

NATIONAL  
INDIAN  
GAMING  
COMMISSION

FILE COPY

JUN 21 1995

John S. Loran, Head Chief  
St. Regis Mohawk Tribe  
Community Building  
Hogansburg, New York 13655

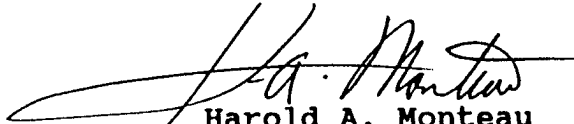
Dear Chief Loran:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the St. Regis Mohawk Tribe (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 95-54 on May 1, 1995. 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 amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendment to the tribal gaming ordinance of the St. Regis Mohawk Tribe. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau  
Chairman

cc: Harry Cook



**St. Regis Mohawk Tribe**

Community Building  
Hogansburg, New York 13655  
Tel 518-358-2272  
Fax 518-358-3203

**Tribal Chiefs**  
John S. Loran  
Norman J. Tarbell  
Philip H. Tarbell

**Tribal Clerk**  
Carol Herne  
**Tribal Administrator**  
Angus N. McDonald

**TRIBAL COUNCIL RESOLUTION**

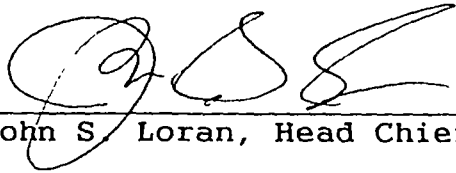
95 - 54

- WHEREAS,** the Saint Regis Mohawk Tribal Council is a federally recognized governing body of the Saint Regis Mohawk Reservation; and
- WHEREAS,** the Saint Regis Mohawk Tribal Council by majority vote through TCR 93-102, authorized the establishment of an independent five (5) member Tribal Gaming Commission with authority over Class II and Class III Gaming operations through the adoption and ratification of a Tribal Gaming Ordinance ("Ordinance"); and
- WHEREAS,** the Tribal Council through Resolution 94-124 amended Article III in the Ordinance, to add the term "Licensing"; and
- WHEREAS,** the Tribal Council deems it necessary to make further amendments to the Ordinance in order for the Tribal Gaming Commission to effectively regulate and enforce the Ordinance, Tribal/State Compact, I.G.R.A., and all other applicable federal Indian gaming laws;

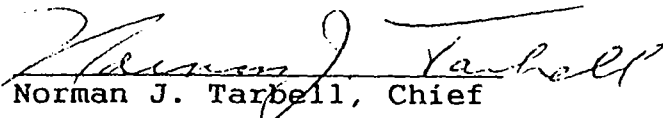
**NOW, THEREFORE, BE IT RESOLVED** that in order for the Tribal Gaming Commission to effectively regulate and enforce the Ordinance, the Commission is empowered to levy fines, and penalties, to issue temporary and permanent licenses, and to revoke such licenses, and issue subpoenas through its delegated licensing authority.

**BE IT FURTHER RESOLVED** that the Tribal Council hereby adopts and ratifies the amendment to the Tribal Gaming Ordinance which is attached hereto and further authorizes said amendment to be forwarded to the National Indian Gaming Commission.

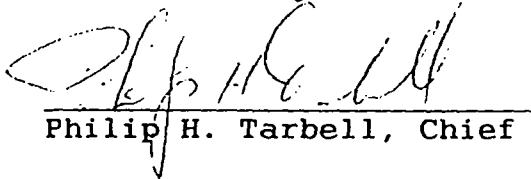
SAINT REGIS MOHAWK TRIBAL COUNCIL:

  
John S. Loran, Head Chief

4/12/95  
Date

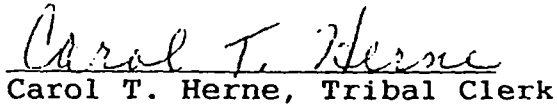
  
Norman J. Tarbell, Chief

4/12/95  
Date

  
Philip H. Tarbell, Chief

4/21/95  
Date

**CERTIFICATION:** This is to certify that the above Resolution was duly passed through a majority vote by the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein.

  
Carol T. Herne, Tribal Clerk

May 1, 1995  
Date

Recorded in Tribal Book:

Book NO. \_\_\_\_\_

Page No. \_\_\_\_\_

**AMENDMENT**

to the

**ST. REGIS MOHAWK TRIBAL GAMING ORDINANCE**

The Saint Regis Mohawk Tribe adopted and ratified a Tribal Gaming Ordinance through Tribal Council Resolution 93-102, dated December 16, 1993, in accordance with the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. S2701 et seq.

**WITNESSETH**

WHEREAS, the Tribal Gaming Ordinance was duly executed and approved by the Chairman of the National Indian Gaming Commission on January 21, 1994, and notice of such approval was published in the Federal Register, Vol. 59, Pages 10185 - 10186 (59 FR 10185); and

WHEREAS, the Tribal Council deems it necessary to delegate to the Tribal Gaming Commission the authority to effectively regulate and enforce the Ordinance, Tribal/State Compact, I.G.R.A., and all other applicable federal Indian gaming laws.

NOW THEREFORE, the Saint Regis Mohawk Tribe, through the authority vested herein as witnessed in the above Tribal Council Resolution 95-54 hereby approves the amendments to the Tribal Gaming Ordinance as follows:

**(Article X. has been changed and re-structured to read as follows:)**

**Article X. Background Investigations and Licenses:**

**A. Class II:**

With regard to Class II, background investigations and the issuance of licenses/registrations to gaming employees and to gaming service enterprises, upon completion of an application which appears on its face to answer all questions, and does not otherwise demonstrate ineligibility for a license, the Chairperson of the Tribal Gaming Commission may at his/her discretion grant a temporary license or registration which shall remain valid until (i) such license or registration is, at the Chairperson's discretion, revoked or (ii) upon satisfactory

completion of a background investigation, a permanent license is granted.

All application forms for gaming employees shall be completed and either returned or postmarked within fourteen (14) days of receipt by the applicant.

All application forms for gaming service enterprises shall be completed and either returned or postmarked within thirty (30) days of receipt by the applicant.

B. Class III: With regard to Class III gaming, background investigations and the issuance of licensed/registrations to gaming employees and to gaming service enterprises shall be conducted pursuant to Sections 5 and 6 of the Compact.

#### **Article XIII. Powers and Duties of the Tribal Gaming Commission:**

B. With regards to subpoena powers, the Tribal Gaming Commission may in order to investigate any aspect of a gaming operation, issue subpoenas, and in doing so, require and review records of or concerning any gaming operation, and to compel any gaming person employed by any such operation, or doing business with such operations to appear before it, and to provide such information, records or other materials as may be in their possession to assist in any investigation.

M. Customer Disputes: Any person who has any dispute, disagreement or other grievance that involves currency, tokens, coins or any other thing of value and is between the customer or player and the Gaming Operation, may raise such dispute with the following persons and in the following recommended order:

1. Employees of the Gaming Operations.
2. The supervisor in the area in which the dispute arose.
3. The General Manager of the Gaming Operation.
4. The Tribal Gaming Commission.

At each level, the complainant has the right to explain his/her side of the dispute, and to present witnesses in connection with any factual allegation. At each level, if the dispute remains unresolved, the complainant shall be given a copy of the impartial dispute resolution procedures adopted by the Tribal Gaming Commission or as agreed to in the Tribal/State Compact. The complainant shall be informed of the right to take

the dispute to the next higher level.

Resolution of any dispute by an employee of the Gaming Operation should always involve two or more employees, one of which should involve the next immediate supervisor. All disputes, whether resolved or not, should be subject to a documented detailed report by all employees involved and submitted to their supervisors, or, in the case of the General Manager, to the Gaming Commission.

The Tribal Gaming Commission's action on customer disputes. All disputes which are submitted to the Tribal Gaming Commission shall be decided by the Tribal Gaming Commission based on information provided by the complainant, any witnesses, documents provided by the complainant, or by the General Manager, or any other person who has relevant information to provide. The decision of the Tribal Gaming Commission shall be in writing, within a reasonable amount of time after submission of the matter to the Tribal Gaming Commission, and shall be provided to the General Manager of the Gaming Operation and to the complainant.

T. To oversee the Gaming Operations and assure compliance with established operating procedures that protect the integrity of the games played. Controls and procedures must be strictly adhered to in order to protect the Tribe from corrupt influences, and to ensure that any Class II and Class III gaming is conducted fairly and honestly by all parties involved.


U. The Tribal Gaming Commission is empowered to levy fines and penalties for violations of the Ordinance, the Compact and the Act (I.G.R.A.), and to issue subpoenas through its delegated licensing authority. Further, the Tribal Gaming Commission has the power to adopt rules and regulations governing procedures that enhance the Tribe's effectiveness to self-regulate their Gaming Operations. The Tribal Gaming Commission may impose any of the following civil penalties:

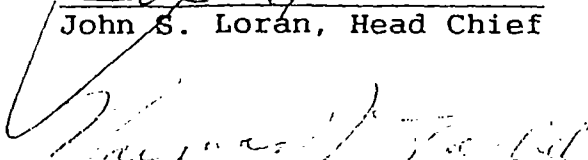
1. Termination, suspension or exclusion from employment in any Gaming Operations or other appropriate employee discipline;
2. Exclusion from admittance into any Class II or Class III Gaming Operation;
3. A fine (penalty) of not more than \$10,000 per violation, the exceptions are a general manager, owner or controlling person, or a party to a management

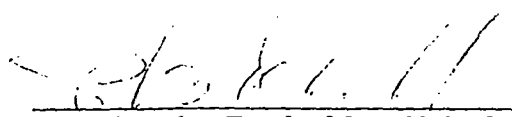
contract, shall be subject to a fine of not more than \$25,000 per violation, and actual damages to the Tribe or it's Gaming Operations.

V. The Tribal Gaming Commission has the final authority and responsibility to interpret and implement the Gaming Ordinance and its rules and proceedings before it.

Enacted by the Saint Regis Mohawk Tribal Council on this 24<sup>th</sup>-day  
of April, 1995.

  
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John S. Loran, Head Chief

  
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Norman J. Tarbell, Chief

  
\_\_\_\_\_  
Philip H. Tarbell, Chief

**ATTESTED TO AND RECORDED IN THE TRIBAL RECORDS:**

Tribal Clerk: Carol T. Herne 5/1/95  
Carol T. Herne Date

**Recorded in Tribal Book:**

Book No. \_\_\_\_\_

Page No. \_\_\_\_\_