



JUN 11 2003

Chairman Ronald G. Sparkman
Shawnee Tribe
P.O. Box 106
De Soto KS 66018-0106

Dear Chairman Sparkman:

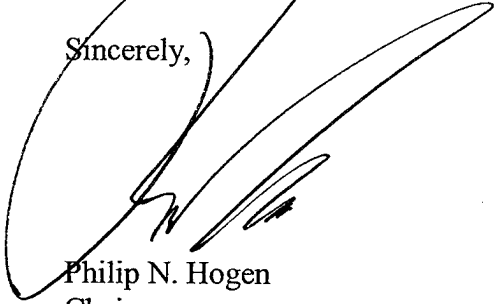
This letter is in response to the Shawnee Tribe's submission of three Resolutions dated May 5, 2003: No. 2003-43 (Shawnee Tribe Gaming Act), No. 2003-45 (Shawnee Tribe Class II Gaming Operations Ordinance), and No. 2003-47 (Shawnee Tribe Class III Gaming Operations Ordinance). The documents (copies enclosed) were received at the National Indian Gaming Commission (NIGC) on May 8, 2003. The Tribe seeks review and approval by the Chairman of the NIGC of its gaming ordinances. Under the Indian Gaming Regulatory Act (IGRA) and the regulations promulgated by the NIGC, the Chairman has 90 days to review a new ordinance and either approve or disapprove the ordinance. 25 C.F.R. § 522.4.

This letter constitutes such approval under IGRA. It is important to note that the gaming ordinances are approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction. With approval of these gaming ordinances, the Shawnee Tribe Gaming Commission must conduct background investigations on its key employees and primary management officials.

The submission was supplemented with a set of procedures dated May 2003 (copy enclosed) concerning how the background investigations will be conducted and included the identification of the particular law enforcement agency that will take fingerprints and exactly how the check of FBI records will be implemented. The procedures authorize Mr. Gary Pitcher, Tribal Gaming Commission, and yourself as the only persons entitled to have access to criminal history information concerning employees. After these procedures are in place, the NIGC expects to receive a completed application for each key employee and primary management official under 25 C.F.R. § 556.5(a) and an investigative report on each background investigation under 25 C.F.R. § 556.5(b) before the Gaming Commission issues a license to a key employee or primary management official.

Thank you for submitting the ordinances for review and approval. The NIGC staff and I look forward to working with you and the Shawnee Tribe on future gaming matters.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Philip N. Hogen', is written over the word 'Sincerely,'.

Philip N. Hogen
Chairman

Enclosures

cc: Tim Harper, Region V Director (with enclosures)
Christopher J. Reedy, Esq.



2003-43-5 11:11:20

5-23805

RESOLUTION NO. 2003-43

**RESOLUTION TO ADOPT AN ACT FOR THE SHAWNEE TRIBE'S
REGULATION AND LICENSING OF GAMING ON INDIAN LANDS**

WHEREAS, the Shawnee Tribe is a federally recognized Indian Tribe, pursuant to an Act of Congress known as Public Law 106-568, also known as the Shawnee Tribe Status Act of 2000 and Title VII of the Omnibus Indian Advancement Act [114 Stat. 2868]; and

WHEREAS, the Shawnee Tribe is imbued with all inherent attributes of sovereignty, having exclusive civil and governmental jurisdiction over its lands, and is organized pursuant to a Constitution duly ratified by the members of the Shawnee Tribe on September 15, 2001; and

WHEREAS, the Shawnee Tribe Business Committee is empowered to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, in accordance with Articles IV, VI, and VII of the Constitution of the Shawnee Tribe; and

WHEREAS, in certain treaties entered into between the Shawnee Tribe and the United States, the Shawnee Tribe retained all of its inherent rights of self government and undertook to provide protection to businesses that were located within its jurisdiction; and

WHEREAS, the Shawnee Tribe is desirous of providing a basis under tribal law to authorize and regulate the conduct of gaming on Indian lands of the Shawnee Tribe, including entering into tribal-state compacts with the states where Shawnee Indian lands are located and entering into appropriate management contracts with management agents to provide for the establishment and operation of Class II and Class III gaming operations, as defined by the Indian Gaming Regulatory Act of 1988; and

WHEREAS, the Shawnee Tribe accordingly desires to approve the attached "SHAWNEE TRIBE GAMING ACT";

NOW THEREFORE BE IT RESOLVED, that the Shawnee Tribe Business Committee herewith enacts the SHAWNEE TRIBE GAMING ACT, the purpose of which Act is to authorize and regulate gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988. The SHAWNEE TRIBE GAMING ACT is attached and made a part of this Resolution 2003-43.

NOW THEREFORE BE IT FURTHER RESOLVED, that Resolution 2003-01, as it pertains to Title 4 is hereby revised consistent with this Resolution 2003-43 and the revised SHAWNEE TRIBE GAMING ACT, as attached.

SHAWNEE TRIBE GAMING ACT

Chapters

1. General Provisions
2. Administration and Enforcement
3. Licensing
4. Rules of Operation and General Accountability

CHAPTER 1

GENERAL PROVISIONS

Sections

1. Title
2. Purpose
3. Definitions
- 4-10. Reserved

§ 1. Title

This enactment shall be known as the "Shawnee Tribe Gaming Act".

§ 2. Purpose

The purpose of this Act is:

- A. To regulate the conduct of gaming owned and operated by the Shawnee Tribe or its officially licensed agents, on Indian lands of the Shawnee Tribe, (hereafter referred to as "Shawnee Tribe" or "Tribe") in compliance with Public Law 100-497, October 17, 1988, 102 Stat. 2467, the Indian Gaming Regulatory Act ("IGRA").
- B. To provide a basis under tribal law for the operation of gaming on Indian lands as a means for promoting tribal economic development, self-sufficiency, and a strong tribal government.
- C. To provide a basis under tribal law for the regulation of gaming by the Shawnee Tribe adequate to shield it from organized crime and other corrupting influences, and to insure that the Shawnee Tribe is the primary beneficiary of the gaming operation, and to assure that gaming is conducted fairly and honestly by the Shawnee Tribe, its agents and players.

§ 3. Definitions

- A. "Act" means this Shawnee Tribe Gaming Act.
- B. "Business Committee" means the Shawnee Tribe Business Committee.
- C. "Chairman" means the Chairman of the Shawnee Tribe Gaming Commission established pursuant to this Ordinance.
- D. "Class I gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection, with tribal ceremonies or celebrations.

- E. "Class II gaming" means
1. Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:
 - a. Play for prizes with cards bearing numbers or other designations;
 - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - c. Win the game by being the first person to cover a designated pattern on such card;
 2. If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
 3. Nonbanking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.
- F. "Class III gaming" means all forms of gaming that are not Class I gaming or Class II gaming, including but not limited to
1. Any house banking game, including but not limited to
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
 - b. Casino games such as roulette, craps, and keno;
 2. Any slot machines as defined in 15 U.S.C. § 1171(a)(1) and electronic or electromechanical games of chance;
 3. Any sports betting and pari-mutuel wagering, including but not limited to wagering on horse racing, dog racing, or jai alai;
 4. Lotteries.
- G. "Commission" means the Shawnee Tribe Gaming Commission established by this Ordinance.
- H. "Compact" means the agreement between the Shawnee Tribe and any State of the United States, pursuant to 25 U.S.C. S2710(b)(iv), as further approved in accordance with the Indian Gaming Regulatory Act, as the procedures under which Class III gaming may be conducted on Indian lands over which the Shawnee Tribe has jurisdiction.
- I. "Executive Director" means the Executive Director of the Shawnee Tribe Gaming Commission established pursuant to this ordinance.
- J. "IGRA" means the Indian Gaming Regulatory Act of 1988, P.L. 100-497.
- K. "Indian land" or "Indian lands" means
1. Lands within the limits of an Indian reservation; or
 2. Land over which an Indian tribe exercises governmental power and that is either
 - a. Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - b. Held by any Indian tribe or individual subject to restriction by the United States against alienation.
- L. "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.

M. "State" means any State of the United States.

N. "Tribe" means the Shawnee Tribe.

§ 4-10. Reserved

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

Sections

11. Establishment of the Shawnee Tribe Gaming Office and Commission.
12. Duties of the Commission
13. Powers of the Commission
14. Chairman of the Commission
15. Executive Director
16. Commission Meetings
17. Commission Procedures
18. Background Investigation
19. Preliminary Determination
20. Hearing
21. Final Determination
22. Sanctions
23. Reports
- 24-30. Reserved

§ 11. Establishment of the Shawnee Tribe Gaming Office and Commission.

There is hereby established the Shawnee Tribe Gaming Office and the Shawnee Tribe Gaming Commission, which shall have the duties and powers as hereinafter described. The Commission shall constitute no less than three (3) nor more than five (5) members to be appointed by the Tribal Chairman, acting as the Chairman of the Shawnee Business Committee. Commission members shall serve for a period of two (2) years. However, for the first appointments, the names shall be placed in a receptacle with the first name drawn serving a term of two (2) years. The second name drawn shall serve a term of one (1) year, and terms shall alternate accordingly with each subsequent name drawn. The Commission shall elect from among its members a Chairman. The Commission shall have the power to generally oversee the Chairman and the tribal gaming office and review its actions for approval or to ensure compliance with this Act and any regulations adopted and orders issued by the Commission. The Commission members shall submit to a conflict of interest provision to disclose potential unethical situations.

§ 12. Duties of the Commission

It shall be the responsibility of the Commission to promulgate regulations necessary to administer the provisions of this Act. The duties shall include but not be limited to the following:

- A. Printing and making available application forms for initial and renewal licenses, as well as other licenses or tax return forms.
- B. Supervise the collection of all fees and taxes prescribed by this Act.'
- C. Processing all license applications and tax returns which will be submitted under oath.

- D. Issuance of licenses.
- E. Determining applicable license fees.
- F. Auditing all returns.
- G. Reviewing all records, documents and anything else necessary and pertinent to the financial accountabilities of licensees or enforcement of any provision of this ordinance.
- H. Review for approval or denial any application or licensee, and to limit conditions to suspend or restrict any license.
- I. Propose fines and penalties as needed.
- J. Preparing and monitoring a plan for the protection of public safety and the physical security of patrons utilizing security and law enforcement personnel.
- K. Review and approve floor plans and surveillance systems for each gaming facility and shall confer with the State regarding the adequacy of such plans and systems.
- L. Maintain a list of persons barred from the gaming facilities because their criminal history or associations pose a threat to the integrity of the gaming activities of the Shawnee Tribe.
- M. Approve the rules of each game of chance operated pursuant to this Act.
- N. Commencement of any civil or criminal action necessary to enforce the provisions of this Act.
- O. Retain legal counsel or other professional services, including investigative services, to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- P. Hire appropriate staff, subject to the approval of the Business Committee, necessary to carry out its duties.
- Q. Prepare and submit to the Business Committee an annual operating budget.
- R. Establish policy and take all actions necessary to complete all tasks and procedures defined and required by the Shawnee Tribe Class II Gaming Ordinance.
- S. Establish policy and take all actions necessary to complete all tasks and procedures defined and required by the Shawnee Tribe Class III Gaming Ordinance.
- T. Establish policy and take all actions necessary to complete all tasks and procedures defined and required by the Shawnee Tribe Class II Gaming Regulations.
- U. Establish policy and take all actions necessary to complete all tasks and procedures defined and required by the Shawnee Tribe Class III Gaming Regulations.

§ 13. Powers of the Commission

In order to adequately perform its duties, the Commission is hereby vested with the following powers:

- A. To employ non-uniformed, licensed inspectors who shall be present in all gaming facilities during all hours of operation who shall be responsible solely to the Commission and not to any management employees of the gaming operations. Such inspectors shall have unfettered access to all areas of the gaming facility at all times, including locked and secure areas.

- B. To investigate on its own initiative any aspect of the gaming operations in order to protect the public interest in the integrity of the gaming activities and to prevent improper or unlawful conduct in said gaming activities.
- C. To compel any person employed by and doing business with any gaming operation to appear before it under oath and to provide such information, documents or other material as required in writing by the Commission.
- D. To impose penalties and sanctions for violations of this Shawnee Tribe Gaming Act, any applicable Compact, or other rules of procedure adopted by the Commission.
- E. To establish policy and take all actions necessary to carry out the provisions of this Act in compliance with IGRA.

§ 14. Chairman of the Commission

The Chairman, or any other member of the Commission acting in the absence of the Chairman may, whenever he deems it necessary to protect the public interest in the integrity of the Shawnee Tribe's gaming operations, issue in the name of the Commission any order that the Commission has the power to issue to the gaming operations or to any employee or contractor thereof or to any person within the jurisdiction of the Shawnee Tribe, to take any action or to cease and desist from taking any action as may be required to protect the public interest, provided that any such order shall be subject to subsequent review by the Commission at its earliest opportunity, whereupon said order may be confirmed or vacated by the Commission.

§ 15. Executive Director

The Commission shall appoint an individual to serve as a full-time Executive Director of the Commission to administer its responsibilities on a day to day basis and to oversee inspectors appointed by the Commission, as well as such other staff as the Commission may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Commission with the State Police and the State gaming agency. The Chairman may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Commission with respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Commission. The Executive Director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, to compel the production of any information or documents, and to otherwise exercise the investigatory powers of the Commission that the Commission may exercise under this Ordinance.

§ 16. Commission Meetings

Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary. Special meetings of the Commission may be called by the Chairman or the Executive Director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission need to be specified in the notice of the meeting.

At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. The Chairman shall preside at all meetings of the Commission, unless the Chairman designates another member to preside in his absence.

Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission and shall have the same effect as a unanimous vote or resolution of the Commission at a legal meeting thereof. Any such action taken by unanimous written consents may, but need not be, set forth in such consents in the form of resolutions or votes.

Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in such a meeting by any member who does not object at the beginning of such meeting shall constitute presence in person at such meeting.

§ 17. Commission Procedures

The Commission shall afford an applicant for a license an opportunity for hearing prior to final action denying such application and shall afford a licensee or any other person subject to this ordinance the opportunity for a hearing prior to taking final action resulting in denying, terminating, revoking, suspending, or limiting a license or any other adverse action the Commission deems appropriate, provided that the Executive Director may summarily temporarily suspend or extend suspension of licenses for sixty (60) days in those cases where such action is deemed appropriate by the Executive Director. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided.

§ 18. Background Investigation

The Commission shall request from each primary management official and each key employee information defined in the gaming ordinances, to include a minimum of the following information:

- A. Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- B. Currently, and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- C. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (B) of this section;
- D. Current business and residence telephone numbers;
- E. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- F. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- G. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

- H. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name, and address of the court involved, and the date and disposition if any;
- I. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- J. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (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 the Tribe shall perform background investigations and issue licenses for key employees and primary management officials according to requirements that are at least as stringent as those in parts 556 and 558 of 25 C.F.R; and
- N. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(b). The Tribe shall use the Johnson County Sheriff's Department or the United States Federal Bureau of Investigation to take fingerprints. The Tribe shall perform criminal history check of criminal history information maintained by the Federal Bureau of Investigation or the Johnson County Sheriff's Department.
- O. The Tribe shall conduct an investigation sufficient to make a determination under 25 C.F.R. § 558.2. In conducting the background investigation, the Tribe or its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation. The Tribe shall conduct interviews of a sufficient number of former employers, personal references, and other applicable individuals in reference to the applicant.

§ 19. Preliminary Determination

Whenever, upon preliminary factual finding, the Commission determines that any person has failed to comply with the provisions of this Act or any regulations promulgated hereunder, the Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) day notice, and within thirty (30) days thereof, the Commission shall hold a hearing at which time the subject shall have an opportunity to be heard and present evidence. The Commission shall have the specific right to enjoin and restrain illegal activities.

§ 20. Hearing

At such hearing it shall be the obligation of the subject to show cause why the preliminary determination is incorrect, why the application in question shall not be revoked or suspended, why the period of suspension should not be extended, or to show cause why special conditions or limitations upon a license should not be imposed, or to show cause why

any other action regarding any other person or persons subject to any action should not be taken.

§ 21. Final Determination

Following such hearing, the Commission shall, within thirty (30) days, reach a final determination concerning the accuracy of the preliminary certification of facts, and whether the license in question should be granted, continued, suspended, revoked, conditioned or limited, and whether or not any other action recommended to or by the Commission (including but not limited to forfeitures or fines) should be taken. The action of the Commission will be the final action of the Shawnee Tribe. Within (30) days following this determination the Executive Director shall inform the subject in writing of that determination.

§ 22. Sanctions

Any person who engages in activities on property subject to the provisions of this Act without a license, in violation of the license or terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Act, any Compact with the State, the Indian Gaming Regulatory Act of 1988, regulations promulgated thereunder, or amendments thereto, shall be in violation of this Act, including any person who unlawfully trespasses upon any premises licensed by this Act without the consent of the Commission or the Executive Director. Separate violations shall be prosecuted as separate offenses. Each day of violation shall constitute a separate count or violation of this Act. Each violation shall carry a potential fine of Five Hundred (\$500.00) to Five Thousand Dollars (\$5,000.00), to be determined at the discretion of the Commission. Any property used in the furtherance of any violation of this Act may become the property of the Shawnee Tribe. All winnings found to have been received in violation of this Act are subject to seizure and forfeiture and become the property of the Shawnee Tribe.

§ 23. Reports

The Commission shall make an annual, comprehensive report to the Shawnee Tribe Business Committee.

§ 24-30. Reserved

CHAPTER 3

LICENSING

Sections

- 31. License Required
- 32. Classes and Fees
- 33. Class I Gaming
- 34. Class II Gaming
- 35. Class III Gaming
- 36. Tribe-State Compact
- 37. Jurisdiction
- 38. Management Contracts
- 39. Termination

40. Violation of Act by Licensee
41-50. Reserved

§ 31. License Required

Any agent of the Shawnee Tribe conducting public gaming operations for the benefit of the Shawnee Tribe on Indian lands of the Shawnee Tribe shall be required to have and display prominently an appropriate, valid, and current public gaming license issued pursuant to the provisions of this Act. Any forms of public gaming operations conducted within the jurisdiction of the Shawnee Tribe without the lawful, written approval of the Shawnee Tribe Gaming Commission are prohibited. Furthermore, it shall be unlawful for any person to conduct gaming activities on Indian lands of the Shawnee Tribe that are not under license by and for the benefit of the Shawnee Tribe or which mislead the general public in believing the gaming operation is owned or under the control of and operated by the Shawnee Tribe. The Commission shall have the right to enjoin and restrain illegal activities.

§ 32. Classes and Fees

There shall be three (3) different classes of gaming, each characterized by its separate requirements and fees. These classes are created in compliance with the Indian Gaming Regulatory Act, Public Law 100-497, October 17, 1988.

§ 33. Class I Gaming

No license required.

§ 34. Class II Gaming

Only a wholly owned the Shawnee Tribe enterprise or its designated and approved agent or employee may apply for and receive a Class II gaming license. Also, gaming must be conducted in facilities of the Shawnee Tribe. A separate license must be issued by the Commission for each place, facility or located on Indian lands at which Class II gaming is conducted.

The Shawnee Tribe shall cause annual audits of all gaming activity under a Class II license to be conducted within the existing independent tribal audit system and shall provide all audit information to the National Indian Gaming Commission. The management and operation of any Class II gaming facility shall be subject to all applicable provisions of the Indian Gaming Regulatory Act. An annual fee of \$1,000.00 shall be charged for any Class II gaming license.

The Shawnee Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity under a Class II license and all net revenues from any said gaming are to be used for tribal purposes including:

- A. to fund tribal government operations or programs;
- B. to provide for the general welfare of the Shawnee Tribe and its members;
- C. to promote tribal economic development.

§ 35. Class III Gaming

Class III gaming is hereby authorized to be conducted only by an enterprise that is owned solely by the Shawnee Tribe. A license may be issued to its designated and approved agents and employees. A separate license shall be required for each place, facility or location on Indian lands at which Class III gaming is conducted. An annual fee for a Class III gaming license will be \$2,500.00.

The Shawnee Tribe will have the sole proprietary interest and responsibility for the conduct of any Class III gaming activity and the net revenues from any Class III gaming are to be used for no purposes other than:

- A. to fund tribal government operations or programs;
- B. to provide for the general welfare of the Shawnee Tribe and its members;
- C. to promote tribal economic development.

§ 36. Tribe-State Compact

The Chairman is hereby authorized by the Business Committee to approve a Tribe-State compact governing Class III gaming activities. Said compact shall be approved by the Secretary of the Interior or the Chairman of the National Indian Gaming Commission, as required, and published in the Federal Register, as provided by the Indian Gaming Regulatory Act. The compact may include provisions relating to the application of criminal and civil laws and regulations of the Shawnee Tribe or of the State to the Class III gaming activity, an allocation of criminal and civil jurisdiction between the Shawnee Tribe and the State, where necessary, for the enforcement of laws and regulations, taxation, where appropriate, by the Shawnee Tribe of such activity in amounts comparable to the amounts assessed by the State for comparable activities, remedies for breach of contract, standards for operation of such activity, and maintenance of the gaming facility, including licensing and any other subjects directly related to the operation of gaming activities. The Shawnee Tribe Business Committee is hereby authorized to negotiate said compact on behalf of the Shawnee Tribe.

§ 37. Jurisdiction

Any cause of action initiated by the Shawnee Tribe arising from the failure of the State to enter into negotiations with the Shawnee Tribe for purposes of entering into a Tribe-State compact or to conduct said negotiations in good faith will be filed in the United States District Court.

§ 38. Management Contracts

The Shawnee Tribe Business Committee, on behalf of the Shawnee Tribe, is authorized to enter into and approve management contracts for the management of any Class II and/or Class III gaming facility owned and operated by the Shawnee Tribe. Said management contract shall in all respects be in compliance with the Indian Gaming Regulatory Act. All management contracts shall be approved by the Chairman of the National Indian Gaming Commission, or as designated by the IGRA. No person holding a management contract with the Shawnee Tribe for the management of any Class II or Class III gaming facility shall be an elected member of the Shawnee Tribe, or have been convicted of any felony or gaming offense, or have knowingly or willingly provided any material reporting false statements to the National Indian Gaming Commission or Shawnee Tribe Gaming Commission pursuant to this Act or the Indian Gaming Regulatory Act, or whose prior activities, criminal record, if any, or reputation, habits, and association pose a threat to the effective regulation and control of the gaming activity subject to the management contract, or who has attempted in any way to unduly influence or interfere with the decision process relating to any management contract or license.

§ 39. Termination

The Commissioner shall have the duty to bring before the Commission any charge of any unfair or illegal practice of any licensee or manager, which charge shall constitute grounds for temporary suspension by the Commissioner or termination by the Commission of any license or management contract. The same procedure as provided herein under Section 31. et seq., will be followed here.

§ 40. Violation of Act by Licensee

Any violation of any provisions of this Act or of any of the Commission's rules by a licensee, his agent, or employee, shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the Shawnee Tribe and the inhabitants of Shawnee Tribal lands and shall be grounds for refusing to grant or renew a license or management contract, for suspension or revocation of a license or management contract, or for the filing of a complaint with the National Indian Gaming Commission.

§ 41-50. Reserved

CHAPTER 4

RULES OF OPERATION AND GENERAL ACCOUNTABILITY

Sections

- 51. Records, Returns and Audits
- 52. Rules of the game
- 53. Age limit for all gaming
- 54. Inherent sovereignty of the Shawnee Tribe.
- 55. Repeal
- 56-60. Reserved

§ 51. Records, Returns and Audits

It shall be the responsibility of the Shawnee Tribe Gaming Commission to promulgate regulations establishing proper accounting procedures and methods of operations for all licensees of Class II and Class III gaming activities, so that all monies or things of value received and paid out may be properly monitored and accounted for. All licensees under this Act shall be required to abide by an approved accounting system, which shall comply with, but not be limited to, all applicable provisions of this Act or regulations of the Commission. Said accounting system shall reflect all business and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Act. The Commission shall have the right to subpoena records or to secure a court order to seize records for property not surrendered.

No applicant, licensee or employee thereof shall neglect or refuse to produce records or evidence, or to give information upon proper and lawful demand by the Commissioner or Commission, or to otherwise interfere or attempt to interfere with any proper and lawful efforts by the Executive Director or the Commission to produce such information. The Commission may conduct such hearings as deemed necessary to insure compliance with the provisions of this Act and accountability for all monies received and spent. Failure to comply with the provisions of this Act shall constitute grounds for complaint with the National Indian Gaming Commission and summary suspension or revocation of any license or management contract.

§ 52. Rules of the game

It shall be the responsibility of the Shawnee Tribe Gaming Commission to promulgate regulations establishing the particular rules of any given Class II or Class III gaming in order that said gaming will be conducted with fairness and uniformity.

§ 53. Age limit for all gaming

No person who is under the age of 18 shall operate or be allowed to participate in any manner in the operation of any Class II or Class III gaming activities. It shall be the responsibility of any manager or licensed agent of the Shawnee Tribe to insure compliance with this age limit requirement.

§ 54. Inherent sovereignty of the Shawnee Tribe.

With the passage of this legislative Act, notwithstanding any other law or ordinance, this Act does not limit the inherent sovereignty of the Shawnee Tribe.


§ 55. Repeal

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

§ 56-60. Reserved

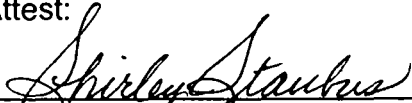
CERTIFICATION

The foregoing resolution, number 2003-43, was duly adopted this date, May 5th, 2003, by a vote of the Shawnee Tribe Business Committee, resulting in a vote of 7 for, 0 against, 0 abstaining, and 1 absent, with an established quorum.



Ron Sparkman, Chairman
Shawnee Tribe

Attest:



Shirley Staubus, Secretary
Shawnee Tribe



The Shawnee Tribe Seal:
(embossed on original;
seal on first page in color on original)

Filed with:

Bureau of Indian Affairs – Miami Field Office
Chairman, National Indian Gaming Commission



RESOLUTION NO. 2003-45

RESOLUTION TO ADOPT AN ORDINANCE FOR THE SHAWNEE TRIBE'S REGULATION OF CLASS II GAMING ON INDIAN LANDS

WHEREAS, the Shawnee Tribe is a federally recognized Indian Tribe, pursuant to an Act of Congress known as Public Law 106-568, also known as the Shawnee Tribe Status Act of 2000 and Title VII of the Omnibus Indian Advancement Act [114 Stat. 2868]; and

WHEREAS, the Shawnee Tribe is imbued with all inherent attributes of sovereignty, having exclusive civil and governmental jurisdiction over its lands, and is organized pursuant to a Constitution duly ratified by the members of the Shawnee Tribe on September 15, 2001; and

WHEREAS, the Shawnee Tribe Business Committee is empowered to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, in accordance with Articles IV, VI, and VII of the Constitution of the Shawnee Tribe; and

WHEREAS, in certain treaties entered into between the Shawnee Tribe and the United States, the Shawnee Tribe retained all of its inherent rights of self government and undertook to provide protection to businesses that were located within its jurisdiction; and

WHEREAS, the Shawnee Tribe is desirous of providing a basis under tribal law to authorize and regulate the conduct of Class II gaming operations on Indian lands of the Shawnee Tribe, as defined by the Indian Gaming Regulatory Act of 1988; and

WHEREAS, the Shawnee Tribe desires to approve the attached "SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE " in order to set the terms for Class II gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988;

NOW THEREFORE BE IT RESOLVED, that the Shawnee Tribe Business Committee herewith enacts the SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE, the purpose of which is to authorize and regulate Class II gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988. The SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE is attached and made a part of this Resolution 2003-45.

**SHAWNEE TRIBE
CLASS II GAMING OPERATIONS ORDINANCE**

I. Purpose

The Business Committee of the Shawnee Tribe (hereinafter referred to as the "Tribe"), which is empowered by the Constitution of the Shawnee Tribe to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, hereby enacts this ordinance in order to set the terms for Class II gaming operations on tribal lands.

II. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-497, 25 U.S.C. § 2703(7)(A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. Ownership of Gaming

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

IV. Use of Gaming Revenue

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

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

V. Audit

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

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety

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

VII. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II gaming enterprise operated on Indian lands:

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

1. Key employee means

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

- (1). Bingo caller;
- (2). Counting room supervisor;
- (3). Chief of security;
- (4). Custodian of gaming supplies or cash;
- (5). Floor manager;

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- (6). Pit boss;
 - (7). Dealer;
 - (8). Croupier;
 - (9). Approver of credit;
 - (10). Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
 - (b). If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (c). If not otherwise included, the four most highly compensated persons in the gaming operation.
2. 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.
- B. Application Forms
1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:
- "In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."
2. Existing key employees and primary management officials shall be notified in writing that they shall either:
- (a). Complete a new application form that contains a Privacy Act notice; or
 - (b). Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:
- "A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, § 1001)."

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (a). Complete a new application form that contains a notice regarding false statements; or
- (b). Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (a). Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (b). Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (c). The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- (d). Current business and residence telephone numbers;
- (e). A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (f). A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g). The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h). For each felony for which there is an on-going 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 on-going misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j). For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k). The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l). A current photograph;
- (m). Any other information the Tribe deems relevant; and
- (n). Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Tribal Gaming Commission.

2. The Tribe shall conduct an investigation sufficient to make a determination under subsection D, below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or 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.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - (a). Steps taken in conducting a background investigation;
 - (b). Results obtained;
 - (c). Conclusions reached; and
 - (d). The bases for those conclusions.
2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.
3. If a license is not issued to an applicant, the Tribe:
 - (a). Shall notify the National Indian Gaming Commission; and
 - (b). May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has

provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

VIII. License Locations

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

IX. Repeal

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

X. Agent for Service

All notices and other legal service related to activities under this ordinance should be delivered by certified mail to:

Kip Kubin
Bottaro, Morefield & Kubin, L.C.
4700 Belleview, Suite 404
Kansas City, MO 64112-1359

XI. Procedures for Background Investigations of Key Employees and Primary Management Officials

The Shawnee Tribe Gaming Commission (sometimes referred to as the "STGC") is responsible for conducting all background investigations and suitability determination. The members of the STGC are appointed by the Chairman of the Shawnee Tribe. The STGC will:

- A. Designate an agent to conduct the background investigations.
- B. Review and approve all investigative work done by an agent of the Commission.

- C. Report the results of the background investigations to the National Indian Gaming Commission.
- D. Make arrangements with a local law enforcement agency approved to take fingerprints and to forward these prints directly to the National Indian Gaming Commission for processing through the Federal Bureau of Investigation. All resulting reports will be sent to the STGC.
- E. Make suitability determination of background characteristics based upon the results of the background investigation.
- F. Verify by written and/or documented oral communication the following items concerning a prospective employee:
 - 1. Prior activities.
 - 2. Criminal record and reputation.
 - 3. Interviews of a sufficient number of former employers, personal references, and other applicable individuals in reference to the applicant.
 - 4. Document the disposition of all potential problem areas noted and disqualifying information obtained.
- G. Prepare an investigative report setting forth the following:
 - 1. Steps taken in conducting the background investigation.
 - 2. Results obtained.
 - 3. Conclusions reached and the bases for those conclusions.
- H. The Tribe shall conduct an investigation sufficient to make a determination under 25 C.F.R. § 558.2. In conducting the background investigation, the Tribe or its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

XII. Procedures for Dispute Resolution with the Gaming Public

The Shawnee Tribe Gaming Commission is responsible for the resolution of disputes between the gaming public (the patrons) and the Tribe and/or the Tribe's management contractor. The following procedures shall apply to the various types of disputes:

- A. Refusal to Pay Winners: Whenever the gaming enterprise refuses payment of alleged winnings to patron, and the enterprise and the patron are unable to resolve the dispute to the satisfaction of the patron and dispute involves:
 - 1. At least five hundred dollars (\$500), the enterprise shall immediately notify the STGC for investigative action; or
 - 2. Less than five hundred dollars (\$500), the enterprise shall inform the patron of his or her right to request that the STGC conduct an investigation. The STGC, through an inspector, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.
- B. Notice to Patrons: The STGC inspector shall mail written notice by certified mail, return receipt requested, to the enterprise and the patron of his or her decision resolving the dispute within thirty (30) days after the date that the STGC first receives notification from the enterprise or a request to conduct an investigation from the patron.
- C. Inspector Decision: The decision of the inspector is effective on the date it is received by the aggrieved party as reflected on the return receipt.
- D. Review of Decision: Within thirty (30) days after the date of receipt of the written decision of the inspector, the aggrieved party may file a petition with the STGC requesting a review of the decision. The STGC may set a hearing on the matter or may make a decision based solely upon the inspector's decision and other documentation provided to it by the patron and the enterprise. The STGC shall then issue a written decision and mail it to the parties pursuant to the procedures set forth in Section XII.B. The decision of the STGC shall be final and binding upon the patron and the enterprise and shall not be subject to

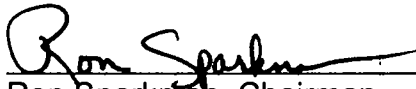
judicial review or other legal action in the courts of the state where the enterprise is located.

XIII. Inherent sovereignty of the Shawnee Tribe.

With the passage of this legislative act notwithstanding any other law or ordinance, this ordinance does not limit the inherent sovereignty of the Shawnee Tribe.

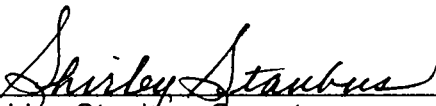
CERTIFICATION

The foregoing resolution, number 2003-45, was duly adopted this date, May 5th, 2003, by a vote of the Shawnee Tribe Business Committee, resulting in a vote of 7 for, 0 against, 0 abstaining, and 1 absent, with an established quorum.



Ron Sparkman, Chairman
Shawnee Tribe

Attest:



Shirley Staubus, Secretary
Shawnee Tribe



The Shawnee Tribe Seal:
(embossed through all pages on original;
seal on first page in color on original)

Filed with:

Bureau of Indian Affairs - Miami Field Office
Chairman, National Indian Gaming Commission



RESOLUTION NO. 2003-47

RESOLUTION TO ADOPT AN ORDINANCE FOR THE SHAWNEE TRIBE'S REGULATION OF CLASS III GAMING ON INDIAN LANDS

WHEREAS, the Shawnee Tribe is a federally recognized Indian Tribe, pursuant to an Act of Congress known as Public Law 106-568, also known as the Shawnee Tribe Status Act of 2000, also known as TITLE VII of the Omnibus Indian Advancement Act (114 Stat. 2868) ; and

WHEREAS, the Shawnee Tribe is imbued with all inherent attributes of sovereignty, having exclusive civil and governmental jurisdiction over its lands, and is organized pursuant to a Constitution duly ratified by the members of the Shawnee Tribe on September 15, 2001; and

WHEREAS, the Shawnee Tribe Business Committee is empowered to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, in accordance with Articles IV, VI, and VII of the Constitution of the Shawnee Tribe; and

WHEREAS, in certain treaties entered into between the Shawnee Tribe and the United States, the Shawnee Tribe retained all of its inherent right of self government and undertook to provide protection to businesses that were located within its jurisdiction; and

WHEREAS, the Shawnee Tribe is desirous of providing a basis under tribal law to authorize and regulate the conduct of gaming on Indian lands of the Shawnee Tribe, including entering into tribal-state compacts with the states where Shawnee Indian lands are located and entering into appropriate management contacts with management agents to provide for the establishment and operation of Class II and Class II gaming operations, as defined by the Indian Gaming Regulatory Act of 1988; and

WHEREAS, the Shawnee Tribe accordingly desires to approve the attached "SHAWNEE TRIBE CLASS III GAMING OPERATIONS ORDINANCE";

NOW THEREFORE BE IT RESOLVED, that the Shawnee Tribe Business Committee herewith enacts the SHAWNEE TRIBE CLASS III GAMING OPERATIONS ORDINANCE, the purpose of which is to authorize and regulate Class III gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988. The SHAWNEE TRIBE CLASS III GAMING OPERATIONS ORDINANCE is attached and made a part of this Resolution 2003-47.

SHAWNEE TRIBE CLASS III GAMING OPERATIONS ORDINANCE

I. Purpose

The Business Committee of the Shawnee Tribe (hereinafter referred to as the "Tribe"), which is empowered by the Constitution of the Shawnee Tribe to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, hereby enacts this ordinance in order to set the terms for Class III gaming operations on tribal lands.

II. Gaming Authorized

Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-497, 25 U.S.C. Section 2703(8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. Ownership of Gaming

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

IV. Use of Gaming Revenue

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

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

V. Audit

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

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety

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

VII. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II gaming enterprise operated on Indian lands:

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

1. Key employee means

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

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

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REGULATION OF CLASS III GAMING ON INDIAN LANDS

- (4). Custodian of gaming supplies or cash;
 - (5). Floor manager;
 - (6). Pit boss;
 - (7). Dealer;
 - (8). Croupier;
 - (9). Approver of credit;
 - (10). Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
 - (b). If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (c). If not otherwise included, the four most highly compensated persons in the gaming operation.
 2. 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.
- B. Application Forms
1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."
 2. Existing key employees and primary management officials shall be notified in writing that they shall either:
 - (a). Complete a new application form that contains a Privacy Act notice; or
 - (b). Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
 3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, § 1001)."

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (a). Complete a new application form that contains a notice regarding false statements; or
- (b). Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (a). Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (b). Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (c). The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- (d). Current business and residence telephone numbers;
- (e). A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (f). A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g). The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h). For each felony for which there is an on-going 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 on-going misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j). For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k). The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l). A current photograph;
- (m). Any other information the Tribe deems relevant; and
- (n). Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Tribal Gaming Commission.

2. The Tribe shall conduct an investigation sufficient to make a determination under subsection D, below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or 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.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - (a). Steps taken in conducting a background investigation;
 - (b). Results obtained;
 - (c). Conclusions reached; and
 - (d). The bases for those conclusions.
2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.
3. If a license is not issued to an applicant, the Tribe:
 - (a). Shall notify the National Indian Gaming Commission; and
 - (b). May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has

provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

VIII. License Locations

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

IX. Repeal

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

X. Agent for Service

All notices and other legal service related to activities under this ordinance should be delivered by certified mail to:

Kip Kubin
Bottaro, Morefield & Kubin, L.C.
4700 Belleview, Suite 404
Kansas City, MO 64112-1359

XI. Procedures for Background Investigations of Key Employees and Primary Management Officials

The Shawnee Tribe Gaming Commission (sometimes referred to as the "STGC") is responsible for conducting all background investigations and suitability determination. The members of the STGC are appointed by the Chairman of the Shawnee Tribe. The STGC will:

- A. Designate an agent to conduct the background investigations.
- B. Review and approve all investigative work done by an agent of the Commission.
- C. Report the results of the background investigations to the National Indian Gaming Commission.

- D. Make arrangements with a local law enforcement agency approved to take fingerprints and to forward these prints directly to the National Indian Gaming Commission for processing through the Federal Bureau of Investigation. All resulting reports will be sent to the STGC.
- E. Make suitability determination of background characteristics based upon the results of the background investigation.
- F. Verify by written and/or documented oral communication the following items concerning a prospective employee:
 - 1. Prior activities.
 - 2. Criminal record and reputation.
 - 3. Interviews of a sufficient number of former employers, personal references, and other applicable individuals in reference to the applicant.
 - 4. Document the disposition of all potential problem areas noted and disqualifying information obtained.
- G. Prepare an investigative report setting forth the following:
 - 1. Steps taken in conducting the background investigation.
 - 2. Results obtained.
 - 3. Conclusions reached and the bases for those conclusions.
- H. The Tribe shall conduct an investigation sufficient to make a determination under 25 C.F.R. § 558.2. In conducting the background investigation, the Tribe or its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

XII. Procedures for Dispute Resolution with the Gaming Public

The Shawnee Tribe Gaming Commission is responsible for the resolution of disputes between the gaming public (the patrons) and the Tribe and/or the Tribe's management contractor. The following procedures shall apply to the various types of disputes:

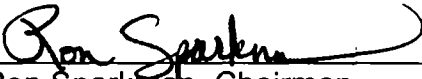
- A. Refusal to Pay Winners: Whenever the gaming enterprise refuses payment of alleged winnings to patron, and the enterprise and the patron are unable to resolve the dispute to the satisfaction of the patron and dispute involves:
 - 1. At least five hundred dollars (\$500), the enterprise shall immediately notify the STGC for investigative action; or
 - 2. Less than five hundred dollars (\$500), the enterprise shall inform the patron of his or her right to request that the STGC conduct an investigation. The STGC, through an inspector, shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.
- B. Notice to Patrons: The STGC inspector shall mail written notice by certified mail, return receipt requested, to the enterprise and the patron of his or her decision resolving the dispute within thirty (30) days after the date that the STGC first receives notification from the enterprise or a request to conduct an investigation from the patron.
- C. Inspector Decision: The decision of the inspector is effective on the date it is received by the aggrieved party as reflected on the return receipt.
- D. Review of Decision: Within thirty (30) days after the date of receipt of the written decision of the inspector, the aggrieved party may file a petition with the STGC requesting a review of the decision. The STGC may set a hearing on the matter or may make a decision based solely upon the inspector's decision and other documentation provided to it by the patron and the enterprise. The STGC shall then issue a written decision and mail it to the parties pursuant to the procedures set forth in Section XII.B. The decision of the STGC shall be final and binding upon the patron and the enterprise and shall not be subject to judicial review or other legal action in the courts of the state where the enterprise is located.

XIII. Inherent sovereignty of the Shawnee Tribe.

With the passage of this legislative act notwithstanding any other law or ordinance, this ordinance does not limit the inherent sovereignty of the Shawnee Tribe.


CERTIFICATION

The foregoing resolution, number 2003-47, was duly adopted this date, May 5th, 2003, by a vote of the Shawnee Tribe Business Committee, resulting in a vote of 7 for, 0 against, 0 abstaining, and 1 absent, with an established quorum.



Ron Sparkman, Chairman
Shawnee Tribe

Attest:



Shirley Staubus, Secretary
Shawnee Tribe



The Shawnee Tribe Seal:
*(embossed through all pages on original;
seal on first page in color on original)*

Filed with:

Bureau of Indian Affairs - Miami Field Office
Chairman, National Indian Gaming Commission



RESOLUTION NO. 2003-45

RESOLUTION TO ADOPT AN ORDINANCE FOR THE SHAWNEE TRIBE'S REGULATION OF CLASS II GAMING ON INDIAN LANDS

WHEREAS, the Shawnee Tribe is a federally recognized Indian Tribe, pursuant to an Act of Congress known as Public Law 106-568, also known as the Shawnee Tribe Status Act of 2000 and Title VII of the Omnibus Indian Advancement Act [114 Stat. 2868]; and

WHEREAS, the Shawnee Tribe is imbued with all inherent attributes of sovereignty, having exclusive civil and governmental jurisdiction over its lands, and is organized pursuant to a Constitution duly ratified by the members of the Shawnee Tribe on September 15, 2001; and

WHEREAS, the Shawnee Tribe Business Committee is empowered to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, in accordance with Articles IV, VI, and VII of the Constitution of the Shawnee Tribe; and

WHEREAS, in certain treaties entered into between the Shawnee Tribe and the United States, the Shawnee Tribe retained all of its inherent rights of self government and undertook to provide protection to businesses that were located within its jurisdiction; and

WHEREAS, the Shawnee Tribe is desirous of providing a basis under tribal law to authorize and regulate the conduct of Class II gaming operations on Indian lands of the Shawnee Tribe, as defined by the Indian Gaming Regulatory Act of 1988; and

WHEREAS, the Shawnee Tribe desires to approve the attached "SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE " in order to set the terms for Class II gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988;

NOW THEREFORE BE IT RESOLVED, that the Shawnee Tribe Business Committee herewith enacts the SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE, the purpose of which is to authorize and regulate Class II gaming on the Indian lands of the Shawnee Tribe as defined by the Indian Gaming Regulatory Act of 1988. The SHAWNEE TRIBE CLASS II GAMING OPERATIONS ORDINANCE is attached and made a part of this Resolution 2003-45.

**SHAWNEE TRIBE
CLASS II GAMING OPERATIONS ORDINANCE**

I. Purpose

The Business Committee of the Shawnee Tribe (hereinafter referred to as the "Tribe"), which is empowered by the Constitution of the Shawnee Tribe to prescribe rules and regulations, to enact laws, and to transact all business on behalf of the Tribe, hereby enacts this ordinance in order to set the terms for Class II gaming operations on tribal lands.

II. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-497, 25 U.S.C. § 2703(7)(A) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

III. Ownership of Gaming

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

IV. Use of Gaming Revenue

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

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

V. Audit

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

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety

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

VII. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II gaming enterprise operated on Indian lands:

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

1. Key employee means

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

- (1). Bingo caller;
- (2). Counting room supervisor;
- (3). Chief of security;
- (4). Custodian of gaming supplies or cash;
- (5). Floor manager;

- (6). Pit boss;
 - (7). Dealer;
 - (8). Croupier;
 - (9). Approver of credit;
 - (10). Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
 - (b). If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (c). If not otherwise included, the four most highly compensated persons in the gaming operation.
 2. 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.
- B. Application Forms
1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.”
 2. Existing key employees and primary management officials shall be notified in writing that they shall either:
 - (a). Complete a new application form that contains a Privacy Act notice; or
 - (b). Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
 3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

“A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, § 1001).”

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (a). Complete a new application form that contains a notice regarding false statements; or
- (b). Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (a). Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (b). Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (c). The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- (d). Current business and residence telephone numbers;
- (e). A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (f). A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g). The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h). For each felony for which there is an on-going 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 on-going misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j). For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k). The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l). A current photograph;
- (m). Any other information the Tribe deems relevant; and
- (n). Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Tribal Gaming Commission.

2. The Tribe shall conduct an investigation sufficient to make a determination under subsection D, below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or 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.

E. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.
2. The Tribe shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - (a). Steps taken in conducting a background investigation;
 - (b). Results obtained;
 - (c). Conclusions reached; and
 - (d). The bases for those conclusions.
2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.
3. If a license is not issued to an applicant, the Tribe:
 - (a). Shall notify the National Indian Gaming Commission; and
 - (b). May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has

provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph G.1. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D. above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

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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.

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