

1 Part 558 – Gaming Licenses for Key Employees and Primary Management Officials.

2 § 558.1 Scope of this part.

3 § 558.2 Notification to NIGC of license issuance and retention obligations

Deleted: Eligibility Determination for granting a gaming license.

4 § 558.3 Review of notice of results for a key employee or primary management
5 official.

Deleted: Procedures for forwarding applications and reports for key employees and primary management officials.

6 § 558.4 Notice of disqualifying information and licensee right to a hearing.

Deleted: Granting a gaming license.

7 § 558.5 Submission of notices.

8 § 558.6 Compliance with this part.

10 § 558.1 Scope of this part.

11 Unless a tribal-state compact assigns responsibility to an entity other than a tribe, the
12 licensing authority for class II or class III gaming is a tribal authority. The procedures
13 and standards of this part apply only to licenses for primary management officials and
14 key employees.

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(b) A tribe shall develop licensing procedures for all employees of a gaming operation. The procedures and standards of part 556 of this chapter and the procedures and standards of this part apply only to primary management officials and key employees.¶
(c) For primary management officials or key employees, a tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman or his or her designee for no less than three (3) years from the date of termination of employment.¶
(d) A right to a hearing under §558.5 of this part shall vest only upon receipt of a license granted under an ordinance approved by the Chairman.

1 § 558.2 Notification to NIGC of license issuance and retention obligations

Comment: Moved to §556.5

Deleted: Eligibility Determination for granting a gaming license.

2 (a) After a tribe has provided a notification of results of the background check to the
3 Commission, a tribe may license a primary management official or key employee.

4 (b) A gaming operation shall not employ a key employee or primary management
5 official who does not have a license after ninety (90) days.

Comment: Previously Part 558.3(b)

6 (c) If a tribe does not license an applicant —

7 (1) The tribe shall notify the Commission; and

8 (2) Shall or May forward copies of its eligibility determination under this section and
9 investigative report (if any) under §556.65(b)(1) to the Commission for inclusion in
10 the Indian Gaming Individuals Record System.

11 (d) Within 30 days of the issuance of the license, a tribe shall notify the Commission of
12 its issuance.

Comment: The Act requires the tribe to provide NIGC notice of issuance of a license. 25 USC 2710(b)(2)(F)(ii)(I).

13 (e) A tribe shall retain the following for inspection by the Chair or his or her designee for
14 no less than three years from the date of termination of employment:

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15 (1) Applications for licensing;

16 (2) Investigative reports; and

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17 (3) Eligibility determinations.

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Inserted: eligibility determinations

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§ 558.3 Review of notice of results for a key employee or primary management official.

(a) Upon receipt of a complete notice of results for a key employee or primary management official as required by 25 C.F.R. § 556.6(b)(2), the Chair has 30 days to request additional information from a tribe concerning the applicant or licensee and to object.

(b) If the Commission has no objection to issuance of a license, it shall notify the tribe within thirty (30) days of receiving notice of results pursuant to § 556.6(b)(2).

(c) If, within the 30 day period described in §558.3(a) of this part, the Commission provides the tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the tribe has provided a notice of results, the tribe shall reconsider the application, taking into account the objections itemized by the Commission. The tribe shall make the final decision whether to issue a license to such applicant.

(d) If the tribe has issued the license before receiving the Commission's statement of objections, notice and hearing shall be provided to the licensee as provided by § 558.4.

Deleted: Procedures for forwarding applications and reports for key employees and primary management officials

Deleted: who does not have a license after 90 days.¶
(c) During a 30-day period beginning when the Commission receives a report submitted under paragraph (b) of this section, the Chairman may

Deleted: a key employee or a primary management official who is the subject of a report.

Deleted: Such a request shall suspend the 30 day period until the Chair receives the additional information.¶

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Deleted: an application and investigative report to the Commission pursuant to §558.3 (a) and (b)

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§ 558.4 Notice of information impacting eligibility and licensee's right to a hearing.

(a) If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under §556.5, the Commission shall notify the issuing tribe of the information.

Deleted: §558.5 License suspension.¶
Deleted: Granting a gaming license
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(b) Upon receipt of such notification under paragraph (a) of this section, a tribe shall suspend the license and shall provide the licensee with written notice of suspension and proposed revocation.

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(c) A tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(d) A right to a hearing under this part shall vest only upon receipt of a license granted under an ordinance approved by the Chair.

Comment: Previously §558. 1(d).

(e) After a revocation hearing, a tribe shall decide to revoke or to reinstate a gaming license. A tribe shall notify the Commission of its decision within 30 days.

Deleted: thirty (30)

§ 558.5 Submission of notices.

(a) All notices under this part shall be provided to the Commission to the appropriate Regional office.

(b) Should a tribe wish to submit notifications electronically, they should contact the appropriate Regional office for guidance on acceptable document formats and means of transmission.

§ 558.6 Compliance with this part.

All tribal gaming ordinances and ordinance amendments that have been approved by the Chair prior to the effective date of this section and that reference this part do not need to be amended to comply with this section. All future ordinance submissions, however, must comply.

Comment: Previously part 558.2(b)