

NATIONAL
INDIAN
GAMING
COMMISSION

FEB 15 1994

Rose Gurnoe, Chairperson
Red Cliff Band of Lake
Superior Chippewas
P.O. Box 529
Bayfield, Wisconsin 54814

Dear Chairperson Gurnoe:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on January 18, 1994, for the Red Cliff Band of Lake Superior Chippewas (the 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 Red Cliff Band of Lake Superior Chippewas 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

cc: David M. Ujke, Esq.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE

17.1 SECTION 1: INTRODUCTION

- 17.1.1 **TITLE.** This ordinance shall be known as the Red Cliff Tribal Gaming Ordinance.
- 17.1.2 **AUTHORITY.** This ordinance is enacted pursuant to Article VI, Section 1 (p) of the Constitution and By-laws of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, and in accordance with the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2710 (1990).
- 17.1.3 **PURPOSE.** The purpose of this ordinance is to regulate gaming activity conducted by the Red Cliff Band.
- 17.1.4 **EFFECTIVE DATE.** This ordinance shall be effective on the date of enactment by the Red Cliff Tribal Council.
- 17.1.5 **ABROGATION AND GREATER RESTRICTIONS.** Where this ordinance imposes greater restrictions than those contained in other tribal ordinances, the provisions of this ordinance shall govern.
- 17.1.6 **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed a limitation or repeal of any other Tribal power or authority.
- 17.1.7 **SEVERABILITY AND NON-LIABILITY.** If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe asserts there is no liability on the part of the Red Cliff Band of Lake Superior Chippewa Indians, its agencies or employees for damages that may occur as a result of reliance upon, and conformance with this ordinance.
- 17.1.8 **REGISTERED AGENT.** All notices required or authorized to be served by 25 C.F.R. sec. 501 et seq. or under this ordinance and any legal process shall be served personally upon the Chairperson of the Red Cliff Tribal Council. Nothing in this section or in this ordinance shall be construed to as a waiver of the Tribe's sovereign immunity from suit.

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17.2 SECTION 2: DEFINITIONS

- 17.2.1 GENERAL DEFINITIONS. For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive.
- 17.2.2 "Casino", as used herein, shall refer to any tribal gaming facility where games of blackjack are conducted.
- 17.2.3 "Class I Gaming", "Class II Gaming" and "Class III Gaming" activities shall have the meanings ascribed to them by the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2701, et seq.
- 17.2.4 "Council", as used herein, shall refer to the Red Cliff Band of Lake Superior Chippewas.
- 17.2.5 "Compact", as used herein, shall refer to the Red Cliff Band of Lake Superior Chippewas/State of Wisconsin Gaming Compact of 1991, as executed on December 12, 1991, together with such amendments as may from time to time accrue pursuant to provisions in Parts IV and XXX of said Compact.
- 17.2.6 "Felony", as used herein, shall refer to any offense for which the maximum sentence of penalty imposable includes a term of incarceration exceeding one year.
- 17.2.7 "Gaming Commission" shall mean the Red Cliff Gaming Commission, as set forth at sec. 17.10 of this Chapter.
- 17.2.8 "Immediate family member" is here defined as a spouse, mother, father, sister, brother, daughter, or son.
- 17.2.9 "Key employee" means any person who performs one or more of the following functions:
- a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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If not otherwise expressly listed in (a) - (j) above, key employee also includes the four most highly compensated persons in a tribal gaming facility, as well as any other person whose total cash compensation exceeds \$50,000 per year from the gaming facility.

17.2.10 "Person acting under the authority or auspices of the Tribe", as used herein, shall refer to 1) persons employed by the Tribe for the specific purpose of managing, conducting or participating in the conduct of Class III games; and 2) persons acting pursuant to a written management contract. Any other person, including persons alleging oral authorization by the Tribe, shall be regarded as a "non-authorized person" for the purposes of this Ordinance.

17.2.11 "Primary management official" means:

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

(b) Any person who has authority:

(1) To hire and fire employees; or

(2) To set up working policy for the gaming operation; or

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

17.2.12 "Reservation", as used herein, shall refer to the Red Cliff Chippewa Reservation.

17.2.12 "Tribe", as used herein, shall refer to the Red Cliff Band of Lake Superior Chippewas.

17.3 SECTION 3: GAMES ALLOWED

17.3.1 Under license issued by the Red Cliff Tribal Council, and upon such terms and conditions set forth in said license, the following Class III games may be conducted under tribal auspices on tribal property within the confines of the Red Cliff Chippewa Reservation: blackjack, electronic games of chance with video display, electronic games of chance with mechanical display, pull-tabs where played outside Class II premises, and such other games as may from time to time be authorized pursuant to Part IV of the Compact.

17.3.2 No person acting under the authority or auspices of the Tribe shall conduct, or participate in the conduct of any Class III game on the Reservation other than the games provided in Section 17.3.1 above.

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- 17.3.3 No non-authorized person shall conduct or participate in the conduct of any Class III game on the Reservation.
- 17.3.4 The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.
- 17.3.5 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.
- 17.4 SECTION 4: USE OF GAMING REVENUES**
- 7.4.1 (a) Net revenues from class II gaming shall be used only 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. sec. 2710(b)(3).
- 17.5 SECTION 5: RULES OF PLAY**
- 17.5.1 All games conducted pursuant to Section 17.3.1 above shall be conducted in accordance with the rules of play pertinent to such game as set out in Parts XV through XVII of the Compact, as supplemented by such more specific rules as may be promulgated and approved pursuant to Section 17.10 below.
- 17.5.2 Casino Hours: No casino shall remain open longer than 24 hours in any one day provided, that blackjack shall be conducted no more than 18 hours during any one day. Hours of play shall be established by casino management and publicly displayed at each casino.
- 17.5.3 Age Limits: No person under the age of 18 may play or be permitted to play, any Class III game; nor shall any prize or winning be paid to such person notwithstanding that, by their play, they had otherwise qualified for such a prize or winning.
- 17.5.4 No person under the age of 18 may conduct or be employed in the conduct of any Class III gaming activity.
- 17.5.5 No person who is visibly intoxicated shall be permitted to play any Class III game.

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- 17.5.6 No person acting under the authority or auspices of the Tribe shall extend credit to any person for purposes of gaming, nor shall any other person be allowed to extend such credit for a fee while on tribal premises, other than by means of bank card or credit card transactions such as would normally be permitted at retail businesses located within the state.
- 17.5.7 No person employed in any Tribal Class III gaming activity shall play at any Tribal Class III facility, nor permit any other person employed there to play at said facility, except as otherwise provided by affirmative vote of the Red Cliff Tribal Council.
- 17.5.8 Any immediate family member of an employee subject to Section 17.5.7 above, and any other family member residing in the same household as such employee, shall, prior to playing at any session of such facility, notify the manager or manager's designee thereof of their entrance, and shall be allowed to play subject to the discretion of said manager; provided, however, that no such persons shall be allowed to play at any blackjack table where the aforementioned employee is on duty.
- 17.5.9 Any person, whether player, employee or other person, who, by tampering with or counterfeiting equipment, or violation of the rules of play, shall defraud the Tribe or attempt to do so, in addition to any other penalty required by this Ordinance or other applicable law, shall be liable to the Tribe in the amount of any monies lost to the Tribe, including the costs of investigation and the conduct of legal proceedings.

17.6 SECTION 6: MANAGEMENT CONTRACTS

- 17.6.1 No proposal for management by persons other than tribal employees shall be considered by the Red Cliff Tribal Council unless submitted in writing; and
- (a) Shall state the names and addresses of all the principals involved in the management enterprise. If the proposed management enterprise is a corporation the proposal shall state the name and address of each officer, and, if not publicly held, the name, address and percentage holding of each stockholder. If the proposed management enterprise is a partnership or joint venture, the proposal shall contain the name and address of each partner, and the percentage interest held by that partner;

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- (b) Shall state clearly in general but concrete terms the services proposed, the duration of the agreement and the nature of the compensation sought;
- (c) Shall not state or propose any term in violation of 25 U.S.C. sec. 2711; and, where compensation in excess of 30% of net revenues, or a duration in excess of five years is proposed, shall state with particularity the exceptional circumstances justifying such amount or term.
- (d) Shall show evidence of issuance of a Wisconsin Lottery Board Certificate, or, in the absence of such Certificate, state that application has been made, the date thereof, and that application has not been rejected.

17.6.2 No management contract shall be approved unless:

- (a) The text of such contract is arrived at or submitted to the Council at least ten days prior to the Council meeting at which approval is sought; and
- (b) the terms of the contract meet the restrictions imposed under 25 U.S.C. sec. 2711 and Chapter VIII of the Compact; and
- (c) The Council has conducted appropriate investigation and found the facts necessary to determine that the proposed contractor, including all relevant personnel, meet the qualifications imposed under 25 U.S.C. sec. 2711, Chapters VII and VIII of the Compact, and Sections 17.6 and 17.13.1 of this Ordinance.

17.7 SECTION 7: GAMING VENDORS

17.7.1 No agreement shall be entered into with any person, partnership or corporation for the purchase, lease or provision of services, supplies, or equipment unique to the operation of Class III gaming, in an amount exceeding \$10,000 in any year, unless said contractor holds a certificate issued by the Wisconsin Lottery Board pursuant to Section VII(C) of the Compact, or is exempt from such requirement pursuant to Section VII(H) of the Compact.

17.7.2 No person employed by the Tribe in the conduct of gaming may have a direct or indirect interest, or be employed by, any person who has entered into a Class III gaming-related contract with the Tribe.

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17.8 SECTION 8: CONSENT TO JURISDICTION

17.8.1 Any non-member participating under a gaming management contract with the Tribe, participating in a vendor/lessor relationship related to Class III gaming, and any other non-member employed in the conduct of Class III gaming, shall by virtue of such participation or employment be deemed to have consented to the jurisdiction of the Red Cliff Band of Lake Superior Chippewas and its courts.

17.8.2 In addition, any non-member player at a tribal Class III gaming facility shall be deemed, by virtue of such play, to have consented to the jurisdiction of the Tribe in relation to disputes arising from their presence and play at such facility.

17.9 SECTION 9: BACKGROUND INVESTIGATIONS

17.9.1 (a) The Red Cliff Band of Lake Superior Chippewas Indians, acting through its Tribal Council maintains the responsibility and authority for conducting background investigations and suitability determinations with respect to all persons involved in its gaming operations, as more fully set forth herein.

(b) The Red Cliff Gaming Commission shall have the responsibility and authority to issue or deny licenses to all key employees and primary management officials, as more fully set forth in this Chapter 17.

17.9.2 (a) The Red Cliff Gaming Commission shall conduct and/or cause to be conducted all background investigations required by the Indian Gaming Regulatory Act (IGRA), the regulations set forth at 25 C.F.R. sec. 501 et seq., and otherwise required by this section. Upon completing its investigation(s), the Commission shall forward the results to the Red Cliff Tribal Council, who shall conduct its review and provide any comments within 30 days. After considering any comments from the Tribal Council, the Gaming Commission shall forward its final report to the National Indian Gaming Commission. If the Tribal Council provides no comment, the results of any investigation(s) performed by the Red Cliff Gaming Commission shall be forwarded to the National Indian Gaming Commission forthwith.

(b) The authority and responsibility of the Red Cliff Gaming Commission for investigations under this section shall include:

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- (1) reviewing and approving all investigative work done;
- (2) reporting the results of all background investigations to the Red Cliff Tribal Council, who shall then forward the same to the National Indian Gaming Commission;
- (3) obtaining and processing fingerprints;
- (4) making suitability determinations; and
- (5) Any and all other actions deemed necessary or appropriate by the Red Cliff Tribal Council in connection with its duties and responsibilities set forth in this section.

17.9.3 Minimum investigative procedures to be performed under this section include the following:

- (a) Verification by written or oral communication information submitted by applicant.
- (b) Inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations. This includes interviewing a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the tribe to make a finding concerning the eligibility for employment in a gaming operation.
- (c) Documenting the disposition of all potential problem areas noted and disqualifying information obtained.

17.9.4 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 from 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

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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 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 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 (h) or (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

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- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. sec. 522.2(h).

In conducting a background investigation, the Tribe and any person acting on behalf of the tribe shall keep confidential the identity of each person interviewed in the course of the investigation.

- 17.9.5 (a) Upon completing the minimum investigative procedures set forth in sec.17.9.3 and reviewing all information submitted by the applicant pursuant to sec. 17.9.4, the Red Cliff Gaming Commission shall issue an investigative report setting forth:
 - (1) Steps taken in conducting the background investigation;
 - (2) The results obtained; as a result of the investigation;
 - (3) The conclusion reached; and
 - (4) The bases for those conclusions.
- (b) The report shall then be forwarded to the Red Cliff Tribal Council for its review as provided in sec. 17.9.2. After considering any Tribal Council comment, the Red Cliff Gaming Commission shall then forward the report to the National Indian Gaming Commission, and shall include a determination on whether the person's prior activities, criminal record, if any, and reputation, habits and associations pose 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.
- 17.9.6 No tribal gaming facility shall employ a key employee or primary management official whom the Tribe has deemed unsuitable under sec. 17.9.5.
- 17.9.7 (a) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Red Cliff Gaming Commission 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 secs. 17.9.5 and 17.9.6.

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- (b) The Red Cliff Gaming Commission shall forward the report referred to in sec. 17.9.5 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.
 - (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.
- 17.9.8
 - (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 thirty day period under sec. 17.9.9(a) 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. The Red Cliff Tribal Council shall make the final decision whether to issue a license to such applicant.
- 17.9.9
 - (a) If a license is not issued to an applicant, the Red Cliff Gaming Commission shall notify the National Indian Gaming Commission, and 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.

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- (b) With respect to key employees and primary management officials, the Red Cliff Gaming Commission 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.

17.9.10 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 sec. 17.13, the Red Cliff Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation. The Commission shall then notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (b) The Red Cliff Tribal Gaming Commission has the authority to suspend gaming licenses for just cause. Just cause is violation of Chapter 17 - Tribal Gaming Ordinance, the Tribal/State Compact, or the Indian Gaming Regulatory Act. If a violation occurs the Red Cliff Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation. The Commission shall then 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 Red Cliff Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

17.9.11 Fingerprints. The Red Cliff Tribal Police Department shall be responsible for taking all fingerprints required under this ordinance.

17.10 SECTION 10: GAMING COMMISSION

17.10.1 There is hereby created a Red Cliff Tribal Gaming Commission, composed of a Chair, Vice-Chair, Secretary and two (2) at large members, all of whom shall be tribal members, whose qualifications, terms, method of appointment, duties and remuneration shall be as follows:

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- 17.10.2 Term. Except as provided in section 17.8.3 below, the commissioners shall serve one year terms, subject to renewal, said terms beginning with the first Council meeting in October.
- 17.10.3 The term of the first commissioners appointed pursuant to this Ordinance shall begin at such date as the Council shall designate and terminate at the following January or the next following January, as the Council shall so designate at the time of appointment.
- 17.10.4 Qualifications. In addition to meeting the qualifications imposed under Section 17.13.1 below, an applicant for commissioner shall:
- (a) Be at least 21 years of age; and
 - (b) Shall have no financial interest in any management or vendor contract, nor any management responsibility for any Class III gaming facility.
- 17.10.5 Appointment. Persons seeking appointment as commissioner shall submit their resume to the Council no later than December 1st.
- 17.10.6 In their application for appointment applicants shall expressly state their consent to the conduct of such background investigations as the Council may deem necessary, including but not limited to the checks necessary to determine criminal background, and shall be required to submit fingerprints and such other information as may be necessary to facilitate such checks.
- 17.10.7 Except for appointments to the first term pursuant to Section 17.10.3 above, the Council shall make its appointments and/or renew existing appointments at the first meeting in December of each year.
- 17.10.8 Duties. Except as otherwise provided, the Commission and shall convene monthly for the following purposes:
- (a) To communicate on a regular monthly basis, to the membership, through public meetings, newsletters or other means, summary reports as to the economic returns of the Class III gaming facilities, together with the names of the current managers and/or management organizations.
 - (b) To facilitate such communication each Class III facility manager shall transmit to the Commission on at least a monthly basis a short written

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summary of the economic returns of said facility, and, at the direction of the Commission or the Tribal Council, to appear at Commission meetings to elaborate on such summaries.

- (c) To collect, summarize and report monthly to the Council such suggestions or other information as may be submitted by tribal members regarding Class III gaming; and, where expressly directed to do so by the Council, to investigate and/or make recommendations on such subjects.
- (d) Upon the direction of the Council, to investigate and/or make recommendations on commercial proposals, management policies, personnel complaints, and charges of violations of law or the rules of play of Class III facilities.
- (e) To review regulations and policy statements submitted by gaming managers for clarity, workability and consistency, and, within 60 days of submission, to report said regulations or policies, with their recommendations to the Tribal Council.
- (f) To review and resolve player disputes submitted to it in writing, pursuant to Part V(E) of the Compact and Section 17.11.7 of this Ordinance.
- (g) To maintain updated records and copies of compacts, ordinances, rules of play and other Class III gaming regulations and policies approved by the Council.
- (h) Upon application by the Council or any gaming manager, to commission the conduct of a background check by the Wisconsin Department of Justice or the Federal Bureau of Investigation or any other comparable state or tribal law enforcement agency, and to maintain records received in confidence, subject only to access by the Council or the originally requesting authority.

17.10.9 Powers. The Commission shall have the authority and power to direct player-grievants, managers, gaming employees and other tribal members with personal knowledge to attend such hearings as it may choose to conduct on the player grievance, pursuant to Section 17.11.7 of this Ordinance, and upon direction of the Council pursuant to paragraph 17.10.8(f) above, shall exercise similar authority and power, such authority to include business principals, vendors, lessors and their

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employees. The Commission shall exercise such other authority as granted by this ordinance or by the Tribal Council.

- 17.10.10 Compensation. For their services commissioners shall receive a sum for each day or portion thereof devoted to the monthly meetings, hearings or investigations directed by the Council or this Ordinance, such sum to be established at the discretion of the Council prior to the beginning of a Commission term, together with the expenses of such investigations as they are directed to conduct.

17.11 SECTION 11: DISPUTE RESOLUTION

- 17.11.1 It shall be the responsibility of the gaming manager with responsibility for a particular Class III facility, or their designee, to resolve such disputes as may be initiated by a player arising from the conduct of play at such facility.
- 17.11.2 The name of the manager with responsibility for a specific Class III facility shall be prominently displayed at such facility.
- 17.11.3 At all times when the manager is not available said manager shall designate a specific person as the manager designee for purposes of dispute resolution and the name of the person so designated at that specific time and place shall also be prominently displayed. Such designee shall act in the place of the manager to resolve disputes during the time authorized.
- 17.11.4 Any aggrieved player shall immediately bring such grievance to the notice of the employee(s) involved, and, if unsatisfied by the result, thereupon immediately bring such grievance to the attention of the manager or designee.
- 17.11.5 Any delay in the report of such a grievance to the gaming manager or designee may be considered by the gaming manager as mitigating against the grievance. Failure to report the grievance during the session at which the grievance allegedly arose may, at the discretion of the manager or designee, justify the summary dismissal of the grievance.
- 17.11.6 Except where circumstances require further investigation or consultation, the manager/designee shall deliver their decision during the session at which the grievance is brought to their attention. Upon request of the player, the manager/designee's decision shall be made in writing and time-stamped.

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- 17.11.7 A player who has timely submitted a grievance for resolution by the manager/designee and who is dissatisfied with the result may appeal such decision to the Red Cliff Gaming Commission.
- 17.11.8 Such appeal shall be in writing, contain a statement of the facts and grounds for appeal, and shall be delivered or postmarked within five days of the occurrence giving rise to the grievance.
- 17.11.9 Where the manager/designee's decision is delayed beyond the session at which the grievance allegedly arose, the time for appeal shall be five days from the date the manager/designee delivers their decision.
- 17.11.10 Where the casino/manager summarily dismisses a grievance for delay beyond the day of occurrence in bringing the grievance, the Commission's initial review shall consist solely in determining whether there had been such delay; the Commission shall proceed to the merits only if it determines that there had been no such delay.
- 17.11.11 Notice of these dispute resolution procedures, or a summary thereof, shall be posted at each gaming facility, and shall contain the address(es) of the Gaming Commission to which written appeals may be sent or delivered.

17.12 SECTION 12: GAMING MANAGERS

- 17.12.1 For each casino, whether tribally managed or managed pursuant to a management contract, the Council shall establish and publish the name of the individual designated as Gaming Manager for that facility. In no case, other than in an emergency and for a period not to exceed 30 days, shall the Council designate the same person as manager of more than one casino.
- 17.12.2 The Council shall similarly designate managers for each Class III facility other than a casino, said managers to include persons with responsibility for one or more other facilities.
- 17.12.3 **MANAGERS' DUTIES:**
- (a) To hire and promote employees pursuant to such policies as may from time to time be promulgated or approved by the Council, and at such salary ranges and other compensation as may be directed by the Council or established by regulations/policies approved by the Council.

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- (b) To supervise, manage and discipline said employees, pursuant to regulations/policies promulgated or approved by the Council.
- (c) To enter into agreements for the purchase or lease of gaming services, supplies, equipment and promotion, except:
 - (1) Any agreement in excess of \$2,500 but not exceeding \$5,000 shall require approval of the Tribal Chairman and the Tribal Treasurer.
 - (2) Any agreement in excess of \$5,000 shall require the approval of the Council.
- (d) To enter into agreements for the purchase or lease of services, supplies and equipment for the repair and maintenance of the facility, subject to the restrictions set forth in (c) of this section.
- (e) To draft regulations and policies relating to personnel, purchasing and leasing, promoting and other management concerns, and hours and rules of play, preferably in consultation, cooperation and joint agreement with other managers, for approval by the Red Cliff Tribal Council.
- (f) To operate such Class III games as are authorized at the facility for which they are responsible, together with purveying related food and liquor services, pursuant to the Compact and such more specific directions as the Council may from time to time establish.
- (g) To submit monthly financial reports, detailing at a minimum (a) an itemized statement of the gross receipts, (b) an itemized list of total expenditures, (c) a balance sheet/income statement for their facility, prepared in accordance with generally accepted accounting principles, and (d) the beginning and ending balance in each gaming facility account, together with their identifying number and location. Pursuant to paragraph X(D)(1)(a) of the Compact, a summary of such report shall be submitted monthly to the Gaming Commission.

17.13 SECTION 13: GENERAL GAMING PERSONNEL STANDARDS

17.13.1 Notwithstanding any other provision herein or in any other tribal law, no person shall be appointed by the Council to the Gaming Commission or to any gaming

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

management position, nor employed by management at any Class III gaming facility, nor shall be allowed to continue in such appointment or employment, who has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person had been pardoned:

- (a) A felony, other than a felony conviction for an offense under sections (b) through (d) below, during the immediately preceding ten (10) years;
- (b) Any gambling related offense;
- (c) Fraud or misrepresentation in any connection; or
- (d) A violation of Chapters 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board or Wisconsin Racing Board, or a tribal ordinance regulating or prohibiting gaming.

- 17.13.2
- (a) Irrespective of whether such person qualifies under section 17.13.1 above, anyone determined by the appointing or employing authority to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto, shall be prohibited from holding any of the positions enumerated in sec. 17.13.1.
 - (b) The Tribal Council 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 Tribal Council 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.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- 17.13.3 The Council or other appointing or employing authority shall conduct a criminal background check and such other investigation as may be deemed necessary prior to the appointment or employment of any person subject to the standards in sections 17.13.1 and 17.13.2 above.
- 17.13.4 All records pertaining to the investigation and determinations required by sections 17.13.1 and 17.13.2 above shall be retained by the appointing/employing authority for a period of at least 7 years.
- 17.13.5 In the case of a tribal member, the disqualifying conditions set forth in section 17.13.1 may be waived by express resolution of the Council, should the Council find, upon written application of the member, that the member has demonstrated to the Council evidence of sufficient rehabilitation and present fitness.
- 17.13.6 A tribal member seeking a resolution of rehabilitation shall submit a written application detailing the specific details of (a) their offense(s), (b) the specific penalties imposed on them for the offense(s), and (c) the details of their post-conviction history, including but not limited to their residence, employment, personal and social associations, together with such other documentation and evidence that they can provide.
- 17.13.7 The application for rehabilitation shall be brought forward at least one Council meeting prior to the Council making its determination.
- 17.13.8 The burden of proof shall be on the applicant, and a negative determination of the Council shall preclude the applicant from making a new application for a period of 1 year.
- 17.13.9 Persons subject to this Chapter shall be reviewed at least once every 2 years to determine whether they continue to meet the standards imposed under sections 17.13.1 and 17.13.2.

17.14 SECTION 14: ENFORCEMENT

- 17.14.1 In addition to firing or other disciplinary action taken by the Tribe, Gaming Commission or their agents in their role as employer, an employee, player or other person subject to this Ordinance shall be subject to a forfeiture of up to \$5,000 plus costs for violation of Section 17.3.2 above, or violation of any provision or rule of play, other than Section

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

17.5.9, set forth or incorporated in Part 4 of this Ordinance.

- 17.14.2 In addition to firing or other disciplinary action taken by the Tribe, Gaming Commission or their agents in their role as employer, an applicant, employee, appointee, player or other person who makes a false statement or representation in connection with any application for a management contract, for employment or for appointment in connection with Class III gaming, including but not limited to representations in connection with Section 17.9.4 et seq. and Part 11 of this Ordinance, shall be subject to a forfeiture of up to \$5,000 plus costs.
- 17.14.3 In addition to firing or other disciplinary action taken by the Tribe, Gaming Commission or their agents in their role as employer, an employee, player or other person who violates Sections 17.3.3 or 17.5.9 of this Ordinance shall be subject to a forfeiture of up to \$5,000 plus costs, in addition to any monies which may be recoverable pursuant to Section 4.6 of this Red Cliff Code of Laws.
- 17.14.4 In addition to firing or other disciplinary action taken by the Tribe or its agents in their role as employer, an employee, contractor or other person who tampers with, counterfeits or destroys records or otherwise impedes or obstructs Class III gaming audits shall be subject to a forfeiture of up to \$5,000 plus costs.
- 17.14.5 (a) The Red Cliff Tribal Court shall have jurisdiction to enforce the sanctions provided for violation of this ordinance under the procedures set forth in Chapter 4 of this Code.
- (b) The provisions of this ordinance shall be enforced by all Tribal law enforcement officers. In addition, federal, state, and local law enforcement officers are hereby authorized to enforce the provisions of this ordinance.
- (c) In addition to the penalties set forth in Section 16, the court, upon conviction, shall order payment of court costs, filing fee(s), and any other related court costs at the discretion of the court.

17.15 SECTION 15: PUBLIC HEALTH AND SAFETY

- 17.15.1 The following provisions of the Wisconsin Statutes (Wis. Stat.) and the Wisconsin Administrative Code (Wis. Adm. Code) including all amendments made to said sections, are hereby adopted and shall be applicable to any Class III gaming facility:

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(a) Public Buildings

1. Wis. Stat. sec. 101.025 - Ventilation requirements for public buildings and places of employment.
2. Wis. Stat. sec. 101.11 - Employer's duty to furnish safe employment and place.
3. Wis. Stat. sec. 101.12 - Approval and inspection of public buildings and places of employment and components.
4. Wis. Adm. Code sec. ILHR 160 - Existing Buildings.
5. Wis. Adm. Code sec. ILHR 163 - Theatres and Assembly Halls.

(b) Electrical Wiring

1. Wis. Stat. Sec. 101.865 - Regulation of electric wiring.
2. Wis. Adm. Code sec. ILHR 16 - Electrical Wiring.

(c) Fire Prevention and Smoke Detectors

1. Wis. Stat. sec. 101.14 - Fire inspections, prevention, detection and suppression.
2. Wis. Adm. Code sec. ILHR 14 - Fire Prevention.
3. Wis. Adm. Code sec. ILHR 28 - Smoke Detectors.

(d) Plumbing and Sanitation

1. Wis. Stat. sec. 101.07 - Flushing devices for urinals.
2. Wis. Adm. Code sec. ILHR 81 - 86 - Plumbing.

17.15.2 All Class III gaming facilities shall be inspected by an inspector certified by the State of Wisconsin at least every twelve (12) months to insure compliance with section 17.15.1 of this ordinance. Any deficiencies noted by said inspector shall be promptly repaired or corrected.

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

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

17.16 **SECTION 16: BINGO AND RAFFLES**

17.16.1 DEFINITIONS. As used in this section:

- (a) "Bingo" means a game of chance (whether or not electronic, computer, or other technologic aids are used) when players:
 - (1) Play for prizes with cards bearing numbers or other designations;
 - (2) Cover numbers or designations when object(s), similarly numbered or designated, are drawn or electronically determined; and
 - (3) Win the game by being the first person to cover a designated pattern on such cards.
- (b) "Bingo Manager" means a person authorized by the Tribe to conduct, organize and supervise all bingo and raffle occasions.
- (c) "Bingo Occasion" means a single gathering or session at which a series of successive bingo games are conducted.
- (d) "Bingo Supplies and Equipment" means all cards, boards, sheets, markers, pads or other supplies, devices or other equipment designed for use in the conduct or play of bingo.
- (e) "Conduct" means, as to bingo, the drawing of the numbers and the announcement or visual display of the numbers so drawn; and as to raffles, the selling of raffle tickets and drawing for prizes. The marking of a bingo card by a player shall not be considered an essential element of the conduct of a bingo game.
- (f) "Gross Receipts" means total receipts received from the conduct of bingo or a raffle.
- (g) "Lotto" has the same meaning as "bingo" in subsection (a) of this section.
- (h) "Premises" means any Tribal building, room, hall, enclosure, tent or outdoor area in which bingo or a raffle is being conducted on Tribal land.
- (i) "Profit" means the gross receipts collected from one or more bingo occasions, less reasonable sums necessary and actually expended for conducting the occasions, supplies, equipment, prizes, utilities, and the like.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- (j) "Raffle" means a game of chance in which tickets or calendars are sold and a drawing for prizes is held, provided, that in order to qualify as a Class II game, all raffles must be conducted in accordance with the rules set forth at Chapter 563, Wisconsin Statutes, as amended from time to time. Otherwise, any raffle not so conducted shall be considered a Class III game, as that term is defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. sec. 2701 et seq. (1990), and any regulations promulgated thereunder.
- (k) "Tribal Council" means the governing body of the Tribe elected pursuant to the Tribe's Constitution and By-laws.
- (l) "Tribal Court" means the Red Cliff Tribal Court.
- (m) "Tribal Land" means land held in trust by the United States for the Tribe.
- (n) "Tribal Organization" means any organization duly recognized by the Tribe.
- (o) "Tribe" means the Red Cliff Band of Lake Superior Chippewa Indians.

17.16.2 BINGO MANAGER. The Tribal Bingo Manager shall be appointed by the Tribal Council and may be removed for cause by the Tribal Council. The Tribal Bingo Manager shall be subject to the personnel policies and procedures of the Tribe and shall be supervised by the Tribal Administrator. The Tribal Bingo Manager shall have the following powers and duties.

- (a) To conduct bingo operations in conformity with this ordinance;
- (b) To conduct raffles consistent with this ordinance;
- (c) To receive and deposit monies generated from bingo and raffle operations with the Tribe's accounting office;
- (d) To supervise all personnel necessary to conduct bingo and raffle operations.

17.16.3 GENERAL BINGO PROVISIONS.

- (a) Only the Tribal Bingo Manager or a person authorized by the Tribal Bingo Manager shall conduct bingo or act as a caller in the conduct of bingo.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- (b) Bingo shall be conducted only on Tribal premises.
- (c) Purchase of a bingo card shall entitle each purchaser to a place on the Tribal premises where bingo is conducted with sufficient room in which to work the bingo card.
- (d) The Tribal Bingo Manager may, in his/her discretion, limit the number of persons allowed to purchase bingo cards at any one bingo occasion.
- (e) The Tribal Bingo Manager shall hold such bingo occasions as s/he deems suitable in his/her discretion.
- (f) The Tribal Bingo Manager shall accept only a cash payment for any bingo card. The Tribal Bingo Manager may, however, in his/her discretion, establish a check cashing service in conjunction with the operation of bingo occasions, with such limits, safeguards, and charges therefore as s/he deems appropriate.
- (g) The Tribal Bingo Manager shall purchase such supplies and equipment as necessary for the operation of bingo and consistent with the budget approved by the Tribal Council. All equipment and supplies used in the conduct of bingo shall be owned by the Tribe. The bingo equipment shall be maintained in good repair and sound condition.
- (h) Only the Tribal Bingo Manager and persons employed by him/her shall participate in the management or operation of any bingo occasion. No other person, firm, corporation, consultant, or similar entity shall participate in the management of any bingo occasion without the express prior approval by resolution of the Tribal Council. Nothing herein shall prevent the Tribal Bingo Manager from entering into a contract for the televising of bingo occasions, however.
- (i) No person under the age of 18 shall purchase or make a bingo card for any bingo game conducted pursuant to this ordinance unless accompanied on tribal premises by such person's parent or guardian. No person under the age of 8 shall be allowed in the tribal premises in which bingo is conducted during a bingo occasion.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- (j) No alcoholic beverages or illegal drugs shall be allowed on tribal premises where bingo is conducted during a bingo occasion. Any person found possessing or using alcoholic beverages or illegal drugs during bingo occasions shall be removed from the premises and barred from further bingo occasions.
- (k) Bingo occasions shall be advertised by whatever lawful methods the Tribal Bingo Manager deems suitable and appropriate to attract a maximum number of players.
- (l) The Tribal Bingo Manager may provide for the sale of food or refreshments at concessions during bingo occasions as a part of the bingo operation or may, in his/her discretion, authorize the operation of concessions for the sale of food or refreshments by Tribal organizations under such terms and conditions as s/he deems appropriate. No person or organization may sell any other merchandise on the premises where bingo is being conducted during a bingo occasion unless authorized by resolution of the Tribal Council.
- (m) Bingo cards shall be sold or rented by the Tribal Bingo Manager in the first instance only on the premises at which the bingo occasion is being conducted. The Tribal Bingo Manager shall keep an accurate, separate count of the number of bingo cards which are sold, rented, or used.
- (n) No person employed in the operation of a Tribal bingo occasion shall be permitted to purchase bingo cards for that occasion or participate in any other way as a player during that bingo occasion.
- (o) Nothing herein shall prevent the broadcast or televising of Tribal bingo occasions. The Tribal Bingo Manager is hereby authorized to enter into a contract for the broadcast or televising of Tribal bingo occasions, provided that any such contract shall be approved by resolution of the Tribal Council before taking effect.

17.16.4 BINGO PRIZES.

- (a) The amount and nature of prizes offered shall be determined for each bingo occasion by the Tribal Bingo Manager, provided that the prizes offered shall be commensurate with the generally accepted odds in bingo operations.

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- (b) Either cash prizes or merchandise prizes shall be allowed. If a merchandise prize is offered, its stated value shall be the current retail price. No merchandise prize shall be redeemable or convertible into cash, either directly or indirectly, by the Tribe.
- (c) Prizes of alcoholic or fermented malt beverages, securities, or interests in real property are prohibited.

17.16.5 METHOD OF CONDUCTING BINGO.

- (a) The Tribal Bingo Manager shall determine the type of game and prize for each game conducted during a bingo occasion. The particular arrangement of numbers required on a bingo card in order to win and the amount of the prize for the game shall be clearly described and audibly announced to the players immediately before each game.
- (b) Each bingo game shall be conducted in such a manner that the results are random and each person purchasing a card is afforded an equal opportunity to win, and all equipment and supplies used in the conduct of each game shall be designed and used in such a manner as to secure such result.
- (c) The objects to be drawn shall be as near the same size, shape, weight, balance, and all other relevant characteristics as is practicable so that at all times during the conduct of bingo each object possesses the capacity for equal agitation with any other object within the receptacle.
- (d) Seventy-five (75) objects, numbered consecutively "1" through "75" inclusive, shall be used for the conduct of each game. All 75 objects, and only 75 objects, shall be present in the receptacle at the beginning of each bingo game.
- (e) The number on each object drawn shall be announced in a manner clearly audible to the persons present during the conduct of the game and shall be visually displayed as well.
- (f) Once removed from the receptacle during the conduct of a game, no object shall be returned to the receptacle until after the conclusion of that game.
- (g) The receptacle and the caller shall be visible to the majority of persons present during the conduct of a game at all times.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

17.16.6 WINNERS.

- (a) The winner of a bingo game shall be the person in possession of the bingo card with the numbers on it arranged in the manner announced for that game achieved with the least number of objects drawn.
- (b) The bingo winner for each game shall be determined on the same day on which the bingo occasion is conducted. Each prize shall be awarded within one week of the bingo occasion for which the prize was offered.
- (c) The numbers appearing on the winning card at the time a winner is determined shall be verified in the immediate presence of at least one disinterested person.
- (d) At the time a winner is determined, any person may call for a verification of all numbers and of the objects remaining in the receptacle not drawn. Such verification shall be made in the presence of the Tribal Bingo Manager and at least one disinterested person.
- (e) When more than one person is found to be the winner of a bingo game, a cash prize shall be divided equally among the winners. When equal division of a merchandise prize is not possible, identical substitute prizes whose aggregate retail value is approximately equal to that of the designated prize shall be awarded.

17.16.7 GENERAL RAFFLE PROVISION.

- (a) Only the Tribal Bingo Manager or a person authorized by the Tribal Bingo Manager shall conduct a raffle.
- (b) Raffles shall be conducted only on Tribal premises, and may be conducted in conjunction with a bingo concession.
- (c) The Tribal Bingo Manager shall accept only a cash payment for a raffle ticket.
- (d) The Tribal Bingo Manager shall purchase such supplies and equipment as is necessary for the operation of raffles and consistent with the budget approved by the Tribal Council. All equipment and supplies used in the conduct of bingo shall be owned by the Tribe.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- (e) The Tribal Bingo Manager may, with the concurrence of the Tribal Council, authorize a Tribal organization to hold a raffle, upon such terms and conditions as the Tribal Bingo Manager may deem appropriate. Raffle tickets used for such occasions shall be purchased by the Tribal Bingo Manager and shall be readily distinguishable from raffle tickets used in Tribal raffles.
- (f) Except as provided in sec. 17.8.5 only the Tribal Bingo Manager and persons in his/her employ shall participate in the management or operation of any raffle. No other person, firm, corporation, consultant, or similar entity shall participate in the management of any raffle without the express prior approval by resolution of the Tribal Council.
- (g) No person under the age of 18 shall be allowed to purchase a raffle ticket.
- (h) Raffles shall be advertised by whatever lawful methods the Tribal Bingo Manager deems suitable and appropriate, consistent with the budget approved by the Tribal Council.
- (i) No person employed in the operation of a raffle or of a bingo occasion during which a raffle is being conducted shall be permitted to purchase a raffle ticket for such raffle.

17.16.8 RAFFLE PRIZES.

- (a) The amount and nature of prizes offered for raffles shall be determined for each raffle by the Tribal Bingo Manager, provided that the prizes offered shall be commensurate with the odds generally accepted for raffle operations.
- (b) Either cash prizes or merchandise prizes shall be allowed. If a merchandise prize is offered, its stated value shall be the current retail price. No merchandise prize shall be redeemable or convertible into cash, either directly or indirectly, by the Tribe.
- (c) Prizes of alcohol or fermented malt beverages, securities or interests in real property are prohibited.

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- 17.16.9 TYPES OF RAFFLES. Two types of raffles may be conducted:
- (a) Raffles in which tickets are sold to individuals, placed in a container, and drawn to determine the winner; and
 - (b) Raffles in which a fixed number of tickets, some of which indicate the winners, are sold to and drawn by the purchaser.
- 17.16.10 TYPES OF TICKETS. Two types of raffle tickets shall be used:
- (a) For raffles described in Section 17.16.9(a), the tickets shall be identical in form and contain the name and address of the Tribe or sponsoring organization, the price of the ticket, the date and place of the drawing, and a place for the purchaser's name and address.
 - (b) For raffles described in Section 17.16.9(b), raffle tickets shall be purchased in lots, with a fixed number of tickets and winning tickets in each lot, shall be of similar outward appearance, and shall have concealed within it indicia of winning which may be revealed by manipulation of the ticket after purchase.
- 17.16.11 PLAY OF RAFFLES.
- (a) The Tribal Bingo Manager shall determine the type of raffle and the price of prizes for each raffle, which shall be clearly described and available to raffle ticket purchasers at the time of purchase. For raffles described in Section 17.16.9(a) the odds per lot of tickets shall also be available.
 - (b) Each raffle shall be conducted in such a manner that the results are random and each person purchasing a ticket is afforded an equal opportunity to win, and all equipment and supplies used in the conduct of each raffle shall be designed and used in such a manner as to secure such a result.
 - (c) Winners shall be determined according to the type of raffle and the rules of each raffle set by the Tribal Bingo Manager. The purchaser of a ticket need not be present at the drawing to win a prize. Each prize shall be awarded within one week of the raffle.

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(d) All raffle drawings shall be held in public.

(e) All prizes shall be awarded.

17.16.12 ANNUAL OPERATING BUDGET. The Tribal Bingo and raffle operation shall be carried out in accordance with an annual operating budget adopted for that purpose. Such budget shall detail the operational expenses of the operation and shall be prepared by the Tribal Bingo Manager. No expenses may be incurred by the Tribal Bingo Manager except as provided in and in conformity with the annual operating budget so adopted.

17.16.13 MONTHLY FINANCIAL REPORT. The Tribal Bingo Manager shall prepare, sign, and submit to the Tribal Council a monthly financial report which shall include the following information for the preceding month:

(a) The names of all persons employed in the conduct of bingo and/or raffles;

(b) The number and dates of all bingo occasions and raffles;

(c) An itemized statement of gross receipts from all bingo occasions and raffles;

(d) An itemized list of all expenditures; and

(e) A statement showing the balance in the bingo account.

17.16.14 BINGO ACCOUNT. The Tribal Bingo Manager shall create a special account into which all bingo and raffle receipts shall be deposited within three (3) days of the bingo occasion or raffle. Gross receipts derived from the conduct of bingo shall not be commingled with any other Tribal funds.

17.16.15 PROHIBITED ACTIVITIES. It shall be unlawful and a prohibited activity for any person to:

(a) Violate the terms of this ordinance in any way; or

(b) Conduct a bingo game or occasion within the boundaries of the Tribe's reservation except in conformity with this ordinance; or

(c) Conduct a raffle within the boundaries of the Tribe's reservation except in conformity with this ordinance; or

CHAPTER XVII -- TRIBAL GAMING ORDINANCE (CONT...)

- (d) Act or scheme in any way to influence the conduct or result of any bingo game or raffle or the determination of the winner thereof; or
- (e) Act or scheme in any way to deprive the Tribe of the income or proceeds or any portion thereof from any bingo game, bingo occasion, concession, raffle, or the operational expenses related thereto.

17.16.16 PENALTIES. For commission of any of the prohibited activities in Section 17.16.15, the violator shall be subject to the following penalties:

- (a) A civil remedial forfeiture of up to \$5,000.00;
- (b) Seizure and forfeiture of all property used in the violation;
- (c) Discipline or discharge from Tribal employment;
- (d) Referral to state or federal authorities for criminal prosecution; and/or
- (e) Such civil remedies as the Tribe may have available to recover any losses caused by or associated with such violations.

17.16.17 ANNUAL AUDIT.

- (a) The Tribe shall conduct an annual independent audit of gaming operations and shall submit the resulting audit report(s) 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).

17.17 **SECTION SEVENTEEN: REPEAL.**

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