



OCT 27 2006

David Merrill, Tribal Chairman
St. Croix Chippewa Indians of Wisconsin
P.O. Box 327
125 Ostermann Drive
Turtle Lake, Wisconsin 54889

RE: St. Croix Chippewa Indians of Wisconsin Amendment to the Gaming Ordinance

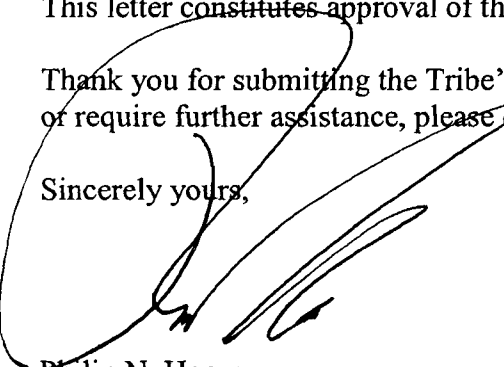
Dear Chairman Merrill:

This letter responds to the request of the St. Croix Chippewa Indians of Wisconsin Tribe (Tribe) that the NIGC review and approve the Tribe's Amended Gaming Ordinance, approved by the Tribe's Council on October 25, 2006, pursuant to Resolution No. 10-25-06-01. The Chairman of the National Indian Gaming Commission (NIGC) first approved the Tribe's gaming ordinance on March 23, 1995. This recent submission makes substantive changes to that ordinance.

This letter constitutes approval of the Amended Gaming Ordinance.

Thank you for submitting the Tribe's Amended Gaming Ordinance. If you have questions or require further assistance, please contact Maria Getoff, Staff Attorney at 202-632-7003.

Sincerely yours,



Philip N. Hogen
Chairman

cc: Stephanie Webert, Administrative Assistant
St. Croix Gaming Commission

RESOLUTION NO. 10-25-06-1

WHEREAS, the St. Croix Chippewa Indians of Wisconsin owns and operates both Class II and Class III gaming facilities, and

WHEREAS, Public Law 100-497, the Indian Gaming Regulatory Act requires that the Tribal Council enact an ordinance regulating the conduct of gaming activities on the lands of the St. Croix Reservation; and

WHEREAS, the Gaming Compact of 1991 and subsequent amendments between the St. Croix Chippewa Indians of Wisconsin and the State of Wisconsin require that the Tribal Council enact an ordinance regulating the conduct of gaming activities on the St. Croix Reservation; and

WHEREAS, it is the policy of the St. Croix Chippewa Indians of Wisconsin that all phases of the conduct of games of chance should be closely controlled by appropriate laws and rules which should be strictly and uniformly enforced throughout the St. Croix Reservation; and

WHEREAS, section 6 (d) shall remain as is as required by the State of Wisconsin Gaming Compact.

WHEREAS, section 6 (j) has been amended to remove the wording of "sportsbook betting".

WHEREAS, section 6 (a) (b) (1) (2) has been amended to better clarify tribal land.

WHEREAS, section 17 "agent for service of process" has been added.

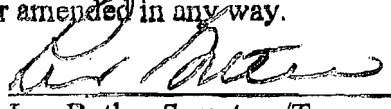
WHEREAS, section 25 "patron dispute" has been added.

WHEREAS, the current tribal ordinance enacted by Resolution No. 12.21.94.04 and Resolution No. 01.09.95.01 are currently regulating gaming activities on the St. Croix Reservation, is in need of update and amendment. **NOW THEREFORE BE IT**

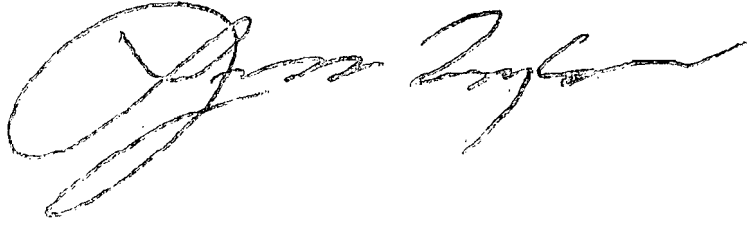
FURTHER RESOLVED, that the St. Croix Tribal Council hereby adopts the attached ordinance know as the Gaming Ordinance of the St. Croix Chippewa Indians of Wisconsin.

CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council, do hereby certify that the Council is composed of five(5) members of whom 3 were present, constituting a quorum, at a meeting duly called, convened and held this 25th day of October, 2006, and that the foregoing resolution was adopted at said meeting by an affirmative vote of 3 members for 0 against and 0 members abstaining from the vote, and that said resolution has not been rescinded or amended in any way.



Leo Butler, Secretary/Treasurer
St. Croix Tribal Council



OCT 27 2006

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN GAMING ORDINANCE

The St. Croix Chippewa Tribal Council on behalf of the St. Croix Chippewa Indians of Wisconsin a Federally recognized Sovereign Indian Tribe hereby enacts this ordinance to authorize and set the terms for Class II and Class III gaming operations on Tribal lands.

SECTION 1 INTERPRETATION

This Ordinance shall be deemed a reasonable and proper exercise of police power of the St. Croix Chippewa Indians of Wisconsin for the protection of the public health, welfare and safety of the people living on lands under the jurisdiction of the St. Croix Chippewa Indians of Wisconsin Tribe and all those who enter said lands for lawful purposes. The provisions of the Ordinance shall be liberally construed for accomplishment of this purpose.

The St. Croix Chippewa Indians of Wisconsin Tribe shall be the sole operator, conductor, manager and owner of all gaming enterprises on tribal lands, except in those cases where the Tribe may deem it appropriate to enter into a management contract, it shall have the authority to do so, in a manner consistent with federal laws governing the terms and approval of such contracts, and provisions of this Ordinance that may apply.

SECTION 2 TRIBAL POLICY OF SELF-GOVERNMENT

The Tribe is firmly committed to the principle of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services, including general governmental services, maintenance of peace and good order, establishment of educational systems and programs and promotion and regulation of economic activities within the sovereign jurisdiction of the Tribe.

SECTION 3 TRIBAL GAMING POLICY

The establishment, promotion and operation of gaming is necessary and desirable, provided that such gaming is regulated and controlled by the Tribe pursuant to tribal and federal law and any tribal-state gaming compact entered into pursuant to the Indian Gaming Regulatory Act, and that all proceeds of such gaming are used for the benefit of the Tribe as required by the Indian Gaming Regulatory Act and tribal law. When operated in accordance with the provisions of this Ordinance, such gaming will be conducive to the general welfare of all residents in the community where such gaming is conducted.

SECTION 4 FINDINGS

The St. Croix Chippewa Indians of Wisconsin Tribal Council on behalf of the St. Croix Chippewa Indians of Wisconsin Tribe finds that:

- (a) Tribal regulation and control of gaming activity within the jurisdiction of the St. Croix Chippewa Indians of Wisconsin Tribe is essential for the protection of public health and welfare, and the interests of the Tribe and the residents of and visitors to the Tribal community, and such other areas as may be used for Tribal gaming.
- (b) The Tribe has the legal authority to license and regulate all gaming activity not specifically prohibited by federal law and which is not, as a matter of criminal law and public policy, prohibited by state law, within the jurisdiction of the Tribe.
- (c) It is essential that the Tribe, through its Tribal Council/Gaming Commission regulate gaming in a manner commensurate with applicable federal and Tribal law and policy, including the Tribal/State Gaming Compact.
- (d) Tribal needs include employment opportunities, job and skills training, housing, quality health care, educational opportunities, social services, law and order, public safety and judiciary, and economic diversification.
- (e) Tribal operation and licensing of gaming activities within the jurisdiction of the Tribe are one means of generating revenue to address the needs of the Tribe.

SECTION 5 PURPOSE

- (a) Regulate, control and license the operation of all gaming within the jurisdiction of the Tribe.
- (b) Make clear and explicit that a tribal license to operate a gaming activity, to provide gaming related services or equipment or to work as a gaming employee is a revocable privilege, not a right or a property interest.
- (c) A tribal license shall be required for each place, facility, or location on tribal lands where gaming occurs pursuant to 25 C.F.R. Section 522.4 (b) (6).
- (d) Ensure that tribally regulated gaming is conducted fairly and honestly by both gaming operators and players and that it remains free from corrupt, incompetent, unconscionable and dishonest persons and practices.

- (e) Promote, strengthen and diversify tribal economic development and self-determination and enhance employment opportunities for its members.
- (f) Generate revenue to strengthen and improve tribal self-government and the provision of tribal governmental services.
- (g) Ensure that the tribal gaming laws are strictly and fairly enforced against all persons involved in gaming activities within the jurisdiction of the Tribe.
- (h) Ensure that the Tribe provides a fair and impartial forum for the resolution of gaming disputes.

SECTION 6 – DEFINITIONS

In this Ordinance, except where otherwise specifically provided or where the context otherwise requires, the following terms and expressions shall have the following meanings:

Cheating – means operating or playing any game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for oneself or for someone in privity with one an advantage over and above the chance of the game, and is subject to civil penalties consistent with this Ordinance.

Class I Gaming - means:

- (a) Social games played solely for prizes of minimal value; or
- (b) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

Class II Gaming – means:

- (a) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when played:
 - (1) Play for prizes with cards bearing numbers or other designations;
 - (2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - (3) Win the game by being the first person to cover a designated pattern on such cards;
- (b) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;

(c) Non-banking card games that:

- (1) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and**
- (2) Players play in conformity with state laws and regulations concerning hours, periods of operation and limitations on wagers and pot sizes;**

***Class III Gaming* – means all forms of gaming that are not Class I gaming or Class II gaming including but not limited to:**

- (a) Electronic games of chance with video facsimile displays;**
- (b) Electronic games of chance with mechanical displays;**
- (c) Blackjack (21);**
- (d) Poker and variations of poker; as required by the State of Wisconsin Gaming Compact**
- (e) Other card games, including banked and non-banked games;**
- (f) Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai;**
- (g) Craps and other dice games;**
- (h) Roulette, big wheel, and other wheel games;**
- (i) Electronic and video facsimile versions of any authorized game, and**
- (j) Any other game involving prize, chance, and consideration that is played on tables or electronic or mechanical devices.**
- (k) The Tribe shall be permitted to offer any additional Class III games which any other federally recognized Indian Tribe in the State of Wisconsin, or any other person or entity, is permitted to offer for any purpose.**

Commission -- means the National Indian Gaming Commission.

Compact -- means a gaming compact between the Tribe and the State of Wisconsin, or such other state as might apply, authorized by the Indian Gaming Regulatory Act.

Council or Tribal Council -- means the duly elected governing body of the St. Croix Chippewa Indians of Wisconsin.

Fraud -- means intentional deception resulting in an injury to another. Included in this definition, but limited to, are those crimes and misdemeanors involving bad check writing, embezzlement, insurance fraud and welfare fraud.

Gaming Employee -- means any person employed by the St. Croix Chippewa gaming operation engaged in the conduct of Class II or Class III gaming activity as well as primary management official or key employee.

(a) **Primary Management Official is:**

- (1) The person having management responsibility for a management contract;
- (2) Any person who has authority:
 - (i) To hire and fire employees; or
 - (ii) To set up working policy for any portion of the gaming operation; or
- (3) The chief financial officer or other person who has financial management responsibility.

(b) **Key Employee is a person who performs one or more of the following functions:**

- (1) All supervisors and assistant supervisors;
- (2) Bingo caller, supervisor, cashier;
- (3) Counting room supervisor; and count and drop personnel;
- (4) Chief of security; and security personnel;
- (5) Custodian of gaming supplies or cash;
- (6) Floor manager; and shift manager
- (7) Pit boss; and pit supervisor

- (8) Dealer;
- (9) Cashier;
- (10) Croupier;
- (11) Approver of credit;
- (12) Any employee engaged in finance or accounting functions;
- (12) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (c) If not otherwise included, any person whose total cash compensation is in excess of \$50,000 per year; or
- (d) If not otherwise included, the four most highly compensated persons in the gaming operation.
- (e) If not otherwise included, any employee with access to gaming supplies, or gaming cash or confidential records, reports, or other information of the gaming operation or gaming employees.

Gaming Operation - means each economic entity that is licensed by a Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a Tribe directly, by a management contractor, or, under certain conditions, by another person or other entity. The operation also includes all ancillary Casino activities which enhance or support the gaming operation.

Gaming Related Contract - means any agreement under which the Tribe procures for gaming any materials, supplies, equipment or services that are unique to the operation of gaming and not common to ordinary tribal operations, consistent with the Tribal/State Compact.

Gaming Related Contractor - means any contractor, service provider or vendor, individual or entity, that provides gaming materials, supplies, equipment or services that are unique to the operation of gaming and not common to ordinary Tribal operations.

General Manager - is a Tribal Council hired position responsible for managing the day-to-day business of a Tribal Gaming Enterprise. Each gaming facility shall have a General Manager.

Gross Gaming Proceeds -- means any money collected or received from any gaming activity.

Management Contract -- means any contract, subcontract, or collateral agreement between an Indian Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

Net Revenues -- means gross gaming revenues of an Indian gaming operation less:

- (a) Amounts paid out as, or paid for, prizes; and
- (b) Total gaming operating expenses, excluding management fees.

Non-Gaming Employee -- means any employee of the gaming operation who is not a gaming employee, primary management official or key employee. Non-gaming employees shall also be licensed by the St. Croix Gaming Commission in accordance with any limitations, restrictions or regulatory requirements deemed appropriate by the St. Croix Gaming Commission.

Provisional License -- means the temporary gaming license issued to a gaming employee when the St. Croix Gaming Commission determines that at a minimum the following requirements are met:

- (a) The individual is currently a gaming employee in a St. Croix Chippewa Gaming Operation;
- (b) The individual has been determined eligible for employment;
- (c) The individual has returned a completed gaming license background application;
- (d) The individual has provided two sets of fingerprints for his/her file;
- (e) The individual has provided copies of Social Security card, Birth Certificate (Tribal ID), and Drivers License.

St. Croix Gaming Commission -- means the tribal regulatory authority as approved by the St. Croix Chippewa Indians of Wisconsin Tribal Council.

Tribe -- means the St. Croix Chippewa Indians of Wisconsin, a federally recognized Indian Tribe acting through a duly elected Tribal Council pursuant to the tribal constitution.

Tribal Land -- means:

- (a) All land within the limits of the St. Croix Chippewa Indians of Wisconsin reservation;
- (b) Land over which the St. Croix Chippewa Indians of Wisconsin exercises governmental power and that is either
 - (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - (2) Held by an Indian tribe or individual subject to restriction by the United States against alienation.

Tribal Gaming Waiver Policy -- means that policy approved by the Tribal Council and implemented by the St. Croix Gaming Commission, that waives a Tribal gaming applicant's criminal conviction(s) that would otherwise act as a bar to obtaining an employee gaming license.

SECTION 7 OWNERSHIP OF GAMING

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

SECTION 8 LICENSE REQUIRED

A Tribal license shall be required for each place, facility, or location on Tribal lands where gaming occurs pursuant to 25 C.F.R. Section 522.4 (b) (6).

SECTION 9 USE OF GAMING REVENUE

- (a) Net revenues from Class II Gaming shall be used only for the following purposes:
 - (1) To fund Tribal 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

SECTION 10 HANDLING OF GAMING REVENUE

- (a) All monies collected or received from the operation of a tribal gaming enterprise shall be deposited in a special bank account(s) of that

gaming enterprise, which shall contain only such money. All operating expenses shall be withdrawn from such account(s) by consecutively numbered checks duly signed by the casino General Manager or his or her Chief Financial Officer, and a person (s) designated by the Tribal Council.

- (b) Any cash prize may be paid by check. Such checks shall be signed by the casino General Manager and a person(s) designated by the Tribal Council.
- (c) The casino General Manager shall ensure that the gaming operation(s) complies with the provisions of Section XIII of the Tribal-State Gaming Compact pertaining to taxes.
- (d) The casino General Manager shall insure that the gaming facility complies with the applicable provisions of Title 31 as amended (The Bank Secrecy Act).

SECTION 11 - TRIBAL COUNCIL POWERS AND DUTIES

- (a) This Ordinance is authorized and adopted by the St. Croix Chippewa Indians of Wisconsin Tribal Council (hereby known as Tribal Council) pursuant to its powers under the tribal constitution.
- (b) The Tribal Council may further delegate responsibilities under the constitution to subordinate organizations in order to carry out the purposes and terms of this Ordinance and to assure compliance with the Indian Gaming Regulatory Act, the Tribal/State Compact and all other regulations, policies and procedures therefrom.
- (c) The Tribal Council shall retain the exclusive power to enter into agreements or compacts with the federal government, states, tribes, counties, municipalities and other local governments or entities.
- (d) The Tribal Council shall retain the exclusive power to waive sovereign immunity.
- (e) The Tribal Council shall retain the exclusive power to enter into contracts and agreements effecting any sale, lease, encumbrance or other disposition of tribal lands, interest in lands or other assets of the Tribe.
- (f) The Tribal Council shall retain the exclusive power to enter into business contracts and agreements pertaining to the operation of gaming, except in those cases where that the power has been expressly delegated to another entity, and in such cases of delegation, the Tribal Council shall have review of said contracts prior to signing.

- (g) The Tribal Council shall establish the use of gaming revenues transferred from the gaming enterprises in accordance with this Ordinance and applicable laws for use of such revenues according to tribal needs and requirements for continued growth.
- (h) The Tribal Court may act as an appellate court for disputes arising under this Ordinance or policies and procedures developed for the gaming enterprises.
- (i) The Tribal Council has authority to employ and dismiss Gaming Commissioners, pursuant to the standards for employment and dismissal set forth in section.
- (j) The Tribal Council shall retain authority to hire the Casino General Manager(s) and the Casino Financial Manager, and to approve any management contractors. The Council shall also retain authority to terminate or discipline these positions, such termination not to be arbitrary but done pursuant to criteria set forth in this Ordinance or in separate policies and procedures, or pursuant to an approved management contract.
- (k) The Tribal Council shall review all monthly financial reports forwarded from the Gaming Management or other designated entity, and have final approval of the annual gaming operating budget, as well as revisions that may be recommended by Casino Management or another designated entity.
- (l) The Tribal Council shall have final approval over any proposed structural changes to facilities in which the gaming enterprise is operated.
- (m) All policies and regulations developed pursuant to this Ordinance shall be subject to final approval by Tribal Council before becoming law.

SECTION 12 - ST. CROIX GAMING COMMISSION

- (a) The Tribe hereby creates and establishes the St. Croix Gaming Commission, a subordinate organization, or a governmental subdivision of the Tribe, while reserving the right to review actions of this body.
- (b) The St. Croix Gaming Commission shall maintain its headquarters, principal place of business and office in Turtle Lake, Wisconsin.
- (c) The St. Croix Gaming Commission shall have perpetual existence and succession in its own name, unless dissolved by the Tribe pursuant to Tribal law.

(d) **The St. Croix Gaming Commission shall exercise all powers necessary to effectuate the purpose of this Ordinance. The St. Croix Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by this Ordinance, and is not limited by the enumeration of powers in this section. The St. Croix Gaming Commission shall promulgate rules and regulations for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of the Ordinance. In all decisions, the St. Croix Gaming Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation. The St. Croix Gaming Commission shall have the power and authority to deny any application; to limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a license, or find suitable the imposition of a fine upon any person or entity licensed, for any cause deemed reasonable by the St. Croix Gaming Commission.**

(e) **Membership**

- (1) **The Tribal Council shall employ the number of Gaming Commissioners necessary to perform the duties of the Commission.**
- (2) **The Commissioner shall report directly and only to the Tribal Council.**
- (3) **The Commissioner shall not serve in any elected position in the St. Croix Chippewa Indians of Wisconsin Tribe while at the same time serving as a Gaming Commissioner.**
- (4) **The Tribal Council shall appoint a Commissioner who shall be responsible for the day-to-day management of the affairs of the St. Croix Gaming Commission as well as overseeing the establishment and operation of all gaming activities for compliance with all applicable Federal, State and Tribal gaming laws and regulations.**
- (5) **A detailed background investigation shall be conducted on the Commissioner before his/her appointment. No individual shall serve as a Commissioner if:**
 - (i) **His or her prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest; or threaten the effective regulation and control of gaming; enhance the dangers of unsuitable,**

unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto; or

(11) If he or she has been convicted of or entered a plea of guilty or no contest to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonest, fraud, misrepresentation in any connection or any offence involving moral turpitude.

(9) Applicants for the St. Croix Gaming Commission shall not be eligible for the Commission if their background investigation shows a criminal history. A waiver shall not act to rehabilitate the application for consideration for the Commission.

(i) Criminal history, for purposes of this section shall mean any felony, any misdemeanor involving theft, fraud, misrepresentation or gambling related offenses, any drug related conviction involving possession or manufacture.

(f) Meetings.

(1) The St. Croix Gaming Commission shall hold at least one regular monthly meeting that shall take place on the date determined by the St. Croix Gaming Commission or as otherwise determined by the St. Croix Gaming Commission.

(2) Special meetings may be called at the request of the Tribal Council, Gaming Management, the Chairperson of the St. Croix Gaming Commission, or at least a majority of the members of the St. Croix Gaming Commission

(3) A quorum of all meetings shall consist of a simple majority of Commission members.

(4) Executive session may be used when deemed necessary by the St. Croix Gaming Commission. No decisions shall be made in Executive Session. Use of executive session shall include, but not be limited to matters of personnel or other issues of a confidential or privileged nature.

(g) St. Croix Gaming Commissioners shall receive a salary set by the Tribal Council.

(h) All questions arising in connection with the action of the St. Croix Gaming Commission shall be decided by majority vote.

- (1) **The St. Croix Gaming Commission shall develop its own operating procedures and shall elect from within itself a Chairperson to direct meetings, and such other officers as the Commission requires.**
- (j) **Removal of Members and Filling Vacancies.**
- (1) **The Commissioner shall be terminated immediately and without the necessity of a vote of the Tribal Council upon the Commissioner's conviction in a Federal or State court of competent jurisdiction for any felony, or for any misdemeanor related to gambling or moral turpitude, or upon conviction of any charge that the Tribal Council finds relates to the Commissioner's honesty or ability to fulfill his/her duties. If the Commissioner is convicted of violating any part of this Ordinance, he/she shall be immediately terminated. Additionally, the Commissioner may be terminated for inadequate performance of the duties required, or may additionally be terminated for associations or conduct that would tend to bring the Commissioner's integrity or gaming operation into disrepute.**
- (2) **Except as provided below, no Commissioner may be removed without notice and an opportunity for a hearing before the Tribal Council, and then only after the Commissioner has been given written notice of the specific charges at least ten (10) days prior to such hearing.**
- (i) **At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his or her behalf. If the Tribal Council determines that immediate removal of a Commissioner is necessary to protect the interests of the Tribe, the Tribal Council may immediately remove the Commissioner temporarily, and the question of permanent removal shall be determined.**
- (ii) **A written record of all removal proceedings together with the charges and findings thereon shall be kept by the Tribal Secretary.**
- (3) **If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Tribal Council shall declare his or her position vacant and shall hire another person to fill the position.**
- (k) **Duties of Commissioner. The Commissioner shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance relating to the regulation of all gaming activity. In all decisions, the Commissioner**

shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Commissioners duties shall include but not be limited to the following:

- (1) Negotiating contracts for payments by the Tribe for the provision of security, surveillance, outside independent auditing services. Such contracts must be approved by the Tribal Council and shall not constitute a waiver of jurisdiction by the Tribe;
- (2) Correspond with the National Indian Gaming Commission and do whatever is necessary to ensure compliance with the rules and regulations of that agency. Specifically, the Commissioner, with approval of the Tribal Council, shall arrange for an annual outside audit of authorized gaming and will provide a copy to the National Indian Gaming Commission.
- (3) The Commissioner will assure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety;
- (4) The Commissioner will ensure that background investigations are conducted pursuant to Section 17 below on all primary management officials, key employees, gaming employees and non-gaming employees of any gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis. The Commissioner will make suitability determinations on the granting of Tribal licenses for all of the gaming operation employees. The Commissioner shall immediately notify the National Indian Gaming Commission of the issuance of such licenses for primary management officials and key employees. The Commissioner will review all license applications and background investigations to ensure that no person shall be eligible for employment if that person's prior activities, criminal record (if any), or reputation, habits and associations pose 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 or jeopardize the integrity or reputation of the Tribe or its Gaming Operation. The Commissioner shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses to primary management officials and key employees.
- (5) Hiring, pursuant to the approval of the Tribal Council, such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of this Ordinance.

- (6) **Inspect, review and copy all records, documents, equipment and facilities, or anything else necessary and pertinent to enforcement of any provisions of this Ordinance.**
- (7) **Make decisions and execute any sanctions on any person subject to the jurisdiction of this Ordinance, as deemed necessary, appropriate and lawful.**
- (8) **To monitor and regulate all tribal gaming activities to ensure compliance with tribal law/regulations. The St. Croix Gaming Commission shall have such access to tribal gaming facilities and to gaming employees as necessary to carry out this responsibility.**
- (9) **To interact with other regulatory and law enforcement agencies regarding the regulation of gaming, as necessary to fulfill their duties.**
- (10) **To be completely familiar with the Indian Gaming Regulatory Act, the Federal Regulations promulgated there under, the Tribal Gaming Ordinance, the Tribal/State Compact and related laws.**
- (11) **To conduct investigations of possible violations and take appropriate enforcement action with respect to the Tribal Gaming Ordinance and regulations.**
- (12) **To provide independent information to the Tribe on the status of the Tribe's gaming activities.**
- (13) **To issue oaths, take testimony and conduct hearings on regulatory matters, including matters related to the revocation of primary management official and key employee license or any other licenses they are authorized to issue under this Ordinance. Hearings may also be held for licensing of tribal gaming vendors.**
- (14) **Be familiar with the minimum internal control standards or procedures for all tribal gaming operations, including procedures for acquiring supplies and equipment.**
- (15) **Establish any supplementary criteria for the licensing of primary management officials, key employees and other employees, vendors or contractors that the Tribe deems necessary.**
- (16) **Establish or approve standards for and issue licenses or permits to persons and entities who deal with the gaming operation(s) such as manufacturers and suppliers of machines,**

equipment and supplies, such license to be called a "vendor license."

- (17) To maintain records on licensees and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction, consistent with federal law and the Tribal/State Compact requirements.
- (18) To establish or approve the rules of new games consistent with the requirements of the Tribal/State Compact and other applicable laws, and inspect games, tables, equipment, machines, cards, dice and chips or tokens used in the gaming operation. To inspect from time to time the video surveillance standards.
- (19) To insure that a mechanism is in place to resolve patron disputes, employees' grievances and other problems, pursuant to the Tribal Gaming Ordinance and other tribal regulations and policies that may be in place regarding those issues.
- (20) To provide for an internal system of record keeping with adequate safeguards for preserving confidentiality as deemed necessary by the St. Croix Gaming Commission. All applications, background investigations and St. Croix Gaming Commission decisions related to the licensing of primary management officials, key employees or any other entity licensed by the Commission, shall be retained in St. Croix Gaming Commission files for a period of at least seven (7) years and not less than three (3) years from termination of employment or business relationship.
- (21) To adopt a schedule of fees to be charged for gaming licenses issued pursuant to this Ordinance.
- (22) To license all persons who propose to participate in any gaming activity or operation.
- (23) To discipline any licensee or other person participating in any gaming activity by ordering immediate compliance with this Ordinance or St. Croix Gaming Commission regulations and to issue an Order of Temporary Suspension of any license issued under this Ordinance, consistent with the terms under this Ordinance governing such suspension, whenever the St. Croix Gaming Commission is notified of a violation by any such person of this Ordinance or any other applicable law.
- (24) To engage in any and all activities that directly or indirectly carry out the purpose of the Tribe as set forth in this Ordinance.

- (l) **Confidentiality.** The St. Croix Gaming Commission and each employee of the St. Croix Gaming Commission shall be required to sign a confidentiality agreement and shall be responsible for ensuring the strictest standards of confidentiality with respect to all information.
- (1) The St. Croix Gaming Commission and each employee of the St. Croix Gaming Commission shall maintain confidentiality of information specified as confidential, including information gathered in the background and licensing process and any financial information regarding performance of the gaming enterprise.
- (i) Violation of this confidentiality provision shall be subject to disciplinary action from the Tribal Council and may be deemed "cause" for suspension or termination.
- (m) **Right of Entrance; Monthly Inspection of Tribal Books and Records.** The St. Croix Gaming Commission, during regular business hours, may enter upon any premises of any gaming operator or gaming facility for the purpose of making inspections and examining the accounts, books, papers and documents of any such gaming operator or gaming facility. Such gaming operator shall facilitate such inspection or examinations by giving every reasonable aid to the St. Croix Gaming Commission.
- (n) **Right of Entrance; Two-Week Inspections of Gaming Operations.** A Commissioner shall visit each tribally owned or tribally operated gaming facility at least once every two weeks during normal business hours for the purpose of monitoring its operation. Such visits shall be unannounced.
- (o) **Commission Audits.** The St. Croix Gaming Commission and Internal Auditor shall be provided necessary access and cooperation from casino personnel when conducting audits or investigations scheduled or non-scheduled.
- (p) **Investigations.** The St. Croix Gaming Commission upon complaint or upon its own initiative or whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any facility that is subject to the provisions of this Ordinance. In conducting such investigation, the St. Croix Gaming Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording any affected party notice and opportunity for a hearing pursuant to the St. Croix Gaming Commission regulations.
- (q) **Travel.** The St. Croix Gaming Commission shall notify the Tribal Council and Gaming Management regarding travel plans. Travel plans shall be made taking into consideration the best duties and

responsibilities of the Commission, the best interest of the gaming enterprise and the amount of money for such travel available in the Commission's operating budget. All travel shall be subject to review by the Tribal Council.

SECTION 13 GAMING MANAGEMENT: POWERS, DUTIES AND LIMITATIONS

- (a) Each tribal gaming enterprise shall have a Casino General Manager authorized to manage the gaming enterprise on a day-to-day basis and to facilitate quick and efficient business decision-making, while respecting the broad guidelines of the Gaming Commission and the Tribal Council. The General Manager shall have such authority as the Tribal Council shall delegate.
 - (1) The General Manager shall be hired by the Tribal Council.
 - (2) Each General Manager shall undergo a background check and a licensing determination by the St. Croix Gaming Commission. Each General Manager shall obtain an employee gaming license before commencing work.
 - (4) The General Manager shall be subject to a semi-annual review by the Tribal Council or an entity designated by the Council for that purpose.
- (b) Purpose. The purpose of the General Manager and the management structure he/she creates is to oversee the day-to-day activities, make the day-to-day business decisions and to create a successful gaming enterprise.
- (c) Qualifications. The General Manager shall have the experience and demonstrated skills necessary to manage a growing gaming enterprise according to the job description.
- (d) Responsibilities.
 - (1) The General Manager shall be required to respond to all Commission notices pertaining to compliance of operating procedures, Minimum Internal Control Standard, and Tribal/State Compact within time allotted by the St. Croix Gaming Commission, which time shall not be unreasonable. The General Manager may request additional time.
 - (2) Day-to-day business management, including, but not limited to such things as hiring, contracting, payroll and schedules. Contracting is subject to applicable sections of this Ordinance.

- (3) **Hiring staff pursuant to the process adopted in the Personnel Policies and Procedures for the gaming enterprise.**
- (4) **Operating Policies and Operating Procedures. Operating Policies must be submitted to the Tribal Council for approval before becoming effective. However, Operating Procedures are a tool for management to use in running an efficient day to day operation in compliance with the Operating Policies and thus only require the review of the Gaming Commission prior to management implementing new procedures or procedural changes.**
- (5) **Annual Plan of Operation. Each General Manager shall submit an Annual Plan to the Tribal Council for review and approval. The plan shall be submitted by September first to the Tribal Council and a copy shall be forwarded to the Commission for review purposes only. The Plan shall contain the following:**
- (i) **Operating budget.**
 - (ii) **Capital budget.**
 - (iii) **Growth target.**
 - (iv) **Staffing requirements, including training requirements.**
 - (v) **Expense and revenue projections.**
- (6) **Budget Revisions. Any expenditures in excess of the approved operating and/or capital budgets shall be submitted by management to the Tribal Council for approval.**
- (7) **Accounting for Gaming Funds. The General Manager is responsible for keeping accurate, up-to-date financial records and accounts of all business and for hiring or contracting with necessary resources to do so (subject to the terms of the Tribal/State Compact, this Ordinance and Federal law) except that the Tribal Council shall retain hiring authority over the Chief Financial Officer for all tribal gaming enterprises.**
- (8) **The General Manager shall be familiar with all terms of the Compact and be directly responsible for managing the gaming enterprise in compliance with the State Compact.**
- (9) **The General Manager shall be familiar with the terms of the National Indian Gaming Commission's regulations, effective February 22, 1993, and any amendments or updates thereto, and operate all games in compliance with said regulations.**

- (10) **The General Manager may delegate that authority necessary to ensure compliance with rules and regulations and effect a more efficient and productive operating environment.**
- (e) **Reporting. The General Manager shall provide the St. Croix Gaming Commission and the Tribal Council with a monthly report that details the number of patrons served, the amount of income generated, the numbers of employees working at the facility, a detailed description of any patron complaints, and other problems experienced at the facility. The report shall also contain a detailed financial report, a written statement of any changes in key employees or primary management officials, a listing of all bills that are thirty (30) days or more past due and any other information the St. Croix Gaming Commission may require.**
- (f) **Travel. The General Manager shall inform the St. Croix Gaming Commission regarding travel plans. Travel plans shall be made by the Manager based on the best interest of the gaming enterprise and money available for such travel in the approved operating budget.**
- (g) **Confidentiality. The Casino General Manager shall maintain confidentiality of information specified as confidential, including information gathered in the hiring process and any financial information regarding performance of the gaming enterprise. Violation of this confidentiality provision shall be subject to disciplinary action from the Tribal Council and may be deemed "cause" for suspension or termination.**

SECTION 14 AUDIT

- (a) **Annually, the St. Croix Gaming Commission shall engage an independent certified public accountant to audit the books and records of all gaming operations. The audit shall be completed within ninety days after the close of the fiscal year.**
- (1) **Independent certified public accountant shall submit the resulting audit reports to the National Indian Gaming Commission, the Tribal Council, the State Gaming Board and General Manager of all gaming operations.**
- (2) **The Tribal/State Compact terms for both financial and security audits shall be followed for the audit of Class III gaming.**
- (3) **The St. Croix Gaming Commission shall be responsible for keeping track of deadlines regarding audits, shall submit requests for proposals to eligible audit firms and shall have the authority to engage an audit firm to comply with the terms of**

the Compact. All provisions of the Compact shall be adhered to in this process.

- (b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of Twenty-Five Thousand Dollars (\$25,000.00) annually, except contracts for professional legal and accounting services, shall be included within the scope of the audit that is described in Section 14 above.

SECTION 15 PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

- (a) Class II and Class III Gaming Operations shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.
- (b) The Tribe shall engage a state certified inspector to conduct inspections of all facilities for Class III gaming on a periodic basis, but not less than annually, and shall promptly repair or correct any and all instances of non-compliance. An inspection report shall be prepared by the Tribe in connection with each inspection and copies of said reports shall be forwarded to the Lottery Board.

SECTION 16 LICENSING OF GAMING FACILITY

- (a) The St. Croix Gaming Commission shall license and supervise the conduct of Class I, Class II and Class III gaming operations within the exterior boundaries of the St. Croix Indian Reservation.
- (b) A separate license shall be required for each place, facility or location on the St. Croix Indian Reservation at which any Class I, Class II or Class III gaming is conducted.
- (c) Any license for Class I, Class II or Class III gaming shall contain the following conditions, restrictions, regulations or information:
- (1) Name of licensee, operator and chief executive officer;
 - (2) Authorized games;
 - (3) Specific location;
 - (4) Required reports and frequency;
 - (5) Permissible hours of operation;
 - (6) Compliance with all Class III State Compact standards;

- (7) Compliance with all applicable Indian Gaming Regulatory Act Standards, and
 - (8) Preferences for Indian hiring.
- (d) The licensee shall permanently maintain the following records:
- (1) Revenues, expenses, assets, liabilities and equity for each location at which any gaming is conducted.
 - (2) Daily cash transactions for each game at each location.
 - (3) Contracts, correspondence and other transaction documents relating to all vendors and contracts.
 - (4) All audits.
 - (5) Personnel information on all Class II and Class III gaming employees or agents including work schedules, hours worked and background checks.
 - (6) Any other records required to be maintained by Section K of the Tribal/State Compact.
- (e) The license shall specify where gaming receipts may be deposited.
- (f) The license shall specify the method of transfer to the St. Croix Chippewa Indians of Wisconsin of gaming profits on a monthly basis.
- (g) The licensee by accepting a St. Croix Gaming License agrees:
- (1) To abide by the rules and regulations of the Tribe and with all other applicable legal authority as to all aspects associated with the conduct of licensed games.
 - (2) To pay all applicable license fees and assessments.
 - (3) To make all books and records of gaming operations upon the St. Croix Indian Reservation available for inspection by the Tribal Council or the St. Croix Gaming Commission during all normal business hours.
 - (4) To provide preferential hiring to qualified members of the Tribe as to all positions open for employment.
 - (5) To promptly pay to all winners such prizes as they might respectfully be entitled to.

- (6) To provide audits as required by Section XII of the Tribal/State Compact.
- (7) To conspicuously post any gaming license granted.
- (8) To monthly execute and file a report of operation on a form prescribed by the St. Croix Gaming Commission. The report shall include:
 - (i) The date of each gaming occasion;
 - (ii) The type of games played;
 - (iii) An itemized statement of the gross receipts from gaming during the reporting period.
 - (iv) An itemized statement of gross receipts from all non-gaming activities including concession and tobacco sales; and
 - (v) An itemized statement of expenditures including amounts paid for prizes, supplies and equipment, wages, utilized fees, and all other expenses associated with gaming.

SECTION 17 AGENT FOR SERVICE OF PROCESS

The St Croix Chippewa Indians of Wisconsin designates the Regulatory Processing and Licensing Office as agent for service of process, who may be contacted at

1-800-346-8946 Ext. 3174

SECTION 18 EMPLOYEE GAMING LICENSES

- (a) No person may be employed by the Tribe in the operation or conduct of gaming or by a gaming related contractor in the course of performance under the contract, if that person;
 - (1) Has been convicted of, or entered a plea of guilty or no contest to, any of the following unless the person has been pardoned:
 - (i) A felony, other than a felony conviction of an offense under subdivision (ii), (iii), or (iv), during the immediately preceding 10 years;
 - (ii) Any gambling related offense;
 - (iii) Fraud or misrepresentation in any connection,

- (iv) A violation of any provision of Chapter 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board, or Wisconsin Racing Board, or a Tribal Ordinance regulating or prohibiting gaming.
- (b) Has been determined by the Tribe to be a 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 and control of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.
- (c) The following notice shall be placed on the application form for a gaming employee, non-gaming employee, key employee, or a primary management official before that form 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 employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with 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 hire you in a gaming employee, non-gaming employee, 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 application."

"A false statement on any part of your application may be grounds for not hiring you, or for terminating you after you begin work. Also you may be punished by forfeiture, fine or imprisonment under both Tribal and Federal law (U. S. Code, title 18 section 1001)."

- (d) Existing gaming employees, non-gaming employees, key employees and primary management officials who have not filled out applications with the privacy act notice or false statement notice as described in Section 13 (a) above shall be notified in writing that they shall complete a new application which contains the appropriate privacy act notice and/or false statement notice.

(e) **All gaming employees, non-gaming employee, key employees, and primary management officials shall apply for and be granted a Tribal gaming license prior to employment in the gaming operation. The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to anyone employed at any Class II or Class III gaming operation operated on Tribal lands:**

(1) **The Tribe cannot employ persons who refuse to voluntarily cooperate with the licensing process.**

(f) **Application for Employee Gaming License:**

(1) **These applications shall provide the basis for background investigations performed by the St. Croix Gaming Commission and shall be confidential.**

(2) **Such application shall include, but is not limited to the following information:**

(i) **The applicant's full name, including all other names used (oral or written), current home and work addresses and telephone numbers, social security number (optional), place of birth, date of birth, citizenship and gender, all languages (spoken or written);**

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

(iii) **The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed in subsection (ii) above;**

(iv) **Current business and residence telephone numbers;**

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

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

(vii) **The name and address of any licensing or regulatory agency with which the person has filed an application**

for a license or permit relating to gaming, whether or not such license or permit was granted,

- (viii) For each gaming offense and for each felony for which there is an ongoing prosecution or conviction, the name and address of the court involved, the charge, and the dates of the charge and disposition;
- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved, and the dates of the prosecution and the disposition;
- (x) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, the name and address of the court involved, and the dates of the prosecution and the disposition;
- (xi) A current Driver's License or State Certified photo ID,
- (xii) A notarized birth certificate or Tribal I.D.;
- (xiii) Social Security Card;
- (xiv) Fingerprints which shall be taken by the Regulatory Processor and forwarded to the FBI and CIB to determine the applicant's criminal history, if any.
- (xv) Written permission giving the St. Croix Gaming Commission the right to investigate information including but not limited to the applicant's background, including his or her criminal record, civil and criminal judgments, educational record, military record and credit history;

(g) Review Procedure for Employee Gaming License Application: Before issuing a gaming employee license, the St. Croix Gaming Commission shall:

- (1) Be responsible for conducting, reviewing and either approving or disapproving the investigative work;
- (2) The St. Croix Gaming Commission may require asset and liability disclosure for key employees and primary management officials when it deems that information

necessary to adequately protect the gaming operation (s) and determine the suitability of a particular individual for employment or continued employment.

- (3) Review the person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation (s). Where the St. Croix Gaming Commission determines that employment of the person poses a threat to the public interests 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 tribal gaming operation (s) shall not employ that person in a key employee or primary management official position.
- (4) Be responsible for reporting the results of the background investigations to the National Indian Gaming Commission for key employees and primary management officials only;
- (h) **Provisional (Temporary) Gaming License.** A provisional employee gaming license is issued to an applicant when the St. Croix Gaming Commission determines an applicant suitable after an initial background check and at least the following requirements are met:
- (1) The individual has been determined eligible for employment;
 - (2) The individual has returned a completed gaming license application;
 - (3) Initial background screen returns no disqualifying offenses,
 - (4) The individual has passed pre-employment drug and/or alcohol screening;
 - (5) The individual has provided two sets of fingerprints for his/her file.
- (i) **Suspension of Provisional (Temporary) Employee Gaming License.** The St. Croix Gaming Commission may suspend a provisional employee gaming license for any of the following reasons:
- (1) The employee has been charged with, convicted of, or entered a plea of guilty or no contest to any offense that may result in a bar to obtaining a gaming license;
 - (2) The employee has made a material false statement in his or her license application or application for employment;

- (3) The employee has participated in gaming activity unauthorized by his or her employee gaming license;
- (4) The employee's continued employment as a primary management official or key employee of a gaming enterprise or gaming activity poses a threat to the general public;
- (5) The employee has refused to comply with any directive from the St. Croix Gaming Commission;
- (6) The employee has failed to provide the St. Croix Gaming Commission with any change in status of the material originally submitted in their gaming application;

(j) Revocation of a Provisional (Temporary) Employee Gaming License. The St. Croix Gaming Commission may revoke a provisional employee gaming license for any of the following reasons:

- (1) Has been convicted or entered a plea of guilty or no contest to any felony.
- (2) If there is evidence a person has participated in organized crime or unlawful gambling or is a person whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming.
- (3) Is found to have intentionally supplied false or misleading material information or has omitted material information on their license application or application for employment.
- (4) The employee has refused to comply with any directive.
- (5) Revocation shall result in termination.

(k) Procedures for Forwarding Applications and Reports for Key Employment and Primary Management Officials to the National Indian Gaming Commission.

- (1) When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the St. Croix Gaming Commission shall forward to the National

Indian Gaming Commission a completed application for a employee gaming license, conduct the background investigation and make the eligibility determination regarding the issuance of an employee gaming license.

- (2) The St. Croix Gaming Commission shall forward the report referred to in Section (1) below to the National Indian Gaming Commission within sixty (60) days after an employee begins work.**
- (3) The gaming operation shall not employ as a key employee or primary management official person who does not have a license.**

(1) Report to the National Indian Gaming Commission.

(1) Pursuant to the procedures set out in subsection (g) above, the St. Croix Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- (i) Steps taken in conducting a background investigation;**
- (ii) Results obtained;**
- (iii) Conclusions reached, and**
- (iv) The basis for those conclusions.**

(2) The St. Croix Gaming Commission shall submit, with the report, a copy of the eligibility determination.

(3) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the St. Croix Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or primary management official for whom the St. Croix Gaming Commission has provided an application and an investigative report to the National Indian Gaming Commission ("NIGC"), the St. Croix Gaming Commission may issue a license to such applicant.

(4) The St. Croix Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a key employee or primary management official

who is the subject of a report. Such a request shall suspend the thirty-day (30) period under subsection (3) above until the Chairman of the NIGC receives the additional information.

- (5) If, within the thirty-day (30) period described above, the NIGC provides the St. Croix 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 St. Croix Gaming Commission has provided an application and investigative report, the St. Croix Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The St. Croix Gaming Commission shall make the final decision whether to issue a license to such applicant.
- (6) If a license is not issued to an applicant, the St. Croix Gaming Commission shall:
- (i) Notify the National Indian Gaming Commission; and
 - (ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- (7) With respect to license applicants, the Tribal Gaming Office shall retain applications for licensing and employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of denial or revocation of a license, or termination of employment, whichever is later.

SECTION 19 APPEAL PROCESS

- (a) Any decision resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license, or the imposition of other sanctions under this Ordinance shall be made by the St. Croix Gaming Commission. Should an applicant or licensee disagree with the determination of the St. Croix Gaming Commission, the St. Croix Gaming Commission shall schedule a hearing to review the decision, within thirty (30) working days from the date an applicant files his/her written appeal with the St. Croix Gaming Commission.
- (b) Following such hearing, the St. Croix Gaming Commission shall, within three (3) working days reach a determination concerning:
- (1) the accuracy of the facts presented at the hearing;

- (2) whether the license in question should be granted, denied, reinstated, suspended, revoked, conditioned or limited; and
 - (3) whether any other action recommended to the St. Croix Gaming Commission including, but not limited to fines and forfeitures, should be taken.
- (e) Within ten (10) working days following this determination, the St. Croix Gaming Commission shall inform the subject in writing of the determination. The determination of the St. Croix Gaming Commission shall be final and not subject to further appeal.

SECTION 20 VENDOR LICENSING

- (a) The purpose of the policy is to regulate and determine licensing suitability of all vendors who provide to Tribe various products and/or services. The Gaming Commission shall establish regulations, criteria, and procedures for its Compliance Licensing Department to issue "Vendor Licenses" to those that meet the required standards.
- (b) The St. Croix Gaming Commission will provide an application to prospective and current vendors upon request of either the vendor, the Tribe or its Enterprises.
- (c) Upon receipt of an application, The St. Croix Gaming Commission shall conduct an investigation of the applicant and each of its principals and shall include a criminal records check on the applicant and on each of the applicant's principals.
 - (1) The purpose of the application is to determine the eligibility of those individuals, companies, corporations and/or partnerships that will do business with the Tribe. Therefore, failure to submit the required information on the application will be grounds to "deny" licensing. The information submitted may be disclosed to the Tribal government and may be reviewed by other organizations relevant to civil, criminal, or regulatory investigations as required.
- (d) The Tribe and its Enterprises agree that, subject to the Licensing Requirements of the Vendor License Policy, the Tribe and its Enterprises may enter into a Vendor contract for the operation of its businesses including its Class II and Class III Gaming facilities under this policy.
- (e) Before approving such contracts, the Tribe and its Enterprises shall ensure that the following information is supplied to the Gaming Commission on or before the Tribe or its Enterprises approval of the contract.
 - (1) Name, address, and contact person of vendor;

- (2) Approximate monthly revenue paid to vendor;
 - (3) Product or service supplied by vendor;
 - (4) Copy of any proposed contract and thereafter, copies of any subsequent draft or update of the contract.
- (f) Upon receipt of the vendor contract information, the St. Croix Gaming Commission shall:
- (1) Determine the appropriate license status;
 - (2) Forward required Application packet (Application packet may be faxed to vendor);
 - (3) Upon receipt of completed application and required fees
- (g) The St. Croix Gaming Commission will review the returned license application for a period of not more than 15 working days. An incomplete application is reason to "deny" licensing, as is failure to comply with any requests from the St. Croix Gaming Commission for additional information which will extend the 15-day review period.
- (h) In addition to the information submitted on the vendor license application, the St. Croix Gaming Commission will also review the prior activities, criminal record, reputation, habits, and associations of the vendor and/or the company and/or its employees to determine if any person or prior activity could pose a threat to Tribal or public interest, or to effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods or activities in the operation of gaming, or the carrying on of business and financial arrangements incidental thereto.
- (i) Upon Gaming Commission approval, a Tribal Vendor License will be issued to the approved vendor. The License will be valid for one year from the time it is issued and license fees will be based on the dollar amount of business conducted annually. Renewal applications will be mailed out prior to the expiration date of the license along with a postage-paid return envelope. Upon receipt of the license fee and review of the renewal application, the St. Croix Gaming Commission will send a new license certificate to the vendor.
- (j) Included with the application will be a "Disclosure of Relationship" form which must be signed indicating that no current employee, Tribal Council member, and/or member of Gaming Commission is receiving any direct or indirect payment or gratuity from the business and/or its representative. It is further understood that no gift, payment or gratuity in any form, may be given by the business to anyone employed by the Tribe. Exempt are any purchasing discounts, special promotions, rebates, etc., that may be returned to the St. Croix Chippewa Indians of Wisconsin.

- (k) The vendor is responsible to respond within seven (7) working days upon receipt of a tribal letter of inquiry from the St. Croix Gaming Commission as to its association, the relationship, and the agreement of a person or firm which may or may not be associated with the business. Such agreement or arrangement will cause denial of license and void any purchase agreements or leases. The applicant will, by written and/or oral request, allow the St. Croix Gaming Commission to inspect all documents that may indicate that such activity may have occurred. Failure to comply will result in license termination, and loss of product or service agreements.
- (l) Persons, businesses, corporations, and/or partnerships that have been granted a "Vendor License" by the St. Gaming Commission will be allowed to do business with the various businesses owned and operated by the Tribe. The list of approved vendors will then be used by the Tribe and its agents as a source for various products/services, and for bidding on various projects within all Tribal Enterprises. A vendor must have a current Tribal Vendor License to continue to conduct business with the Tribe. Likewise, no purchase order will be accepted and/or paid without total compliance of a license being issued.
- (m) **Disposition of Licensing Fees.** All fees will be received, by the St. Croix Gaming Commission to be recorded and for endorsement and deposit in the Bank of Turtle Lake.
- (n) **Document Storage -** All vendor information will be kept in a data base to enable a complete print out of all vendors utilized. In addition, a hard copy file will be kept containing Vendor application, copy of fee check, contract information, and determination made.
- (o) **Fee Exemption.** The Tribe recognizes that due to the nature of certain businesses, exemptions to licensing have been established. These include, but are not limited to:
- (1) Any person or group of persons engaged in the ministry of healing by purely spiritual means or other religious activity;
 - (2) A vendor engaged to perform at or to sell authentic traditional Native American crafts at tribally sponsored Pow-wow's or events. However, this does not prevent the committee or group from obtaining basic information or from charging lot space fees;
 - (3) Any business that is 51% or more owned by the St. Croix Chippewa Indians of Wisconsin;
 - (4) All youth activity events sponsored by the St. Croix Chippewa Indians of Wisconsin are exempt;

- (5) Any person engaged in the production of the traditional crafts of the Chippewa whose gross sales are less than Ten Thousand Dollars (\$10,000.00) per calendar year;
- (6) Any person engaged in the harvesting or processing of "wild rice" in the traditional manner of the Chippewa;
- (7) Any person engaged in the harvesting and processing of maple syrup in the traditional manner of the Chippewa;
- (8) Any person that engages in a business or activity from their place of residence upon property held in trust for the St. Croix Chippewa Indians of Wisconsin, which is less than Ten Thousand Dollars (\$10,000.00) per calendar year;
- (9) Any Tribal or government agency;
- (10) Insurance and all utility companies;
- (11) Any person or company engaged in training or education;
- (12) Those vendors who at the determination of the Tribe shall be exempt.

SECTION 21 GENERAL PROVISIONS GOVERNING OPERATION OF TRIBALLY OWNED OR TRIBALLY OPERATED GAMING FACILITY

- (a) Maintenance of Records. The St. Croix Gaming Commission shall insure that all accounting records of each tribally licensed gaming facility is kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The St. Croix Gaming Commission shall also insure that both the operator and the St. Croix Gaming Commission maintain the following records for not less than seven (7) years:
 - (1) Revenues, Expenses, assets, liabilities and equity by game at each location where any component of Class III gaming, including ticket sales, is conducted.
 - (2) Daily cash transactions for each game at each location at which any component of Class III gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank,
 - (3) For electronic games of chance, analytic reports that, by each machine, compare actual hold percentages to theoretical hold percentages.
 - (4) Contracts, correspondence and other transaction documents relating to all vendors and contractors.

- (5) **Records of all tribal enforcement activities relating to gaming operated under the Tribal/State Compact and other tribal laws.**
- (6) **All audits prepared by or on behalf of the Tribe.**
- (7) **Personnel information on all Class III gaming employees or agents, including complete sets of each employee's fingerprints, employee photographs, and employee profiles and background investigations, except that employee work schedules shall be maintained for a period of at least two (2) years. This provision shall not include personnel records of tribal members as to matters that are not related to gaming.**
- (8) **Records of background investigations and determinations for licensing.**
- (9) **The St. Croix Gaming Commission shall also be responsible for all the above information pertaining to Class II Gaming owned or operated by the Tribe.**
- (b) **Management Contracts. Each management contract shall fully comply with applicable federal regulations and is subject to the prior approval of the NIGC.**
- (1) **Before submission to the NIGC, each management contract shall be approved by the Tribal Council with the advice and comment of the St. Croix Gaming Commission. Before giving final consideration to any proposed management contract, the Tribal Council shall direct the St. Croix Gaming Commission to conduct a complete background investigation of persons and entities with a financial interest in, or having management responsibility for, the management contract including requiring the submission of all information required under 25 CFR Section §37.1, as amended, incorporated herein by this reference.**
- (2) **Background information on the proposed management contractor including: its name; address; the names and addresses of each persons or entity having a direct financial interest or management responsibility for the proposed management contractor; and in case of a corporation, the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly ten (10%) percent or more of its issued or outstanding stock.**

- (3) A description of any previous experience that each person listed in subsection (2) above has had with other gaming contracts with Indian tribes or with any gaming activity or operation wherever, located, including the name and address of any tribal government or licensing agency with which such person has applied, or held a contract, license, or other agreement or permit relating to gaming, whether granted or not.
- (4) A complete financial statement of each person listed in subsection (2) for the past three (3) years.
- (5) The St. Croix Gaming Commission shall contact each of the tribal governments and licensing agencies in subsection (3) above to determine the performance history of the proposed management contractor.
- (6) The St. Croix Gaming Commission shall arrange to have each proposed management contractor investigated to learn of his or her personal attributes and to determine whether he or she has a prior criminal record or any pending criminal charges.
- (7) The St. Croix Gaming Commission shall obtain an independent verification of the completed financial statements of the proposed management contractor.
- (8) The St. Croix Gaming Commission shall undertake any additional steps it can to determine the character and reputation of the proposed management contractor and each person listed in subsection (2) above.
- (9) If the Tribal Council, after reviewing the information described above, still desires to enter into a management contract with the proposed management contractor, such management contract shall be made in writing and submitted to the Tribe's attorney for review.
- (10) Any management contract approved by the Tribal Council must include at a minimum, with respect to the gaming activity to which the contract is applicable, all of the required provisions contained in 25 CFR Section 531.1, as amended, incorporated herein by this reference.
- (11) All persons who possess an ownership or management position in the proposed management contract shall apply for an employee gaming license under this Ordinance. No management contract shall be approved by the Tribal Council until all employee gaming license applications have been reviewed and the St. Croix Gaming Commission has submitted written findings on such application(s) to the Tribal Council.

(12) If the Council is satisfied with the information it receives it shall submit the proposed contract along with all of the above described information to the Chairman of the NIGC for approval.

(e) Each tribally owned or tribally operated gaming facility shall carry sufficient liability insurance to protect the public in the event of an accident, and in any event, such coverage must meet the level required by the Tribal/State Compact.

SECTION 22 CONFLICT OF INTEREST

(a) No person employed by the gaming enterprise may have a direct or indirect interest in any gaming-related contract with the Tribe, nor may they be employed by any person who has a gaming-related contract with the Tribe.

(1) **Definition.** A direct or indirect interest is one in which the employee has an economic interest or receives personal gain from the transaction in question.

(b) An employee of the gaming enterprise may have an interest in a non-gaming related contract with the Tribe or with the gaming enterprise if such employee makes a full disclosure to the St. Croix Gaming Commission prior to such contract and the Gaming Commission finds that the contract is not unfair to the gaming enterprise and is satisfied that the contract is non-gaming related. This clause seeks to avoid the appearance of a conflict of interest while not altering the original conflict of interest prohibition contained in the Tribal/State Compact.

SECTION 23 CONDUCT OF GAMES

(a) No person under 21 years of age may play, or be permitted by the Tribe to play, any game authorized by the Tribal/State Compact. If any person below the age of 21 plays and otherwise qualifies for a prize or winnings, the prize or winnings shall not be paid, and the estimated amount wagered during the course of the game shall be returned to the minor. No person under the age of 21 shall be permitted access to any portion of any facility in which any Class III game is conducted, except for purposes of employment pursuant to Section V.B of the Tribal/State Compact, or to gain access to the Tribe's non-gaming facilities.

(b) No person under 18 years of age may be employed in the conduct of gaming under the Tribal/State Compact.

(c) No person who is visibly intoxicated shall be permitted to play any game authorized by the Tribal/State Compact.

- (d) All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by any tribal gaming facility, nor shall the Tribe permit any other person to offer such credit for a fee. This section shall not restrict the right of the Tribe to install or accept bank card or credit card transactions in the same manner as would normally be permitted at any retail business within the State.
- (e) The Tribe shall provide and publish procedures of impartial resolution of a player dispute concerning the conduct of a game which shall be made available to customers upon request.
- (f) Alcohol beverages may be served at locations where games authorized under the Tribal/State Compact are conducted only during the hours prescribed in sec. 125.32 (3), Wis. Stats. Alcohol beverages may not be sold for the purpose of off-premises consumption at locations where games authorized under the Tribal/State Compact are conducted.

SECTION 24 EMPLOYEE GAMBLING

The St. Croix Gaming Commission with St. Croix Tribal Council approval, shall develop and regulate all Employee Gambling Policies & Procedures to ensure protection of Tribal revenue and the integrity of the Gaming Enterprise.

SECTION 25 PATRON DISPUTE RESOLUTION

- (a) Any dispute which cannot be immediately resolved to the patron's satisfaction by the first employee contacted by the patron regarding the dispute is referred to the shift manager. It is the first employee's obligation to notify the shift manager (or to cause another employee to notify the shift manager) that a patron has a dispute.
- (b) The shift manager attempts to resolve the dispute.
- (c) If the patron is not satisfied, the patron is given a preprinted card with the name, address, phone number, and fax number of the Tribal Gaming Commission. The patron is instructed to contact the Gaming Commission for final resolution of the dispute.
- (d) The Gaming Commission receives the patron's complaint and decides the appropriate response. The decision of the Gaming Commission is final.

We, the St. Croix Chippewa Indians of Wisconsin Tribal Council, do hereby certify that the council is composed of five members, of whom 3 were present at a meeting duly called, convened and held this 26 day of Oct, 2006 and that the foregoing Tribal Gaming Ordinance was adopted at said meeting by an affirmative vote of 3 members for, 0 against, and 0 members abstaining from the vote, and that said Tribal Gaming Ordinance has not been rescinded or amended in any way.


 David Merrill
 Tribal Chairman


 Lewis Taylor
 Tribal Vice-Chairman


 Leo Butler
 Tribal Secretary/Treasurer


 Hazel Hindsley
 Councilwoman


 Gloria Benjamin
 Councilwoman