

NATIONAL  
INDIAN  
GAMING  
COMMISSION

21 1/2

Paul Skeados, Director  
Miccosukee Gaming Agency  
Miccosukee Administration Building  
Miccosukee Indian Reservation  
Mile Marker 70  
Tamiami Trail (U.S. Highway 41)  
Miami, Florida 33144

Dear Mr. Skeados:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on December 14, 1993, for the Miccosukee Tribe of Indians of Florida (the Tribe). 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 Miccosukee 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

WRITER

DATE

NAME

DATE

NAME

DATE

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NAME

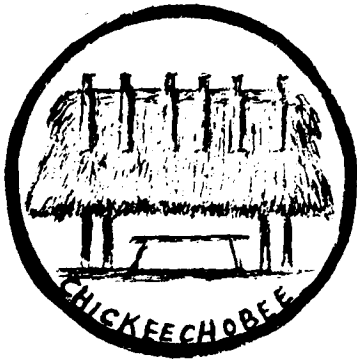
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# Miccosukee Tribe of Indians of Florida

P. O. BOX 440021, TAMiami STA., MIAMI, FLORIDA 33144  
TELEPHONE: 305/223-8380

COUNCIL  
BUSINESS & GENERAL

BILLY CYPRESS  
CHAIRMAN

JASPER NELSON  
ASS'T. CHAIRMAN

JIMMIE BERT  
SECRETARY

MAX BILLIE  
TREASURER

HENRY BERT  
LAWMAKER

MICCOSUKEE BUSINESS COUNCIL

Miccosukee Tribe of Indians of Florida

Resolution No. MBC 07-94

Subject: Adoption of Model Class II Gaming Ordinance

Date: December 13, 1993

The Business Council of the Miccosukee Tribe of Indians hereby adopts the following "Class II Gaming Ordinance" in order to set the basic terms for class II gaming operations on tribal lands, on this the 13th day of December, 1993:

CLASS II GAMING ORDINANCE  
of the  
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

I. Purpose

The Business Council of the Miccosukee Tribe of Indians of Florida (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the basic terms for class II gaming operations on tribal lands.

II. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

### III. Ownership of Gaming

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

### IV. Use of Gaming Revenue

A. Net revenues from class II gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. §2710(b)(3).

### V. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. 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, shall be specifically included within the scope of the audit that is described in subsection A. above.

### VI. Protection of the Environment and Public Health and Safety

Class II gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

### VII. Licenses for Key Employees and Primary Management Officials

The Tribe 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 gaming enterprise operated on Indian lands:

#### A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

- (a) A person who performs one or more of the following functions:
- (1) Bingo caller;
  - (2) Counting room supervisor
  - (3) Chief of security;
  - (4) Custodian of gaming supplies or cash;
  - (5) Floor manager;
  - (6) Pit boss;
  - (7) Dealer;
  - (8) Croupier;
  - (9) Approver of credit; or
  - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices; or
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation; or
- (d) If not otherwise included, any person who is employed at a gaming enterprise with responsibility for the management or supervision of the conduct of gaming activities; the handling or safekeeping of money or financial records; the making of decisions as to the hiring, retention, and promotion of personnel; the maintenance or inventory of gaming supplies, equipment or apparatus; or the maintenance of the security of the gaming premises, including, but not limited to the following specific positions (or positions involving functions similar to those performed by): a General Manager, Program Director, Cash Room Supervisor, Operations Manager, Controller, Personnel Director or such other position that may be designated from time to time by the Tribal Gaming Agency.

2. Primary management official means

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

(d) Any person or entity (including individuals comprising such entity) that operates or manages a gaming enterprise on lands under the jurisdiction of the Miccosukee Tribe or that has a direct financial interest in, or management responsibility for, any management contract for the operation and management of any gaming enterprise; including (i) in the case of a trust, all beneficiaries and trustees, (ii) in the case of a partnership, all general and limited partners, (iii) in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock, and (iv) in the case 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.

3. Person means an organizational entity as well as a human person

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. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a 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:

- a. Complete a new application form that contains a Privacy Act notice; or
- b. 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:

- a. Complete a new application form that contains a notice regarding false statements; or
- b. 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:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. 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;
- c. 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;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. 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;
- h. 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;
- i. 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;
- j. 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 (l)(h) or (l)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- k. 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;
- l. A current photograph;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. 522.2(h).
- o. Such additional material as the Tribal Gaming Agency or Chief of Police may require.

2. 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 license application and background, including but not limited to 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 licensing and for employment or service in or in connection with a gaming operation. If the Tribe determines that employment or service 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, the Tribe shall not issue a license for, the person shall not serve as, and a tribal gaming operation shall not employ that person in, a key employee or primary management official position.

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 or otherwise assumes such position, 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, and no such person shall serve in such position.

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:

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases 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:
  - a. Shall notify the National Indian Gaming Commission; and
  - b. 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.

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.

VIII. License Location


The Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II gaming is conducted under this ordinance.

IX. Repeal and Other Ordinances

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed. Prior, supplemental, or additional gaming ordinances which are not inconsistent with this ordinance and which establish additional regulatory provisions or requirements which are not inconsistent with this ordinance, the regulations of the National Indian Gaming Commission, and the Indian Gaming Regulatory Act, shall be effective.

CERTIFICATION

This is to certify that the foregoing resolution was adopted by the members of the Miccosukee Business Council during a specially called and duly constituted Business Council meeting held on the Miccosukee Reservation, Dade County, Florida on the 13th day of December, 1993, by a vote of 4 for, and 0 against.

  
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Billy Cypress, Chairman  
Miccosukee Tribe of Indians  
of Florida

**MICCOSUKEE TRIBE OF INDIANS OF FLORIDA  
ADDITIONAL SUBMISSION REQUIREMENTS**

- SUBJECTS:**
- 1. BACKGROUND INVESTIGATIONS**
  - 2. LICENSING PROCEDURES ON KEY EMPLOYEES AND  
PRIMARY MANAGEMENT OFFICIALS**
  - 3. PROCEDURES FOR RESOLVING DISPUTES**
  - 4. AGENT FOR SERVICE**
  - 5. FINGERPRINTS**

**1. DESCRIPTION OF PROCEDURES FOR CONDUCTING BACKGROUND  
INVESTIGATION ON APPLICANTS (KEY EMPLOYEES, PRIMARY MANAGEMENT  
OFFICIALS) FOR GAMING LICENSES.**

- A.** The Miccosukee Tribe of Indians of Florida is responsible for conducting background investigations and making suitable determinations on all applicants for Gaming Licenses for the Miccosukee Indian Bingo Hall or any other gaming enterprises located on Miccosukee Indian lands.
- B.** The Chief of the Miccosukee Police Department or his designee shall promptly upon receipt of a completed and acceptable application, fingerprints and photograph cause the initiation of a background investigation.

Miccosukee Police Officers and investigators assisted by Miccosukee Gaming Agents shall conduct all background investigations.

The Miccosukee Police Chief shall review and if appropriate, approve the background investigation.

The Miccosukee Gaming Agency assisted by the Miccosukee Police department shall report the results of the background investigation to the National Indian Gaming Commission.

The Miccosukee Police Department shall take the proper and necessary applicant's fingerprints using the appropriate fingerprint card and forward same to the National Indian Gaming Commission. (SEE M.O.U. FORM)

The Miccosukee Police Chief, upon completion of the background investigation of an applicant, shall submit a report to the Tribal Gaming Agency with a recommendation whether a license should be granted or denied.

A licensee is subject to reinvestigation by the Chief of Police or Gaming Director at any time new information so warranting comes to their attention.

- C.** The Miccosukee Tribal Gaming Agency appointed the Miccosukee Police Chief and Miccosukee Police Department

to conduct background investigations. Officers of the Miccosukee Police Department are Florida State certified police officers and also hold commissions from the B.I.A. and the National park Service as law enforcement officers. All background investigation are under the supervision of the Chief of Police.

**D. A LISTING OF THE MINIMUM INVESTIGATIVE PROCEDURES TO BE PERFORMED, INCLUDE THE FOLLOWING:**

1. Verify by written or oral communication information submitted by the applicant.
2. Inquire into applicant's prior activities, criminal record, if any, and reputation, and associates; interview a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide basis for the Tribe to make a finding concerning the eligibility for employment in a gaming operation.
3. Document the disposition of all potential problem areas noted and disqualifying information obtained.
4. Obtain a financial credit history check on each applicant.
5. Obtain certified copies of the past three (3) years income tax returns.
6. Obtain copies of military records.
7. Routine checks with local police agencies where applicant resides.
8. Contact with landlord if applicant rents a residence.
9. Obtain copy of applicant's driver license.
10. Confirm school records.

**E. AN INVESTIGATIVE REPORT SETTING FORTH THE FOLLOWING:**

1. The investigating officer outlines the background information. Each item is identified separately and either confirmed, or not confirmed and the lack of confirmation explained.
2. A summary of the background investigation is prepared by the investigating officer which details

the background report.

3. After the investigator's summary report is completed it is reviewed by the Chief of Police. If the background investigation is complete, the Police Chief prepares a summary of the report based on the investigation. The Police Chief then reads his report and makes a recommendation to the Gaming Agency.
4. A conclusion is reached by taking in consideration the confirmation of the applicant's statements, based on the completed background investigation, and criminal record, if any, habits, associates, financial status, character and conduct consistent with federal guidelines and outlined in the I.G.R.A.

**2. DESCRIPTION OF PROCEDURES TO ISSUE TRIBAL GAMING LICENSES TO PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES:**

Before issuance of a gaming license to any applicant, the Tribal Gaming Agency will forward a copy of the background investigation on such applicant to the National Indian Gaming Commission together with a notification that it intends to issue a license to the applicant and the date on which such license shall become effect, provided that the effective date of such license shall not occur earlier than thirty (30) days after notification required in this section is mailed to the Commission.

The Tribal Gaming Agency shall have the final authority to grant or deny a license.

The Tribal Gaming Agency reviews the complete application and full background of an applicant to determine if the applicant poses any threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unfair or illegal practices, methods, or activities in the conduct of gaming enterprise.

A license is not granted if the Tribal Gaming Agency determines that the applicant falls into one or more of two sub-categories, as follows:

- a) The applicant is a person whose prior activities, including, but not limited to criminal record, if any, reputations, habits, or associates pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unfair or illegal practices, methods, or activities in the conduct of gaming enterprise; or

- b) The applicant has failed to comply with the application requirements or to reveal a fact material to such application, or has furnished any information which is untrue or misleading in connection with such application, thus posing a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unfair or illegal practices, methods, or activities in the conduct of gaming enterprise.

If the Tribal Gaming Agency denies a license application, it shall immediately notify the applicant, the Management of the Gaming Enterprise and the Chief of Police of such denial.

The Chief of police shall immediately revoke any temporary permit issued to the applicant.

The Management of the Gaming Enterprise shall, with regard to an applicant for a license as a primary management official, take immediate step to terminate the applicant's participation in the entity that comprises the management contractor; or with regard to an application for a license as a key employee, immediately terminated the employment of the applicant at the gaming enterprise.

Action of Granting a license:

If the Tribal Gaming Agency grants an application for a license, it shall:

Notify the National Gaming Commission

Notify the Gaming Enterprise who registered the applicant

Direct the Police Chief to issue a license to the applicant, provided that the license shall not become effective before the thirtieth day after notification of the intention to issue a license to such applicant has been mailed, to the National Indian Gaming Commission.

A license is not transferrable. Any transfer thereof shall render such license void.

The Gaming Agency holds scheduled hearing the second Tuesday of each month. Ad hoc hearings or other scheduled meeting may be called by the Tribal Gaming Chairman or by a majority of the agency.

**3. DESCRIPTION OF PROCEDURE FOR RESOLVING DISPUTES BETWEEN THE GAMING PUBLIC AND THE TRIBE OR THE MANAGEMENT CONTRACTOR (IF ANY).**

**A. All Patron and Employee Complaints Must Be Taken.**

1. It shall be the responsibility of Agents of the Miccosukee Gaming Agency to document complaint information on the prescribed complaint form.
2. Each complaint shall be assigned an individual complaint number. A Complaint Log Book with master case numbers is located in the Gaming Agency Office.
3. The Miccosukee Gaming Agent shall take each version of the complaint (Patron & Management).
4. The Miccosukee Gaming Agent will record the events as reported in sufficient detail to allow the complaint to be thoroughly investigated.
5. All customer/employee and non criminal complaints shall be investigated by the Miccosukee Gaming Agency.
6. Complaints of a criminal nature shall be immediately referred to the Miccosukee Police Department. The basic information shall be lodged and documented by the gaming agent.
7. Complaints concerning the Miccosukee Bingo Hall or other Miccosukee Gaming Enterprises may be originated by patrons, employees, management personnel, gaming agents, police officers or any other interested parties.
8. The Miccosukee Gaming Director shall check each completed investigation for details and thoroughness.
9. Complaints may be taken in person or by telephone.
10. Complaints of a non criminal nature shall be completed within sixty (60) days unless an extension is granted by the Gaming Director.
11. All complaints when completed shall be maintained for at least three (3) years.
12. Complaints may be resolved by mutual agreement, compliance by one of the parties or police action. In the event the complaint remains unresolved, the Miccosukee Gaming Commission shall take final action.

**4. AGENT FOR SERVICE**

Paul Skeados, Director of the Miccosukee Gaming Agency will serve as agent of service at the following address:

Miccosukee Administration Building  
Miccosukee Indian Reservation  
Mile Marker 70, Tamiami Trail (U.S. Highway 41)  
Miami, Florida 33144

**5. FINGERPRINTS**

The Miccosukee Police Department will take applicants fingerprints. Fingerprint cards of applicants are mailed to the national Indian Gaming Commission and to the Florida Department of Law Enforcement. Additionally checks are made through Metro-Dade County Police Department and Intelligence Divisions of the Florida Department and local police departments.

December 10, 1993



APPROVED

CLASS II GAMING ORDINANCE  
of the  
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

I. Purpose

The Business Council of the Miccosukee Tribe of Indians of Florida (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the basic terms for class II gaming operations on tribal lands.

II. Gaming Authorized

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B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. §2710(b)(3).

V. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. 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, shall be specifically included within the scope of the audit that is described in subsection A. above.

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A. Definitions

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(a) A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Counting room supervisor
- (3) Chief of security;
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- (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; or

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

(c) If not otherwise included, the four most highly compensated persons in the gaming operation; or

(d) If not otherwise included, any person who is employed at a gaming enterprise with responsibility for the management or supervision of the conduct of gaming activities; the handling or safekeeping of money or financial records; the making of decisions as to the hiring, retention, and promotion of personnel; the maintenance or inventory of gaming supplies, equipment or apparatus; or the maintenance of the security of the gaming premises, including, but not limited to the following specific positions (or positions involving functions similar to those performed by): a General

Manager, Program Director, Cash Room Supervisor, Operations Manager, Controller, Personnel Director or such other position that may be designated from time to time by the Tribal Gaming Agency.

2. Primary management official means

- (a) The person having management responsibility for a management contract; or
- (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; or
- (d) Any person or entity (including individuals comprising such entity) that operates or manages a gaming enterprise on lands under the jurisdiction of the Miccosukee Tribe or that has a direct financial interest in, or management responsibility for, any management contract for the operation and management of any gaming enterprise; including (i) in the case of a trust, all beneficiaries and trustees, (ii) in the case of a partnership, all general and limited partners, (iii) in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock, and (iv) in the case 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.

3. Person means an organizational entity as well as a human person

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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.

2. Existing key employees and primary management officials shall be notified in writing that they shall either:
  - a. Complete a new application form that contains a Privacy Act notice; or
  - b. 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:
  - a. Complete a new application form that contains a notice regarding false statements; or
  - b. 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:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. 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;
- c. 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;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. 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;
- h. 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;
- i. 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;
- j. 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;

- k. 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;
- l. A current photograph;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. 522.2(h).
- o. Such additional material as the Tribal Gaming Agency or Chief of Police may require.

2. 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 license application and background, including but not limited to 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 licensing and for employment or service in or in connection with a gaming operation. If the Tribe determines that employment or service 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, the Tribe shall not issue a license for, the person shall not serve as, and a tribal gaming operation shall not employ that person in, a key employee or primary management official position.

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 or otherwise assumes such position, 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, and no such person shall serve in such position.

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:

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases 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:

- a. Shall notify the National Indian Gaming Commission; and
- b. 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.

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.

#### VIII. License Location

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II gaming is conducted under this ordinance.

#### IX. Repeal and Other Ordinances

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed. Prior, supplemental, or additional gaming ordinances which are not inconsistent with this ordinance and which establish additional regulatory provisions or requirements which are not inconsistent with this ordinance, the regulations of the National Indian Gaming Commission, and the Indian Gaming Regulatory Act shall be effective.