

NATIONAL  
INDIAN  
GAMING  
COMMISSION

OCT 20 1993

Leah Miller Heath  
Tribal President  
Stockbridge-Munsee Community  
Tribal Offices  
N8476 Moheconnuck Rd.  
Bowler, Wisconsin 54416

Dear President Heath:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on August 6, 1993, for the Stockbridge-Munsee Community Band of Mohican Indians. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of that Act and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Stockbridge-Munsee Community Band of Mohican Indians for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope  
Chairman

cc: Sharon Green, Esq.

STOCKBRIDGE-MUNSEE GAMING ORDINANCE

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Purpose

The Stockbridge-Munsee Tribal Council, empowered by the Stockbridge-Munsee Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for class II and class III gaming operations (hereinafter "gaming") on tribal lands; further, to assure that gaming in the Stockbridge-Munsee Community is conducted fairly and honestly by both the operator and the players according to the regulations and standards set forth herein; and finally, to produce revenue for support of the programs which promote the health, education, welfare and economic development of the Stockbridge-Munsee Community.

**Section I. SHORT TITLE**

This Ordinance may be cited as the Stockbridge-Munsee Gaming Ordinance, regulating both Class II and Class III Gaming.

**Section II. GAMING AUTHORIZED**

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(a) (IGRA) and Class III gaming as defined by 25 U.S.C. Section 2703(8). by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. section 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) and by the Tribal/State Compact signed in February of 1992, is hereby authorized.

**Section III. INTERPRETATION**

This Ordinance shall be deemed a reasonable and proper exercise of the police power of the Stockbridge-Munsee Tribe for the protection of the public health, welfare and safety of the people of the Stockbridge-Munsee Reservation and all other people who enter the Reservation for lawful purposes. The provisions of this Ordinance shall be liberally construed for the accomplishment of this purpose.

**Section IV. OWNERSHIP OF GAMING**

The Stockbridge-Munsee Community shall be the sole operator, conductor, manager and owner of all gaming enterprises on the Stockbridge-Munsee Reservation.

Section V. DEFINITIONS

A. Class II gaming means:

1. the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith)
  - a. which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
  - b. in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
  - c. in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo, and
2. card games that -
  - a. are explicitly authorized by the laws of the State, or
  - b. are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

Class II gaming does not include-

- a. any banking card games, including baccarat, chemin de fer, or blackjack (21), or
  - b. electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.
- B. Class III gaming means all forms of gaming that are not class I gaming or class II gaming, more specifically, as provided for in the Compact:

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1. Electronic games of chance with video facsimile displays;
  2. Electronic games of chance with mechanical displays;
  3. Blackjack; and
  4. Pull-tabs or break-open tickets when not played at the same location as Bingo and any other games hereinafter authorized by the Act or through modifications to the Compact.
- C. Bingo Occasion means a single gathering or session at which a series of successive bingo games are played.
- D. Gross Receipts (for bingo) means receipts from the sale of shares, tickets, or rights in any manner connected with participation in a game of bingo or the right to participate therein, including any admission fee, charge, the sale of equipment or supplies, concessionary sales and all other income from the bingo operation.
- E. Net Revenues means gross revenues of an Indian gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees.
- F. Tribe means the Stockbridge-Munsee Community, a federally recognized Indian Tribe.
- G. Tribal Council means the Tribal Council specified in Article IV of the Stockbridge-Munsee Constitution and Bylaws.
- H. Fraud means intentional deception resulting in an injury to another, for example, loss of property or assets.
- I. Gaming related contract means any agreement under which the Tribe procures for gaming any materials, supplies, equipment or services that are unique to the operation of gaming and not common to ordinary Tribal operations. (See section VII of Gaming Compact.)

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- J. Gaming Board means the Stockbridge-Munsee Gaming Board as established under this Ordinance.
- K. Key employees (see Section XI, License for Key Employees and Primary Management Officials)
- L. Primary Management (see Section XI).
- M. Gaming Enterprise - The Mohican Northstar Casino and Bingo.
- N. Charitable organization means an organization having the character or purpose of a charity. The word 'charitable' in a legal sense includes every gift for a general public use, to be applied consistent with existing laws, for benefit of an indefinite number of persons and designed to benefit them from an educational, religious, moral, physical or social standpoint.

**Section VI. USE OF GAMING REVENUE**

- A. Net revenues from class II and 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 payment only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. section 2710(b)(3).

**Section VII. HANDLING OF GAMING RECEIPTS**

- A. All monies collected or received from the operation of the Gaming Casino from any source shall be deposited in a special bank account of the Stockbridge-Munsee Gaming Enterprise which shall contain only such money. All operating expenses shall be withdrawn from such account by consecutively numbered checks duly signed by the General Casino Manager and a designated member of the Gaming Board and shall be payable to a specific person or organization. No check shall be drawn to "cash" or a fictitious payee.

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- B. Any cash prize over \$2,500 may be paid partially by cash, not to exceed a maximum cash payout of \$2,500, with the remaining balance to be paid by check. The General Casino Manager or Assistant General Casino Manager may be the primary signatories of such checks, and a separate itemization of all such checks shall be included in the General Casino Manager's weekly reports.
- C. The General Casino Manager shall ensure that the enterprise complies with the provisions of Section XIII of the Compact pertaining to taxes.

**Section VIII. TRIBAL COUNCIL: POWERS AND DUTIES**

- A. This Ordinance is authorized and adopted by the Stockbridge-Munsee Tribal Council pursuant to its powers under Article VII, Section 1, paragraphs (f) and (g) of the Constitution and Bylaws of the Stockbridge-Munsee Reservation.
- B. The Stockbridge-Munsee Tribal Council may further delegate responsibilities under the Constitution to subordinate organizations in order to carry out the terms of this Ordinance and assure compliance with the Indian Gaming Regulatory Act, the State Compact and all other regulations, policies and procedures promulgated therefrom.
- C. The Stockbridge-Munsee Tribal Council shall retain the exclusive power to enter into agreements or compacts with the federal government, states, tribes, counties, municipalities and other local governments or entities.
- D. The Stockbridge-Munsee Tribal Council shall retain the exclusive power to enter into contracts and agreements effecting any sale, lease, encumbrance or other disposition of tribal lands, interest in lands or other assets of the Tribe.
- E. The Stockbridge-Munsee Tribal Council shall retain the exclusive power to enter into business contracts and agreements pertaining to the operation of gaming, except in those cases where that power has been expressly delegated to another entity, and in such cases of delegation, council shall have review of said contracts prior to signing.



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- F. The Stockbridge-Munsee Tribal Council shall give final approval to all gaming-related policies and procedures and any rules or regulations promulgated pursuant to this Ordinance, as recommended by the Board.
- G. The Tribal Council shall establish the use of gaming revenues transferred from the gaming enterprises in accordance with this ordinance and applicable laws for use of such revenues according to Tribal needs and requirements for continued growth.
- H. The Tribal Council may act as an appellate court for disputes arising under this Ordinance or policies and procedures developed for the Gaming Enterprise.
- I. The Tribal President shall be the spokesperson for the Tribe and shall respond to the media on gaming issues, but may delegate this role as necessary and reasonable.
- J. The Tribal Council has authority to appoint and dismiss Gaming Board members.
- K. The Tribal Council shall hire and supervise the Casino General Manager and shall hire Casino Financial Manager.

**Section IX. GAMING BOARD; POWERS, DUTIES AND LIMITATIONS**

- A. There shall be a Gaming Board (Board) to monitor the operations of the tribal gaming enterprises, insuring that those operations follow sound business practices and reflect the strategic interests and objectives of the Tribe. Seven members shall be appointed by Tribal Council to the Gaming Board and members shall serve a term of two years. The terms shall be staggered, such staggering to be achieved by allowing three of the first seven Board Members to serve a one-year term, three to serve a two-year term, and one member shall serve a three-year term. Thereafter, all appointments shall be for a two-year term. Vacancies shall be filled by appointment by the Stockbridge-Munsee Tribal Council.

1. Purpose

The purpose of the Board is to monitor the operations of the tribal gaming enterprises and to insure compliance with policies, procedures and regulations developed pursuant to this Ordinance,

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the Tribal-State Compact and Guidelines promulgated by the National Indian Gaming Commission and the Secretary of Interior.

2. Qualifications for Appointment to Board

- a. Shall be an enrolled member at least twenty-one years of age.
- b. No individual shall be eligible for appointment to, or to continue services on the Board, who:
  - 1) Has been convicted of or pleaded guilty to a felony, a gaming related offense or a crime of fraud as defined in this Ordinance, unless granted a waiver by the Tribal Council;
  - 2) Has any financial interest in, or management responsibility for any gaming activity operated by the Tribe or operated by a competitor of the Tribe, or any direct or indirect interest in any gaming-related contract with the Tribe;
  - 3) Has any conflict of interest as defined in this Ordinance.
- c. Shall meet one of the following criteria:  
Experience of at least one year in:
  - 1) Business Management
  - 2) Economic Development
  - 3) Marketing
  - 4) Law
  - 5) Finance
  - 6) Accounting
  - 7) Gaming

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- 8) Security/Law Enforcement, or
- 9) Formal training in any of the above
- d. Shall not serve in any elected position in the Stockbridge-Munsee Tribe while at the same time serving as Gaming Board member.
- e. Compensation shall be paid for attendance at meetings consistent with tribal practice and policy as set forth in the Operations and Procedure Manual and approved by Tribal Council. Must attend meetings in order to receive compensation.

B. Responsibilities of the Board

1. Board shall create and implement a set of bylaws governing gaming enterprises, such bylaws being consistent with provisions of Constitution, Ordinance, Tribal-State Compact and Federal Gaming Regulations and overall tribal objectives, subject to Tribal Council approval.
2. Board shall have power of review and approval over all gaming-related expenditures over five thousand dollars; however, any expenditure over twenty thousand dollars must also be reviewed and approved by Tribal Council.
3. Board shall monitor operations of the gaming business to insure that Management follows sound business practices.
4. Board shall monitor operations of the gaming business to insure that Management complies with existing policies and procedures.
5. The Board shall review each policy for compliance with this Ordinance, the Compact, Constitution, Federal Regulations and for overall compatibility with goals of the tribe, such as tribal member employment. Board shall approve policies and procedures and submit to Tribal Council for final approval.
6. Board shall insure that routine business practices comply with the long-term interests and objectives of the Tribe.

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7. Board shall meet monthly on a fixed day. Special meetings may be called by the Board's chair when necessary, provided that such meetings are posted 48 hours in advance in the normal Tribal posting places and are open to the public. If requested by the General Manager, the chair is responsible for calling a board meeting within 48 hours of receiving General Manager's request.  
  
Emergency meetings may be held and emergency must be documented.
8. A simple majority vote at a meeting in which a quorum (four members) is present constitutes a decision by the Board. In the absence of the Chairperson, the Vice-chair shall preside over the meeting.
9. Board has authority and may hear grievances pursuant to the grievance policy. Hearing of grievances that have not followed the proper procedure pursuant to policy shall be grounds for removal from the Board.
10. No Board Member shall act independently of the Board. Any such acts may be considered grounds for removal.
11. Board may inspect and examine all premises where gaming is conducted.
12. Board may inspect and examine all reports necessary to fulfill their regulatory duties.
13. Board shall review licenses and licensing policy as may be deemed necessary to insure that Compact and Federal Regulations have been followed.
14. Board shall monitor and review Gaming management plans, budgets and projects to insure implementation of all directives from the Tribal Council.
15. Board shall maintain the confidentiality of information specified as confidential and violation of confidentiality shall be grounds for removal.

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16. The Board shall take those measures necessary to investigate any alleged violation of policy or law within the gaming enterprise.
17. Executive session when deemed necessary by the Board. No decisions will be made in Executive session.

C. Reporting

1. The Board, in conjunction with the General Manager, shall submit to Tribal Council by June first, an annual Plan of Operation, including: budgets, annual audit statements, an annual report describing progress against business goals in the past year, quarterly business balance sheets and a profit and loss statement.
2. Board shall submit to Tribal Council copy of minutes from each Board meeting as soon thereafter as minutes are available, and any other records that Tribal Council might request.

D. Limitations of the Board

The Board is an oversight and regulatory body responsible for insuring that Management operates according to the policies and procedures developed by Management and within the Bylaws developed by the Board. The Board must also exercise oversight to insure that policies and procedures developed by Management comply with Compact and Federal Regulations. Where non-compliance is detected, the Board has the responsibility of pointing out such non-compliance and making recommendations, both to Tribal Council and to Management, to remedy the situation. The Board's powers do not extend to making day to day management decisions.

- E. Board travel will be submitted to Tribal Council for prior approval. Travel reports will be completed and submitted to Council.

Section X. GAMING MANAGEMENT; POWERS, DUTIES AND LIMITATIONS

A. The General Manager (Manager) is authorized to manage the gaming enterprise on a day-to-day basis and to facilitate quick and efficient business decision-making, while respecting the broad guidelines of the Board and the Tribal Council. The Manager shall be hired by the Tribal Council with consultation from the Board. The Manager may be removed by the Tribal Council for cause. Grounds for removal must be clear and strictly limited to objective evidence of poor performance.

1. Purpose

The purpose of the Manager, and the management structure s/he creates, is to oversee the day-to-day activities, make the day-to-day business decisions and create a successful gaming business.

2. Qualifications

The Manager shall have the experience and demonstrated skills necessary to manage a growing gaming enterprise according to the job description.

B. Responsibilities of Manager

1. Day-to-day business management, including, but not limited to such things as hiring, contracting, payroll and schedules.

2. Hiring staff. All staff ultimately report to Manager.

3. Operating policies and procedures. It is the responsibility of the Manager, in consultation with the Board, to develop and implement operating policies and procedures for the gaming enterprise, including personnel, financial management, contracting, purchasing, marketing and other areas as needed.

4. Annual Plan of Operation. Manager shall submit annual plan to Board for review and approval. Plan shall contain the following:

a. Operating budget

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- b. Capital budgets
- c. Growth target
- d. Staffing requirements (including training)
- e. Expense/revenue projections

Plan shall be submitted in a timely fashion, taking into consideration the June first deadline that Board must submit same to Tribal Council.

- 5. Accounting for Gaming funds. Manager is responsible for keeping accurate, up-to-date financial records and accounts of all business, and for hiring or contracting with necessary resources to do so (subject to terms of Compact, this Ordinance and federal law).
- 6. Manager shall be familiar with all terms of the Compact and be directly responsible for managing the gaming enterprise in compliance with the Compact.
- 7. Manager shall be familiar with the terms of the National Indian Gaming Commission regulations effective February 22, 1993, and operate both Class II and Class III Gaming in compliance with said regulations.
- 8. Manager may delegate that authority necessary to insure compliance with rules and regulations and effect a more efficient and productive operating environment.
- 9. Manager shall insure that a system for bonding of all employees is in place.

C. Reporting

The Manager shall provide Board and Tribal Council with a monthly financial report. Annual Plan of Operation shall be submitted to the Board annually, who in turn, after review and approval, submits same to Tribal Council.

The Manager shall notify Board of travel plans and of all times that he or she plans to be away.

**Section XI. 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. Compact terms for audit shall be followed for audit of class III games.
- 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 section A. above.

**Section XII. PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY**

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

**Section XIII. LICENSE FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS**

Pursuant to 25 CFR 556.4, 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 and class III gaming enterprise operated on Indian lands:

A. Definitions

For the purpose 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;



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- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (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
  - (3) The chief financial officer or other person who has financial management responsibility.

B. Application Forms

- 1. Pursuant to 25 CFR 556.2 the following notice shall be placed on the application form for a new key employee or a primary management official before that form is filled out by an applicant:

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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 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 the tribe or a gaming operation. Failure to consent to the disclosure 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. Pursuant to 25 CFR 556.3, 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 a fine or imprisonment.  
(U.S. Code, title 18, section 1001).

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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, their names used (oral or 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 license numbers;
  - c. The names and current addresses of at least three personal references who were 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 or 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;

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- 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 (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 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. section 522.2(h).
- o. If another tribe has previously employed the applicant, Tribe may request investigative information from the other tribe.

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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.
3. The Tribe may require asset and liability disclosure for key employees and primary management officials when it deems that information necessary to adequately protect the gaming enterprise and determine the suitability of a particular individual for employment.

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 interests 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. (see Section XIII for more information).

E. Procedures for Forwarding Applications and Reports for Key Employee 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, 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.

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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 as investigative report on each background investigation. An investigation 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 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.

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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 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 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 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.

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2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. Hearing will be before the tribal council.
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.

I. License Locations

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

Section XIV. LICENSING OF OTHER EMPLOYEES

1. "Other employees" for purposes of this section, are those who are not key employees or primary management officials.
2. Purpose. Licensing of other employees' is not required to satisfy federal law or regulations; however, in order to be eligible for a Certificate of Self-Regulation under 25 USC 2710(c), all class II employees must be licensed by the Tribe.
3. "Other employees" shall submit an application containing the same notices of "Privacy" and "False statements" as key employees and primary management officials.
4. "Other employees" shall undergo a local CIB check and a state fingerprint check.
5. Personnel and the licensing official (director of security and surveillance) shall review applicants' prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning eligibility for employment as a licensed employee of the North Star Casino and Bingo.



6. No investigative report on "other employees" is required to be submitted to the commission. However, information gathered for determining eligibility for licensing shall be kept on file in the same manner and with the same degree of confidentiality as that of key employees and primary management officials.
7. License shall be issued by licensing official after review of the above mentioned reports and information.

**Section XV. FINANCIAL REPORTS**

- A. All financial reports of the gaming enterprises shall be deemed confidential and proprietary information and not available to non-members of the Tribe except as required by the Indian Gaming Regulatory Act, the Compact or as disclosed by the Tribal Council. Tribal Members may inspect such financial reports in the office of the Tribal President during regular office hours or by appointment with the Tribal President. The right to inspect does not extend to a right to copy.
- B. Any person who discloses such financial information except as provided for herein shall be subject to disciplinary action by the Tribal Council.
- C. All financial records shall be kept pursuant to the terms of the Compact.

**Section XVI. EMPLOYMENT QUALIFICATIONS**

- A. No person may be employed in the operation or conduct of gaming, nor shall any gaming related contractor be hired or employ another to work under him or her in the course of performance under the contract if that person:
  1. Has been convicted of or entered a plea of guilty or no contest to any of the following:
    - a. A felony, other than a felony conviction for an offense under subdivision b or c, during the immediately preceding 10 years;
    - b. Any gambling-related offense;

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- c. A violation of any provision of Chapters 562 or 565 of the Wisconsin Statutes; a rule promulgated by the Wisconsin Gaming Commission, or a Tribal Ordinance or policy regulating gaming.
  2. Has been determined by the Tribe to be a person whose prior activities, criminal record if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.
- B. The Tribe's Waiver Policy may act to remove certain criminal backgrounds as a bar to employment in the tribal gaming enterprises, where applicable; however, a waiver does not guarantee employment in the gaming enterprises.
- C. Preference shall be granted in the recruiting, training and employment to qualified members of the Tribe in all job categories falling under the Gaming Ordinance and provisions, pursuant to the Preference Policy adopted in the Policies and Procedures governing the conduct of Gaming.

SECTION XVII. CONFLICT OF INTEREST

1. No person employed by the Gaming Enterprise may have a direct or indirect interest in any gaming-related contract with the Tribe, nor may they be employed by any person who has a gaming-related contract with the Tribe.

Definition

A direct or indirect interest is one in which the employee has an economic interest or receives personal gain from the transaction in question.

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2. An employee of the Gaming Enterprise may have an interest in a nongaming-related contract with the Tribe or with the Gaming Enterprise if such employee makes a full disclosure to the Gaming Board prior to such contract and the Gaming Board finds that the contract is not unfair to the Gaming Enterprise and is satisfied that the contract is nongaming-related. This clause seeks to avoid the appearance of a conflict of interest while not altering the original conflict of interest prohibition contained in the compact.

**Section XVIII. DISPUTE RESOLUTION PROCEDURE**

This Ordinance authorizes a dispute resolution policy for all games as required by the Compact. The purpose of such policies are to insure that gaming is conducted fairly and honestly by both the operators and the players and to resolve disputes that may arise between players.

**Section XIX. CONDUCT OF GAMES**

- A. The conduct of class III games shall be as provided for in Section V. of the Compact.
- B. Electronic Games of Chance shall be governed by Section XV of the Compact and Blackjack shall be governed by Section XVI of the Compact.
- C. The premises where any gaming is conducted shall at all times be open to inspection by the Stockbridge-Munsee Tribal Council and the Stockbridge-Munsee Gaming Board.
- D. Gaming may be conducted each and every day of the week at any hour of the day or night, at the discretion of the Gaming Board and the General Casino Manager.
- E. The Tribal Council shall retain the sole authority to set limits on gaming.
- F. [THIS SECTION AWAITING FINAL DECISION] No person employed at the Gaming Enterprise may play any Electronic Game of Chance, Blackjack (except dealers playing for the house) or any other authorized game at the Stockbridge-Munsee Casino or Bingo.
- G. All employees who are working at the Gaming Enterprise shall be clearly identified with legible tags evidencing their names and shall be licensed pursuant to Federal Regulation and gaming policy.

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- H. When any merchandise prize is awarded in a game of bingo, its value shall be at its current retail price. No merchandise shall be redeemable or convertible into cash directly or indirectly.
- I. Equipment, prizes and supplies for games of bingo shall not be sold at prices in excess of the usual price thereof.
- J. There shall be no limit on the size of the prize offered or given in any single game of bingo or for any occasion, except that all such prize amounts must be approved by the Gaming Board.
- K. The equipment used in the playing of bingo and the method of play, shall be such that each card shall have an equal opportunity to be a winner. The object or balls to be drawn shall be exactly the same as to size, weight and balance and all other characteristics that may influence the selection process. All objects or balls shall be present in the receptacle and shall be inspected by a bingo participant before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all participants present. Where more than one room is used for any one game, the receptacle and the caller must be present in the room where the greatest number of participants are present. All numbers announced shall be plainly audible or visible to the participants in the room and to the participants in any other room(s). The participant cards or sheets shall be a part of a deck, group or series of cards, no two of which shall be alike, and which deck, group, or series shall not be so prepared or arranged as to prefer any card.
- L. The receptacle, the caller and the person removing the object or balls from the receptacle must be visible to all players at all times except when more than one room is used for any one game.
- M. The particular arrangement of numbers required to be covered in order to win the game and the amount of the prize shall be clearly and audibly or visibly described and announced to the players immediately before each game is begun.

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- N. Any player shall be entitled to call for a verification of all numbers drawn at the time a winner is determined, and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the Security Officer designated to patrol the occasion.
- O. Persons who are not physically present on the premises where the game is actually conducted shall not be allowed to participate as a player in the game.
- P. Any person who holds, conducts, operates, or assists in holding, operating or conducting a game of bingo may not play at the occasion at which such person is working.

Bingo: Non-Profit Organization:

- 1. Any non-profit organization within the exterior boundaries of the Stockbridge-Munsee Indian Reservation may request from the Tribal Council authorization to participate in the profits from the concessions at any single bingo occasion. If so approved, the organization will be allowed to keep 50% of the profits from that specific occasion. The Gaming Board and Casino Manager shall have the opportunity to recommend whether bingo cash balances are sufficient for the Tribal Council to approve such requests. However, the Tribal Council has the final authority in its discretion to approve or disapprove such requests.
- 2. A non-profit organization seeking assistance under section 1 must submit a written application to the Stockbridge-Munsee Tribal Council designating:
  - (a) the name of the organization.
  - (b) the address of the organization.
  - (c) the name of the authorized individual submitting the application on behalf of the non-profit organization.
  - (d) the specific purpose(s) for which the money will be used.
  - (e) the date on which the organization wishes to participate.

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3. Upon approval by the Tribal Council, a copy of the approved application shall be submitted to the Gaming Board.
4. The Gaming Board shall provide at least fourteen (14) days advance notice to the Casino Manager of the approved application.
5. The Stockbridge-Munsee Tribal Council retains the authority to reject any application for reasons set forth by the Tribal Council.
6. All applicants shall be notified in writing of the Tribal Council's decision which is final.

**Section XX. SALE OF ALCOHOL**

The sale of alcohol shall be governed by the Stockbridge-Munsee Liquor Ordinance and Section V.F. of the Compact.

**Section XXI. VIOLATION: JURISDICTION**

- A. Any person who violates any provision of the Ordinance or any rule or regulation authorized thereunder, shall be guilty of a Tribal Civil offense punishable by a fine of not more than five-hundred dollars (\$500.00).
- B. The Stockbridge-Munsee Tribal Council, until such time a Tribal Court is established, shall have jurisdiction to hear and determine all violations of this Ordinance and over all persons who are parties to gaming hereunder and may, in addition to the penalty described in (A) above, grant such other relief as necessary and proper for the enforcement of this Ordinance, including barring persons found guilty of violations of this Ordinance, or State or Federal laws pertaining to the regulation of gaming from further entry upon the Stockbridge-Munsee reservation. Because of Federal law and terms of the Tribal/State Compact, jurisdiction for violations of this ordinance may also be in State or Federal court.
- C. The Indian Gaming Regulatory Act, 25 USC 2713 states that civil penalties for violations of the Federal Act, regulations, tribal regulations, ordinances or resolutions approved under section 2710 or 2712 of the Act may result in fines not to exceed \$25,000 against a tribal operator or management contractor.

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**Section XXII. AGE REQUIREMENTS**

Notwithstanding any other age requirements, limitations or restrictions found in any Tribal Ordinance, State Law, or the Tribal-State Compact, the following shall be the minimal ages for the activities specified:

- A. Any person engaged in casino gaming shall be at least twenty-one (21) years of age.
- B. Any person engaged in Bingo games shall be at least eighteen (18) years of age.
- C. Any person employed in the gaming enterprise shall be at least eighteen (18) years of age, except those persons selling or serving alcohol who shall be at least twenty-one (21) years of age.
- D. Any person present in the Casino other than those employed in the gaming enterprise or unless accompanied by a parent, spouse or guardian who is at least twenty-one (21) years of age, shall be twenty-one (21) years of age.
- D. Any person shall be at least twenty-one (21) years of age to purchase, consume or possess alcohol.

**Section XXIII. Repeal**

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

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