

NATIONAL
INDIAN
GAMING
COMMISSION

NOV 10 1994

Grace Goodeagle, Chairperson
Quapaw Tribal Business Committee
Quapaw Tribe of Oklahoma
P.O. Box 765
Quapaw, Oklahoma 74363

Dear Chairperson Goodeagle:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on January 20, 1994, and amended on October 24, 1994, by the Quapaw Tribe of Oklahoma (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Such approval does not constitute approval of specific games. Also, 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 Quapaw Tribe of Oklahoma for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

cc: Lloyd Buffalo, Secretary-Treasurer
M. Alan Core

QUAPAW TRIBE GAMING ORDINANCE

TITLE I.

General Provisions

Section 100. Short Title.

This ordinance shall be known and may be cited as the Quapaw Tribe Gaming Ordinance.

Section 101. Findings and Intent.

The Quapaw Tribe finds:

- (a) The Quapaw Tribe desires to be self-sufficient in its internal affairs, as continued reliance upon federal and other resources will adversely affect the quality of life of this Tribe.
- (b) Public gaming operations have been introduced to the Quapaw Tribe and it is of vital interest to the public health, safety and welfare of the Quapaw people that the Tribe promote and regulate public gaming in a manner commensurate with the interests of the Quapaw Tribe.
- (c) By virtue of the treaties between the United States of America and the Quapaw Tribe, and federal statutes and court decisions which together have established and maintained the doctrine of Indian sovereignty, there remains the federal guarantee of the perpetual integrity of the Quapaw Tribe.
- (d) The Quapaw Tribe requires an economic base by which Tribe may generate revenues in order to promote its self-sufficiency and fund essential governmental services.
- (e) The operation and regulation of public gaming by the Tribe is in the best interest of the Quapaw Tribe.

Further, the Quapaw Tribal Business Committee determines the intent of this ordinance is to:

- (f) Authorize, regulate, and control gaming on lands over which the Quapaw Tribe exercises governmental authority or control;
- (g) Provide, revenue generated by the Tribe's licensed gaming operations, to fund tribal government operations and programs, and to promote the general welfare of Tribe;
- (h) Foster a spirit of cooperation with the National Indian Gaming Commission, and other federally recognized tribes in the regulation of Tribal gaming;
- (i) Protect gaming as a means of promoting tribal economic development; and,
- (j) Ensure Tribal gaming is conducted fairly and honestly both by the operator and the players as a genuine means of providing both recreation and entertainment, free from organized crime and other corrupting influences.

Section 102. Definitions.

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

- (a) "Tribe" shall mean the Quapaw Tribe, a federally recognized Indian tribe organized pursuant to the sovereign powers of the Quapaw people.
- (b) "Business Committee" shall mean the governing body of Tribe, duly elected in accordance with the provisions of the governing resolution of Tribe.
- (c) "Gambling equipment" shall mean any and all goods, materials, machines or devices used to conduct gaming activities by Tribe.
- (d) "Gaming" shall mean the act of paying (wagering) for the opportunity to participate in a game or games of chance (risk) for a prize of money or something of value; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for

consumable goods, i.e., foodstuffs or games played in private homes or residences for prizes or games operated by charitable and educational organizations which are approved by the Council.

- (e) "Gaming enterprise" shall mean any commercial business owned by Tribe and operated, in part or in whole, for the conduct of Class II gaming as delineated by the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701, et seq. and/or by virtue of Tribe's exercise of its governmental powers and authority as a sovereign nation.
- (f) "Gaming Manager" shall mean a person, organization or entity that conducts the management of gaming at a Tribal gaming enterprise; including an entity entering into a management contract, with Tribe or Tribe itself, including any subdivision thereof.
- (g) "Primary Management Official" shall mean (1) the person having management responsibility for a management contract; (2) any person who has the authority to hire and fire employees or to set up working policy for the gaming operation; or (3) the chief financial officer or other person who has financial management responsibility.
- (h) "Indian Gaming Regulatory Act of 1988" shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-597, 102 Stat. 2467, codified at 25 U.S.C. §2701, et seq.
- (i) "Key employees" shall mean persons who serve as the bingo caller, counting room supervisor, chief of security, custodial of gaming supplies or cash, floor manager, bit boss, dealer, croupier, approver of credit, or custodian of gambling devices including persons with access to cash and accounting records within such devices, a person whose total cash compensation is in excess of \$50,000.00 per year, and, if not included above, the four most highly compensated persons in the gaming operation.
- (j) "License" shall mean the permission by authority of Tribe to do any act, which without such permission, shall be illegal. License, with respect to real property of Tribe, is a privilege to go on the premises

for a certain purpose, but does not operate to confer on, vest in, or license any title, interest, or estate in such property.

- (k) "Licensee" shall mean any person, entity or organization granted a license pursuant to the provisions of this Ordinance.
- (l) "Management Officials" shall mean any persons who have a direct financial interest in, or management responsibility for, a gaming enterprise, and in the case of a corporation, shall include those individuals who serve on the board of directors of such corporation and each of its stockholders who hold, directly or indirectly, five percent (5%) or more of its issued and outstanding stock.
- (m) "Other games of chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboard, tip jars, gaming tables, tokens, or satellite television transmission, all of which shall have the same meaning as the term Class II gaming as defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703(7)(A). Any such games as are permitted to be played in the State of Oklahoma by any person for any purpose, shall be included in this definition.
- (n) "Shall" as used in this Ordinance imposes an obligation to act.
- (o) "Class II" gaming shall mean
 - (1) bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players
 - (A) play for prizes with cards bearing numbers or other designations;
 - (B) cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

- (C) win the game by being the first person to cover a designated pattern on such cards;
 - (2) if played at the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
 - (3) non-banking card games that:
 - (A) state law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - (B) players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.
- (p) "Class III" gaming shall mean all forms of gaming that are not Class I or Class II gaming, including but not limited to:
- (1) any house banking game, including but not limited to:
 - (A) card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
 - (B) casino games such as roulette, craps, and keno;
 - (2) any slot machines as defined in 15 U.S.C. § 1171(a)(1) and electronic or electromechanical facsimilies of any game of chance;
 - (3) any sports betting and parimutuel wagering including but not limited to wagering on horse races, dog racing, or jai alai; or
 - (4) lotteries.
- (q) "Net Revenues or Net Profit" shall mean gross gaming revenues of an Indian gaming operation less:
- (1) amounts paid out as, or paid for, prizes; and

- (2) total gaming-related operating expenses, excluding management fees.

Section 103. Effect of Headings.

Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section of this Ordinance.

Section 104. Civil Penalty Provisions.

It shall be a civil violation of the laws of the Quapaw Tribe to any of the provisions of this Ordinance, any regulations promulgated by the Tribal Gaming Board and of any proper order issued under the authority of this Ordinance. Any person or licensee so violating such authority shall be fined not more than One Thousand Dollars (\$1,000.00) or by suspension of license for a period not to exceed one year, or by both such fine and suspension or other penalty alternative under Tribal law, including revocation; a show cause hearing pursuant to Section 208 shall be afforded by the Tribal Gaming Board to any person subject to such civil penalty prior to any final determination to impose any civil penalty.

Section 105. Liberal interpretation.

The provisions of this Ordinance, being necessary for the welfare of the Tribe and its members, shall be construed liberally to effect the purpose and objective hereof.

Section 106. Severability.

The provisions of this Ordinance are severable; and if any part or provision hereof shall be held void by tribal or federal court or federal agency, the decision of the court or agency so holding shall not affect or impair any of the remaining provisions of the Ordinance.

Section 107. Implementation.

It being immediately necessary for the preservation of the public peace, health, and safety of Tribe and its members, this

Ordinance shall take effect and be in full force from and after its approval and passage.

Section 108. Amendment.

This Ordinance may be amended only by majority vote of the Tribal Business Committee.

TITLE II.

Development, Administration and Enforcement

Section 200. Tribal Gaming Board Over Gaming.

In order to provide for the orderly development, administration, and regulation of tribal gaming, the Tribal Gaming Board is hereby empowered and established to exercise its authority as the duly authorized body of Tribe over the regulation of any gaming activity within the Quapaw Tribe in compliance with the provisions of this Ordinance.

Section 201. Conflict of Interest.

Any Board member, or employee of the Board or any member of his/her family living with him/her may not have a financial interest in any gaming business or enterprise doing business with Quapaw jurisdiction, or in any gaming contractor, or accept any gift or thing of value from a gaming contractor so enjoyed by Tribe. Nothing in this section shall prohibit a Board member or other person subject to this section from having a financial interest in any gaming business or enterprise operating pursuant to the provisions of this Ordinance as would any member of Tribe if entitled to such interest as a Tribal member, including any per capita payments derived from profits made by any gaming business or enterprise operating pursuant to the provisions of this Ordinance.

Section 202. Gaming Board Duties.

- (a) The Gaming Board shall be charged with the responsibility of administering and enforcing the provisions of this Ordinance.

- (b) It shall be the responsibility of the Gaming Board to promulgate regulations, if necessary, to administer the provisions of this Ordinance. These duties involved in the administration of this Ordinance shall include but not be limited to the following:
- (1) Printing and making available application forms for initial and renewal licenses, as well as any other necessary licenses and to make available the licenses themselves;
 - (2) Supervise the collection of all fees and all applicable taxes;
 - (3) Processing all gaming license applications;
 - (4) Issuing licenses and notifying the National Indian Gaming Commission of such issuances as required by the Indian Gaming Regulatory Act;
 - (5) Determining applicable license fees;
 - (6) Providing for outside independent audits of all gaming activity licensed pursuant to the provisions of this Ordinance and providing those audits to the National Indian Gaming Commission or other appropriate regulatory agency until the Commission commences its duties;
 - (7) Reviewing all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountabilities of licensees or the enforcement of any provision of this ordinance, regulations adopted or other applicable law.
 - (8) The Gaming Board shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, making a finding of suitability or approval of the license or a finding of suitability or approval of or the imposition of a fine upon any person licensed for any cause deemed reasonable by the Council;
 - (9) The performance of any other duties required in the Ordinance or any amendments thereto or other

duties which may hereafter be specified by the Gaming Board;

- (10) Employing legal counsel;
- (11) Defending the Ordinance in any court of law or before any federal agency;
- (12) Conduct or have conducted background investigations on all primary management officials and key employees of the involves gaming enterprise, and maintain ongoing oversight of such management and key employees;
- (13) The Gaming Board shall propose an annual budget for operations pursuant to the provisions of this Ordinance.

Section 203. Power of Gaming Board.

The Gaming Board may exercise any proper power and authority necessary to perform the duties assigned by this Ordinance and is not limited by any enumeration of powers in this chapter.

Section 204. Plan of organization.

The Gaming Board may organize any functional committees or divisions as may be necessary and may from time to time alter such plan of organization as may be expedient.

Section 205. Notice of Amendment.

In adopting, amending, or repealing any provision under this Ordinance, the Gaming Board shall give prior notice of the proposed action to all licensees and other persons whom the Gaming Board have reason to believe have a legitimate and bona fide interest in such proposed action.

Section 206. Hearing.

The Gaming Board shall afford an applicant for a license an opportunity for a hearing prior to a final action denying such application and shall afford a licensee or any other person(s), subject to this Ordinance, the opportunity for a hearing prior to

taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the Gaming Board deems appropriate, provided, the Gaming Board may summarily suspend temporarily or extend suspension of a license for thirty (30) days in those cases where such action is deemed appropriate by the Gaming Board. In cases where a license is suspended prior to a prompt hearing, an opportunity for a hearing shall be provided.

Section 207. Gaming Board Findings.

Whenever upon specific factual finding the Gaming Board determines any person has failed to comply with the provisions of this Ordinance, or any regulation promulgated hereunder, the Gaming Board shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within ninety (90) days thereof, the Gaming Board shall hold a hearing, at which time the subject shall have an opportunity to be heard and to present evidence.

Section 208. Show Cause Hearing.

At such hearing, it shall be the obligation of the subject to show cause why the determination is incorrect; why the application in question should not be denied; why the license, or licenses, in question should not be denied; why the license, or licenses, in question should not be revoked or suspended; why the period of suspension should not be extended; to show cause why special conditions or limitations upon a license should not be imposed; or to show cause why any other action regarding any other person or persons subject to any action should not be taken. At such hearing, the subject shall be allowed to have access to evidence upon which any determination is made and to confront witnesses.

Section 209. Gaming Authority Determination.

Following such hearing the Gaming Board shall, within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the license in question should be granted, continued, suspended, revoked,

conditioned, or limited and whether any other action recommended to or by the Gaming Board (including, but not limited to, forfeitures or fines) should be taken.

Section 210. Written determination provided.

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

Section 211. Sanctions.

Any person who engages in activities on property subject to the provisions of this Ordinance without a license in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Ordinance, regulations promulgated hereunder, or amendments thereto shall be in violation of the ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance without the consent of the licensee and/or the Gaming Board. Separate violations shall be prosecuted as separate offenses before the Gaming Board or other Tribal judicial body, or other judicial body as the case may be. Each day of violation shall constitute a separate count or violation of this Ordinance. A violator shall also be required to pay court costs, storage fees, and auction or sales fees. All property used in each and every separate violation of this Ordinance may become the property of Tribe by forfeiture. Persons may be prohibited from trespassing on premises licensed under this Ordinance; and 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 Gaming Board. Winnings found to have been received in violation of this Ordinance are forfeited and become the property of Tribe.

Section 213. No limitation on the number of gaming enterprises.

Nothing in this Ordinance shall limit the number of gaming operators the Gaming Board can license pursuant to the provisions of this Ordinance to conduct gaming on those lands within the jurisdiction and control of Tribe.

TITLE III.

Licensing

Section 300. License required.

Any person, organization or entity (including management officials and key employees), engaged on behalf of Tribe, in conducting public gaming enterprise pursuant to the provisions of this Ordinance, on trust or restricted lands of Tribe and/or which is subject to the jurisdiction of Tribe, or any person, organization or entity selling, leasing or otherwise distributing gambling equipment or video games of chance to Tribe, shall be required to have and display prominently, or display upon request, an appropriate, valid, and current Tribal public gaming license issued pursuant to the provisions of this Ordinance. Any other forms of public gaming operations being conducted within the jurisdiction of Tribe without the lawful written approval of the Gaming Board are prohibited. There shall be a license required for each location, place and facility, and for each class of license, that a person operates.

Section 301. Application.

- (a) Except as provided for in Section 307, all persons or organizations who seek to engage in public gaming activities within the jurisdiction of Tribe may apply for the appropriate license at least thirty (30) days prior to the scheduled activities or as otherwise allowed in the discretion of the Gaming Board.
- (b) The following notice shall be placed on the application form for a key employee or 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 following 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 the 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.

(c) 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.

(d) The following notice shall be placed on the application form for a key employee or primary management 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.)

(e) Existing key employees or primary management officials shall be notified in writing 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 contained in subsection (d) of this section.

Section 302. Application for gaming enterprise.

The application for any gaming enterprise made by the proposed gaming operator for that gaming enterprise shall contain the following information:

- (a) the name and address of the gaming operator;
- (b) the name(s) and address(es) of all interested parties (including those with direct or indirect financial interests) and their interest and connection with the applicant;
- (c) the name and location of the gaming enterprise for which the gaming operator license is being sought, the number and types of games to be played, a detailed plan of any proposed construction with an environmental impact study, the number of planned employees, and a business plan, which includes pro-forma projection;
- (d) explicit and detailed information of any criminal record of any party of interest whose name appears on the application to determine whether any party of interest:
 - (1) has committed a felony or gaming offense in any jurisdiction;
 - (2) has engaged in prior activities or maintains habits or associations affecting his present conduct which would:
 - (i) pose a threat to the public and Tribal interests;
 - (ii) threaten the effective regulation and control of Tribal gaming;
 - (iii) enhance the dangers of unsuitable, unfair, or illegal methods, or activities in the conduct of gaming or the appearance of same.

- (3) the name and address of all proposed or actual ancillary contractors who provide supplies, services, concessions or property to the proposed gaming operator;
- (4) the social security number(s) of all parties of interest whose names appear on the application;
- (5) a description of any previous experience which the proposed operator has had with the gaming industry generally, and Indian gaming in particular, including specifically the name and address of any licensing or regulatory agency with which such applicant has had contact relating to gaming;
- (6) a financial statement of applicant;
- (7) any additional information as may be deemed necessary by the Gaming Board.

Section 303. Application for management officials and key employees; and other employees.

- (a) The application for management officials and key employees of any gaming operator or Tribe shall contain:
 - (1) Full name, other names used (oral or written), birth date, birth place citizenship, gender, and all languages used (spoken or written);
 - (2) The social security number(s) of the applicant;
 - (3) A description of any previous experience which the applicant has had with the gaming industry generally, including ownership interests in those businesses;
 - (4) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - (5) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

- (6) 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;
 - (7) For each misdemeanor conviction or ongoing prosecution (excluding minor traffic violations), within ten (10) years of the date of the Application, the name and address of the Court involved and the date and disposition if any;
 - (8) For each additional criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (6) or (7) of this section, the criminal charge, the name and address of the Court involved and the date and disposition;
 - (9) A Current photograph;
 - (10) 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;
 - (11) 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 (5) of this Section.
 - (12) any additional information, including the fingerprints of the applicant, as may be determined by the Gaming Board.
- (b) Any other employee not a management official or key employee shall be required to fill out an employment application provided by the gaming operator of Tribe and shall be required to submit to a background check with local law enforcement authorities chosen by the gaming manager of Tribe and leave on file with such authorities a set of fingerprints, or as otherwise required by any applicable Tribal/State compact.

- (c) 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) The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices, 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.
- (e) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection (c) of this section.
- (f) The Tribe shall forward the report referred to in subsection (d) of this section to the National Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.
- (g) Pursuant to the procedures set out in subsections (e) and (f) of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. The investigative report shall include all of the following:
 - (1) Steps taken in conducting the investigation;

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

The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection (d) of this section.

- (h) If a license is not issued to an applicant, the Tribe:
 - (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 its individuals records system.
- (i) 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 or declination of employment.
- (j) All fingerprints used for application approval purposes shall be taken by officers of the Bureau of Indian Affairs, Miami Indian Agency, Miami, Oklahoma, until such time that the Tribe has its own law enforcement officers qualified to take fingerprints. The contact person at that agency shall remain the Agency Superintendent. The fingerprint cards shall then be processed through the National Indian Gaming Commission.

Section 304. Classes of Licenses.

Upon proper application and approval, the following classes of licenses may be issued by the Gaming Board:

- (a) Class I license for a gaming enterprise in which a gaming management firm or entity wishes to conduct traditional bingo and other games of chance at a Tribal

gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee of \$1,000.00;

(b) Class II license to any distributor or manufacturer of gambling equipment and/or video games of chance to be used in a Tribal gaming enterprise; the license shall be valid for a period of one year and shall have an application fee of \$2,500.00;

(c) Class III license for each video game of chance to be used in a Tribal gaming enterprise; the license shall be valid for a period of one year and shall have a fee of \$25.00 per machine.

Section 305. Fraud on application.

It shall be unlawful for any applicant to lie or willfully deceive in the submission of a license application.

Section 306. Exemptions.

(a) The following activities are not public gaming operations under the terms of this ordinance and, therefore, do not require licensing under this Title:

(1) Gaming not for gain. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings or "places" for immediate competitive rankings, is not subject to the provisions of this Ordinance. However, gaming for fun which is conducted by a non-profit organization is subject to the requirement of this ordinance if cash or valuable prizes are awarded. "Valuable prize" means \$100.00 or more in fair market value.

(2) Traditional Indian Gaming. Traditional Indian gaming activity, in the nature of hand games, are not subject to the provisions of this Ordinance. The Gaming Authority is hereby authorized to determine on a case-by-case basis, upon request, whether a particular traditional gaming activity qualifies for the exemption.

Section 307. License Renewal

Every licensee intending to continue engaging in public gaming activities within the Quapaw Tribal Jurisdiction during the next calendar year shall apply for renewal of the license at least thirty (30) days prior to the expiration of the previous license period.

Section 308. License display.

Every licensed gaming operation shall display in a prominent place a current and valid Quapaw Tribal License for that location.

Section 309. Requirements to maintain license.

- (a) Change in location. When a licensee changes a location of public gaming activities within the Quapaw Tribal Jurisdiction, the Gaming Board shall, after notification by the licensee of such changes, issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.
- (b) It shall be unlawful for any licensee to fail to notify the Gaming Board of any new key employee, new ancillary contractor, or new operator. The Gaming Board shall investigate and provide approval or disapproval of the new key employee, contractor, or operator within thirty (30) days. Any information received by the Gaming Board shall be confidential.
- (c) It shall be unlawful for any licensee to begin the employment of a new person, begin the performance of any new contract or begin the control of any new operator without the approval of the Gaming Board.
- (d) It shall be unlawful for any person to possess a firearm or dangerous weapon on premises where licensed gaming is allowed, with the exception of licensed firearms for the maintenance or order, firearms possessed by duly authorized peace officers, and firearms maintained by the licensee if previously approved by the Gaming Board and Tribal Law Enforcement for protection of himself, his agents, and invitees.

- (e) It shall be unlawful for a licensee to engage in pawnbroking or to take goods or materials in hock or to lend money or engage in similar activity with indigent persons solely for the purpose of enabling the indigent person to gamble. This provision is not intended to prohibit the extending of credit by the licensee to persons of means after proper application and credit checks are performed.
- (f) A licensee is required during normal business hours, to maintain his premises open for inspection by the Gaming Board or its agents or any other authorized government agency and keep its books and financial record open for similar inspection.
- (g) Licensed gaming employees and tribal gaming managers must produce at a player's request, losing tickets, copies of canceled checks or other evidence of loss acceptable to the Internal Revenue Service if requested by the player or contestant at the time the player or contestant buys a ticket or chance or otherwise enters the game.
- (h) The Gaming Board shall by regulation impose the following additional requirements:
 - (1) A determination of whether and in what manner rules of play must be posted for each type of licensed gaming;
 - (2) The maximum prize, pot or bet limit, if any, that shall be offered in any type of gaming;
 - (3) Rules for the particular conduct or any type of licensed gaming should the Gaming Board deem that such rules are necessary for the proper conduct or gaming;
 - (4) Any other regulation controlling licensed gaming which is deemed necessary by the Gaming Board.

Section 310. Fees.

Each application for an initial or renewal license shall be accompanied by payment of the license fee. The Gaming Board's determination of the license fee properly owed under this

Ordinance shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the jurisdiction of Tribe.

Section 311. Non-transferability.

The license issued pursuant to the provisions of this Ordinance is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Gaming Board.

Section 312. Payment of license fees.

All license fees collected under authority of the Tribal Gaming Board shall be paid to the Treasury of Tribe.

Section 313. License as a revocable privilege.

The public gaming operations license is a revocable privilege, and no holder thereof shall be deemed to have an interest in any vested rights therein or thereunder. The burden of proving qualifications to hold any license rests at all times in the licensee. The Gaming Board is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person or persons whose operations are conducted in an unsuitable manner.

Section 314. Violations.

Violation of any provision of this Ordinance or any of the Gaming Board's Regulations by a Licensee, his agent, or employee shall:

- (a) be deemed contrary to the public health, safety, morals, good order, and general welfare of Tribe and its members;
- (b) be grounds for refusing to grant or renew a license, or for suspension or revocation of a license;
- (c) be grounds for the filing of criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Board; and,

(d) be grounds for immediate revocation of license in the case of a licensee being convicted of a felony.

Acceptance of a license or renewal thereof or condition imposed thereon by a licensee constitutes agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Gaming Board and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violation.

TITLE IV

Rules of General Applicability

Section 400. Rules of gaming operation.

Each licensee operating a gaming enterprise under a license issued pursuant to the provisions of this Ordinance shall prominently display in writing all rules and regulations pertaining to all gaming activity, including but not limited to traditional bingo and other games of chance, near the specific location where such gaming activity is conducted; or shall make available a written list of all such rules and regulations to any person making a request for such.

Each gaming employee and management entity licensed under the provisions of this Ordinance shall utilize gaming rules and regulations that are in compliance with the laws of Tribe, the United States of America, and any gaming Compact and, specifically, the Indian Gaming Regulatory Act of 1988.

Section 401. Service Agent

In the event that service of process is necessary on the Quapaw Tribe of Oklahoma it shall be served upon the Tribe's general counsel as follows:

M. Allen Core
4100 E. 51st Street
Suite 104
Tulsa, OK 74135

Section 402. Restrictions for gaming enterprises.

Each licensee operating a gaming enterprise under a license issued pursuant to the provisions of this Ordinance must at all times observe the following restrictions on gaming activities:

- (a) Minimum age for players: no person below the age of eighteen (18) years on the date of gaming shall be permitted to participate in the gaming in any gaming enterprise licensed under the provisions of this Ordinance. If any person below the age of eighteen (18) years plays and otherwise qualifies to win any prize, the prize shall not be paid, and the estimated amount wagered during the course of the game shall be returned to the player.
- (b) Prohibition on alcohol: no gaming enterprise shall allow to be sold or, otherwise make available, any beverage containing alcohol, including, but not limited to, beer or liquor at the gaming enterprise location without the specific approval of same by the Gaming Board.
- (c) Prohibition on firearms: no firearms or airguns which are capable of discharging dangerous projectiles or gases, including, but not limited to, "bb's" or CO2 guns, rifles, shotguns, pistols, or revolvers, shall be allowed on the premises except as permitted for security by an employed security force or other city, state, or federal law enforcement officers in the course of their official duties.

TITLE V.

Indian Gaming Regulatory Act

Section 500. Policy.

It shall be the policy of Tribe to fully comply with all applicable U.S. Federal law, to include the provisions of the Indian Gaming Regulatory Act of 1988, P.L. 100-597, 102 Stat. 2467, codified at 25 U.S.C. §2701, et seq., and the Tribal Gaming Compact, if any, in the conduct of all gaming activity within the jurisdiction of Tribe.

Section 501. Proprietary Interest.

The Quapaw Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity, Class II or Class III, as those terms are defined by Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2703(7), (8) within the jurisdiction of Tribe.

Section 502. Net Revenues.

Net revenues derived from gaming activity shall be utilized for the following purposes:

- (a) To fund Tribal government operations or programs;
- (b) To provide for the general welfare of 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.

Section 503. Per capita payments.

Net revenues from any Class II gaming activity (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. §2703) may be used to make per capita payments to Tribal members only if the following conditions are first met:

- (a) Tribe has prepared an adequate plan for allocation of net revenues as described above in Section 502, which plan has been approved by the Secretary of Interior or his authorized delegee;
- (b) In the event of a per capita distribution, the interests of affected minors and other legally incompetent persons entitled to such per capita payments are adequately protected and preserved, under a plan approved by the Gaming Board and by the Secretary of the Interior or his authorized delegee; and,
- (c) The recipients of the said per capita payments are properly notified by Tribe that the payments are subject to federal taxation.

Section 504. Licensee standards.

It is the further duty of the Gaming Board to develop standards whereby any person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation of the gaming activity contemplated herein, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment by any gaming activity licensed by the Gaming Board. The Gaming Board shall conduct background investigations on primary management officials and key employees of all gaming activity. The results of such background checks shall be supplied to the National Indian Gaming Commission prior to the issuance of any gaming license.

Section 505. Contracts.

All contracts for supplies, services, or concessions for a contract amount in excess of Twenty-five Thousand Dollars (\$25,000.00) annually (except for contracts for professional legal or accounting services) relating to Class II gaming (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. §2703) shall be subject to the outside independent audits provided for in Title II, Section 206(6) of this Ordinance.

Section 506. Protections.

It is the further duty of the Gaming Board to ensure that any construction and maintenance of any gaming facility licensed by the Gaming Board, and the operation of the gaming activity therein shall be conducted in a manner which adequately protects the environment and the public health and safety.

Section 507. Licenses for continuing operations.

No licenses will be issued to allow the continuing operation of individually owned gaming establishments since none were in operation on September 1, 1986.

Section 508. Tribal Self-Regulation.

It is the intent of Tribe to request a hearing before the National Indian Gaming Commission for the issuance of a certificate of self-regulation. In anticipation of being self-regulating, Tribe ensures that it will:

- (a) conduct its gaming activity in a manner which:
 - (1) has resulted in an effective and honest accounting of all revenues;
 - (2) has resulted in a reputation for safe, fair, and honest operation of the activity; and,
 - (3) has been generally free of evidence of criminal or dishonest activity;
- (b) adopt and implement adequate systems for:
 - (1) accounting for all revenues from licensed gaming activity;
 - (2) investigation, licensing, and monitoring of all employees of the gaming activity; and,
 - (3) investigation, enforcement, and prosecution of violations of this Ordinance and regulations; and,
- (c) conduct all gaming operations on a fiscally and economically sound basis.

Section 509. Management agreements.

All management agreements entered into by Tribe, if any, shall comply with all the applicable provisions of the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2711.

Section 510. Internal Revenue Code.

All applicable Internal Revenue Code provisions concerning reporting and withholding of taxes with respect to the winnings from gaming shall be adhered to.

Section 511. Arbitration and Dispute Resolution.

(a) In the event that a dispute arises between TRIBE and any gaming manager (if one exists or is obtained) as to one of the following matters, the matter may be brought by either party to arbitration under the then existing rules of the American Arbitration Association in Tulsa, Oklahoma.

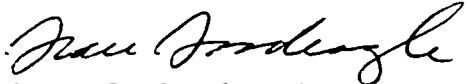
(1) Whether there is a material breach of this Agreement giving cause to terminate any contract pursuant to the contracts termination clause; or

(2) Disputes concerning any other substantive matter on which the parties are unable to agree.

(b) In the event that a dispute arises between a management contractor and a patron that cannot be resolved informally at the time of the incident, a patron shall have the right to file a written complaint and be heard before the Quapaw Tribal Gaming Control Commission. The written complaint must be received by the Gaming Control Commission within thirty (30) days of the incident. A decision of the Control Commission may be appealed to the Quapaw Tribal Business Committee by filing an appeal in writing with the Secretary of the Business Committee within ten (10) days of the decision of the Gaming Control Commission being received. The decision of the Business Committee is final.

CERTIFICATION

This is to certify that the foregoing QUAPAW TRIBE GAMING ORDINANCE was duly adopted and enacted as revised by action of the duly elected Quapaw Tribal Business Committee at a specially called meeting conducted on Monday October 24, 1994. The vote reflecting 7 yes, 0 no, 0 abstentions and 0 absent. Be it further cetified that this document supercedes and replaces all previous gaming ordinances of the Quapaw Tribe.



Grace Goodeagle, Chairman
Quapaw Tribal Business Committee
Quapaw Tribe of Oklahoma
October 24, 1994



Lloyd Buffalo, Secretary-Treasurer
Quapaw Tribal Business Committee
Quapaw Tribe of Oklahoma
October 24, 1994