

NATIONAL  
INDIAN  
GAMING  
COMMISSION

MAR 28 1995

Gerald J. Jones, Chairman  
Port Gamble Band of S'Klallam Indians  
31912 Little Boston Road NE  
Kingston, Washington 98346

Dear Chairman Jones:

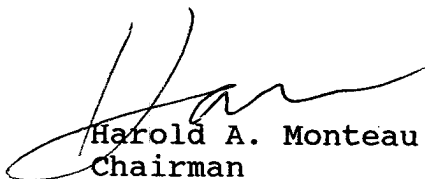
This letter responds to your request to review and approve the gaming ordinance adopted by Resolution 94-A-129 on September 15, 1994, by the Port Gamble Band of S'Klallam Indians (Band). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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 Band's gaming ordinance, the Band 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 Port Gamble Band of S'Klallam Indians for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA.

Sincerely yours,

  
Harold A. Monteau  
Chairman

**THE  
PORT GAMBLE  
S'KLALLAM  
BUSINESS COMMITTEE  
OF THE  
PORT GAMBLE  
S'KLALLAM  
COMMUNITY COUNCIL**

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I.  
WHEREAS, the Port Gamble S'Klallam Indian Community is organized under the Indian Reorganization Act of June 18, 1934; and

II.  
WHEREAS, under its Constitution and Bylaws adopted August 5, 1939, the Community Council was designated as the governing body of the Port Gamble S'Klallam Indian Community; and

III.  
WHEREAS, by resolution dated April 22, 1956, the Port Gamble S'Klallam Community Council delegated the authority to conduct the business of the Port Gamble S'Klallam Indian Community to the Port Gamble S'Klallam Business Committee; and

IV.  
WHEREAS, the Port Gamble S'Klallam Business Committee has approved the execution of a Compact with the State of Washington for conducting Class III gaming and wishes to regulate Class II and Class III gaming in conformity with the requirements of the Indian Gaming Regulatory Act ("IGRA"); and

V.  
WHEREAS, "IGRA" requires approval by the National Indian Gaming Commission of a tribal ordinance or resolution meeting certain federal statutory and federal regulatory requirements for the conduct of Class II and Class III gaming as those terms are defined under the Indian Gaming Regulatory Act, at 25 U.S.C. § 2703 (7) (A) and 25 U.S.C. § 2703(8) respectively; and

V.  
WHEREAS, the Port Gamble S'Klallam Business Committee held a public hearing on a draft Gaming Authorization Ordinance on September 15, 1994 pursuant to notices and in conformity with the requirements of the Business Committee Policy Manual section 4.1 (Public Hearings);

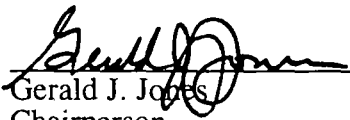
VI.

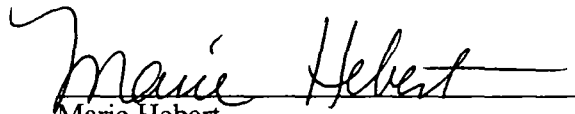
NOW THEREFORE BE IT RESOLVED, that the Port Gamble S'Klallam Business Committee adopts the attached Gaming Authorization Ordinance effective on the date this resolution is signed.

CERTIFICATION

WE HEREBY CERTIFY that on this date there was a regular meeting held of the Port Gamble S'Klallam Business Committee on the Port Gamble S'Klallam Indian Reservation, at which time a quorum was present;

WE FURTHER CERTIFY, that the above numbered resolution, was at said meeting, introduced, evaluated, and was passed by a vote of 4 FOR, 0 AGAINST, dated this 15th day of September, 1994.

  
\_\_\_\_\_  
Gerald J. Jones  
Chairperson

  
\_\_\_\_\_  
Marie Hebert  
Secretary

PORT GAMBLE S'KLALLAM TRIBE  
GAMING AUTHORIZATION ORDINANCE

Adopted 9/15/94  
Resolution 94-A-129

PORT GAMBLE S'KLALLAM TRIBE  
GAMING AUTHORIZATION ORDINANCE

**Chapter 1 General Provisions**

1.01 Purpose. The Port Gamble S'Klallam Business Committee wishes to regulate Class II and Class III gaming, in conformity with the requirements of the Indian Gaming Regulatory Act.

1.02 Gaming Authorized. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S § 2703 (7) (A) and by the regulations promulgated by the National Indian Gaming Commission and Class III gaming as defined in 25 U.S § 2709(8) is hereby authorized subject to legislation, regulations, policies and intergovernmental agreements of the Port Gamble S'Klallam Tribe.

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

1.04 Use of Gaming Revenue. Net revenues from class II and class III gaming shall be used only for the following purposes:

- a) to fund tribal government operations and 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;
- e) to help fund operations of local government agencies; and
- f) to provide per capita payments to tribal members, but only upon approval of a plan by the Secretary of Interior in accordance with 25 U.S § 2710(b)(3).

1.05 Audit. The Tribe shall cause to be conducted annually an independent audit of Class II and Class III gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000

annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

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

## **Chapter 2 Licensing - Key Employees and Primary Management Officials**

2.01 Federal Review of Key Employee and Primary Management Official Licensing. This chapter sets out the requirements for federal review of tribal licensing of key employees and primary management officials employed at all class II and class III gaming enterprises located on Port Gamble S'Klallam lands.

2.02 Definitions. For the purpose of this chapter, the following definitions apply:

- a) "Key employee" means:
  - (i) A person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; floor manager; pit boss; dealer; croupier; approver of credit; or custodian of gambling devices including persons with access to cash and accounting records within such devices;
  - (ii) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
  - (iii) If not otherwise included, the four most highly compensated persons in the gaming operation.
- b) "Primary management official" means:
  - (i) The person having management responsibility for a management contract;
  - (ii) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or
  - (iii) The chief financial officer or other person who has financial management responsibility.

## 2.03 Application Requirements.

- a) Privacy Act Notice. The following notices shall be printed on all application forms for key employee and primary management official positions:

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 § 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 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.

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.

- b) Applicant Information Required. Each applicant for a primary management official or key employee position shall submit to the Tribe all of the following information:
- (i) Full name, other names used, social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
  - (ii) 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;
  - (iii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under subsection (ii) above;

- (iv) Current business and residence telephone numbers;
- (v) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (vii) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (viii) For each felony for which there has been a conviction or for which there is an ongoing prosecution: the charge, the name and address of the court involved, and the date and disposition, if any;
- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution, within 10 years of the date of the application, the name and address of the court involved and the date and disposition, if any;
- (x) For each criminal charge, 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 under subsection (viii) or (ix) above, the criminal charge, the name and address of the court involved and the date and disposition, if any;
- (xi) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (xii) A current photograph;
- (xiii) Any other information the Tribe deems relevant; and
- (xiv) Fingerprints consistent with procedures adopted by the Tribe's law according to 25 C.F.R. § 522.2(h).

#### 2.04 Background Investigation/Eligibility Determination.

- a) The Tribe shall conduct an investigation sufficient to make an eligibility determination under this section. 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.

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

2.05 Procedures for Forwarding Applications and Reports for 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 Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the eligibility determination in section 2.04.
- b) The Tribe shall forward the report referred to in section 2.06 to the National Indian Gaming Commission within 60 days after an employee begins work.
- c) 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.

2.06 Report to the National Indian Gaming Commission.

- a) Pursuant to the procedures set out in section 2.05 the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
  - (i) Steps taken in conducting a background investigation;
  - (ii) Results obtained;
  - (iii) Conclusions reached; and
  - (iv) The basis for those conclusions.

- b) The Tribe shall submit, with the report, a copy of the eligibility determination made under section 2.04(b).
- c) If a license is not issued to an applicant, the Tribe:
  - (i) Shall notify the National Indian Gaming Commission; and
  - (ii) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- d) 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.

2.07 Granting a Gaming License.

- a) 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.
- b) 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 the previous subsection until the Chairman of the National Indian Gaming Commission receives the additional information.
- c) 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.

2.08 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 section 2.04, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and proposed revocation.
- b) The Tribe 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 Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

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

2.10 Severability. If any provision of this ordinance or its application to any person or legal entity or circumstances, is held invalid, the remainder of the ordinance, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

I, Marie Hebert, Secretary of the Port Gamble S'Klallam Business Committee, hereby certify that this is a true and correct copy of the Port Gamble S'Klallam Gaming Authorization Ordinance.

1-17-95  
Date

Marie Hebert  
Marie Hebert