming Commissioner shall serve for a term of (3) years; provided that, in order to stagger the expiration of terms of office, the first Tribal Gaming Commissioner appointed shall serve a three (3) year term, the second Tribal Gaming Commissioner appointed shall serve a two (2) year term, and the third Tribal Gaming Commissioner appointed shall serve a one

(1) year term. A Tribal Gaming Commissioner may serve after the expiration of his or her term of office until a successor has been appointed, unless such Tribal Gaming Commissioner has been removed for cause under Subsection E of this Section.

D. Qualification of Tribal Gaming Commissioners: All Gaming Commissioners must be an enrolled member of the Tribe. No person shall be eligible or qualified to serve or continue to serve as a Tribal Gaming Commissioner or as an appointee or employee of the Tribal Gaming Commission, who:

1. Has been convicted of a felony or gaming offense.
2. Has any financial interest in, or management responsibility for any gaming activity.
3. Has any financial interest in, or management responsibility for any gaming contract submitted to the Tribal Gaming Commission for review or approval; and/or
4. Is a Gaming Employee or other employee of a Gaming Facility Operator.

E. Removal of Tribal Gaming Commissioners: A Tribal Gaming Commissioner may be involuntarily removed from office before the expiration of his or her term in accordance with the following procedures:

1. Removal of a Tribal Gaming Commissioner may be initiated by a member or members of the Tribe's Executive Committee providing the Secretary of the Tribe's Executive Committee with a written request specifying the cause for removal, signed by not less than two (2) of the members of the Tribe's Executive Committee.
2. The cause for removal shall be limited to: (1) conviction in any court of a felony or crime involving moral turpitude; (2) failure to meet or maintain the qualifications for Tribal Gaming Commissioners set forth in Subsection D of this Section; (3) gross neglect of duty; (4) malfeasance in office; (5) conduct which amounts to gross and intentional disregard of the laws and procedures applicable to the affairs of the Tribal Gaming Commission; (6) violation of the confidentiality provisions set forth in Subsection F of this section; or

(7) violation of the conflicts of interest provisions set forth in Subsection G of this section.

3. Not less than five (5) no more than thirty (30) days following receipt of the written request for removal, the Tribe's Executive Committee shall convene a special meeting for the sole purpose of voting on the removal of the Tribal Gaming Commissioner. Before any vote is taken, the Tribal Gaming Commissioner shall be given a full opportunity either in person or through a representative of his or her choice to answer or otherwise respond to any and all charges against him or her; and
4. To remove a Tribal Gaming Commissioner from office, the affirmative vote of no less than three (3) of the members of the Tribe's Executive committee is required.

- F. Confidentiality: Except as required by the Tribal State Compact among the Iowa Tribe of Kansas and Nebraska and the State of Kansas or as authorized by the Executive Committee of the Iowa Tribe of Kansas and Nebraska or as may be required by this Class III Gaming Ordinance, each Tribal Gaming Commissioner shall hold all matters and information related or disclosed to him or her in his or her capacity as a Tribal Gaming Commissioner in STRICT CONFIDENCE. Except as authorized above, no Tribal Gaming Commissioner shall divulge any information to third parties which comes before the Tribal Gaming Commissioner or is made available to a Tribal Gaming Commissioner by reason of his or her position on the Tribal Gaming Commission.
- G. Conflicts of Interest: Any Tribal Gaming Commissioner who may be personally interested in any matter before the Tribal Gaming Commission shall not vote on such matter without the consent of the remaining Commissioners. Failure to reveal to the Tribal Gaming Commission a personal interest in a matter before that body, not similarly shared by all members of the Commission, shall constitute dereliction of official duty, and may be cause for removal from office.
- H. Resignations and Vacancies: Any Tribal Gaming Commissioner may resign at any time by giving written notice of such to the Secretary of the Tribe's Executive Committee. The resignation shall become effective at the time specified in such notice, and the acceptance of such resignation shall not be necessary to make it effective. Any vacancy on the Tribal Gaming commission,

howsoever caused, shall be filled for the unexpired portion of the vacated Tribal Gaming Commissioner's term by a qualified person appointed by the Tribe's Executive Committee.

- I. Selection of Officers: The Tribal Gaming Commission shall annually by majority vote one (1) of its members to serve as Chairman, one (1) of its members to serve as Vice Chairman, and one (1) of its members to serve as Secretary. The Vice Chairman shall serve as Chairman during meeting of the Tribal Gaming Commission at which the Chairman during meetings of the Tribal Gaming Commission at which the Chairman is absent.
- J. Executive Director: Subject to the approval of the budget by the Tribe's Executive Committee, the Tribal Gaming Commission may hire and/or designate an Executive Director of the Tribal Gaming Commission who shall serve as the formal liaison to the person holding the similarly titled position with the State Gaming Agency and have overall responsibility for the administrative functions of the Tribal Gaming Commissioner.
- K. Motions and Resolutions: Meeting: Quorum: The powers of the Tribal Gaming Commission are vested in the Tribal Gaming Commissioners. All official actions of the Tribal Gaming Commission shall be taken by motion or resolution approved by the affirmative vote of a majority of the Tribal Gaming Commission. The Tribal Commission shall meet at the call of the Chairman or a majority of the Tribal Gaming Commissioners. Two (2) members of the Tribal Gaming Commission shall comprise a quorum.
- L. Cooperation With Law Enforcement Agencies: The Tribal Gaming Commission shall cooperate with law enforcement officials of the State of Kansas, the National Indian Gaming Commission, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies when such cooperation is in the best interests of the Tribe and will help to insure that fair, honest and efficient gaming activities are conducted within the Tribe's Reservation. The Tribal Gaming Commission shall notify the State Gaming Agency within Seventy-two (72) hours of the time a violation or suspected violation of the Gaming Ordinance or Tribal-State Compact is reported to the Tribal Gaming Commission.
- M. Compensation: Tribal Gaming Commissioners shall be reasonably compensated as determined by the Tribe's Executive Committee and in accordance within the annual budget of the Tribal Gaming Commission.

Section 8. Patron Dispute Resolution

Disputes involving members of the gaming public and a gaming enterprise operated by the Iowa Tribe of Kansas and Nebraska shall be submitted first in writing to the General Manager of the relevant enterprise, who shall render a decision on the dispute in writing, stating the reasons therefore. If thereafter the member of the public is dissatisfied, within thirty (30) days a written statement of the dispute and the reasons for dissatisfaction may be submitted to the Tribal Gaming Commission. The Gaming Commission may request additional information from the disputant and/or others, and shall render a decision on the dispute in writing. Such decision shall be final. This dispute procedure shall also apply if a member of the gaming public has a dispute directed towards the Tribe or the Management Contractor. The Commission's decision shall constitute the complainant's final remedy.

Section 9. Facility License

The Tribe 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 ordinance.

Section 10. Agent for Service of Process

The Tribe designates the attorney for the Iowa Tribe of Kansas and Nebraska Mr. Stephen D. McGiffert of the firm of Payne & Jones, Chartered, 11000 King Street, Overland Park, Kansas 66210, (913)469-4100 as the agent for service of any official determination, order or notice of violation.

Section 11. Licenses for Key Employees and Primary Management Officials

- A. Implementation: The Tribal Gaming Commission shall insure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming enterprise operated on Indian lands. All key employees and primary management officials shall have duly approved Tribal licenses issued in accordance with this section.
- B. Definitions: For the purposes of this section, the following definitions apply:
 - 1. Key Employee means:

- (a) A person who performs one or more of the following functions:
 - (1) Bingo caller
 - (2) Counting room supervisor
 - (3) Chief of security
 - (4) Custodian of gaming supplies or cash
 - (5) Floor manager
 - (6) Pit boss
 - (7) Dealer
 - (8) Croupier
 - (9) Approver of credit
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices; or
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.
- (d) Any person designated by the Tribe as a Key Employee.

2. Primary Management Official means:

- (a) The persons having management responsibility for a management contract;
- (b) Any person who has authority:
 - 1. To hire and fire employees; or
 - 2. To set up working policy for the gaming operation
 - 3. The chief financial officer or other person who has financial management responsibility.
- (c) Any other person designated by the Tribe as a Primary Management Official.

3. Gaming Enterprise means:

Any commercial gaming business owned by the Tribe and operated under this Gaming Ordinance.

4. Tribal-State Compact means:

The "Tribal-State Compact" means the Compact made and entered into between the Iowa Tribe of Kansas and Nebraska and the State of Kansas, adopted April 26, 1995, and approved under the Indian Gaming Regulatory Act of 1988, as that compact may be amended from time to time.

C. Application Forms:

1. The following notice shall be placed on the Tribe'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 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 by the Tribe 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 a tribe or the NIGC 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 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.

2. 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)

D. Fingerprints:

The Tribe shall perform a background investigation for each primary management official and key employee of the gaming operation. The Tribe shall request fingerprints from each primary management official and key employee. Fingerprints shall be taken by the Iowa Tribe Police Department. Fingerprints will then be forwarded to either Kansas State Gaming or the NIGC for processing through the Federal Bureau of Investigation and the National Criminal Information Center to determine the applicant's criminal history, if any.

Section 12. Background Investigations

- A. The Tribe shall perform a background investigation for each primary management official and key employee in its gaming operation.
- B. The Tribal Gaming Commission shall obtain from each primary management official and 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 and 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 residential addresses, and driver's 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 residential telephone numbers, and all cell phone numbers.
5. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
6. A description of an existing and previous business relationships with the gaming industry generally, including ownership interests in the 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, 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, 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 paragraphs (B)(8) or (B)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of 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 current photograph;
13. Any other information the Tribe deems relevant; and
14. Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. 522.2(h).

- C. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in 12(B), shall be maintained.
- D. The Tribal Gaming Commission shall conduct, or cause to be conducted, an investigation sufficient to make a determination under Section 15. In conducting a background investigation, the Tribal Gaming Commission and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation. Fingerprints taken on behalf of the Tribal Gaming Commission shall be submitted to the Federal Bureau of Investigation for a fingerprint check. In addition, the Tribal Gaming Commission shall provide sufficient information to Kansas State Gaming Agency to allow the State Gaming Agency to conduct a background investigation in accordance with the terms of the State/Tribal Compact.

Section 13. Procedures for Conducting Background Investigations

The Tribal Gaming Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigation must be sufficient to allow the Tribal Gaming Commission to make an eligibility determination under Section 15 of this ordinance. The investigator shall:

- A. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
- B. Contact each reference provided in the license application, when possible;
- C. Conduct a personal credit check;
- D. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
- E. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement agency for forwarding to the FBI to perform a criminal history records check utilizing the FBI's data base;

- F. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
- G. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
- H. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
- I. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

Section 14. Investigative Reports

- A. The Tribe shall create and maintain an investigative report for each background investigation of a primary management official or key employee.
- B. Investigative reports shall include all of the following information:
 - 1. Steps taken in conducting the investigation;
 - 2. Results obtained;
 - 3. Conclusions reached; and
 - 4. The basis for those conclusions.

Section 15. Eligibility Determinations

- A. Before a license is issued to a primary management official or key employee, an authorized Tribal official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

- B. If the authorized Tribal official, in applying the standards adopted in this ordinance, 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, methods and/or activities in the conduct of gaming, he or she shall not license that person in a key employee or primary management official position.
- C. 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.

Section 16. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- B. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.
 - 1. The notice of results shall include the following information:
 - (a) The applicant's name, date of birth, and social security number;
 - (b) The date on which the applicant began, or will begin working as a primary management official or key employee;
 - (c) A summary of the information presented in the investigative report including:
 - (1) Licenses that have previously been denied;
 - (2) Gaming licenses that have been revoked, even if subsequently reinstated;

- (3) Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
- (4) Every felony offense of which the applicant has been convicted or any ongoing prosecution; and

- 2. A copy of the eligibility determination made in accordance with Section 15.

Section 17. Granting Gaming Licenses

- A. All primary management officials and key employees of the gaming operation must have a gaming license issued by the Tribe.
- B. The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials and key employees.
- C. The Tribal Gaming Commission 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 16.
- D. The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the gaming operation.
- F. The Tribal Gaming 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 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
- G. The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.

- H. The Tribe will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- I. If the Tribal Gaming 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, as required by Section 20.

Section 18. Denying Gaming Licenses

- A. The Tribal Gaming Commission shall not license a primary management official or key employee if an authorized Tribal official determines, in applying the standards in Section 15 for making a license eligibility determination, that licensing the person:
 - 1. Poses a threat to the public interest;
 - 2. Poses a threat to the effective regulation of gaming; or
 - 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the Tribal Gaming 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:
 - 1. Notify the NIGC; and
 - 2. 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 19. Gaming License Suspensions and Revocations

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Tribal Gaming Commission shall do the following:

1. Immediately suspend the license;
 2. Provide the licensee with written notice of the suspension and proposed revocation; and
 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.
- C. Following a revocation hearing, the Tribe shall decide whether to revoke or reinstate the license at issue.
- D. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 20. Records Retention

The Tribal Gaming Commission shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:

- A. Applications for licensing;
- B. Investigative Reports; and
- C. Eligibility Determinations.

Section 21. License Locations

The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.

Section 22. Repeal

All prior gaming ordinances are hereby repealed.

Section 23. Compliance with Tribal-State Compacts

- A. The Tribal Gaming Commission shall adopt regulations and take all actions necessary to ensure that class III gaming conducted on the lands of the Tribe complies in all respects with the Tribal/State Compact.

Section 24. Conduct of Class II and Class III Games

- A. All Class II and Class III games operated under this Ordinance shall be conducted in accordance with this Ordinance and regulations adopted by the Tribal Gaming Commission.

Section 25. Initial Regulations Governing Class II and Class III Gaming

- A. The initial regulations governing Class II and Class III gaming on the Tribe's Reservation shall be as described in the Gaming Compact between the State of Kansas and the Tribe. Following approval of this Gaming Ordinance by the National Indian Gaming Commission, the Tribal Gaming Commission may amend these regulations in accordance with the provisions of this ordinance.