



July 10, 2006

Chairman Mitchell Cypress
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Re: Seminole Tribal Gaming Code, Amendment No. 3;
Resolution No. C-195-06

Dear Chairman Cypress:

This letter is in response to the Seminole Tribe of Florida's written request, received July 10, 2006, that the National Indian Gaming Commission ("NIGC") review and approve the Tribe's amended gaming ordinance, entitled the Seminole Tribal Gaming Code ("Code"), which was adopted by the Tribal Council on July 10, 2006, by Resolution No. C-195-06, and concerns Class II and III gaming. It is our understanding that the amended Code replaces the current Tribal Gaming Code, which was originally approved by the NIGC on December 7, 1993, and later modified and approved on January 26, 1998; January 4, 2002; and December 8, 2005.

This letter constitutes approval, under the Indian Gaming Regulatory Act ("IGRA"), of the amended Seminole Tribal Gaming Code. It is important to note that the Code is only approved for gaming on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for your submission. The NIGC staff and I look forward to continuing to work with you and the Tribe on gaming issues. If you have any questions, please feel free to contact Staff Attorney Katherine Zebell at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen", is written over the word "Sincerely," and extends downwards and to the right.

Philip N. Hogen
Chairman

cc: Atty. Jim Shore, Tribal General Counsel
Moses Osceola, Tribal Councilman
Max Osceola, Tribal Councilman
David Cypress, Tribal Councilman
Andrew Bowers, Tribal Councilman
Ed Jenkins, Director, Seminole Gaming Commission
George Skibine, Office of Indian Gaming
Management, Dept. of Interior

RE: SEMINOLE TRIBAL GAMING CODE; AMENDMENT NUMBER THREE

SEMINOLE TRIBE OF FLORIDA
HOLLYWOOD, FLORIDA

RESOLUTION NO. C-195-06

WHEREAS, the Seminole Tribe of Florida is an organized Indian Tribe as defined in Section 16 of the Act of June 18, 1934, as amended; and

WHEREAS, the Tribal Council of the Seminole Tribe of Florida did enact on September 30, 1993, the Ordinance of the Seminole Tribe of Florida for Gaming on Tribal Lands, Tribal Ordinance No. C-02-94; and

WHEREAS, on December 14, 2005, at a Special Meeting of the Tribal Council, the Tribal Council of the Seminole Tribe of Florida enacted Ordinance No. ORD-01-06 entitled the Seminole Tribal Gaming Code which reflects the current structure of Tribal gaming operations and compliance with applicable, federal law enacted since the approval of Tribal Ordinance No. C-02-94 as well as rules regarding the regulation and licensing of Class I, II, and III gaming in gaming facilities of the Seminole Tribe of Florida; and

WHEREAS, Tribal Ordinance No. ORD-01-06 was submitted to the National Indian Gaming Commission for their approval; and

WHEREAS, at the request of the National Indian Gaming Commission, the General Counsel for the Seminole Tribe of Florida by his letter dated March 8, 2006, withdrew from consideration Tribal Ordinance No. ORD-01-06 in order to review and address certain changes to the Seminole Tribal Gaming Code as requested by the National Indian Gaming Commission; and

WHEREAS, on May 12, 2006, at the regular meeting of the Tribal Council, the Tribal Council of the Seminole Tribe of Florida approved Tribal Council Resolution No. C-153-06 to amend the Seminole Tribal Gaming Code and incorporate the changes requested by the National Indian Gaming Commission; and

WHEREAS, the National Indian Gaming Commission subsequently provided additional comments and decided to request additional changes to the Seminole Tribal Gaming Code after the Tribe's submission of the first amendment; and

WHEREAS, at the request of the National Indian Gaming Commission, the General Counsel for the Seminole Tribe of Florida by his letter dated June 29, 2006, withdrew from consideration the first amendment to Tribal Ordinance No. ORD-01-06 in order to review and address certain changes to the Seminole Tribal Gaming Code as requested by the National Indian Gaming Commission; and

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WHEREAS, on June 19, 2006, at the regular meeting of the Tribal Council, the Tribal Council of the Seminole Tribe of Florida approved Tribal Council Resolution No. C-174-06 to once again amend the Seminole Tribal Gaming Code and incorporate the changes requested by the National Indian Gaming Commission; and

WHEREAS, the National Indian Gaming Commission subsequently provided additional comments and decided to request additional changes to the Seminole Tribal Gaming Code after the Tribe's submission of the second amendment; and

WHEREAS, at the request of the National Indian Gaming Commission, the General Counsel for the Seminole Tribe of Florida by his letter dated July 6, 2006, withdrew from consideration the second amendment to Tribal Ordinance No. ORD-01-06 in order to review and address certain changes to the Seminole Tribal Gaming Code as requested by the National Indian Gaming Commission; and

WHEREAS, the additional changes presented by the National Indian Gaming Commission have been reviewed by the General Counsel and the Director of Compliance & Regulations-Gaming Department. It is their recommendation that these additional changes be incorporated into the Seminole Tribal Gaming Code as amendment number three. A copy of the revised Seminole Tribal Gaming Code with those additional changes is attached hereto, marked Exhibit "A," and by this reference is incorporated herein; and

WHEREAS, the Tribal Council of the Seminole Tribe of Florida having reviewed the proposed amendment number three to the Seminole Tribal Gaming Code and is otherwise fully advised.

NOW THEREFORE BE IT RESOLVED: that the Tribal Council of the Seminole Tribe of Florida hereby approves amendment number three to the Seminole Tribal Gaming Code to incorporate the additional changes requested by the National Indian Gaming Commission; and

BE IT FURTHER RESOLVED: that this revised Seminole Tribal Gaming Code be forwarded by the General Counsel to the National Indian Gaming Commission for their final approval and that Tribal Ordinance No. C-02-94 is hereby repealed and will have no further force or effect upon the date of final approval by the National Indian Gaming Commission; and

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BE IT FURTHER RESOLVED: that this Resolution is hereby adopted after motion made by Max B Osceola, Jr. seconded by Andrew J. Bowers, Jr., and a roll call vote as follows:

Chairman Mitchell Cypress..... AYE
 Vice-Chairman Moses B. Osceola..... AYE
 Council Representative David R. Cypress..... AYE
 Council Representative Andrew J. Bowers, Jr..... AYE
 Council Representative Max B. Osceola, Jr..... AYE

DONE THIS 10TH day of JULY, 2006, at a special meeting of the Tribal Council, duly convened on the Big Cypress Seminole Indian Reservation located in Hendry County, Florida, with a quorum being present, by a vote of 5 for, 0 against, with 0 abstentions.



Chairman
 TRIBAL COUNCIL

ATTEST:



Secretary
 TRIBAL COUNCIL

APPROVED BY:

Philip N. Hogen, Chairman
 National Indian Gaming Commission
 U.S. Department of the Interior

EXHIBIT A

SEMINOLE TRIBAL GAMING CODE

ARTICLE I. IN GENERAL

Sec. 1-1. Definitions.

Unless a different meaning is set forth below, the terms used in this Code shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988), 25 U.S.C. 2701 et seq. (IGRA)

(a) *Applicant* means any person, partnership, corporation, joint venture or other entity applying for any license described in or required by this Code.

(b) *Application* means a request for the issuance of a license described in or required by this Code.

(c) *Council or Tribal Council* means the Tribal Council of the Seminole Tribe of Florida.

(d) *Chairman* means the Chairman of the National Indian Gaming Commission.

(e) *Class I Gaming* means Class I Gaming as defined at 25 U.S.C. 2703(6), and any lawful regulations promulgated thereunder.

(f) *Class II Gaming* means Class II Gaming as defined at 25 U.S.C. 2703(7)(A), and any lawful regulations promulgated thereunder.

(g) *Class III Gaming* means Class III Gaming as defined in 25 U.S.C. 2703(8), and any lawful regulations promulgated thereunder.

(h) *Compact* means any Tribal-State Class III Gaming Compact including all renewals, amendments, appendices, exhibits and other attachments thereto between the Seminole Tribe of Florida and the State of Florida providing for the conduct of Tribal Class III Gaming by the Seminole Tribe of Florida.

(i) *Commission* means the Seminole Tribal Gaming Commission.

(j) *Commissioner* means an individual member of the Seminole Tribal Gaming Commission.

(k) *Fiscal year* means the period beginning at 12:00 a.m. on October 1 of each year and ending at midnight, September 30 of the following year.

(l) *Gaming* means any Class I, Class II Gaming or Class III Gaming activity, either individually or collectively, whether authorized or unauthorized.

(m) *Gaming device* means any equipment or mechanical, electromechanical or electronic contrivance, component or machine, used remotely or directly in connection with any gaming which affects the result of a wager by determining or predicting the outcome of such game or the odds of winning or losing such game. The term shall be broadly construed to promote the purposes of this Code and shall also include any devices, machines, components or contrivances which do or are

capable of affecting, in any way, the playing of any game.

(n) *Supplier of gaming goods and services* means any person who manufactures, sells, leases, distributes, supplies or makes modifications to, any gaming goods and services including, but not limited to any gaming device of the Tribe and all persons holding any direct or indirect financial interest in such supplier.

(o) *Gaming establishment* means any premises where gaming is operated or conducted on the Tribe's Reservations or other Indian lands, and includes all buildings, improvements, appurtenances, equipment and facilities used or maintained in connection with such gaming.

(p) *Gaming operation* means each economic entity that is owned and licensed by the Tribe and which operates the games, receives the revenues, issues the prizes, and pays the expenses.

(q) *Net revenues* means 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.

(r) *Indian lands* means Indian lands as defined at 25 U.S.C. 2703(4) and 25 C.F.R. § 502.12.

(s) *Key employee* means:

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

(i) Bingo caller,

(ii) Counting room supervisor,

(iii) Chief of security,

(iv) Custodian of gaming supplies or cash,

(v) Floor manager,

(vi) Pit boss,

(vii) Dealer,

(viii) Croupier,

(ix) Approver of credit, or

(x) Custodian of gambling terminals or other devices operated by the management of any gaming operation, including persons with access to cash and accounting records for such devices;

(2) If not otherwise included, any other person whose total cash compensation from employment in any gaming operation exceed \$50,000.00 per year;

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

(4) Any other employee of any gaming operation that the Commission designates by its rules as a key employee.

(t) *License* means any authorization granted by the Commission, pursuant to this Code, to any person which is required for such person to perform certain acts or engage in certain activities. The issuance of a license shall not create a property or liberty interest in such license for the benefit of the licensee.

(u) *Licensee* means any person who has been issued a valid and current license pursuant to the provisions of this Code.

(v) *NIGC* means the National Indian Gaming Commission.

(w) *Operating expense* means any expense incurred in the operation of gaming which by operation of generally accepted accounting principles, consistently applied, is so treated.

(x) *Ordinance* means this Code which is the Tribal Gaming Ordinance of the Seminole Tribe of Florida, as amended from time to time, and any rules promulgated under this Code.

(y) *Patron* means any person, who participates in gaming, or who is physically present on premises wherein or whereon gaming is conducted.

(z) *Person* means any association, partnership, corporation, firm, trust or other form of business association or entity, as well as a natural person.

(aa) *Primary management officials* means:

(1) The person(s) having management responsibility over all or any part of any gaming operation;

(2) Any person who has authority:

(i) To hire and fire employees of a gaming operation; or

(ii) To establish working policy for a gaming operation;

(3) The chief financial officer or other person who has financial management responsibility for any gaming operation;

(4) Any person who is considered a controlling shareholder; or

(5) Any person the Commission designates by Commission rules as a primary management official.

(bb) *Rules* means any rules governing the conduct of games or the control of internal fiscal affairs of gaming operations as may be promulgated by the Commission established pursuant to this Code.

(cc) *Secretary* means the Secretary of the United States Department of the Interior.

(dd) *Secretarial Procedures* means Class III gaming procedures issued by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act.

(ee) *Tribe* means, and *Tribal* shall refer to, the Seminole Tribe of Florida.

Sec. 1-1.01. Short title.

This Code shall be known and may be cited as the Seminole Tribal Gaming Code.

Sec. 1-1.02. Statement of Purpose.

A Code to govern and regulate the operation, conduct and playing of (1) "Class I gaming" and (2) "Class II gaming" and (3) "Class III gaming," as defined by the Indian Gaming Regulatory Act of 1988, 25 U.S.C. Section 2701, et seq., as amended (the "Act"), so that revenue may be produced for the support of Tribal government programs which promote economic development and for the health, education and welfare of the Seminole Tribe of Florida and its members. The Tribal Council of the Seminole Tribe of Florida enacts this Code in order to regulate all forms of gaming on the Tribe's Reservations and other Indian lands.

Sec. 1-1.03. Public policy.

(a) All gaming which is conducted within the Tribe's Reservations and other Indian lands and which is otherwise authorized by applicable law shall be regulated and licensed pursuant to the provisions of this Code.

(b) The Tribal Council hereby finds and declares it to be the public policy of the Tribe that:

(1) Regulation of licensed gaming is important in order that licensed gaming is conducted honestly and that gaming is free from criminal and corruptive elements.

(2) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gaming devices.

(3) All primary management officials, key employees, gaming establishments and suppliers of gaming goods and services must therefore be licensed and controlled to protect the public health, safety, morals, good order and general welfare of the Tribe.

Sec. 1-1.04. Class I Gaming authorized.

Class I Gaming is hereby authorized to be conducted on lands within the Tribe's

Reservations and other Indian lands; provided, however, that such Class I Gaming shall be conducted only in accordance with the provisions of this Code, the rules, and IGRA.

Sec. 1-1.05. Class II Gaming authorized.

Class II Gaming is hereby authorized to be conducted on lands within the Tribe's Reservations and other Indian lands; provided, however, that such Class II Gaming shall be conducted only in accordance with the provisions of this Code, the rules, and IGRA.

Sec. 1-1.06. Class III Gaming authorized.

Class III Gaming is hereby authorized to be conducted on lands within the Tribe's Reservations and other Indian lands; provided, however, that such Class III Gaming shall be conducted only in accordance with the provisions of this Code, the rules, a compact or Secretarial procedures and IGRA.

Sec. 1-1.07. Location of gaming.

The Commission shall ensure that (i) such gaming as it authorizes and licenses pursuant to this Code is conducted on the Tribe's Indian lands, and (ii) such gaming is not otherwise specifically prohibited by applicable federal law.

Sec. 1-1.08. Ownership of gaming.

The Tribe shall have the sole proprietary interest, authority and responsibility for the conduct of gaming in any gaming operation authorized by this Code. Individually owned gaming operations are prohibited. The Tribe shall receive not less than 100 percent of the net revenues from any gaming operation.

Sec. 1-1.09. Use of gaming revenue.

(a) Net revenues from any form of gaming authorized under this Code shall be used only for the following purposes: to fund Tribal government operations and programs; to provide for the general welfare of the Tribe and its members; to promote Tribal economic development; to make donations to charitable organizations or to help fund operations of local government agencies of the State of Florida and its political subdivisions.

(b) The Tribe shall make per capita payments of net revenues from gaming activities to Tribal members from both Class II and Class III Gaming, and it shall authorize such payments in accordance with IGRA Section 2710(b)(3).

Sec. 1-1.10. Unauthorized gaming.

Any person who commits any act of unauthorized gaming on the Tribe's Reservations or any other Indian lands shall be guilty of a crime and shall be prosecuted in any court of competent jurisdiction.

Sec. 1-1.11. Conduct of games.

All gaming shall be conducted by persons duly licensed by the Commission. No person licensed by the Commission shall engage in, conduct or condone any gaming that is not conducted in accordance with such rules governing the conduct of games as may be promulgated by the Commission under this Code.

Sec. 1-1.12. Applicability of Code.

Unless specifically indicated otherwise, all provisions of this Code shall apply to Class I Gaming, Class II Gaming and Class III Gaming.

Sec. 1-1.13. Interpretation.

This Code shall be deemed an exercise of the sovereign power of the Seminole Tribe of Florida and all provisions of this Code shall be liberally construed for the accomplishment of the statement of purpose.

Sec. 1-1.14. Cooperation with Law Enforcement.

Tribal officials may cooperate with law enforcement officials of the State of Florida, the Bureau of Indian Affairs, the Federal Bureau of Investigation, and other law enforcement agencies, to assure that fair, honest and efficient gaming activities are conducted by the Tribe. As to Class III gaming, such law enforcement activities and responsibilities shall be consistent and in accordance with the provisions of a compact or procedures.

Sec. 1-1.15. Tribal-State Class III Gaming Compact and Secretarial Procedures Authorization.

The Tribal Council is authorized to enter into a Tribal-State Class III Gaming Compact regulating the conduct of Class III gaming activities as required by IGRA, and to take any and all actions necessary to negotiate and execute such compact. The Tribal Council is authorized to pursue Class III gaming procedures with the Secretary of the Interior to regulate the conduct of Class III gaming activities as required by IGRA.

Sec. 1-1.16. Agreements Authorization.

The Tribal Council shall have the authority to enter into finance and/or construction agreements to build, operate and maintain, including engineering, architectural and environmental agreements preliminary thereto, Class II and/or Class III gaming activities on its Reservations and other Indian lands or leases for the rental of gaming equipment, provided that such agreements or leases are in conformity with applicable Tribal, federal or state laws.

ARTICLE II. TRIBAL GAMING COMMISSION

Sec. 2-1.01. Establishment.

The Seminole Tribal Gaming Commission, having been previously established under prior gaming ordinances, shall continue to consist of five enrolled Tribal members. The Commission members currently serving in those positions shall, upon ratification of this Code, continue in their capacity and shall then be subject to all terms, conditions, duties and responsibilities promulgated hereunder. All five members of

the Commission shall be enrolled Tribal members. A Commissioner shall serve for twenty-four (24) month increments in conjunction with the Regular and General Tribal Council elections. Appointed representative term extensions, and all new appointments made as a result of appointed representatives resigning, shall be for a term of four (4) years or at the discretion of the Tribal Council Representatives. A Commissioner may be removed from office prior to the end of the Commissioner's term by the Tribal Council only pursuant to the process set forth in Sec. 2-1.18. Vacancies on the Commission shall be filled within sixty (60) calendar days by nominations and a majority vote of the Council. The Commission, by a majority vote, shall elect every twenty-four (24) months, from its membership, a Commission Chair, Vice-Chair and Secretary.

Sec. 2-1.02. Independence.

In all matters within its purview and responsibilities, the Commission shall be and shall act independently and autonomously from the Tribal Council and gaming management. No prior or subsequent review by the Tribal Council or gaming management of any actions of the Commission shall be required or permitted, except as otherwise explicitly provided in this Code.

Sec. 2-1.03. Licensing of Commissioners.

(a) Requirements; application. Nominees for the position of Commissioner must meet the requirements of Articles IV and V of this Code and must first obtain a license from the Tribal Council or its designee prior to assuming office. A Commissioner shall complete a license application and shall be subject to the same background investigation as a key employee under this Code. Such background investigation shall be performed at the direction of the Tribal Council by a duly appointed agent of the Tribal Council. Upon completion of the background investigation, the Tribal Council shall, by majority vote, (i) either approve by Council Resolution the appointment of a Commissioner or (ii) notice the Commissioner for a hearing before the Tribal Council. All investigations and hearings under this section shall be conducted as provided in Article VI of this Code, except that all hearings shall be conducted by and before the Tribal Council.

(b) Failure to meet license requirements or license violations. If the Tribal Council has reason to believe that a licensed Commissioner fails at any time to meet the license requirements under this Code or that the Commissioner has violated this Code, the rules, a compact, procedures or the IGRA and regulations promulgated thereunder or any other applicable law, the Tribal Council shall direct an investigation to be conducted and may notice the Commissioner for a hearing before the Tribal Council. Any action to remove a Commissioner from office for misfeasance, malfeasance or nonfeasance in office shall be conducted in compliance with Sec. 2-1.18.

Sec. 2-1.04. Restrictions on Commissioners.

No person shall serve on the Commission if such:

(a) Person's other employment or responsibilities conflict with, or could potentially conflict with, the duties and responsibilities of a member of the Commission;

(b) Person is an employee of the gaming operation or the person's other

employment or responsibilities create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a member of the Commission; or

(c) Person is a:

- (1) Member or officer of the Tribal Council; or
- (2) Judge in any Tribal Court.

Sec. 2-1.05. No financial interest in gaming.

No Commissioner nor the Executive Director shall have any direct or indirect financial interest in the gaming operations other than their share of per capita payments. Further, a Commissioner may not provide services to a gaming operation or have an interest in an entity (such as retail sales) that is subject to control or oversight by a gaming operation. Finally, no member of the Commission or its staff may be directly or indirectly employed by any of the Tribe's gaming operations.

Sec. 2-1.06. Compensation of Commissioners.

Commissioners shall be compensated at a rate set forth in a uniform schedule established by the Tribal Council. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses.

Sec. 2-1.07. Meetings.

(a) *Regular meetings.* The Commission shall meet at least once a month at the Commission's main office or at any other designated meeting place.

(b) *Special meetings.* Special meetings shall be convened by the Commission Chair as necessary to carry out the official duties of the Commission. Notice of each special meeting shall be given by the Commission Chair by telephone or mail to each Commissioner. Notice shall be received at least 24 hours in advance of such meeting and shall include the date, time and place of the proposed meeting.

(c) *Emergency meetings.* An emergency meeting may be called by the Chair of the Commission with less than 24 hours' notice; provided, however, that the Chair of the Commission shall use best efforts to ensure that all Commissioners are notified of such meeting, with as much prior notice as possible under the circumstances.

(d) *Meetings open to the public.* All meetings of the Commission may be open to the public; provided, however, that the Commission may, in its discretion, close any portion of any meeting to the public when discussing any information which the Commission deems confidential pursuant to the provisions of this Code.

Sec. 2-1.08. Commission offices.

The Commission shall maintain a main business office and an administrative office in each of the Tribe's gaming facilities. The Commission's main business office shall be the site at which the Commission's records and documents are maintained and stored on a permanent basis. All originals of official documents, such as Gaming Commission minutes, resolutions and exhibits, are forwarded to the Seminole Tribe of Florida's Tribal Clerk for historical preservation. No individual except a duly

authorized employee or agent of the Commission may possess a key to or may enter any Commission office without the permission of the Commission. No person may access such records except a person duly authorized by the Commission or an attorney for the Commission.

Sec. 2-1.09. Quorum.

A quorum of the Commission shall consist of three (3) Commissioners. All decisions shall be made by a majority vote of a quorum of the Commission, unless indicated otherwise in this Code.

Sec. 2-1.10. Organization.

The Commission may organize itself into any functional division it deems necessary, and may alter such plan of organization as it deems expedient.

Sec. 2-1.11. Recordkeeping.

The Commission shall maintain complete records regarding the following:

- (a) Applications, financial statements, fingerprints, contracts, licenses, suspension and cancellation notices and correspondences of all applicants, including key employees, primary management officials, gaming establishments and suppliers of gaming goods and services;
- (b) Commission licenses;
- (c) Meeting minutes from all Commission meetings;
- (d) Compact or Secretarial procedures compliance;
- (e) Reports relating to customer disputes, complaints or other issues that affect the integrity of the gaming operations;
- (f) Commission budget and expenditures;
- (g) Tribal Council communications and correspondences;
- (h) Gaming device list pursuant to section 4-1.11 of this Code; and
- (i) Any other records or documents the Commission deems necessary or appropriate.

Sec. 2-1.12. Reports.

The Commission shall submit written quarterly reports to the Council within 45 days after the end of each quarter. Such reports shall contain the following information:

- (a) Number and types of licenses issued during the previous quarter;
- (b) Information regarding license denials, suspensions or revocations;
- (c) Report of any events of noncompliance, breach or violations of this Code, the rules, a compact, procedures, IGRA, license or any other applicable law or regulation; provided, however, that these reports are not the subject of or relating to

a pending investigation being conducted by the Commission, or a hearing before the Commission;

(d) A summary of any Commission travel and training;

(e) All other information which the Commission deems relevant in order to keep the Council informed and current on all gaming regulatory matters.

Nothing in this section shall authorize or permit the Commission to provide the Tribal Council with any information pertaining to a pending investigation being conducted by the Commission or hearing before the Commission. All such information shall be kept confidential. Any willful or careless breach of this provision shall present due cause for removal of the person from office. Claims of such disclosure shall be presented to the Commission within sixty (60) calendar days of the act complained of, or within sixty (60) calendar days the disclosure becomes known, whichever is later. The Tribe shall comply with any obligation in Secretarial Procedures to provide such reports to the NIGC.

Sec. 2-1.13. Budget.

The Commission shall establish a budget for its operations, including personnel costs. It shall acquire such furnishings, equipment, supplies, stationery, books and other items as it deems necessary or desirable to carry out its functions, and incur such other expenses, within the limit of funds available to it, as it deems necessary. Such Commission budget shall be funded as an operating expense of the gaming operations.

Sec. 2-1.14. Powers.

The Commission shall exercise all powers necessary to effectuate the purposes of this Code and all other powers provided for in this Code. The Commission shall have the power to promulgate rules pursuant to this Code, for the operation of games and the control of internal fiscal affairs of gaming operations and the conduct of all business properly brought before the Commission. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the operation and administration of all gaming. In accordance with this Code, the Commission shall have the power and authority to deny any application for license; to limit, cancel, revoke, terminate, condition, modify, suspend, or restrict any license; to make findings of suitability; and to impose fines or sanctions upon any licensee, subject to the hearing process set forth in Article VI of the Code. The Commission shall be empowered to subpoena documents and witnesses, and conduct depositions, for all license hearings, enforcement hearings, exclusion hearings and appeals. The Commission shall conduct, or cause to be conducted, background investigations on all applicants and licensees. The Commission shall hold administrative licensing hearings under this Code. Within the limits of its budget, the Commission shall employ and fix the salaries of, or contract for the services of, such professional, technical and operational personnel and consultants as the execution of the Commission's duties may require.

Sec. 2-1.15. Promulgation of gaming rules.

The Commission shall promulgate rules governing the conduct of all games authorized by a compact or Secretarial procedures or IGRA, including rules governing

the equipment, (chips, cards, tiles, etc.), used in such games. The rules of each authorized game offered at any duly licensed gaming establishment shall be posted in a conspicuous location in such gaming establishment.

Sec. 2-1.16. Promulgation of auditing and internal control rules.

The Commission shall promulgate rules governing the control of internal fiscal affairs of gaming operations as provided in Article VII of this Code.

Sec. 2-1.17. Appointment of Commission Officers.

The Commission shall be present in the gaming operations during all hours of operation through Commission Officers, and shall have immediate access to all areas of the gaming premises and operation for the purpose of ensuring compliance with the provisions of this Code, a compact, procedures, and applicable Tribal, federal and state laws. Any violation of this Code, a compact or Secretarial procedures or applicable Tribal, federal and state laws by the Tribe, a gaming employee or any other person shall be reported immediately to the Commission.

Sec. 2-1.18. Removal of Gaming Commissioners.

(a) A Commissioner may be removed from office prior to the end of the Commissioner's term by the Tribal Council for misfeasance, malfeasance or nonfeasance in office. Removal of a Commissioner shall require a determination by four-fifths (4/5) of the Tribal Council that there is clear and convincing evidence that the Commissioner has committed misfeasance, malfeasance or nonfeasance in office.

(b) A Commissioner accused of misfeasance, malfeasance or nonfeasance in office shall be given written notice at least fourteen (14) calendar days before the Tribal Council convenes to consider the proposed removal. The written notice, a copy of which shall also be provided to the NIGC, shall set forth with specificity the Commissioner's alleged misfeasance, malfeasance or nonfeasance in office. The notice also shall inform the Commissioner of the date, time and location when the Tribal Council will consider the proposed removal.

(c) The Commissioner accused of misfeasance, malfeasance or nonfeasance in office shall be afforded the opportunity to present written and oral testimony and other evidence to the Tribal Council before it renders a decision. The Tribal Council shall make a final decision on removal within ten (10) calendar days from the date of the proceeding. The Tribal Council's decision shall be in writing and shall set forth specific findings on each alleged act of misfeasance, malfeasance or nonfeasance in office. A Commissioner shall not be removed unless the Tribal Council determines that there is clear and convincing evidence that the Commissioner has committed misfeasance, malfeasance or nonfeasance in office. The written decision, which is final, shall be sent to the Commissioner and to the NIGC.

ARTICLE III. EXECUTIVE DIRECTOR

Sec. 3-1.01. Qualifications; salary.

(a) The position of Executive Director of the Commission is hereby created. The Commission shall appoint the Executive Director, and the Executive Director shall serve at the will and pleasure of the Commission.

(b) No member of the Tribal Council, nor any person holding any elective office, is eligible for the appointment of Executive Director.

(c) The Executive Director must have at least five years of responsible gaming administration and compliance experience external to the Tribe.

(d) The Executive Director shall devote his or her entire time and attention to the duties imposed under this article and the business of the Commission and shall not pursue any other business or occupation or hold any other office of profit.

(e) The Executive Director shall not have a pecuniary interest in any businesses or company holding a license under this Code or doing business with any person licensed under this Code.

(f) The Executive Director is entitled to an annual salary in the amount specified by the Tribal Council.

Sec. 3-1.02. Authority.

(a) The Executive Director shall furnish to the Commission such administrative and clerical services and such furnishings, equipment, supplies, stationery, books and all other things that the Commission may deem necessary or desirable in carrying out its functions.

(b) The Executive Director shall employ division directors that possess at least two years of training and experience in the fields of accounting, investigation, law enforcement, law or gaming.

(c) The Executive Director in pursuit of the attainment of the objectives and the purposes of this Code may:

(1) Direct and supervise all administrative actions of the Commission.

(2) Negotiate any and all agreements or contracts, including contracts for the purchase of goods and services as are necessary. All contracts shall be subject to review by the Tribe's General Counsel.

(3) Employ the services of such person(s) as are considered necessary for the purposes of consultation or investigation and fix the salaries of or contract for the services of such legal, professional, technical and operational personnel and consultants.

(4) Perform such other duties which he or she may deem necessary to effectuate the purposes of this Code.

Sec. 3-1.03. Files and records to be maintained by; confidentiality of information.

(a) The Executive Director shall maintain a file of all applications for licenses under

this Code, together with a record of all actions taken with respect to those applications.

(b) The Commission and Executive Director shall maintain all files or records relating to compliance with a compact or procedures, the Code or other Federal or tribal law, and enforcement of compliance with all of the above, as well as such other records as are necessary.

(c) All information and data:

(1) Required by the Commission or the Executive Director to be furnished to them under this Code or which may otherwise be obtained relative to the finances, earnings or revenue of any applicant or licensee;

(2) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the Commission or the Executive Director from any source;

(3) Provided to the members of the Commission or the Executive Director or his employees by a governmental agency or an informer or on the assurances that the information will be held in confidence and treated as confidential; or

(4) Obtained by the Executive Director or the Commission from a supplier relating to the manufacturing of gaming devices or gaming goods; and is confidential and may be revealed in whole or in part only in the course of the necessary administration of this Code or upon the lawful order of a court of competent jurisdiction.

Sec. 3-1.04. Removal from office.

The Executive Director, who will be hired by the Commission, may be removed from office by the Commission upon a majority vote of the Commission after a showing of cause.

ARTICLE IV. GAMING LICENSE, OTHER LICENSE AND WORK PERMIT APPLICATIONS AND PROCEDURES

Sec. 4-1.01. Gaming licenses, other licenses and work permits required.

The Commission is hereby authorized to issue all licenses for the conduct of all gaming authorized under this Code, or any other license related to gaming, and work permits which the Commission may, by rule, require.

(a) *Persons.* The following persons must obtain licenses or work permits as a precondition to employment or providing goods and services to the gaming and non-gaming portions of the Tribe's gaming/hotel operations, as applicable:

(1) All primary management officials;

(2) All key employees;

(3) Suppliers of goods and services to the gaming and non-gaming portions of the Tribe's gaming/hotel operations. Any person or company who is a supplier of goods and services must comply with the Vendor Registration Program requirements unless the individual or company meets the "exempt" transaction requirements as defined in the Vendor Registration Program policy.

(4) Any other employee or class of employees as determined by Commission rules.

(b) *Gaming establishments.* Each place, facility, or location where gaming is conducted on Indian lands must obtain a separate facility license from the Commission.

Sec. 4-1.02. Standard for license and work permit.

Licenses and work permits issued hereunder shall be issued according to requirements at least as stringent as those set forth at 25 C.F.R. §§ 556 and 558, and any amendments thereto, and also according to requirements, at least as stringent, as those set forth in a compact or procedures.

Sec. 4-1.03. Application for license or work permit.

(a) No gaming license or work permit shall be issued under this Code except upon a sworn application filed with the Commission, in such form as may be prescribed by the Commission, containing a full and complete showing, at a minimum, of the following:

(1) Satisfactory proof that the applicant is of good character and reputation, and is financially responsible;

(2) If applicable, a complete description of the premises at which gaming will be conducted;

(3) Agreement by the applicant to abide by all conditions of the license, this Code, the rules, a compact or Secretarial procedures and IGRA as applicable;

(4) A statement that the applicant has never been convicted of, or entered a plea of guilty or no contest to, any of the following criminal offenses:

(i) Any felony within the preceding ten years,

(ii) Any gaming-related offense,

(iii) Fraud, misrepresentation or any other crimes of moral turpitude in any context, or

(iv) A violation of any provision of this Code, the rules, or any other ordinance or rules of the Tribe regulating or prohibiting gaming; and

(5) The applicant's fulfillment of all applicable requirements of IGRA, all provisions of this Code, including, but not limited to, those in Article V, and a compact or procedures.

(b) No gaming license or permit shall be issued to any applicant who is determined by the Commission to be a person whose prior activities, criminal record, reputation, habits or 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.

(c) The issuance of gaming licenses and work permits shall also be subject to the provisions of Article V of this Code regarding background investigations.

(d) The following notices shall be placed on the application form for a key employee, primary management official or supplier of gaming goods and services before such form is completed by an applicant:

(1) "In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the Commission, and/or 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.

(2) "The disclosure of your social security number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

(3) "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. (18 U.S.C. 1001)"

Sec. 4-1.04. Required application forms.

(a) Each individual, including a primary management official or key employee, applying for a gaming license or Tribal work permit and any person who is subject to a background investigation in connection with an entity application for a license, shall be required to complete the following forms:

(1) Application for gaming license or Tribal work permit by individual, if applicable;

- (2) Personal history record;
- (3) Fingerprints, electronic submission(s) and/or fingerprint cards as requested/required;
- (4) Request to release information - individual.

(b) To the extent not otherwise covered in paragraph (a) of this section, each applicant for a primary management official or key employee position shall be required to provide the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);
- (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (b)(2) of this section;
- (4) Current business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (10) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (b)(8) or (b)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A photograph taken within the previous 12 months;
- (13) Any other information a tribe deems relevant; and
- (14) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

(b) Each entity, including a supplier of gaming and non-gaming goods and services, applying for a license must complete the following forms:

- (1) Application for vendor registration by entity;
- (2) Request to release information - entity.

(c) The Commission may request any additional forms or information from an applicant as it deems necessary or appropriate.

(d) Pursuant to a compact or Secretarial procedures the Commission shall create an individual file for each applicant which includes the applicant's personal history record and all background information compiled by the Commission.

Sec. 4-1.05. Fingerprint cards required.

All applicants for a license are required to submit fingerprints. The Tribal Gaming Commission is hereby identified as the enforcement agency to take fingerprints. Pursuant to 25 C.F.R. § 522.2(h), the Commission shall forward an applicant's fingerprints to the NIGC to be processed by the Federal Bureau of Investigation National Criminal Information Center for a criminal history check. The Commission may submit an applicant's fingerprints to any additional Tribal, local or state criminal history check system or center as the Commission or the Executive Director deem necessary or appropriate. Reports obtained from such fingerprint processing shall be incorporated into the applicant's license file.

Sec. 4-1.06. Withdrawal of application.

An application may not be withdrawn without the permission of the Commission or by a duly authorized person or agent of the Commission. An applicant may request to withdraw an application by submitting to the Commission a written request for withdrawal. The Commission retains the right, in its sole discretion, to grant or deny a request for withdrawal.

Sec. 4-1.07. Continuing duty to provide information.

Applicants and licensees shall have a continuing duty to provide any materials, assistance or other information required by the Commission, and to fully cooperate in any investigation conducted by or on behalf of the Commission. If any information provided on the application changes or becomes inaccurate in any way, the applicant or licensee shall promptly notify the Commission or Executive Director of such changes or inaccuracies.

Sec. 4-1.08. Term of license; license fees; parameters of license.

(a) Any gaming employee license issued by the Commission, except a provisional license (see section 4-1.12 provisional license), shall be effective until revoked or suspended by the Commission.

(b) In order for the Tribe to recover the costs of complying with federal, and state regulatory processes applicable to Class II Gaming and Class III Gaming, annual license fees shall be imposed:

(1) On any persons required to obtain a license, in accordance with a fee schedule to be established by the Commission; and

(2) In addition to the license fees imposed pursuant to subsection (b)(1) and (2) of this section, the Commission may impose such fees on licensees as are reasonably related to costs of enforcement, including investigations and proceedings before the Commission, and which will in the aggregate be sufficient to enable the Tribe and the Commission to recover its reasonable costs of enforcing this Code. Such costs may be estimated by the Commission and imposed prior to a final Commission action regarding a particular licensee or applicant.

(c) Violations of any provision of this Code, the rules or relevant license provisions by a licensee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Tribe and its members, and shall be deemed grounds for refusing to grant a license, or suspension or revocation of a license. Acceptance of a license, thereof by a licensee, constitutes an agreement on the part of the licensee to be bound by the provisions of this Code and the rules as they are now, or as they may hereafter be amended or restated, and to cooperate fully with the Commission. It is the responsibility of the licensee to remain informed of the contents of this Code, the rules and all other applicable regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations. A license issued hereunder is a privilege license and no right shall attach thereto.

Sec. 4-1.09. Conditions of license.

All licensees shall comply with such reasonable conditions as may be fixed by the Commission including, but not limited to, the following conditions:

(a) Facility licensees.

(1) The licensee shall at all times maintain an orderly, clean and neat gaming establishment, both inside and outside the premises of the gaming establishment;

(2) The gaming establishment shall be subject to patrol by the Tribe's Commission Officers, casino security and law enforcement personnel, and when authorized, federal, state and local law enforcement, and the licensee shall cooperate at all times with such security and law enforcement officials;

(3) The gaming establishment shall be open to inspection by authorized Tribal officials at all times during business hours;

(4) The licensee may grant preferences to Native Americans as permitted by applicable law; and

(b) Persons, and suppliers of gaming and non-gaming goods and services licensed by the Commission shall comply with such conditions of the license as the Commission, in its reasonable discretion, may require.

Sec. 4-1.10. Facility license.

In compliance with 25 U.S.C. § 2710(b)(2)(E), the construction and maintenance of

any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of all applicable health, safety and environmental standards enacted by the Tribe and any applicable federal and state laws. The Commission may issue an annual facility license to a gaming establishment, if the gaming establishment:

- (a) Is a sound physical structure with adequate and safe plumbing, electrical, heating, cooling and ventilation systems in place and operational;
- (b) Has been inspected and approved for safety by a building and fire inspector designated by the Commission;
- (c) Is adequate in all respects to accommodate the gaming and non-gaming activities intended to be carried on within the structure;
- (d) Is equipped with security and surveillance equipment meeting or exceeding provisions set forth in regulations established by the Commission;
- (e) Meets all requirements of applicable Tribal, federal and state laws; and
- (f) Has paid all applicable license fees and costs.

Sec. 4-1.11. Certification of gaming devices.

All gaming devices purchased, leased or otherwise acquired by the Tribe must meet the technical equipment standards set forth by the Commission. The Commission shall maintain a complete list of all gaming devices (whether or not such devices are in use) located at any gaming establishment.

Sec. 4-1.12. Temporary gaming licenses and Tribal work permits.

The Commission may issue temporary gaming licenses for the gaming portions of the Tribe's casino/hotel operations and temporary Tribal work permits for the non-gaming portions of the Tribe's casino/hotel operations pending the satisfactory completion of all background investigations and other applicable requirements of this Code, IGRA, a compact or procedures, and, if applicable, pending expiration of the 30-day NIGC review period provided for at 25 C.F.R. § 558. In no event shall a temporary gaming license or temporary Tribal work permit be valid for greater than ninety (90) calendar days, subject to the issuance of another provisional license, if such background investigations are not completed, so long as no information to date has been received which would otherwise disqualify the applicant for a license.

Sec. 4-1.13. Temporary employment pending issuance of a gaming license or Tribal work permit during temporary gaming license and Tribal work permit period.

As provided in section 4-1.12, all individuals, including primary management officials and key employees, may be employed in gaming operations or non-gaming operations prior to the issuance of a gaming license or Tribal work permit, as

applicable, hereunder and during the period that a gaming license or Tribal work permit shall be effective on a temporary basis, but such employment shall be provisional only and subject to the requirements of this section. Employment may begin prior to issuance of a gaming license or Tribal work permit only if the Commission has made a preliminary finding of eligibility for employment in gaming or related non-gaming operational areas, which shall require a preliminary determination that the individual, including a primary management official or key employee, in question is not a person whose prior activities, criminal record or reputation, habits or 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. Temporary or provisional employment shall be terminated upon the occurrence of any of the following:

(a) Denial of a relevant gaming license or Tribal work permit by the Commission;

(b) Unsatisfactory completion of a background investigation or NIGC review, as applicable, resulting in nullification of a provisional license, as described in section 5-1.01; or

(c) To the extent required under 25 C.F.R. § 558 and/or, at the end of thirty (30) calendar days after the starting date of temporary or provisional employment, if, at the end of such period, no gaming license or Tribal work permit has been issued hereunder, or if a gaming license or Tribal work permit issued hereunder remains effective only on a provisional basis, as provided in section 4-1.12; provided, however, that temporary or provisional employees terminated for the reason described in this subsection shall be qualified for reemployment upon the satisfactory completion of background investigations and NIGC reviews, as applicable.

Sec. 4-1.14. Assignment or transfer.

No gaming license or Tribal work permit issued under this Code may be assigned or transferred.

Sec. 4-1.15. Identification badges.

All persons operating or assisting in the operation or conduct of any Class II or Class III gaming as well as in the non-gaming areas of the facility shall wear an employee identification badge as long as it satisfies certain minimum requirements such as employee's name and Tribal gaming license or Tribal work permit number as approved by the Commission. All employees must carry on their person and/or be prepared to present their Tribal gaming license or Tribal work permit upon demand to a Commissioner or duly authorized employee or agent of the Commission. The Tribal gaming license and Tribal work permit shall be a legible tag evidencing the person's name and photograph and the legend of the Seminole Tribe of Florida. Identification badges must be visible and worn or otherwise affixed to all persons operating or assisting in the operation of any Class II or Class III gaming as well as non-gaming areas of the facility, in accordance with applicable internal controls.

Sec. 4-1.16. License Suspension.

If, after the issuance of a gaming license, the Commission receives reliable information from the NIGC that it has obtained information indicating that a key employee or a primary management official is not eligible for employment under 25 C.F.R. § 558.2, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation. The Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

ARTICLE V. BACKGROUND INVESTIGATIONS AND LICENSE DECISIONS

Sec. 5-1.01. Required background investigations.

Background investigations shall be conducted by the Commission, or other agent retained by the Commission, under the supervision and direction of the Commission, on all persons specified in section 4-1.01 of this Code.

Sec. 5-1.02. Standards for background investigations.

(a) All Class II and Class III gaming employees shall be required to obtain a license as a gaming employee from the Commission established pursuant to this Ordinance, and for that purpose, the Commission shall conduct background investigations of all such employees and shall deny or revoke such licenses for any employee whose prior activities, criminal records if any, and reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

(b) When a key employee or a primary management official begins work at a gaming operation, the Commission shall:

(1) Forward to the National Indian Gaming Commission a completed application for employment that contains the notices and information listed in 25 C.F.R §§ 556.2, 556.3 and 556.4; and

(2) Conduct a background investigation under 25 C.F.R. § 556 to determine the eligibility of the key employee or primary management official for continued employment in a gaming operation. Before issuing a license to a key employee or a primary management official the Commission shall review the applicant's prior activities, criminal records, if any, and reputation, habits and associations to make an eligibility determination. In conducting a background investigation of a key employee or primary management official, the Commission shall:

(i) Verify the applicant's identify through items such as a social security card, drivers license, birth certificate, or passport;

(ii) Contact each personal and business reference provided in the License Application, when possible;

(iii) Obtain a personal credit check;

(iv) Conduct a civil history check;

(v) Conduct a criminal history check via the submission of the applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past convictions and charges within the past 10 years;

(vi) Inquire into any previous or existing business relationships with the gaming industry and Indian tribes;

(vii) Verify the applicant's history and status with any licensing agency by contacting the agency; and

(viii) Take other appropriate steps to verify the accuracy of the information.

(c) Upon completion of a background investigation, the Commission shall make a specific determination of eligibility for employment in a gaming operation.

(d) The Commission shall forward a report to the National Indian Gaming Commission within 60 calendar days after an employee begins work. A gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) calendar days. An investigative report shall include all of the following:

(1) Steps taken in conducting a background investigation;

(2) Results obtained;

(3) Conclusions reached; and

(4) The bases for those conclusions.

(e) During a 30-day period beginning when the National Indian Gaming Commission receives a report submitted under paragraph (b) of this section, the Chairman of the NIGC may request additional information from the Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period until the Chairman of the NIGC receives the additional information.

(f) If, within the 30-day period described in paragraph (e) of this section, the National Indian Gaming Commission notifies the Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission may go forward and issue a license to such applicant.

(g) If, within the 30-day period described in paragraph (e) of this section, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary

management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to such applicant.

(h) If the Commission does not license an applicant—

(1) The Commission shall notify the National Indian Gaming Commission; and

(2) Shall forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Record System.

(i) For primary management officials or key employees, the 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.

ARTICLE VI. ENFORCEMENT AND RULES OF PROCEDURE FOR HEARINGS

Sec. 6-1.01. Notice of Violation.

(a) The Commission may issue a notice of violation to any person or entity for a violation of any provision of the Code, a compact or procedures, the IGRA or other applicable tribal or federal law or implementing regulations.

(b) A notice of violation shall contain:

(1) A citation to the tribal or federal requirement that has been or is being violated;

(2) A description of the circumstances surrounding the violation, set forth in common and concise language;

(3) Measures required to correct the violation;

(4) A reasonable time for correction, if the respondent cannot take measures to correct the violation immediately; and

(5) Notice of rights of appeal.

Sec. 6-1.02. Order of Temporary Closure.

(a) Simultaneously with or subsequent to the issuance of a notice of violation, the Commission may issue an order of temporary closure of all or part of a gaming operation for substantial violations of tribal and/or federal law.

(b) The operator shall close the gaming operation upon service of an order of temporary closure, unless the order provides otherwise.

(c) Informal expedited review. Within one (1) calendar day after service of an order of temporary closure, the respondent may request, orally or in writing, informal expedited review by the Commission,

(1) The Commission shall complete the expedited review provided for by this paragraph as soon as is practical and no later than one (1) calendar day after receipt of a timely request.

(2) The Commission shall, as soon as is practicable and no later than one (1) calendar day after the expedited review provided for by this paragraph, decide whether to continue an order of temporary closure and provide the respondent with an explanation of and the factual basis for that decision.

(3) Whether or not a respondent seeks informal expedited review under this paragraph, within thirty (30) days after the Commission serves an order of temporary closure, the respondent may appeal the order to the full Commission under sec. 6-1.04. Otherwise, the order shall remain in effect unless rescinded by the Commission for good cause.

Sec. 6-1.03 Civil Fine Assessments.

(a) The Commission shall review each notice of violation and order of temporary closure to determine whether a civil fine will be assessed, the amount of the fine, and, in the case of continuing violations, whether each daily illegal act or omission will be deemed a separate violation for purposes of the total civil fine assessed.

(b) Within fifteen (15) calendar days after service of a notice of violation, or such longer period as the Commission may grant for good cause, the respondent may submit written information about the violation to the Commission. The Commission shall consider any information so submitted in determining the facts surrounding the violation and the amount of the civil fine.

(c) The Commission shall serve a copy of the proposed assessment on the respondent within thirty (30) calendar days after the notice of violation was issued, when practicable.

(d) The Commission may review and reassess any civil fine if necessary to consider facts that were not reasonably available on the date of issuance of the proposed assessment.

(e) If the respondent fails to request a hearing as provided in sec. 6-1.04, the proposed civil fine assessment shall become a final order of the Commission. Civil fines assessed under this part shall be paid by the person assessed and shall not be treated as an operating expense of the gaming operation.

Sec. 6-1.04 Appeals Before the Commission.

(a) A respondent may request a hearing to contest a notice of violation, order of temporary closure, civil fine assessment or order of exclusion by submitting a notice of appeal to the Commission within thirty (30) calendar days after service of:

- (1) A notice of violation;
- (2) A proposed civil fine assessment or reassessment;
- (3) An order of temporary closure; or
- (4) An order of exclusion under sec. 8-1.02 from one or more of Tribe's gaming facilities.

(b) A notice of appeal shall reference the notice or order from which the appeal is taken.

(c) Within ten (10) calendar days after filing a notice of appeal, a hearing shall be scheduled, with notice of the time, date and place of the hearing provided to the respondent.

(d) Within ten (10) calendar days after the respondent receives notice of the hearing, the respondent shall file with the Commission a supplemental statement that states with particularity the relief desired and the grounds therefor and that includes, when available, supporting evidence in the form of affidavits. At the hearing, the respondent is entitled to call witnesses and present evidence. If the respondent wishes to present oral testimony or witnesses at the hearing, the respondent shall include notice of this in the supplemental statement. The notice shall specify the names and job titles of proposed witnesses, and state whether a closed hearing is requested and, if so, why. The respondent may waive in writing his or her right to an oral hearing and instead elect to have the matter determined by the Commission solely on the basis of written submissions.

(e) The full Commission shall issue a decision by majority vote within thirty (30) calendar days after the date on which the hearing was held. The decision of the Commission shall be based upon the whole record and shall include findings of fact and conclusions of law upon each material issue of fact or law presented on the record. In deciding such appeals, the Commission shall apply a preponderance of the evidence standard. The Commission shall provide a written decision, notice and order to all parties, which includes the reasons for its decision. The decision of the Commission on the appeal shall be final and not subject to judicial review.

(f) Notwithstanding the above, the Commission shall comply with any hearing procedures and/or requirements set forth in a class III compact or procedures, as well as any hearing procedures and/or requirements established pursuant to the class III compact or procedures.

Sec. 6-1.05. License Hearings.

The procedures for all license hearings shall be established by the Commission. The Commission shall comply with any hearing procedures and/or requirements set forth in a class III compact or procedures, as well as any hearing procedures and/or requirements established pursuant to the class III compact or procedures. In all cases, at such license hearing, before the Commission renders a final decision in the matter, the subject of the proceeding shall, at a minimum, be provided with (1) notice of the proceeding, (2) an opportunity to be present and (3) an opportunity to

present evidence to the Commission and confront and cross-examine witnesses. The decision of the Commission shall be final and not subject to judicial review.

ARTICLE VII. AUDITING AND INTERNAL CONTROL

Sec. 7-1.01. Scope.

(a) At a minimum or as requested by the Commission, the Executive Director of Gaming-Compliance and Regulations on an annual or as needed basis should make available to the Commission all internal audit findings relevant to the Tribe's internal control standards.

(b) In addition, the Tribe shall cause to be conducted independent audits of its gaming operations annually and the Executive Director of Gaming-Compliance and Regulations shall submit on an annual basis the results of those audits to the National Indian Gaming Commission. All gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the scope of the audit.

ARTICLE VIII. EXCLUSION OR EJECTION OF INDIVIDUALS

Sec. 8-1.01. Prohibition against certain individuals.

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

- (a) Is visibly under the influence of liquor, a drug or other intoxicating substance;
- (b) Is under the age of 18 years;
- (c) Is displaying disorderly conduct;
- (d) Is a person known to have committed a gaming related felony;
- (e) Is known to have a reputation for cheating or manipulation of games; or
- (f) Has been personally excluded, or is a member of any group or type of persons which has been excluded, for cause from gaming establishments by a resolution of the Commission.

Sec. 8-1.02. Right to exclude or remove.

If the Commission deems it in the best interest of the Tribe, the Commission may exclude or remove any persons from the premises of any gaming operation. Any person so excluded may be entitled to a hearing as provided for by Article VI. The manager of any gaming operation shall also have the authority to exclude or remove any person from the gaming establishment, and all such actions shall be recorded contemporaneous with the incident for review by the Commission if requested.

ARTICLE IX. PROHIBITED ACTS

Sec. 9-1.01. Enumeration.

In addition to other civil and criminal acts that may be regulated or prohibited by this Code, a compact, procedures, other Tribal law or applicable federal law, the following shall constitute prohibited activities and unauthorized gaming under this Code and may subject any perpetrator to Commission action including, but not limited to, the imposition of civil penalties, referral to appropriate law enforcement authorities for criminal proceedings, and license suspension or revocation:

- (a) Altering or misrepresenting the outcome of gaming or other event on which wagers have been made after the outcome of such gaming or event has been determined but before such outcome is revealed to the players;
- (b) Placing or increasing a bet or wager after acquiring knowledge of the outcome of the gaming or event which is the subject of the bet or wager, including past-posting and pressing bets;
- (c) Aiding anyone in acquiring such knowledge referred to in subsection (b) of this section for the purposes of increasing or decreasing any bet or wager, or for the purpose of determining the course of play;
- (d) Claiming, collecting or taking, or attempting to claim, collect or take, money or anything of value in or from a game with intent to defraud or claiming, collecting or taking an amount greater than the amount actually won in such game;
- (e) Knowingly to entice or induce another to go to any place where gaming is conducted or operated in violation of the provisions of this Code, with the intent that the other person play or participate in such gaming;
- (f) Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the game or other event which is the subject of the bet or wager, including pinching bets;
- (g) Manipulating, with intent to cheat or defraud, any component or part of a game in a manner contrary to the designed and normal operational purpose for such component or part, with knowledge that such manipulation will affect the outcome of the game, or with knowledge of any event that affects the outcome of the game;
- (h) Defrauding the Tribe, any licensee or any participant in any gaming;
- (i) Participating in any gaming not authorized under this Code and/or a compact or procedures;
- (j) Knowingly providing false information or making any false statement with respect to an application for employment or for any license, certification or determination provided for in this Code;
- (k) Knowingly providing false or misleading information or making any false or misleading statement to the Tribe, the Commission or the Executive Director in connection with any contract for services or property related to gaming;

(l) Knowingly making any false or misleading statement in response to any official inquiry by the Commission or its agents;

(m) Offering or attempting to offer any thing of value, to a licensee in an attempt to induce the licensee to act or refrain from acting in a manner contrary to the official duties of the licensee under this Code, the rules, Tribal and applicable Federal law or IGRA;

(n) Acceptance by a licensee of any thing of value with the expectation that receipt of such thing of value is intended, or may be perceived as intended, to induce the licensee to act or refrain from acting, in a manner contrary to the official duties of the licensee under this Code, the rules, Tribal and applicable Federal law or IGRA;

(o) Falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a gaming operation in ways other than is provided in approved internal control procedures;

(p) Taking any action which interferes with or prevents the Commission or the Tribal Council from fulfilling its duties and responsibilities under this Code, the rules, or IGRA; and

(q) Entering into any contract, or making payment on any contract for the delivery of goods or services to a gaming operation, when such contract fails to provide for or result in the delivery of goods or services of fair value for the payment made or contemplated.

Sec. 9-1.02. Prohibition against electronic aids.

Except as specifically permitted by the Commission, no person shall possess, with the intent to use in connection with gaming, either individually, or in concert with others, any calculator, computer, or other electronic or mechanical device to assist in projecting the outcome or odds of such gaming, to keep track of or analyze cards, or to change probabilities of any game or the playing strategies regularly utilized in such gaming.

ARTICLE X. NATIONAL INDIAN GAMING COMMISSION AND COMPACT OR SECRETARIAL PROCEDURES

Sec. 10-1.01. Compact with the State of Florida or Secretarial procedures.

Notwithstanding any provision in this Code or the rules, the Commission is hereby directed to comply with the provisions of a compact or Secretarial procedures, including, but not limited to, any licensing, approval, or monitoring requirements contained in a compact or procedures.

Sec. 10-1.02. Fees.

Notwithstanding any provision in this Code or the rules, the Commission is hereby directed to comply with all fees authorized by the NIGC. Such fees shall be payable solely from funds of gaming operation revenues as an operating expense.

Sec. 10-1.03. Regulation of the Commission.

Notwithstanding any provision in this Code or the rules, the Commission is subject to and directed to comply with all applicable federal laws and regulations.

ARTICLE XI. GENERAL REQUIREMENTS

Sec. 11-1.01. Security and surveillance.

Each gaming establishment must provide for full security and surveillance within the gaming establishment at all times. All security personnel in a gaming establishment must be licensed by the Commission. The security and surveillance departments shall interact when necessary to carry out their official duties and to coordinate their activities in order to effectuate the best protection for the gaming patrons and the Tribal and management interests and assets of the enterprise.

Sec. 11-1.02. Compliance with other applicable laws.

The construction, maintenance and operation of any gaming operation shall be in a manner which protects the environment, public health and safety, and shall comply with all applicable Tribal and federal laws relating to environmental protection and public health and safety, including, but not limited to, 25 C.F.R. § 522.4(b)(7).

Sec. 11-1.03. Amendments.

All provisions of this Code are subject to amendment by the Tribal Council, which must be reviewed and approved by the Chairman of the NIGC in accordance with IGRA. All rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendments to this Code shall be effective upon review and approval by the NIGC.

Sec. 11-1.04. Severability.

If any provision of this Code, or any portion of any provision to this Code, is found to be invalid by any court of competent jurisdiction, the full remainder of such provisions shall not be affected.

Sec. 11-1.05. Words and terms.

Tense, number and gender. In interpreting the provisions of this Code, save when otherwise plainly declared or clearly apparent from the context:

- (a) Words in the present tense shall include the future tense;
- (b) Words in masculine, feminine and neuter genders shall include all genders; and
- (c) Words in the singular shall include the plural, and words in the plural shall include the singular.

Sec. 11-1.06. Repeal.

To the extent that they are inconsistent with this Code, all prior gaming laws, rules, ordinances or regulations of the Tribe are hereby repealed.

Sec. 11-1.07. Unclaimed winnings.

(a) Any winnings, whether property or cash, which are due and payable to a participant in any gaming activity, and which remain unclaimed at the end of a gaming session, shall be held in safekeeping for the benefit of such participant. The Tribal Casino Gaming Enterprises shall make a good faith attempt to notify the participant of the unclaimed winnings. Such winnings shall be held for 90 days. At the end of the safekeeping period, such winnings shall revert to the ownership of the Tribal Casino Gaming Enterprise.

(b) In the event the identity of a participant entitled to unclaimed winnings is unknown, after 90 days from the time the winnings were payable, such unclaimed winnings shall revert to the ownership of the Tribal Casino Gaming Enterprise.

Sec.11-1.08. Patron Disputes.

Any patron who has any dispute, disagreement or other grievance with a gaming operation that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order:

- (a) A member of the staff relevant to the gaming operation;
- (b) The supervisor in the area of the relevant gaming operation in which the dispute arose;
- (c) The manager of the relevant gaming operation; and
- (d) The Commission.

Sec. 11-1.09. Patron rights regarding disputes.

(a) Whenever a patron brings a dispute forward for resolution, that individual should have the right to explain his/her side of the dispute and present witnesses in connection with any factual allegations.

(1) At each level, if the dispute remains unresolved, the patron shall be informed of the right to take the dispute to the next higher level as noted above.

(2) Resolution of any dispute by the personnel of a gaming operation shall always involve two or more staff members.

(3) All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor.

(b) Any patron who has any dispute, disagreement or other grievance with a gaming operation that does not involve currency, tokens, coins, or any other thing of value, may seek resolution of such dispute with the management of the gaming operation. The decision of management of the gaming operation is final.

Sec. 11-1.10. Gaming Commission action on patron disputes.

(a) If a patron's dispute with a gaming operation that involves currency, tokens,

coins, or any other thing of value remains unresolved after consideration by the manager of the relevant gaming operation, then the patron may submit the dispute to the Commission. The patron must submit the matter to the Commission in writing within seventy-two (72) hours after the incident that is the basis for the dispute or a decision by facility management (whichever is later). The patron's written submission must contain (1) a factual description of the dispute, (2) a statement as to the relief sought by the patron, (3) an explanation of the patron's efforts to resolve the matter with facility staff and management and (4) the patron's contact information. The submission also shall contain any other written evidence or information that the patron believes should be considered by the Commission. A form for submitting disputes to the Commission shall be available from gaming facility management.

(b) Upon receipt, the Commission shall forward a copy of the patron's submission to gaming operations for a response to the Commission. All disputes which are submitted to the Commission shall be decided by the Commission based on information furnished by the patrons and gaming operations as requested directly by the Commission and/or the Executive Director. Such information may include witness statements and/or testimony at the Commission's sole discretion. In making a decision on the dispute, the Commission shall evaluate the evidence using a preponderance of the evidence standard.

(c) The decision of the Commission shall be in writing and shall be issued within fourteen (14) calendar days of the matter being heard by the Commission and shall be furnished to the general manager of the gaming operation and to the patron in question. The decision shall contain a recitation of the facts on which it is based.

(d) Liability of the gaming operation in any dispute under this dispute resolution procedure shall be limited to the amount of the alleged winnings. A patron shall not be entitled to an award of special or punitive damages for mental distress.

(e) The decision of the Commission is final and not subject to judicial review.

Sec. 11-1.11. Agent for service of process.

The Tribe's General Counsel shall be designated agent for service of process for the Seminole Tribe of Florida and the Tribal Gaming Commission.

Sec. 11-1.12. Consent to jurisdiction.

Any person who applies for a license under this Code, applies for employment in any gaming establishment, enters into any contract or agreement related to gaming, or participates in any gaming on the Tribe's Reservations or other Indian lands, shall be deemed to consent to the civil jurisdiction of the Tribe, and the Commission. Nothing in this section shall limit the jurisdiction of the Tribe, or the Commission under any circumstances not explicitly contemplated in the section.

Sec. 11-1.13. Comity and concurrent jurisdiction.

The Commission is empowered to seek comity and enforcement of the orders of the Commission by the courts of any other jurisdiction whose assistance may be required to give effect to the orders of the Commission. The Commission is also empowered to issue orders to enforce the lawful orders of other gaming regulatory agencies and

the courts of foreign jurisdictions.

Sec. 11-1.14. Other powers of the Commission.

In addition to and in conjunction with the powers and responsibilities listed in this Code, rules and other applicable laws and regulations the Commission shall have power to:

- (a) Issue orders of temporary closure of gaming activities for violations of this gaming ordinance or of contractual obligations to the Tribe, the IGRA or a compact or Secretarial procedures or orders of permanent closure of gaming activities for violations of this Code, Tribal gaming regulations or contractual obligations to the Tribe;
- (b) Initiate civil and criminal actions in court to enforce provisions of this Code, Tribal gaming regulations or the IGRA;
- (c) Approve, deny or revoke gaming licenses for Class II or Class III Gaming;
- (d) Monitor all gaming activities conducted on Seminole Tribe of Florida Reservations and other Indian lands on a continuing basis;
- (e) Ensure that background investigations are conducted as required by this Code and the IGRA as well as conduct such additional investigations as the Commission may deem necessary;
- (f) Demand access to and inspect, examine, copy and audit all papers, books and records concerning activities and revenues of any gaming activity conducted on Seminole Tribe of Florida Reservations and other Indian lands and any other matters necessary to carry out their duties under this Code;
- (g) Conduct such hearings as the Commission may deem appropriate in carrying out its duties, including administering oaths or affirmations to witnesses and issuing subpoenas for documents and/or to compel witnesses to appear at such hearings;
- (h) When information is received through audits or other investigations that indicates a violation of Tribal, or applicable federal law or applicable state law to treat as confidential and provide such information to the appropriate law enforcement officials;
- (i) Adopt regulations deemed necessary to clarify or enforce provisions of this Code or Tribal rights and interests established in a compact or procedures; and
- (j) Adopt a Seminole Tribe of Florida Class II and Class III Gaming license application.

Sec. 11-1.15. Enforcement provisions.

- (a) All matters and occurrences which indicate that a criminal act under this Code, other applicable Tribal law, applicable federal law or applicable state law may have occurred in or around any gaming establishment shall be reported to the appropriate law enforcement agency and the Commission.

(b) All matters and occurrences contrary to this Code, rules or regulations promulgated by the Commission which are not covered under a criminal code shall be deemed to be a civil violation. The Commission is hereby authorized to establish a civil violations list of penalties and fines which shall be imposed by the Commission for all such civil violations with the violator afforded the rights to a hearing as provided in Article VI herein.

Sec. 11-1.16. Effective date.

The Seminole Tribal Gaming Code shall become effective upon the date of its approval by the Chairman of the NIGC pursuant to the IGRA.

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