

NATIONAL
INDIAN
GAMING
COMMISSION

FEB - 2 1994

Ms. Lynnette Miller, Director
Menominee Tribal Gaming Commission
P.O. Box 910
Keshena, Wisconsin 54135

Dear Ms. Miller:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Menominee Indian Tribe (the Tribe) on January 20, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (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 Menominee Indian Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE

ORDINANCE NO. 93-30

MENOMINEE INDIAN TRIBAL GAMING CODE

FINAL APPROVAL

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

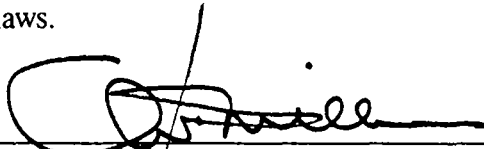
Pursuant to the authority vested by Menominee Constitution, Article III, and Bylaw II, § 2, the Menominee Indian Tribal Gaming Code, attached hereto and incorporated herein, is enacted into Menominee Law. This code is available for inspection at the Office of the Tribal Chairperson.

Gaming Ordinances No. 92-17 and Ordinance No. 92-22, any amendments and motions thereto pertaining, are hereby repealed and replaced by this ordinance.

CERTIFICATION

The undersigned Officers of the Menominee Tribal Legislature do hereby certify that the foregoing Ordinance No. 93-30, Menominee Indian Tribal Gaming Code, was duly adopted at a regular meeting of the Menominee Tribal Legislature held on January 20, 1994 at which a quorum was present, by a vote of 6 for, 0 opposed, 0 abstentions, and 3 absent.

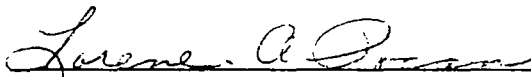
The undersigned also certify that the foregoing Ordinance has been posted in accordance with the Menominee Constitution and Bylaws.



GLEN T. MILLER, Chairman
MENOMINEE INDIAN TRIBE OF WISCONSIN

January 20, 1994

DATE



LORENE A. POCAN, Secretary
MENOMINEE INDIAN TRIBE OF WISCONSIN

MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
ORDINANCE NO. 93- 30
MENOMINEE INDIAN TRIBAL GAMING CODE

CONTENTS

CHAPTER 1.....	PAGE 01
Definitions	
CHAPTER 2.....	PAGE 10
Administration and Enforcement	
CHAPTER 3.....	PAGE 24
Licensing of Games and Personnel	
CHAPTER 4.....	PAGE 38
Management Contracts	
CHAPTER 5.....	PAGE 44
Auditing and Internal Control	
CHAPTER 6.....	PAGE 47
Authorization of Gaming	
CHAPTER 7.....	PAGE 48
Exclusion or Ejection of Individuals	

CHAPTER 8.....	PAGE 49
Cheating	
CHAPTER 9.....	PAGE 51
National Indian Gaming Commission and Tribal-State Compacts	
CHAPTER 10.....	PAGE 52
Miscellaneous	

MENOMINEE INDIAN TRIBAL GAMING CODE

CHAPTER I

DEFINITIONS

Section 1.01 Definitions Unless a different code meaning is clearly indicated, the terms used in this Code shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100 §497, 102 Stat. 2467, codified at 25 U.S.C. §§ 2701 et. seq. (Oct. 17, 1988).

Section 1.02 "Calendar Year" means the period beginning on the first day of January at 12:00:01 and ending the immediately following December 31 at 12:00 o'clock midnight

Section 1.03 "Chairman" means the Chairman of the National Indian Gaming Commission or his designee.

Section 1.04 "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebration.

Section 1.05 "Class II Gaming" means:

(a) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)

(i) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;

(ii) in which the holder of the card covers such numbers or

designations when objects, similarly numbered or designated, are shown or electronically determined; and

(iii) in which the game is won only by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and,

(b) card games that are

(i) explicitly authorized by the laws of the State of Wisconsin; or

(ii) are not explicitly prohibited by the laws of the State of Wisconsin and are played at any location in the State of Wisconsin, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Wisconsin regarding hours or periods of operation of such card games or limitations on wagers or pot prizes in such card games.

(c) The term "class II gaming" does not include

(i) any banking card games, including baccarat, chemin de fer, or blackjack (21); or

(ii) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

Section 1.06 "Class III Gaming" means all forms of gaming that are not Class I or Class II gaming.

Section 1.061 "Collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract or to any rights, duties or obligations created between a tribe (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

Section 1.07 "Commission" means the Menominee Tribal Gaming Commission.

Section 1.08 "Commissioner" means one of the members of the Menominee Tribal Gaming Commission.

Section 1.09 "Legislature" means the Menominee Tribal Legislature.

Section 1.10 "Director" means the Director of the Menominee Tribal Gaming Commission appointed by the Legislature as the chief administrator of Menominee gaming.

Section 1.11 "Gaming" or "Gaming Activity" means to deal, operate, carry on, conduct, maintain or expose for play any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fan tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck,

chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fur, baccarat, pai gow, beat the banker, panguingui, slot machine, video poker machine, pull tabs, bingo, any banking or percentage game or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes or charges money for operating the game.

Section 1.12 "Gaming Device" or "Gambling Device"

means:

(i) any so-called "Slot Machine" or any other machine or mechanical device an essential part of which is a drum or reel with insignia thereon, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(ii) any other machine or mechanical device (including, but not limited to, roulette wheels and similar devices) designed and manufactured primarily for use in connection with gambling, and (A) which when operated may deliver, as the result of the application of an element of chance, any money or property, or (B) by the operation of which a person may become entitled to receive, as the result of the application of an element of chance, any money or property; or

(iii) any subassembly or essential part intended to be used in connection with any such machine or mechanical device, but which is not attached to any such machine or mechanical device as a constituent part.

Section 1.13 "Gaming Establishment" or "Gaming Premises" means any premises where gaming, other than Class I

gaming is operated or conducted, and includes all buildings, improvements, equipment, and facilities used or maintained in connection with such gaming.

Section 1.131 "Gaming Operation" means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issued the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly or by a management contractor.

Section 1.14 "Gross Revenue" means total revenue from all sources of a gaming operation before operating expenses but after all gaming wins. The rules and regulations of the American Institute of Certified Public Accountants defining gross revenues in a gaming operation are adopted in this Code as if set forth fully at this point. Further, this definition may be further defined and expanded on by regulations duly promulgated by the National Indian Gaming Commission.

Section 1.15 "Indian Land" means:

(a) Any lands title to which is either held in trust by the United States for the benefit of the Menominee Indian Nation, or held by the Menominee Indian Nation subject to restriction by the United States against alienation and over which the Menominee Indian Nation exercises governmental power, and

(b) Any lands located within the exterior boundaries of the Menominee Indian Reservation, title to which is either held in trust by the United States for the benefit of the individual Indian, or held by an individual Indian subject to restriction by the United States against alienation and over

which the Menominee Indian Nation exercises governmental power.

Section 1.16 "Key Employee" means:

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

Section 1.17 "Licensee" means any person who has been issued a valid and current license pursuant to the provisions of this Gaming Code.

Section 1.18 [RESERVED]

Section 1.19 "Management Contract" means any contract, subcontract, or collateral agreement between the 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.

Section 1.20 "Management Fee" means any monies paid from operational revenues of a gaming operation to any person or entity contracted and/or licensed to operate a gaming establishment. Such term shall not include monies paid for operating expenses. Such term shall also include any monies paid to the owner of a gaming establishment pursuant to §3.07 of this Code.

Section 1.201 "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-related operating expenses, excluding management fees.

Section 1.21 "Operating Expense" means any expense incurred in the daily operation of a gaming activity that is specifically designated as an operating expense in a management contract; provided that in the case of an establishment licensed by the Tribe pursuant to §3.07, the term shall mean an expense specifically designated as an operating expense in any regulation adopted by the Commission.

Section 1.22 "Patron" means any person or group of persons on Indian land who participate as players in games as defined by this Code, or who are physically present on premises wherein or whereon such games are being played.

Section 1.23 "Person" means any association, partnership, corporation, firm, trust or other form of business association as well as a natural person.

Section 1.231 "Persons having a direct or indirect financial interest in a management contract" means:

(a) When a person is a party to a management contract, any person having a direct financial interest in such management contract;

(b) When a trust is a party to a management contract, any beneficiary or trustee;

(c) When a partnership is a party to a management contract, any partner;

(d) When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

(e) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

Section 1.232 "Person having management responsibility for a management contract" means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof.

Section 1.24 "Primary Management Official" means:

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

- (b) Any person who has authority:
- (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation;
- or

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

Section 1.25 "Regulation" means the regulations of the Commission under this Code.

Section 1.26 "Reservation" when not qualified, means the Menominee Indian Reservation and any other lands designated as reservation lands by the Secretary of the Department of Interior.

Section 1.27 "Services" means labor provided by one person to or for another, where such labor is provided in pursuit of the purpose of gaming on Indian land.

Section 1.28 "Tribal Court" means the Tribal Court of the Menominee Indian Nation.

Section 1.29 "Tribal-State Compact or Compact" means a written document, either negotiated and agreed to by the Menominee Nation and an official or agent of the State of Wisconsin, or prescribed by the Secretary pursuant to 25 U.S.C. 2710(7)(B)(vii), governing the conduct of Class III gaming activities on Indian lands.

Section 1.30 "Tribe" means the Menominee Indian Nation.

Section 1.31 Words and Terms Tense, number and gender. In constructing the provisions of this Code, save when otherwise plainly declared or clearly apparent from the context;

(a) words in the present tense shall include the future tense;

(b) words in masculine, feminine and neuter genders shall include all genders;

(c) words in the singular shall include the plural, and in the plural shall include the singular.

Section 1.32 "Working Days" means Monday through Friday except for Federal or Tribal holiday.

CHAPTER II

ADMINISTRATION AND ENFORCEMENT

Section 2.01 Unauthorized Gaming. Any Indian who commits any act of unauthorized gaming on this reservation or any Indian land shall be guilty of a crime and shall be prosecuted in Tribal Court. Prosecution for such a crime in Tribal Court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from criminal jurisdiction. However, it is hereby declared that Class I, Class II and Class III gaming conducted on this reservation or on any Indian land, that fully complies with the provisions of this Code, shall not be subject to any criminal penalties.

Section 2.02 Ownership - Revenues to Benefit Tribe. Except for those licenses issued pursuant to §3.08, the Tribe shall have the sole proprietary interest in, and the sole responsibility for, the conduct of the gaming activity. Such provision does not, however, limit the Tribe's ability to enter into a management contract wherein net profits are divided between the Tribe and other parties to the contract. A gaming establishment shall be operated so as to produce the maximum

amount of net profit to the Tribe. The Tribe's share of net revenues will go entirely to the Tribe and will be used solely for the following purposes:

(a) to fund tribal government operations or programs;

(b) to provide for the general welfare of the Tribe and its members;

(c) to promote tribal economic development;

(d) to donate to charitable organizations; or

(e) to help fund operations of local government agencies. Net revenues from the gaming establishment may be used to make per capita payments to members of the Tribe upon the preparation of a plan to allocate revenues to the above uses and approval of this plan by the Secretary of the Interior.

Section 2.03 Establishment of Commission. The Menominee Tribal Gaming Commission is hereby established. The Commission shall consist of seven (7) members appointed by a majority vote of the Legislature. Only enrolled members of the Tribe may be appointed to the Commission. A commissioner shall serve for three (3) years and may be removed from office prior to the end of his term only for cause and by a unanimous vote of Legislature following a public hearing. In order to establish an annually staggered Commission appointment schedule similar to that of the Legislature, the first commissioners shall be appointed by the Legislature as follows: three (3) members shall serve three (3) year terms, two (2) shall serve two (2) year terms and two (2) shall serve a one (1) year term for the initial appointment terms only. Thereafter, all successive terms of appointment shall run

for three (3) years. Vacancies shall be filled within thirty (30) days by the Legislature.

Section 2.04 Restrictions on Commissioners.

Commissioners may hold other tribal positions and may engage in business, provided however, that they shall not engage in any business which is subject to the provisions of this Gaming Code. Commissioners shall not gamble in the gaming establishment nor have any personal financial interest in any gambling by any patron.

Section 2.05 Compensation for Commissioners.

Commissioners shall be compensated at a rate to be established annually by the Commission, and approved by the Tribal Legislature. Commissioners shall be reimbursed for actual expenses incurred on Commissioner business, including necessary travel expenses. In no event shall compensation be based on a percentage of net profits from gaming operations of the Tribe.

Section 2.06 Selection of Chairperson. The Commission shall select annually from its membership a chairperson, who shall have the power to convene special meetings of the Commission upon forty-eight (48) hours written notice to members of the Commission. If the chairperson determines that a bona fide emergency exists, the chairperson may conduct special meeting(s) by telephone.

Section 2.07 Meetings Open to Public. General meetings of the Commission may be open to the general membership of the Menominee Nation and all meetings shall be governed by Roberts Rules of Order. Upon a majority vote as defined in Section 2.08, matters dealing with personnel, security or the fiscal integrity of the gaming operation shall be conducted in executive session and not be open to the public.

Section 2.08 Quorum - Majority Vote. A quorum shall consist of four (4) members of the Commission. All decisions shall be made by a majority vote of the Commission, unless indicated otherwise in this Code.

Section 2.09 Monthly Report. The Commission shall make monthly reports to the Legislature within thirty (30) days after the close of the month for which the information is being required. The report shall include a full and complete statement of gaming revenues paid to the Tribe, expenses and all other financial transactions of the Commission and a summary of all licensing and enforcement actions.

Section 2.10 Powers. The Commission shall exercise all powers necessary to effectuate the purposes of this Code. The Commission may exercise any proper power and authority necessary to perform the duties assigned to it by this Code, and is not limited by the enumeration of powers in this chapter. The Commission shall meet with the Director not less than once each month to make recommendations and set policy, to approve or reject reports of the Director and transact other business that may be properly brought before it. The 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 Code. In all decisions, the 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 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 licensed, for any cause deemed reasonable by the Commission.

Section 2.11 Prior Notice of Actions. In adopting, amending, and repealing regulations, the Commission shall give

prior notice of the proposed action to all licensees and other persons whom the Commission or Director has reason to believe have a legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission. In emergencies, the Commission may summarily adopt, amend or repeal any regulation if at the time the Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order or general welfare, together with a statement of facts constituting the emergency; provided the Commission shall schedule such emergency action for a regular hearing within sixty (60) days after any such emergency meeting.

Section 2.12 Request for Commission Action. Any person who is determined by the Commission or Director to be a bona fide interested party may file a petition in a manner and form approved by the Commission requesting the adoption, amendment or repeal of a regulation. Upon receipt of the petition, the Commission shall within thirty (30) days deny the request in writing or schedule the matter for action pursuant to this chapter.

Section 2.13 Voting on Licensing. Any Commission vote resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license under this Code shall be by ballot only; provided that in an emergency a phone vote may be polled pursuant to Commission Regulations. To approve of any license issued pursuant to this Code, a quorum of the Commission must be present with a majority vote of approval by said quorum required. A license will not be issued to a person whose license has previously been revoked pursuant to this Code, or to whom the issuance of renewal of a license has been denied, except with the unanimous approval of the Commission members.

Section 2.14 Reconsideration. Should an applicant file written objections to the determination of the Commission within twenty days of receiving written notice of such determination, the Commission shall hold a hearing to review its decision, within three (3) working days from the date of the filing of such objections. At the hearing, the burden shall be on the applicant to show cause why the Commission's determination was incorrect. Following such hearing, the Commission shall, within three (3) working days reach a determination concerning:

(a) the accuracy of the preliminary certification of facts; and

(b) whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited; and

(c) whether or not any other action recommended to the Commission including, but not limited to forfeitures, should be taken.

Section 2.15 Notification of Commission Decision.

Within three (3) working days following this determination, the Commission shall inform the subject in writing of that determination.

Section 2.16 Right to Appeal. Unless otherwise contractually agreed to, the subject shall have the right to appeal the determination of the Commission to the Tribal Court. Such appeal must be filed with the Tribal Court in written form on or before the tenth (10th) day following receipt of the written determination of the Commission. A determination of such appeal by the Tribal Court shall be final and no further appeal may be had. In any appropriate case which has been referred to the Tribal Court for final action, the Tribal Court shall review, de

novo, the determination of the Commission. The Court's action shall be final and no further appeals may be had.

Section 2.17 Appointment of Director. The Legislature, with the advice and consent of the Commission, shall appoint a Director who shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities. A detailed background investigation shall be conducted on the Director before his appointment and the Commission shall maintain oversight of the Director on an ongoing basis. Preference will be given to applicants with experience in legal gaming or law enforcement. No one convicted of a felony of any kind or misdemeanor related to illegal gambling or bribery can serve as Director. The Director shall not have any personal interests in the gaming activity. The Director may not gamble in the gaming establishment nor have any personal financial interest in any gambling by any gaming establishment patron. During any period in which the position of Director is vacant, the Chairman of the Commission or his designee shall assume the Director's duties.

Section 2.18 Director's Contract. The Director shall be hired on a contract for a period of at least two (2) years. The terms of the contract will be negotiated with the Commission and approved by the Legislature. The Director's compensation shall be part of the negotiations. Compensation for the Director shall not be based, in whole or in part, on the profitability of the gaming operation.

Section 2.19 Termination of Director. The Director shall be terminated immediately and without the necessity of a vote of the Legislature upon the Director's conviction of a federal or state court of competent jurisdiction for any felony or for any misdemeanor related to illegal gambling or bribery or upon conviction in the Tribal Court of any charge that the Legislature finds relates to the Director's honesty or ability to fulfill his

duties. If the Director is convicted of violating any part of this code, he shall be immediately terminated. Additionally, the Director may be terminated for inadequate performance of the duties required to be performed or may additionally be terminated for associations or conduct that would tend to bring the gaming operation into disrepute.

Section 2.20 Duties of Director. The Director shall, subject to the approval of the Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Code relating to the regulation of all gaming activity. In all decision, the Director shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Directors' duties shall include but not be limited to the following:

(a) Negotiating contracts for payments by the Tribe for the provision of security and other professional services. Such contracts must be approved by the Commission and the Legislature and shall not constitute a waiver of jurisdiction by the Tribe;

(b) Correspond with the National Indian Gaming Commission and do whatever is necessary to ensure complete compliance with the rules and regulations of that agency. Specifically, the Director shall arrange for an annual outside audit of authorized gaming and will provide a copy to the National Indian Gaming Commission.

(c) The Director will ensure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety;

(d) The Director will arrange that there is an adequate system which ensures that background investigations are conducted on all primary management officials, key employees, and other employees of any gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis. The Director will recommend to the Commission, which shall have final authority, on the granting of tribal licenses for primary management officials, key employees, and other employees of any gaming establishment. The Director shall immediately notify the National Indian Gaming Commission of the issuance of such licenses to primary management officials or key employees. The Director will review all applications and background investigations to ensure that no person shall be eligible for employment in or with any part of the gaming operation if that person's 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. The Director shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses to primary management officials or key employees.

(e) Hiring, pursuant to the approval of the Commission, such professional, clerical, technical and administrative personnel as may

be necessary to carry out the provisions of this Code.

(f) Reviewing all records, documents, and anything else necessary and pertinent to enforcement of any provisions of this Code.

(g) Recommend to the Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Code.

Section 2.21 Right of Inspection. The Commission, the Director and their agents, inspectors, and employees have the authority:

(a) To inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed;

(b) To inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;

(c) Summarily to seize and remove from a gaming establishment (or whatever located) and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;

(d) To demand access to and inspect, examine and audit all papers, books, and records of applicants and licensees respecting any income produced by any gaming business, and require

verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Code;

(e) To seize and impound any patron's winnings which the Commission may have reasons to believe may have been won or obtained in violation of this Code pending a civil forfeiture hearing on such seizure;

(f) For the purpose of administration and enforcement of this Code the Commission, the Director and their investigative personnel may, if deemed necessary by the Tribal Legislature, have the powers of the peace officer of the Menominee Indian Nation for purposes of this Code only;

(g) Commissioners and the Director shall each have full power and authority to issue subpoenas and compel the attendance of witnesses for hearing at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Commission and the Director may pay such transportation and other expenses of witnesses as it may deem reasonable and proper.

Section 2.22 Confidentiality of Information. The Commission and the Director may refuse to reveal, in any court proceeding, the identity of any informant, or the information obtained from the informant, or both the identify and the information.

Section 2.23 Powers of Delegation. The Commission may organize itself into a functional division as it may deem necessary and from time to time alter such plan of organization as it may deem expedient. The Commission shall establish its own budget for operations, including a budget for the Director, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses within the limit of funds available to it, as it may deem necessary. Within the limits of a Legislature approved budget, the Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Director and Commission may require. At the Legislature's discretion, said budget may be reviewed and modified by the Legislature every six (6) months. Upon the end of the budget year, any surplus which might exist shall be refunded by the Legislature at their discretion. The Commission and the Director shall each keep and maintain a file of all applications for licenses under this chapter, together with a record of all action taken with respect to such applications. The Commission and the Director shall keep and maintain such other files and records as they may deem desirable and all such records may be open to public inspection as they may deem appropriate, provided that the annual Commission budget shall be made available to any tribal member upon demand.

Section 2.24 Sanctions. Any person who engages in activities on property subject to the provisions of this Gaming Code without a license, in violation of any license or terms imposed thereon, in violation of terms of suspension, or in violation of the Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Commission shall be guilty of a

crime and be punished in accordance with the provisions of Section 2.26 hereinafter.

Section 2.25 Limitations Period. No fine shall be assessed nor any action taken for any violation under the preceding section unless a charge is filed in proper form with the Tribal Court within two (2) years of the commission of the offense.

Section 2.26 Violations of Code - Punishment. Any violation of this Code shall be punished by a fine of no more than Five Thousand Dollars (\$5,000.00) for each separate count or violation, or one (1) year in jail, or both. Each day of violation shall constitute a separate count or violation under this Code. A violator may also be required to pay court costs, storage fees, and auction or sales fees. All property used or which may be used in activities in each and every separate violation of this Code may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commission, subject to the right of appeal to the Tribal Court. Winnings found to have been received in violation of this Code are forfeited and become the property of the Tribe.

Section 2.27 Due Process Regarding Enforcement Actions. The Commission shall promulgate regulations protecting due process rights of all individuals subject to the enforcement of this Code. Such regulations shall, at a minimum:

- (a) provide standards for emergency or summary suspension of license;
- (b) provide fair notice and opportunity for hearing regarding any revocation or suspension

of license, and regarding any enforcement action taken pursuant to this Code; and

(c) provide the right to appeal, de novo, of any Commission disciplinary or enforcement action to the Tribal Court.

Section 2.28 Special Agents. The Commission shall authorize special agents appointed pursuant to Section 1 of Chapter IV of the Tribe's Law and Order Code or pursuant to any appropriate section and/or chapter of any subsequent Law and Order Code to perform services reasonably necessary to assure compliance with the provisions of this Code only. Said special services of enforcement and surveillance shall be under the authorization and direction of the Director, unless otherwise determined by the Commission. This section shall in no way be deemed to limit the normal law enforcement functions of these or other tribal law enforcement officers not so authorized.

Section 2.29 Independence of Commission. The Director, Commissioners, members of the Legislature and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest extent possible under the tribal law for accepting a bribe. The Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

CHAPTER III

LICENSING OF GAMES AND PERSONNEL

Section 3.01 Mandatory License. Any person seeking to conduct, operate, or manage any gaming activity on Indian lands, or any person seeking employment therefrom, shall apply for, and receive, all the required licenses and/or approvals from the Commission prior to engaging in such gaming activities. Engaging in such gaming activities without first obtaining the required licenses and/or approvals shall be deemed a violation of this Code and shall be punishable in accordance with §2.26. This provision shall not preclude the Commission from entering into consulting contracts for services, the payment of which is fixed and not determined by a percentage of the net profits from the gaming operation.

Section 3.02 Application forms.

(a) 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. §§ 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 Menominee Gaming Commission members and staff, by Tribal police officers, and 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 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."

(b) Existing key employees and primary management officials shall be notified in writing that they shall either:

(1) Complete a new application form that contains a Privacy Act notice; or

(2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(c) 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.)"

(d) The Commission shall notify in writing existing key employees and primary management officials that they shall either:

- (1) Complete a new application form that contains a notice regarding false statements;
- or
- (2) Sign a statement that contains the notice regarding false statements.

Section 3.03 Application Information.

(a) The Commission shall request from each primary management Official and from each key employee all of the following information:

(1) Full name, other names used (oral or written), social security numbers(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

(3) 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 (1)(b) of this section;

(4) Current business and residence telephone numbers;

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

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

(7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(12) A current photograph;

(13) Any other information the Commission deems relevant; and

(14) Fingerprints consistent with procedures adopted in Section 3.04(e) below.

(b) For all other employees, the Commission shall adopt application forms appropriate to each job category.

Section 3.04 Background Investigation Procedures.

(a) The Commission shall conduct an investigation sufficient to make a determination under Section 3.05. In conducting a background investigation, the Commission and its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

(b) The procedures for conducting background investigations on key employees and primary management officials in order to determine their eligibility for employment shall include, at a minimum:

1. Criminal history check by a law enforcement agency, under the direction of the Director, including, at a minimum, a check of criminal history records maintained by the Federal Bureau of Investigation;

2. Civil history check;

3. Reference check;
4. Previous business and employment check;
5. Relative check;
6. Business and personal associates check;
7. Educational verification;
8. Documentation of the disposition of all potential problem areas and disqualifying information noted.

(c) The procedures for conducting background investigations on any other employee shall be appropriate to the employee's job category.

(d) The Commission is primarily responsible for the conduct of the background investigations and suitability determinations, in consultation with the National Indian Gaming Commission and/or the State of Wisconsin where appropriate.

(e) Law enforcement personnel, under the direction of the Director, shall obtain the fingerprints of applicants.

(f) The Director shall be responsible for conducting or causing to be conducted, reviewing and approving or disapproving the investigative work.

(g) An investigative report shall be prepared by the Director, and shall set forth, in detail, the:

1. Steps taken in conducting the background investigation;

2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

Section 3.05 Eligibility Determination. The Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations and all relevant background information to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Commission 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, it shall deny the license application and a tribal gaming operation shall not employ that person in a key employee, primary management official, or other position.

Section 3.06 Reports of Background Investigations on Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Director 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 Section 3.05.

(b) The Director shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation of a primary management official or key employee with a copy of the eligibility determination made under Section 3.05.

(c) If a license is not issued to an applicant, the Director:

- (1) Shall notify the National Indian Gaming Commission; and,
- (2) 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.

(d) If within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commission 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 Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a license to such applicant.

(e) The Director 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 (d) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(f) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the 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 Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the

application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

Section 3.07. Licensing and Regulation of Class II and Class III Gaming Activity; Net Revenue Allocation; Audits; Contracts.

(a) A separate license issued by the Commission shall be required for each place, facility, or location on Indian lands within the Tribe's jurisdiction at which any Class II or Class III Gaming Activity is conducted.

(b) The Commission may license and regulate a tribal-owned Class III Gaming Activity if

(i) such gaming activity is located on Indian lands within the Tribe's jurisdiction, and the State of Wisconsin permits such gaming for any purpose by any person, organization, or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal laws);

(ii) except as provided in Chapter IV, the Tribe will have the sole proprietary interest and responsibility for the conduct of such gaming activity;

(iii) net revenues from such gaming activity are used in

accordance with Section 2.02 of this Code;

(iv) such gaming activity is subject to annual outside audits, which may be encompassed within existing independent, tribal audit systems, and provided to the Legislature;

(v) all contracts for supplies, services, or concessions for any aggregate amount in excess of \$25,000 annually relating to such gaming are also subject to independent audits;

(vi) the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public's health and safety; and

(vii) all primary management officials and key employees of the Class III gaming operation have successfully passed a background investigation and have obtained licenses from the Commission.

Section 3.08 Class III Licenses that Mirror State Regulations.

(a) The Commission may license and regulate Class III gaming activities owned by any

person or entity other than the Tribe and conducted on Indian lands within the Tribe's jurisdiction, only if the requirements described in section (b) of this Section are met and are conducted in a manner that is at least as restrictive as the regulations established by Wisconsin State law governing similar gaming within its jurisdiction. No person or entity, other than the Tribe, shall be eligible to receive a license from the Commission to own a Class III gaming activity conducted on Indian lands within the Tribe's jurisdiction if such person or entity would not be eligible to receive a license from the State of Wisconsin to conduct the same activity within its jurisdiction.

(b) Such licenses are only valid so long as the licensee and the Tribe comply, at a minimum, with the following provisions:

(1) income to the Tribe from such gaming is used only for the purposes described in Section 2.02 of this Code,

(2) not less than sixty percent (60%) of the net revenues is income to the Tribe, and

(3) the owner of such gaming operation pays the appropriate assessment levied by the National Indian Gaming Commission.

Section 3.09 Issuance of Tribal Gaming Licenses; Objections. The Commission shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Commission, reliable information is received that a primary management official, key employee, or other employee does not meet the standard established under Section 3.05 of this Code, the Commission shall suspend such license and, after notice and hearing, may revoke such license.

Section 3.010 License and Regulation of Class III Gaming Activities; Tribal-State Compact Required. The Commission may license and regulate Class III gaming activity if conducted in conformance with the terms and conditions of a valid Tribal-State Compact entered into by the Tribe and the State of Wisconsin, or pursuant to procedures provided by the Secretary of the Interior, and/or the Chairperson of the National Indian Gaming Commission and/or pursuant to any amendments to the Indian Gaming Regulatory Act (IGRA, 25 U.S.C. 2701 et. seq.).

Section 3.011 Non-Transferability of License. Any license issued pursuant to the provision of this Code is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Director or Commission.

Section 3.012 Application Fee. The Commission shall set a fee for applications, background investigations and licenses. All such fees shall be made payable to the Menominee Nation and delivered to the Menominee Nation's Accounting office.

Section 3.13 Failure of Applicant to Disclose Material Information. An applicant for licensing shall make true and full disclosure of all information to the Director and Commission as necessary or appropriate in the public's interest or as required in order to carry out the policies of this Tribe relating to

licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether the applicant's involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall constitute a violation of this Code to fail to disclose, to mislead or to misstate any such material information to the Director of the Commission, or to any licensee's employer.

Section 3.14 Temporary Employment Licenses. The Commission may issue a temporary employment license to any person or entity applying for a license to work in a licensed gaming establishment which shall be valid pending the background investigation of the applicant. In no event shall such temporary license be valid for longer than 90 days.

Section 3.15. Parameters of Licenses.

(a) Violation of any material provision of this Code or any of the Commission's regulations by a licensee, its agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Menominee Nation and the inhabitants of the Menominee Reservation, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall constitute grounds for the filing of charges by the Commission or Director. If the Tribe elects to contractually agree to resolve disputes in a manner other than revocation of a license, such contractual agreement shall supersede any conflicting provisions of this section, so long as the agreement provides a reasonable avenue for the Tribe to insure a licensee's compliance with all other aspects of this Gaming Code.

(b) Acceptance of a gaming license or renewal on the part of the licensee shall constitute the licensee's agreement to be bound by all of the regulations and conditions of the Director or Commission and by the provisions of this Code as the same are now,

or may hereafter be amended or promulgated, and to cooperate fully with the Director and Commission. It is the responsibility of the licensee to keep informed of the contents of such regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations.

(c) The license may be limited to a particular term to be determined by the Commission. Whether or not so limited, the Commission may periodically review the eligibility of primary management officials, key employees, and other employees to determine whether such persons may continue to be employed in gaming. The Commission may request of any licensee such information as it deems necessary to perform such a review. If the Commission determines that the licensee is not eligible for employment in gaming, it shall rescind or fail to renew the license, and the licensee shall have the appeal rights provided in this Code for denial of a license.

(d) In view of the less stringent background investigations contemplated for employees who are neither primary management officials nor key employees, licenses for such employees may be limited to the job category for which employed or to non-primary management or key employee positions. Should such employee subsequently obtain employment as a primary management official or a key employee, he/she shall apply for a license which is not so limited.

Section 3.16. Licensing of Distributors. The Commission may authorize, require and issue such annual licenses as the Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia for use in connection with licensed gaming activity.

Section 3.17 License Suspension.

(a) 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 3.05, above, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(c) After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

CHAPTER IV

MANAGEMENT CONTRACTS

Section 4.01 Commission Approval Required.

(a) Any management contract entered into by the Tribe for the operation and management of Class II and Class III gaming activity must be submitted to the Commission for approval, but before approving such contract, the Commission shall require and obtain the following information:

(i) the name, address, and other additional pertinent background information on each person or entity (including persons comprising such entity) having direct or indirect financial interest in, or management responsibility, for such contract, including in the case of a corporation, the directors and each stockholder who holds (directly or

indirectly) 10% or more of the corporation's issued and outstanding stock, and including in the case of a partnership each partner who holds, directly or indirectly, an interest of 10% or more in the partnership or in the management contract;

(ii) a description of any previous experience that each person listed pursuant to subsection (i) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming;

(iii) Any further or additional information as may be required under the Tribal/State compact entered into between the Tribe and the State; and

(iv) Any further or additional information as may be required under existing rules and regulations for management contracts required pursuant to IGRA including all information required to be submitted to the National Indian Gaming Commission pursuant to 25 C.F.R. § 533.3(d).

(b) Any person listed pursuant to subsection (a)(i) shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this section.

(c) For purposes of this Code, any reference to the management contract described in Section 4.01(a) shall

be considered to include all collateral agreements to such contract that relate to the gaming activity.

(d) After the Commission has given its approval of a management contract, the Commission shall submit such contract to the National Indian Gaming Commission for its approval. The Commission may, in its discretion, allow a management contract to be submitted to the National Indian Gaming Commission pending approval by the Commission. Any management contract shall be void until the Commission and National Indian Gaming Commission have approved it.

Section 4.02 Approval of Management Contracts.

Commission action on management contracts and the rights of management contractors regarding such action are governed by Sections 2.13-2.16 of this Code. The Commission may approve any management contract entered into by the Tribe pursuant to this Chapter only if it determines that such contract provides at least:

(a) for adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared by or for the Legislature on a monthly basis;

(b) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

(c) for a minimum guaranteed payment to the Tribe that has preference over the retirement of development and construction costs;

(d) for an agreed ceiling for repayment of development construction costs;

(e) for a contract term not to exceed five years, except that, upon the request of the Tribe, the Commission may authorize a contract term that exceeds five years but does not exceed seven years if the Commission is satisfied that the capital investment required, and the income projections, for the particular gaming activity require additional time;

(f) for grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the National Indian Gaming Commission; and

(g) for preference to Tribal members and non-member Indians in hiring of employees for the gaming establishment.

Section 4.03 Percentage of Net Revenue Fees.

(a) A management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity may be approved by the Commission if such percentage fee is reasonable in light of surrounding circumstances. Except as provided in this Section, such fee shall not exceed 30% of the net revenues.

(b) Upon request of the Legislature, the Commission may approve a management contract providing for a fee upon a percentage of the net revenues of a tribal gaming activity that exceeds 30% but not 40% of the net revenues if the Commission and Legislature are satisfied that the capital investment required, and income projections, for such tribal gaming activity require the additional fee.

Section 4.04 Contract Disapproval. The Commission shall not approve any contract if it determines that:

(a) Any person listed pursuant to Section 4.01(a)(i):

(i) is an elected member of the Legislature;

(ii) has been or subsequently is convicted of any felony or gaming offense;

(iii) has knowingly and willfully provided materially important false statements of information to the Commission or the tribal officials who negotiate such contracts or has refused to respond to questions propounded pursuant to Section 4.01(b); or

(iv) has been determined 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, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

(b) The management contractor has, or has attempted unduly to interfere or to influence for its gain or advantage any decision or process of tribal government relating to gaming activity; or

(c) The management contractor has deliberately or substantially failed to comply with the terms of this

management contract or the provisions of this Code or any regulations adopted pursuant to this Code or the Indian Gaming Regulatory Act.

Section 4.05 Modifying or Voiding Contract. The Commission, after notice and hearing, shall have the authority to require appropriate contract modifications or may void any contract if it subsequently determines that any of the provisions of this Chapter have been violated. If the Tribe elects to contractually agree to resolve disputes in a manner other than the revocation of a license, such contractual agreement shall supersede any conflicting provisions of this section, so long as the agreement provides a reasonable avenue for the Tribe to insure a licensee's compliance with all other aspects of this Gaming Code.

Section 4.06 Changes in Ownership Interest. Any transfer of an ownership interest in a management contract subsequent to approval of such contract by the Commission requires Commission approval under this Chapter and is void until and unless so approved. The management contractor shall provide the information required under section 4.01 (a) and (b) as to such transfer.

Section 4.07 Conveying Interest in Land. No management contract for the operation of a gaming activity regulated by this Code shall transfer or, in any other manner, convey any interest in land or other real property, unless specific applicable statutory authority exists and unless clearly specified in writing in said contract.

Section 4.08 Fee for Investigation Cost. The Commission shall require a potential contractor to pay a fee to cover the actual cost of the investigation necessary to reach a determination required by this Chapter.

CHAPTER V

AUDITING AND INTERNAL CONTROL

Section 5.01 Minimum Procedures for Control of Internal Fiscal Affairs. The Commission shall promulgate regulations for control of internal fiscal audits of all gaming operations. At a minimum, those regulations shall:

(a) Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, promote operational efficiency, and encourage adherence to prescribed policies;

(b) Prescribe minimum reporting requirements to the Commission;

(c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice accounting in the State of Wisconsin.

(d) Formulate a uniform code of accounts and accounting classifications to assure consistence, comparability and effective disclosure of financial information. Such code shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win (amount of cash won by the gaming operating) and the percentage of statistical win to

statistical drop, or provide similar information, for each type of game, or each gaming device.

(e) Prescribe the intervals at which such information shall be furnished;

(f) Provide for the maintenance of documentation (i.e., checklists, programs, reports, etc) to evidence all internal work performed as it relates to the requirements of this section; and

(g) Provide that all financial statements and documentation referred to in section (f) be maintained for a minimum of five (5) years.

Section 5.02 Commission Oversight of Internal Fiscal Affairs. The Commission shall, by regulation, require audits to be conducted no less frequently than annually of the financial statements of all gaming operations. Such audits must:

(a) be made by independent Certified Public Accountants holding a permit issued by the State of Wisconsin to practice public accounting;

(b) include an opinion that the financial statement fairly and accurately presents the financial condition of the gaming operation in accordance with generally accepted accounting principals (GAAP) and in accordance with the standards of the accounting profession established by rules and regulations of the Wisconsin State Board of Accountancy and the American Institute of Certified Public Accountants;

(c) disclose whether the accounts, records, and control procedures maintained by the gaming operation are as

required by the regulations promulgated by the Commission; and

(d) provide for a preliminary review of the internal control structure, upon adoption of the policies and procedures by the entity, to disclose any deviation from prescribed rules and regulations and report such findings to the Commission and management.

The scope of these audits shall include all gaming related contracts that result in the purchase of supplies, services or concessions in excess of \$25,000.00 annually, except contracts for professional, legal and accounting services. Resulting audit reports shall be submitted to the National Indian Gaming Commission.

Section 5.03 Commission's Right to Conduct Audit. The Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribe to conduct its own audit of any gaming operation.

Section 5.04 Prohibition Against Embezzlement. Any delay, maneuver or action of any kind which in the opinion of the Director is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action against that licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license.

CHAPTER VI

AUTHORIZATION OF GAMING

Section 6.00 Gaming Authorized. Class I and Class II gaming are hereby authorized. Class III gaming is hereby authorized to the extent provided under the Tribal-State Compact. Class II and III gaming are subject to the regulations provided in this Code and regulation by the Commission, and to the Indian Gaming Regulatory Act.

Section 6.01 Prohibition Against Gaming. No person duly authorized by the Commission shall engage, conduct or condone any game unless such game is approved by this Commission and regulations governing such game have been duly promulgated by this Commission.

Section 6.02 Grace Period. The prohibition contained in Section 6.01 shall not apply to those games already being played as of the date of enactment of this Code, provided however, that the licensee conform to the rules promulgated hereunder within five (5) days of such promulgation.

Section 6.03 Authorization of Gaming. The Commission may authorize the playing of any game not prohibited by the laws of the State of Wisconsin. The Commission shall promulgate regulations for rules governing all authorized games, including regulations governing the equipment (chips, dice, cards, tiles, etc.) used in such game. Any provision in the Tribe's Compact with the State of Wisconsin providing for notice to and comment from the state, shall be complied with before any game is authorized by the Commission.

Section 6.04 Approval of Gaming Equipment. The Commission shall have the discretion to review and approve all

gaming equipment and other devices used in the gaming operation as to quality, design, integrity, fairness, honesty and suitability.

(a) The Commission may require a prototype or sample of any model of gaming equipment or other device used in the gaming operation to be placed in the custody of the Director and retained by him as a control for comparison purposes.

(b) Any evidence that gaming equipment or other devices used in the gaming operation has been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the equipment or device shall be immediately reported to the Commission.

Section 6.05 Posting of Rules. The Rules of each authorized game offered at any duly licensed establishment shall be posted in a conspicuous location and shall be clearly legible.

CHAPTER VII

EXCLUSION OR EJECTION OF INDIVIDUALS

Section 7.01 List of Undesirables. The Commission may, by regulation, provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed gaming operation. The list may include any person whose presence in the gaming establishment is determined by the Commission to pose a threat to the interests of the Tribe, the State of Wisconsin, or to licensed gaming. Race, color, creed, national origin or ancestry or sex must not be grounds for placing the name of a person on the list.

Section 7.02 Notice and Opportunity to be Heard. The Commission shall promulgate regulations providing fair notice and

opportunity to be heard to any individual whose name is being contemplated by the Tribe to be placed on the list referred to in section 7.10. Such regulations must provide the person an opportunity to show cause why his name should be deleted from the list. The individual may appeal any decision of the Commission to place his name on the list to Tribal Court.

Section 7.03 Prohibition Against Listed Individuals.

It shall be a violation of this Code for any licensee to knowingly fail to exclude or eject from the gaming establishment any persons placed on the list referred to in section 7.01. It shall be a violation of this Code for any person whose name appears on the list referred to in section 7.01 to enter into or engage in any game at a duly licensed gaming establishment.

Section 7.04 Prohibition Against Certain Individuals.

It shall be a violation of this Code for any licensee who knowingly fails to exclude or eject the gaming establishment any individual who:

(a) is visibly under the influence of liquor or any narcotic or such other substance; or

(b) is under the age of eighteen years.

CHAPTER VIII

CHEATING

Section 8.01 Unlawful Acts. It is unlawful for any person:

(a) to alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;

(b) to place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;

(c) to aid anyone in acquiring such knowledge as set forth in subparagraph (b), for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;

(d) to claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;

(e) knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game;

(f) to place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;

(g) to reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets; or

(h) to manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

Section 8.02 Prohibition Against Electronic Aids.

Except as specifically permitted by the Director with approval of the Commission, no person shall possess with the intent to use, or actually use, at any table game, either by himself or in concert with others any calculator, computer or other electronic, electrical, or electromechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized.

CHAPTER IX

**NATIONAL INDIAN GAMING COMMISSION
AND TRIBAL-STATE COMPACTS**

Section 9.01 National Indian Gaming Commission - Regulations. Notwithstanding any provision in this Gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to comply with all regulations promulgated by the National Indian Gaming Commission, including but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Commission.

Section 9.02 National Indian Gaming Commission - Assessment. Notwithstanding any provision in the Gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to comply with all assessments authorized by the

National Commission. Such assessments shall be paid from the Treasury of the Menominee Indian Nation.

Section 9.03 Compact with the State of Wisconsin.

Notwithstanding any provision in this Gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to implement and to comply with the provisions of any compact properly executed between the Tribe and the State of Wisconsin, including provisions requiring background investigations of persons not subject to such investigations under this Code. The Commission shall adopt procedures and fees for the conduct of such investigations.

CHAPTER X

MISCELLANEOUS

Section 10.01 Security. Each licensed gaming establishment must provide for reasonable security. All security personnel must be licensed by the Commission.

Section 10.02 Maintenance of Code and Regulations. Each licensee shall obtain, maintain and keep current a copy of the Gaming Code and regulations promulgated thereunder, which shall be located at the premises used for the conduct of a licensed activity. The Code and regulations shall be produced by the licensee and shown to any person upon demand. That licensee may not have a current copy of the Code, or each of the rules of the Commission, shall not in any diminish the licensee's obligation to abide by the Code and regulations.

Section 10.03 Compliance with Other Laws. The construction, maintenance and operation of any facility in which gaming activities are to take place shall be in a manner which adequately protects the environment and the public's health and

safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety.

Section 10.04 Amendments. All provisions of this Gaming Code are subject to amendment by the Menominee Tribal Legislature. All regulations promulgated by the Commission are subject to proper revision, repeal or amendment by the Commission.

Section 10.05 Severability. If any provision of this Code, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstances, shall not be affected.

Section 10.06 Notices of National Indian Gaming Commission. Any official determination, order, or notice of violation issued by the National Indian Gaming Commission shall be served upon the Director, Menominee Tribal Gaming Commission, P.O. Box 910, Keshena, Wisconsin 54135. The Director shall promptly provide copies of any such determination, order or notice to the Commissioners, the Tribal Chairman, and the Chairman of the Menominee Tribal Gaming Corporation.

Section 10.07 Repeal. To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

THIS GAMING CODE HAS BEEN DULY ENACTED INTO
LAW BY THE MENOMINEE TRIBAL LEGISLATURE ON THIS
20th DAY OF JANUARY, 1994.

MENOMINEE LEGISLATURE

BY: 

MENOMINEE TRIBAL CHAIRMAN

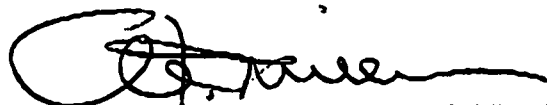
**MENOMINEE TRIBAL LEGISLATURE
JANUARY 20, 1994**

A MOTION

**LUKE BEAUPREY: I move for Final Approval of Ordinance
93-30 Menominee Tribal Gaming Code.**

LORENE POCAN: I second the Motion.

**CHAIRMAN: All those in favor of the Motion raise your
right hand. Opposed. The Motion is carried: 6 for, 0
opposed, 0 abstentions and 3 absent (Awonohopay, Daly,
and Fish).**



**Glen T. Miller, Chairman
MENOMINEE INDIAN TRIBE OF WISCONSIN**