

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

DEC 18 1995

Lawrence Murray  
Chairman  
Iowa Tribe of Oklahoma  
R.R. 1, Box 721  
Perkins, OK 74059

Dear Chairman Murray:

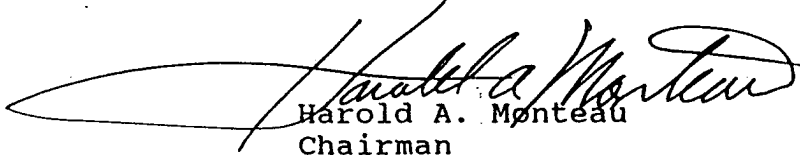
This letter responds to your request to review and approve the tribal gaming ordinance. The ordinance was adopted by the Tribe September 12, 1995 and was received by the National Indian Gaming Commission (NIGC) on September 18, 1995. The ordinance was resubmitted on November 15, 1995 by the Tribe with an amendment to Section 15(c)(1)(xiv). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Iowa Tribe of Oklahoma for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely,



Harold A. Monteau  
Chairman

Enclosure

cc: Massimo Schawalder



# Iowa Tribe of Oklahoma

R.R. 1, Box 721  
Perkins, Oklahoma 74059  
(405) 547-2402

## RESOLUTION I-95-36

### **A RESOLUTION AMENDING THE IOWA TRIBAL GAMING ORDINANCE**

**WHEREAS;** The Iowa Tribe of Oklahoma is a federally recognized Indian Tribe, pursuant to the Thomas-Rogers Oklahoma Indian Welfare Act and has a Constitution approved by the Secretary of the Interior; and,

**WHEREAS;** the Business Committee has the power to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act pursuant to Article V, Section 2 of the Tribal Constitution; and,

**WHEREAS;** the General Council of the Iowa Tribe of Oklahoma approved adopting Ordinance No. 93-03, the Iowa Tribal Gaming Ordinance on June 5, 1993, by at a duly-called meeting of the Council; and,

**WHEREAS;** the Iowa Tribal Gaming Ordinance was submitted to the National Indian Gaming Commission for approval consistent with the Indian Gaming Regulatory Act; and,

**WHEREAS;** the National Indian Gaming Commission reviewed the Iowa Tribal Gaming Ordinance and determined that the ordinance did not comply with all regulations subsequently published by the Commission; and,

**WHEREAS;** Section 6 of the Iowa Tribal Gaming Ordinance granted the Business Committee the authority to amend the gaming ordinance as necessary; and,

**WHEREAS;** it is necessary for the Iowa Tribal Gaming Ordinance to be amended to address the deficiencies disclosed by the Commission so that the Iowa tribal gaming operation may operate lawfully under the Indian Gaming Regulatory Act; and,

**NOW, THEREFORE, BE IT RESOLVED;** that the Business Committee of the Iowa Tribe of Oklahoma hereby amends the Iowa Tribal Gaming Ordinance, as attached hereto, and said ordinance is made a part of this resolution.

**RESOLUTION I-95-36**

April 20, 1995

Page 2

**FURTHER, BE IT RESOLVED;** that Section 15 (c) (xiv) of the ordinance has been amended to state the following: Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2 (h); by engaging either a city, county or a State or Federal Tribal law enforcement agency to take fingerprints.

**CERTIFICATION**

We, Wallace Murray, Chairman of the Iowa Tribe of Oklahoma and Phoebe O'Dell, Secretary, do hereby certify that the above Resolution I-95-36 to be a true and exact copy as approved at the Regular Business Committee Meeting of the Iowa Tribe of Oklahoma held on April 20, 1995, by a vote of 4 yeas, 0 nays, and 1 abstention(s).

Phoebe O'Dell  
Phoebe O'Dell, Secretary  
Iowa Tribe of Oklahoma

Wallace Murray  
Wallace Murray, Chairman  
Iowa Tribe of Oklahoma



# Iowa Tribe of Oklahoma

R.R. 1, Box 721  
Perkins, Oklahoma 74059  
(405) 547-2402

NOV 15 1995

## RESOLUTION I-95-57

### **A RESOLUTION AMENDING THE IOWA TRIBAL GAMING ORDINANCE**

**WHEREAS;** The Iowa Tribe of Oklahoma is a federally recognized Indian Tribe, pursuant to the Thomas-Rogers Oklahoma Indian Welfare Act and has a Constitution approved by the Secretary of the Interior; and,

**WHEREAS;** the Business Committee has the power to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act pursuant to Article V, Section 2 of the Tribal Constitution; and,

**WHEREAS;** the General Council of the Iowa Tribe of Oklahoma approved adopting Ordinance No. 93-03, the Iowa Tribal Gaming Ordinance on June 5, 1993, by at a duly-called meeting of the Council; and,

**WHEREAS;** the Iowa Tribal Gaming Ordinance was submitted to the National Indian Gaming Commission for approval consistent with the Indian Gaming Regulatory Act; and,

**WHEREAS;** the National Indian Gaming Commission reviewed the Iowa Tribal Gaming Ordinance and determined that the ordinance did not comply with all regulations subsequently published by the Commission; and,

**WHEREAS;** Section 6 of the Iowa Tribal Gaming Ordinance granted the Business Committee the authority to amend the gaming ordinance as necessary; and,

**WHEREAS;** it is necessary for the Iowa Tribal Gaming Ordinance to be amended to address the deficiencies disclosed by the Commission so that the Iowa tribal gaming operation may operate lawfully under the Indian Gaming Regulatory Act; and,

**NOW, THEREFORE, BE IT RESOLVED;** that the Business Committee of the Iowa Tribe of Oklahoma hereby amends the Iowa Tribal Gaming Ordinance, as attached hereto, and said ordinance is made a part of this resolution.

**RESOLUTION I-95-57**

August 4, 1995

Page 2

**FURTHER, BE IT RESOLVED;** that Section 15 (c) (xiv) of the ordinance has been amended to state the following: Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2 (h); by engaging either a city, county or a State or Federal Tribal law enforcement agency to take fingerprints.

**CERTIFICATION**

We, Lawrence Murray, Chairman of the Iowa Tribe of Oklahoma and Phoebe O'Dell, Secretary, do hereby certify that the above Resolution I-95-57 to be a true and exact copy as approved at the Special Business Committee Meeting of the Iowa Tribe of Oklahoma held on August 4, 1995, by a vote of 3 yeas, 0 nays, and 0 abstention(s).

Phoebe O'Dell  
Phoebe O'Dell, Secretary  
Iowa Tribe of Oklahoma

Lawrence Murray  
Lawrence Murray, Chairman  
Iowa Tribe of Oklahoma



# Iowa Tribe of Oklahoma

R.R. 1, Box 721  
Perkins, Oklahoma 74059  
(405) 547-2402

## IOWA TRIBE OF OKLAHOMA IOWA COUNCIL

### ORDINANCE

IOWA NO. 95-04

### BE IT ENACTED BY THE COUNCIL OF THE IOWA TRIBE OF OKLAHOMA

#### SECTION 1. CITATION

This Ordinance shall be known and may be cited as the "Tribal Gaming Ordinance".

#### SECTION 2. PURPOSE

The purposes of this Ordinance is to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Iowa Tribe of Oklahoma, to provide a safe and wholesome means of recreational activity in a community setting, and to provide a source of revenue for the operation of the programs and departments of the Tribal government by ensuring that any gaming activity conducted, whether Class I, II, or III is fair, responsible and consistent with applicable federal law including the regulations and guidelines established by Public Law 100-497, known as the "The Indian Gaming Regulatory Act," and/or any Tribal State Compact to which the tribe is a party. This Ordinance shall be liberally construed to promote these purposes.

#### SECTION 3. RATIFICATION

The ratification of this Ordinance establishes a code for the purposes, powers and duties of the Tribal Gaming Ordinance, as approved by the Business Committee in Resolution No. I-95-57, on the 19th day of July, 1995.

#### SECTION 4. AMENDMENTS


The Business Committee of the Iowa Tribe of Oklahoma is given the authority to amend this Ordinance, as set forth in Section 24. No further approval of the Council for any amendment to the Ordinance will be required.

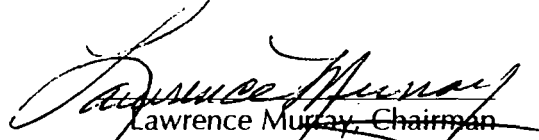
#### SECTION 5. EFFECTIVE DATE

The Tribal Gaming Ordinance is effective upon adoption is deemed to have been effective as of the date first approved by the Business Committee of the Iowa Tribe of Oklahoma, as set forth in Section 26 of this Ordinance.

### CERTIFICATION

In their respective capacities as officers of the Council of the Iowa Tribe of Oklahoma, the undersigned, do hereby certify that the above and foregoing Ordinance is a true and correct copy of the Ordinance No. 95-04 done by the Iowa Council with a quorum having been declared on the 12th of September, 1995, with 16 voting yes, 3 voting no, and 2 abstaining.

  
Phoebe O'Dell, Secretary  
Iowa Tribe of Oklahoma

  
Lawrence Murray, Chairman  
Iowa Tribe of Oklahoma



## Iowa Tribe of Oklahoma

R.R. 1, Box 721  
Perkins, Oklahoma 74059  
(405) 547-2402

NOV 15 1995

### RESOLUTION L-95-57

#### **A RESOLUTION AMENDING THE IOWA TRIBAL GAMING ORDINANCE**

- WHEREAS;** The Iowa Tribe of Oklahoma is a federally recognized Indian Tribe, pursuant to the Thomas-Rogers Oklahoma Indian Welfare Act and has a Constitution approved by the Secretary of the Interior; and,
- WHEREAS;** the Business Committee has the power to transact business and otherwise speak or act on behalf of the Tribe in all matters on which the Tribe is empowered to act pursuant to Article V, Section 2 of the Tribal Constitution; and,
- WHEREAS;** the General Council of the Iowa Tribe of Oklahoma approved adopting Ordinance No. 93-03, the Iowa Tribal Gaming Ordinance on June 5, 1993, by at a duly-called meeting of the Council; and,
- WHEREAS;** the Iowa Tribal Gaming Ordinance was submitted to the National Indian Gaming Commission for approval consistent with the Indian Gaming Regulatory Act; and,
- WHEREAS;** the National Indian Gaming Commission reviewed the Iowa Tribal Gaming Ordinance and determined that the ordinance did not comply with all regulations subsequently published by the Commission; and,
- WHEREAS;** Section 6 of the Iowa Tribal Gaming Ordinance granted the Business Committee the authority to amend the gaming ordinance as necessary; and,
- WHEREAS;** it is necessary for the Iowa Tribal Gaming Ordinance to be amended to address the deficiencies disclosed by the Commission so that the Iowa tribal gaming operation may operate lawfully under the Indian Gaming Regulatory Act; and,
- NOW, THEREFORE, BE IT RESOLVED;** that the Business Committee of the Iowa Tribe of Oklahoma hereby amends the Iowa Tribal Gaming Ordinance, as attached hereto, and said ordinance is made a part of this resolution.

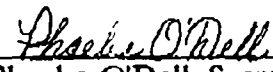


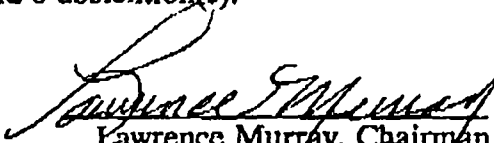
**RESOLUTION I-95-57**  
August 4, 1995  
Page 2

**FURTHER, BE IT RESOLVED;** that Section 15 (c) (xiv) of the ordinance has been amended to state the following: Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2 (h); by engaging either a city, county or a State or Federal Tribal law enforcement agency to take fingerprints.

**CERTIFICATION**

We, Lawrence Murray, Chairman of the Iowa Tribe of Oklahoma and Phoebe O'Dell, Secretary, do hereby certify that the above Resolution I-95-57 to be a true and exact copy as approved at the Special Business Committee Meeting of the Iowa Tribe of Oklahoma held on August 4, 1995, by a vote of 3 yeas, 0 nays, and 0 abstention(s).

  
\_\_\_\_\_  
Phoebe O'Dell, Secretary  
Iowa Tribe of Oklahoma

  
\_\_\_\_\_  
Lawrence Murray, Chairman  
Iowa Tribe of Oklahoma

**TRIBAL  
GAMING  
ORDINANCE**

**IOWA TRIBE  
OF  
OKLAHOMA**

IOWA TRIBE OF OKLAHOMA  
TRIBAL GAMING ORDINANCE

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# IOWA TRIBE OF OKLAHOMA TRIBAL GAMING ORDINANCE

7/19/95

## SECTION 1. Citation

This Ordinance shall be known and may be cited as the "Amended Iowa Tribal Gaming Ordinance" and shall apply to all forms of gaming conducted within the jurisdiction of the Iowa Tribe of Oklahoma.

## SECTION 2. Purposes

The purposes of this Ordinance are to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Iowa Tribe of Oklahoma, to provide a safe and wholesome means of recreational activity in a community setting, and to provide a source of revenue for the operation of the programs and departments of the Tribal government by ensuring that any gaming activity conducted, whether Class I, II, or III is fair, responsible, and consistent with applicable federal law including the regulations and guidelines established by Public Law 100-497, known as "The Indian Gaming Regulatory Act," and/or any Tribal State Compact to which the tribe is a party. This Ordinance shall be liberally construed to promote these purposes.

## SECTION 3. Definitions

For purposes of this Ordinance:

- (a) "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. § 2701 *et seq.*
- (b) "Business Committee" means the Iowa Tribe of Oklahoma Business Committee.
- (c) "Chairman" means the Chairman of the Iowa Tribe of Oklahoma Business Committee.
- (d) "Class II gaming" means Class II gaming as defined in accordance with the Act, 25 U.S.C. § 2703 (7) (A).
- (e) "Class III gaming" means Class III gaming as defined in accordance with the Act, 25 U.S.C. § 2703 (8).
- (f) "Compact" means a compact entered into by the Iowa Tribe of Oklahoma and any state which regulates Class III gaming.
- (g) "Enterprise" means the gaming operation established by the Tribe to conduct all gaming operations of the Tribe.

(h) "Gaming employee" means "gaming employee(s)" of the Enterprise and shall include primary management officials and key employees of the enterprise as defined in the Act.

(i) "Gaming facilities" means any room or rooms in which Class II gaming or Class III gaming is conducted within Iowa Tribe of Oklahoma jurisdiction.

(j) "Jurisdiction" means those areas over which the Iowa Tribe has jurisdiction, including all tribal lands, dependent Indian communities and trust allotments, as defined in 18 U.S.C.A. § 1161.

(k) "National Indian Gaming Commission" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

(l) "Net revenues" means gross revenues of a Class II Gaming or of a Class III gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711 (C).

(m) "Ordinance" means this Iowa Tribe of Oklahoma Tribal Gaming Ordinance.

(n) "State" means any State wherein the Iowa Tribe of Oklahoma conducts Class II or Class III gaming.

(o) "State gaming agency" means any such agency as the State may establish to carry out any regulatory responsibilities under a compact with the Iowa Tribe of Oklahoma.

(p) "Tribe" means the Iowa Tribe of Oklahoma.

#### SECTION 4. Adoption of Compact

Any Compact entered into between the Tribe and a State which is subsequently approved by the Secretary of the Interior and published in the Federal Register is hereby incorporated within and enacted as an integral part of this ordinance with respect to all forms of Class III gaming; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation of the Tribe of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon the State any jurisdiction over such Class II gaming conducted by the Tribe within its jurisdiction.

#### SECTION 5. Authorization for Gaming Activities

(a) Forms of Class III gaming authorized. The Tribe may conduct or operate all forms of Class III gaming authorized under any Compact.

(b) Authority for Class II gaming. In addition to the forms of Class III gaming authorized under any compact, the Tribe shall be authorized to conduct all forms of Class

II gaming within Tribal jurisdiction, including without limitation any form of bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo so long as played at the same location as bingo.

**SECTION 6.        Compliance with the Act**

This Ordinance shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

(a)    Limitation on gaming operations.    In compliance with 25 U.S.C. § 2710(b)(2)(A), the Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity within its jurisdiction; provided, however, that nothing herein shall interfere with the exercise by any secured party of its rights under any collateral lease, leasehold mortgage or other financing agreement with the Tribe to enforce its security interests in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenue of the Tribe from its gaming activities for the purpose of repayment of the debt obligations of the Tribe to such secured party in accordance with the provisions of such agreements.

(b)    Application of net revenues.    In compliance with 25 U.S.C. § 2710(b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than:

- (1)    to fund Tribal government operations or programs;
- (2)    to provide for the general welfare of the Tribe and its members;
- (3)    to promote Tribal economic development
- (4)    to donate to charitable organizations;
- (5)    to help fund operations of local Government Agencies, or
- (6)    any other purpose permitted under the Act.

(c)    Annual Audit.    In compliance with a U.S.C. § 2710 (b) (2) (c) and (d), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

(d)    Limitations on Salary or Other Payments.    In no event shall any commission, salary, compensation, reward or recompense paid to any gaming employee, either directly or indirectly, be based upon a percentage of receipts accruing by virtue of the Iowa

Enterprise. No individual or entity with which the tribe enters into a management agreement shall be considered a gaming employee for purposes of this section.

(e) **Public Safety Standards.** In compliance with 25 U.S.C. § 2710(b)(d2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of the Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

#### **SECTION 7. Gaming Operations**

The Tribe shall have sole proprietary interest in and be responsible for the conduct of all gaming operations. The Business Committee shall administer the Tribal gaming operations. The Business Committee shall have the authority to amend this ordinance as necessary. The Chairman of the Business Committee or his designee shall be the liaison between the Business Committee and the Director of Gaming or a Licensed Agent.

#### **SECTION 8. Management of Gaming Operations**

All gaming operations shall be administered either by the Director of Gaming or a Licensed Agent.

#### **SECTION 9. License for Location**

No Class II or Class III gaming shall be allowed at any location unless a separate license is issued by the Business Committee for such site.

#### **SECTION 10. Qualifications**

The Director of Gaming or Licensed Agent and its "Key" employees must:

(a) Never have been convicted of a felony, gaming offense or crime involving dishonesty or moral turpitude.

(b) Not have been convicted of any offense except traffic violations within two years from the date of employment.

(c) Not be a member of the Business Committee or related to any member of the Business Committee, as provided by tribal and federal laws or regulations.

(d) Not have had his surety bond forfeited or been criminally convicted of or found civilly liable for any breach of fiduciary duty to the Tribe or have been impeached or removed from Tribal office.

(e) Be bondable in the necessary amounts.

(f) Meet any other applicable qualifications as prescribed in the Indian Gaming Regulatory Act.

**SECTION 11. Duties of Director of Gaming**

The duties of the Director of Gaming are to:

(a) Manage and conduct all forms of gaming and concessions of the Tribal gaming operation allowed under this ordinance.

(b) Timely submit all reports required by the Business Committee and any applicable law.

(c) Account for all monies and properties entrusted to him.

(d) Perform any other duties established by the Business Committee.

**SECTION 12. Duties of Licensed Agent**

The duties of the Licensed Agent are to:

(a) Manage and conduct all forms of gaming and/or concessions of the Tribal gaming operation allowed under the contract with the Tribe.

(b) Provide for accounting procedures approved by the Tribe and provide verifiable financial reports to the Business Committee on a monthly basis.

(c) Allow Tribal officials designated under the contract access to the daily gaming operation to verify the daily gross revenues and the income from the gaming activity.

(d) Perform any other duties established under the contract.

**SECTION 13. Conduct of Gaming Operations**

The Director of Gaming and/or the Licensed Agent shall conduct the gaming operation consistent with the following:

(a) The rules of play and operation of the game shall be prescribed and approved by the Business Committee.

(b) Each and every player has a fair and equal opportunity to win.

(c) The method of winning and the prize or prizes for each game should be clearly outlined before each game.



(d) The winner or winners of each game shall be verified in a manner that all present may witness.

(e) No person who is conducting or assisting in the gaming operation shall participate directly or indirectly in the play of that game.

(f) No person under the age of sixteen (16) years of age shall be permitted to play for any reason.

(g) He shall make sole and final determination as to the validity of a winner or winners at the conclusion of that game at which they were a winner.

(h) No alcoholic beverages or drugs of any kind shall be permitted in the facility during the time that the facility is being used for the gaming operation, unless the Business Committee has issued an Alcoholic Beverage license for on-site consumption.

(i) No person under the influence of intoxicants, drugs, or in any violation of Tribal law or ordinance shall be permitted to engage in any form of gaming nor to remain in the building when gaming is being conducted.

(j) Trash should be separated to facilitate recycling and efforts should be made to protect the environment.

**SECTION 14. Employees**

(a) All persons employed in the gaming operation shall be licensed by the Director of Gaming or the Licensed Agent as prescribed by the Indian Gaming Regulatory Act or any Tribal-State Compact for Class III Gaming.

(b) Each employee will wear their license in a visible manner when operating or assisting in the operation of a gaming facility.

(c) No person shall be employed whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

(d) As necessary, the Business Committee may require the Director of Gaming or the Licensed Agent or any other "Key" employee to be bonded in an amount not less than \$50,000 payable to the tribe.

(e) Background investigations will be conducted on the primary management officials and key employees and the results forwarded to the Commission prior to issuance of licenses.

(f) When licenses are issued, the Director of Gaming or the Licensed Agent will promptly notify the Commission as required by the Business Committee as prescribed in the Indian Gaming Regulatory Act or any Tribal/State Compact for Class III Gaming.

(g) The Director of Gaming or the Licensed Agency shall employ qualified Tribal members in preference to other equally-qualified applicants for work, but shall not be required to employ or retain in employment unqualified Tribal members.

**SECTION 15. Licenses for Key Employees**

The Business Committee shall ensure 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:

(a) Definitions. For the purposes of this section, the following definitions apply:

(1) *Key employee* means those key employees as defined in any statute or regulation and at a minimum include:

(i) 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; or (10) Custodian of gambling devices including persons with access to cash and accounting within such devices.

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

(iii) If not otherwise included, the four most highly-compensated persons in the gaming operation.

(2) *Primary management official* means:

(i) The person having management responsibility for a management contract;

(ii) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or

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

(b) Application Forms

- (1) The following notice shall be placed on the application form for a 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.A. § 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, 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 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) Existing key employees and primary management officials shall be notified in writing that they shall either:
  - (i) Complete a new application form that contains a Privacy Act notice; or
  - (ii) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- (3) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.

(U.S. Code, Title 18, Section 1001).

- (4) The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (i) Complete a new application form that contains a notice regarding false statements; or
- (ii) Sign a statement that contains the notice regarding false statements

(c) Background Investigations

- (1) The Tribe shall request from each primary management official and from each key employee all of the following information:
  - (i) Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizen ship, gender, all languages (spoken or written);
  - (ii) Currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
  - (iii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Paragraph (i)(2) of this section;
  - (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 related to gaming, whether or not such license or permit was granted;
  - (viii) 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 and disposition, if any;
  - (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten years

of the date of the application, the name and address of the court involved and the date and disposition;

- (x) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to Paragraph (i)(8) or (i)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (xi) 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;
- (xii) A current photograph;
- (xiii) Any other information the Tribe deems relevant; and
- (xiv) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h); by engaging either a city, county or a State or Federal Tribal law enforcement agency or a private individual with experience in taking fingerprints.
- (xv) The Tribe shall conduct an investigation sufficient to make a determination under Subsection (d) below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(d) Eligibility Determination. The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person.

(e) Procedures for Forwarding Applications and Reports for Key Employees 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 Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation

and make the determination referred to in Subsection (d) of this section.

- (2) The Tribe shall forward the report referred to in Subsection (f) of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- (3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

(f) Report to the National Indian Gaming Commission.

- (1) Pursuant to the procedures set out in Subsection (e) of this section, the Tribe 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 Tribe shall submit, with the report, a copy of the eligibility determination made under Subsection (d) of this section.
- (3) If a license is not issued to an applicant, the Tribe:
  - (i) Shall 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 the inclusion in the Indian Gaming Individuals Records System.
- (4) With respect to key employees and primary management officials, the Tribe shall retain applications for 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 termination of employment.

(g) Granting a Gaming License.

- (1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
- (2) The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Paragraph (g)(1) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- (3) If, within the thirty (30) day period described above, the National Indian Gaming 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 for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

(h) License Suspension.

- (1) If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under Subsection (d) above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (3) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

**SECTION 16. Records**

The Director of Gaming and/or the Business Agent shall keep and maintain records concerning all gaming operations. These records shall be audited annually and the audit reports shall be open for inspection by any Tribal member at the office of the Tribal Administrator.

**SECTION 17. Gaming Account**

By Ordinance, the Business Committee shall designate one banking account as the Tribal "Gaming Account". The account shall be maintained in a financial institution designated by the Business Committee. The Gaming Account shall be part of the Annual Audit. Gross revenues derived from the conduct of Tribal gaming operations, excluding any cash payouts made during a Gaming Session, shall be deposited daily in the Tribal Gaming Account. No other monies shall be commingled with the Tribal Gaming Account. Net revenues are to be transferred monthly to the Tribes General Fund account to be disbursed solely as authorized by Business Committee appropriation.

**SECTION 18. Supplies and Equipment**

All expenses of the gaming operation must be approved by the Tribal Administrator. Provided further that all contracts for purchases of supplies, concession or services (excluding contracts for professional, legal or accounting services) in excess of \$5,000 must receive prior approval of the Business Committee. All purchases of equipment, materials, concessions and food or any other item paid from the Gaming Account shall be the property of the Tribe.

**SECTION 19. Location and Schedule of Gaming**

All gaming sessions authorized herein shall be conducted at a place within Tribal Indian Country and on such days and times as may be approved by the Business Committee. The location and time for conducting Class III Gaming shall be consistent with any Tribal-State Compact.

**SECTION 20. Discrimination**

The Business Committee, the Director of Gaming, or the Licensed Agent may bar any person from admittance to any Tribal gaming facility for any or no reason whatsoever. However, no person shall be discriminated against because of his race, color, creed, sex or natural origin.

**SECTION 21. Report of Winners**

No prize shall be awarded unless the winner has fairly won without any collusion with the Director of Gaming or the Licensed Agent or any of his employees or agents of the



gaming operation. A receipt acknowledging acceptance and receipt of the prize awarded must be signed by any winner regardless of the amount. The Director of Gaming or the Licensed Agent has the authority to hold the payment of any winnings indefinitely until the final verification of authentic winning has been determined whether by inquiry or electronic means of validation upon the approval of the Tribal Administrator or Business Committee. The Director of Gaming or his designee shall make accurate and timely reports to the Internal Revenue Service of any winners at any gaming facility whose prize winnings exceed the minimum limits set by the Internal Revenue Service. In which case, acceptable proof of winners name, address and social security number must be presented to the Director of Gaming or the Licensed Agent or their designee in order to be paid prizes.

**SECTION 22. Criminal Penalties**

Any person or firm violating the provisions of this chapter shall be guilty of an offense and shall, upon conviction thereof, be punished as provided by law. Upon conviction, a person may be punished by confinement for a period of not less than ten (10) days and no more than six (6) months or by a fine of not less than \$500 and no more than \$5,000, or by both such fine and imprisonment.

**SECTION 23. Service of Process**

All notices or process made pursuant to this ordinance may be made by directing said notice to:

Chairman  
Iowa Tribe of Oklahoma  
Perkins, Oklahoma

**SECTION 24. Amendment**

This ordinance may be repealed or amended by the Business Committee without requiring approval of the Tribal Council. Should the Business Committee repeal this Ordinance, the Business Committee shall be empowered to create and approve subsequent legislation governing the regulation of gaming within Iowa Indian Country and the legislation shall take effect upon enactment by the Business Committee without requiring the approval of the Tribe Council. No amendment of this Ordinance by the Business Committee shall require approval of the Tribal Council.

**SECTION 25. Repealer**

This Ordinance repeals the Gaming Ordinance of the Iowa Tribe, adopted as Ordinance No. 93-03 by the Iowa General Council

**SECTION 26. Effective Date**

This Ordinance, as amended, shall become effective on the date of approval by the Council.