



June 25, 2008

Via Facsimile and U.S. Mail
(918) 560-6198

Vernon Yarholar
Town King
Thlopthlocco Tribal Town
PO Box 188
Okemah, OK 74859

RE: Approval of Amendments to the Thlopthlocco Tribal Town Tribe's Gaming Ordinance

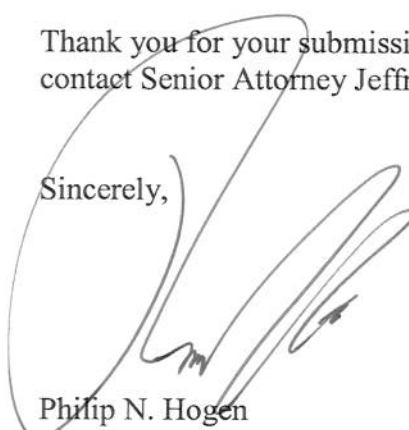
Dear Town King Yarholar:

This is in response to your letter dated June 20, 2008, requesting review and approval of Thlopthlocco Tribal Town Gaming Ordinance No. 2008-23, adopted on June 19, 2008. This ordinance amends the previously-approved Thlopthlocco Tribal Town Gaming Ordinance No. 97-18, approved in 1998, in order to authorize Class III games under an approved compact with the State of Oklahoma. The Tribe also updated and clarified the definition of "Net Revenue."

These amendments to the Tribe's previously-approved gaming ordinance are in conformance with the requirements of the Indian Gaming Regulatory Act (IGRA) and the National Indian Gaming Commission's regulations. Therefore, the amended tribal gaming ordinance is hereby approved.

Thank you for your submission. If you have any questions or require assistance, please contact Senior Attorney Jeffrey Nelson at (202) 632-7003.

Sincerely,



Philip N. Hogen
Chairman

**THLOPTHLOCCO TRIBAL TOWN
GAMING CODE**

JUN 23 2008

§1 Title

This enactment shall be known as the “Thlopthlocco Tribal Town Gaming Code.”

§2 Purpose

The Thlopthlocco Tribal Town Business Committee, empowered by the Thlopthlocco Tribal Town Constitution to enact codes and ordinances, hereby enacts this code in order to set the terms for gaming operations within the Indian Country of Thlopthlocco Tribal Town.

The purpose of this Code is:

- A. To regulate the conduct of gaming owned and operated by the Thlopthlocco Tribal Town or its officially licensed agents on tribal lands of the Thlopthlocco Tribal Town.
- B. To provide a basis under tribal law for the regulation of gaming by the Thlopthlocco Tribal Town adequate to shield it from organized crime and other corrupting influences; to insure that Thlopthlocco Tribal Town is the sole beneficial owner of the gaming operation; to assure that gaming is conducted fairly and honestly by the tribe, its agents, and the players; and to implement the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq. (“IGRA”), and the regulations of the National Indian Gaming Commission (“NIGC”) at 25 C.F.R. Parts 500 et seq.

§3 Protection of the Environment and Public Health and Safety

All gaming facilities licensed by the Thlopthlocco Tribal Town shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

§4 Provisions as cumulative

The provisions of this Code shall be cumulative to existing Law.

§5 Severability

The provisions of this Code are severable and if any part of the provisions hereof shall be held void, the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Code.

§6 Sovereign Immunity

Notwithstanding any provisions herein, this Code shall not limit or restrict the inherent sovereignty of Thlopthlocco Tribal Town, and neither the Code nor any of its provisions shall operate to waive, in whole or in part, the sovereign immunity of Thlopthlocco Tribal Town.

§7 Establishment of Thlopthlocco Tribal Town Gaming Commission

The Thlopthlocco Tribal Town Gaming Commission is hereby established in order to carry out the Tribe's responsibilities under IGRA and the NIGC's regulations at 25 C.F.R. §501 et seq. and to implement the provisions of this Code. Provided, however, all actions and regulations of the Thlopthlocco Tribal Town Gaming Commission shall be consistent with the provisions of this Code, all other laws and resolutions of the Thlopthlocco Tribal Town Business Committee, and the Constitution of Thlopthlocco Tribal Town.

§8 Membership

- A. The Thlopthlocco Tribal Town Gaming Commission shall consist of no less than three (3) members of the Thlopthlocco Tribal Town to be appointed by the Micco of the Thlopthlocco Tribal Town and approved by the Business Committee of the Thlopthlocco Tribal Town.
- B. To be eligible to serve as a commissioner, a person must:
 - 1. be at least 25 years of age;
 - 2. have at least a high school diploma, with a preference for those with a bachelor's degree from a college or university or its equivalent;
 - 3. be of high moral character or integrity;
 - 4. never have been convicted of a criminal offense other than misdemeanor traffic offenses; and,
 - 5. be physically able to carry out the duties of office.
- C. The Micco shall, at the time of making the initial appointment and also at the time of making each appointment to fill a vacancy on the Commission as provided herein, designate one member to serve as Chairman, one member to serve as Vice Chairman, and one member to serve as Secretary.
- D. The terms of office of the Thlopthlocco Tribal Town Gaming Commission shall be three years; provided, however, that in order to stagger the expiration of terms of office, one of the first group of Commission

members appointed hereunder shall be appointed for a term of one year, one for a term of two years, and one for a term of three years.

- E. Commission members shall serve their terms of office free from political influence from any department of the government of the Thlopthlocco Tribal Town and may be removed only for cause, after a hearing by the tribal court under such rules and procedures as prescribed by the Business Committee. A petition for removal for cause may be brought by a vote of the majority of Business Committee members. Except as authorized under the Constitution of the Thlopthlocco Tribal Town, no member of the Thlopthlocco Tribal Town Gaming Commission shall, directly or indirectly, solicit, receive, or in any manner be concerned in soliciting or receiving any assessment, subscription, or contribution for any political organization, candidacy, or other political purpose. No member of the Thlopthlocco Tribal Town Gaming Commission shall be a member of a committee of a partisan political club, or a candidate for nomination or election to any paid tribal office, or take part in the management or affairs or any tribal political party or in any political campaign, except to exercise his or her right as a citizen privately to express his or her opinion and to cast his or her vote.
- F. In the event of a vacancy in the membership of the Thlopthlocco Tribal Town Gaming Commission, the Micco shall, within twenty days of the occurrence of the vacancy, fill such vacancy for the unexpired term, subject to confirmation by a majority vote of the Business Committee.
- G. The Thlopthlocco Tribal Town Gaming Commission shall have the power to generally oversee the licensing of all gaming operations and the conduct of such operations in order to ensure compliance with this Code and any regulations adopted and orders issued by the Commission. The Thlopthlocco Tribal Town Gaming Commissioners shall each execute a conflict of interest provision disclosing potential unethical situations.
- H. The Thlopthlocco Tribal Town Gaming Commission shall be charged with the sole responsibilities of administering and enforcing the provisions of this Code.
- I. It shall be the responsibility of the Thlopthlocco Tribal Town Gaming Commission to promulgate regulations necessary to administer and implement the provisions of this Code. The Thlopthlocco Tribal Town Gaming Commission's regulations shall include but not be limited to :
 - 1. procedures for conducting background investigations of key employees and primary management officials (as those terms are hereinafter defined);

2. procedures for issuing licenses to such employees and officials;
3. procedures for resolving gaming disputes between the gaming public and a licensed gaming facility;
4. procedures ensuring compliance with NIGC regulations requiring payment of annual fees to, and filing quarterly reports with, the NIGC; and
5. procedures ensuring that all gaming facilities are in compliance with the federal Privacy Act procedures as required by NIGC regulations

Such regulations may require licensees to adopt gaming dispute-resolution procedures, subject to Commission approval, with a right of appeal to the Thlopthlocco Tribal Town Gaming Commission. In resolving such gaming disputes on appeal or otherwise the Thlopthlocco Tribal Town Gaming Commission may receive written statements, affidavits, or other materials from the parties to said dispute or their witnesses and in its discretion may order one or more hearings to take oral statements or testimony. Any decision of the Thlopthlocco Tribal Town Gaming Commission in resolving such gaming disputes shall be in writing and may be appealed by the parties to the tribal court by filing a written notice of appeal and a statement of the grounds therefor within thirty days of the date of receipt of the Commission's decision. All decisions on appeal by the tribal court, and any decision by the Thlopthlocco Tribal Town Gaming Commission for which a timely Notice of Appeal has not been filed, shall be final.

- J. The duties of the Thlopthlocco Tribal Town Gaming Commission shall include, but not be limited to, the following:
1. Printing and making available application forms for initial and renewal licenses, as well as, any other licenses or tax return forms.
 2. Supervising the collection of all fees and taxes prescribed by this Code.
 3. Processing all license applications and tax returns which will be submitted under oath.
 4. Issuing of licenses.
 5. Determining applicable license fees.

6. Auditing all returns and causing audits to be performed pursuant to IGRA and NIGC regulations.
7. Reviewing all records, documents, and anything else necessary and pertinent to the financial accountability of licensees or enforcement of any provision of this ordinance.
8. Reviewing for approval or denial any application or licensee, and limiting conditions to suspend or restrict any license.
9. Proposing fines as needed for violations of this Code and/or regulations issued by the Thlopthlocco Tribal Town Gaming Commission.

§9 Opportunities for hearing

The Thlopthlocco Tribal Town Gaming Commission shall afford an applicant for a license an opportunity for hearing prior to any 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 any final action resulting in denying, terminating, revoking, suspending, or limiting a license or any other adverse action the commission deems appropriate; provided, the Thlopthlocco Tribal Town Gaming Commission may summarily temporarily suspend or extend suspension of licenses for sixty (60) days in those cases where such action is deemed appropriate by the Thlopthlocco Tribal Town Gaming Commission. In cases where a license is suspended prior to hearing, an opportunity for a hearing shall be provided promptly after suspension at the request of the licensee. The Thlopthlocco Tribal Town Gaming Commission is authorized to adopt rules and regulations, consistent with this Code, governing the conduct of any and all hearing before the Thlopthlocco Tribal Town Gaming Commission as well as the process of issuing, modifying, conditioning, suspending, or revoking any license.

§10 Preliminary determination

Whenever, upon preliminary factual finding, the Thlopthlocco Tribal Town Gaming Commission determines that any person has failed to comply with the provision of this Code or any regulations promulgated hereunder, the Thlopthlocco Tribal Town Gaming Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice, and within thirty (30) days thereof, the committee shall hold a hearing at which time the affected person or licensee shall have an opportunity to be heard and present evidence. The commission shall have the authority to enjoin and restrain illegal activities.

§11 Hearing

At such hearing it shall be the obligation of the applicant or licensee to show cause why the preliminary determination is incorrect, why the application in question should not be denied, why the license or licenses 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, to show cause why any other action regarding any other person or persons subject to any action should not be taken.

§12 Additional powers of Thlopthlocco Tribal Town Gaming Commission

The Thlopthlocco Tribal Town Gaming Commission shall be empowered with all necessary powers of control over all such entities and persons as would normally fall within the purview of such Thlopthlocco Tribal Town Gaming Commission, or of those entities over which specific control is granted to the Thlopthlocco Tribal Town Gaming Commission by the Business Committee. Without limiting the generality of the foregoing statement, the Thlopthlocco Tribal Town Gaming Commission or any member thereof, in the performance of its duties as defined by law, shall have the power to administer oaths, to conduct hearings under this Code, and to compel the attendance of witnesses and the production of the books, records, and papers of any person, form, association, or corporation within the jurisdiction of the Thlopthlocco Tribal Town for the purpose of the enforcement, assessment, or collection of any tax.

§13 Limitations – Recommendations

The Thlopthlocco Tribal Town Gaming Commission shall exercise only that authority granted herein, but may make additional recommendations to the Business Committee at any time it deems proper.

§14 Salaries

The annual compensation, payable monthly, of the Chairman, Vice Chairman, and Secretary of the Thlopthlocco Tribal Town Gaming Commission shall be as determined in accordance with the Annual Budget Appropriation.

§15 Appeals

- A. The tribal court of Thlopthlocco Tribal Town shall have exclusive authority to hear appeals from final decisions of the Thlopthlocco Tribal Town Gaming Commission denying, modifying, conditioning, or revoking any license.
- B. Any affected party may appeal any final decision of the Thlopthlocco Tribal Town Gaming Commission within 30 days after such decision by filing a notice of appeal with the Thlopthlocco Tribal Town Gaming Commission and serving a copy to the Business Committee. Thereafter the Thlopthlocco Tribal Town Gaming Commission shall promptly file the

full record of the proceeding, including the notice of appeal, with the tribal court.

- C. In all appeals, the tribal court shall give proper deference to the administrative expertise of the Thlopthlocco Tribal Town Gaming Commission. The tribal court shall not set aside, modify, or remand any determination by the Thlopthlocco Tribal Town Gaming Commission unless it finds that the determination is arbitrary and capricious, unsupported by substantial evidence or contrary to law. The tribal court shall issue a written decision on all appeals, which decision shall be final.
- D. The tribal court may, in its discretion, award costs and attorneys' fees to the Business Committee against any appellant whose appeal was frivolous, malicious, or in bad faith. Such fees shall be assessed and collected as a tax imposed under this Code.

§16 Finality of Commission or Tribal Court Action

Any final finding or determination of the Thlopthlocco Tribal Town Gaming Commission which is not timely appealed, and any final determination for the tribal court in proceedings conducted under the previous section, shall be final and binding in any other proceeding against or by the same person before the Thlopthlocco Tribal Town Gaming Commission or the tribal court.

§17 License required for gaming facilities

All locations where public gaming operations are conducted for the benefit of the Thlopthlocco Tribal Town on Indian lands shall be required to have and display prominently an appropriate, valid, and current public gaming license issued pursuant to the provisions of this Code. Any form of public gaming operations conducted within the jurisdiction of the Thlopthlocco Tribal Town without a current, duly-issued license to conduct gaming operations approved by the Thlopthlocco Tribal Town Gaming Commission is prohibited. Furthermore, it shall be unlawful for any person to conduct gaming activities within the boundaries of the Thlopthlocco Tribal Town which are not under license by and for the benefit of the Thlopthlocco Tribal Town or which mislead the general public in believing the gaming operation is owned and under control and operated by the Thlopthlocco Tribal Town. The Thlopthlocco Tribal Town Gaming Commission shall have the authority to enjoin and refrain illegal activities.

§18 Classes and fees

There shall be three 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, and the rules and regulations adopted pursuant to said Act.

§19 Class I gaming

No license requirement.

§20 Class II gaming authorized – ownership – license

- A. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. §2703 (7) (A) and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502.3 is hereby authorized.
- B. Thlopthlocco Tribal Town shall have the sole property interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.
- C. Only a tribal enterprise wholly owned by Thlopthlocco Tribal Town or a duly-designated and approved agent or employee, acting on behalf of such tribal enterprise, may apply for and receive a Class II Gaming license. Also, gaming must be conducted in facilities of the Thlopthlocco Tribal Town. A separate license must be issued by the Thlopthlocco Tribal Town Gaming Commission for each place, facility, or location on tribal lands on which Class II gaming is conducted.

§21 Class III gaming authorized – ownership – license

- A. Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. §2703 (8) and as authorized by a compact between the Thlopthlocco Tribal Town and any state is hereby authorized.
- B. Thlopthlocco Tribal Town shall have the sole property interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.
- C. Only a tribal enterprise wholly owned by Thlopthlocco Tribal Town or a duly-designated and approved agent or employee, acting on behalf of such tribal enterprise, may apply for and receive a Class III Gaming license. Also, gaming must be conducted in facilities of the Thlopthlocco Tribal Town. A separate license must be issued by the Thlopthlocco Tribal Town Gaming Commission for each place, facility, or location on tribal lands on which Class III gaming is conducted.

§22 Use of gaming revenues

Thlopthlocco Tribal Town will have the sole proprietary interest in and responsibility for the conduct of any gaming activity under a Class II and/or Class III license and all net revenues (gross revenues less amounts paid out as, or paid for, prizes and total gaming related operating

expenses, excluding management fees) from any such 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 Thlopthlocco Tribal Town and its tribal members;
- C. To promote tribal economic development;
- D. To donate to charitable organizations; or
- E. To help fund operations of local government agencies.

§23 Records, returns, and audits

It shall be the responsibility of the Thlopthlocco Tribal Town Gaming Commission to promulgate regulations and cause to be established proper accounting procedures and methods of operations for all license of Class II and/or Class III gaming activities so that all monies or things of value received and paid out may be properly monitored and accounted for. All licenses under this Code shall be required to keep an approved accounting system which shall comply with, but not limited to, all applicable provisions of this Code or regulations of the Thlopthlocco Tribal Town Gaming 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 Code. The Thlopthlocco Tribal Town Gaming Commission shall have the right to subpoena records or to secure a court order to seize records for property not surrendered.

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

Thlopthlocco Tribal Town shall cause annual independent audits of all gaming operations conducted and shall submit the resulting annual audit report to the National Indian Gaming Commission in conformance with the NIGC's regulations. The management and operation of any gaming facility shall be subject to all applicable provisions of the Indian Gaming Regulatory Act.

All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for professional legal and account services, shall be specifically included within the scope of the audit described in the preceding paragraph.

§24 Rules of the game

It shall be the responsibility of the Thlopthlocco Tribal Town Gaming Commission to promulgate regulations to establish the particular rules of all classes of gaming in order that said gaming will be conducted with fairness and uniformity.

§25 Age limit for gaming

No person who is under the age of 18 shall operate, engage, or participate in any manner in the operation of any class gaming activity. It shall be the responsibility of the manager of all licensed gaming operations of the Thlopthlocco Tribal Town to ensure compliance with this age limit requirement.

§26 Licenses for Key Employees and Primary Management Officials

Thlopthlocco Tribal Town by and through the Thlopthlocco Tribal Town Gaming Commission shall ensure that the following policies and procedures as prescribed by the IGRA are implemented with respect to key employees and primary management officials employed at any Class II and/or Class III gaming facility operation on Thlopthlocco Tribal Town Indian lands:

A. Definitions

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, 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 to:
 - (1) Hire and fire employees; or
 - (2) Set up working policy for the gaming operations; or
 - (c) The chief financial officer or other person who has financial management responsibility.

§27 Application forms

- A. 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 and regulatory agencies 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 Thlopthlocco Tribal Town gaming operation being unable to hire you in a primary management official or key employee position.

- B. Existing key employees and primary management officials shall be notified in writing that they shall either:
1. Complete a new application form that contains a Privacy Act notice; or
 2. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- C. 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. (18 U.S.C. §1001.)”
- D. Thlopthlocco Tribal Town by and through the Thlopthlocco Tribal Town Gaming Commission, shall notify in writing existing key employees and primary management officials that they shall either:
1. Complete a new application form that contains a notice regarding false statements; or
 2. Sign a statement that contains the notice regarding false statements.

§28 Background Investigation

- A. Thlopthlocco Tribal Town by and through the Thlopthlocco Tribal Town Gaming Commission shall be responsible for conducting background investigations in accordance with this Code and shall request from each primary management official and from each key employee all of the following information:
1. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 2. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 3. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section;
 4. Current business and residence telephone numbers;

5. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 6. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses.
 7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
 9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
 10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1) (h) or (1) (j) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
 11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 12. A current photograph;
 13. Any other information Thlopthlocco Tribal Town Gaming Commission deems relevant; and
 14. Fingerprints consistent with procedures adopted by Thlopthlocco Tribal Town Gaming Commission in accordance with 25 C.F.R. 522.2 (h).
- B. Thlopthlocco Tribal Town by and through the Thlopthlocco Tribal Town Gaming Commission shall conduct an investigation sufficient to make a determination under Section XXIX below. In conducting background investigations, Thlopthlocco Tribal Town Gaming Commission and/or any agent acting on its behalf shall promise to keep confidential the identity of each person interviewed in the course of investigation.

- C. The Thlopthlocco Tribal Town Gaming Commission shall also be responsible for making sure fingerprints are obtained and processed. The Commission shall utilize the Bureau of Indian Affairs law enforcement, Thlopthlocco Tribal Town law enforcement, or such other law enforcement or other agency to ascertain the relevant information of a background investigation, such as taking fingerprints. As well, Thlopthlocco Tribal Town Gaming Commission shall utilize the National Indian Gaming Commission for processing fingerprint cards through the Federal Bureau of Investigation.
- D. The Thlopthlocco Tribal Town Gaming Commission shall be responsible for reviewing and approving any investigative work. Once that work is completed the Chairman of the Thlopthlocco Tribal Town Gaming Commission shall be responsible for reporting the results of the investigation to the National Indian Gaming Commission, in accordance with Section XXX.
- E. The Thlopthlocco Tribal Town Gaming Commission shall verify the information submitted by applicants for key employee and primary management official positions. This verification shall be done by written and/or oral communication between the Thlopthlocco Tribal Town Gaming Commission and those who should be able to verify such information (i.e. past employers, references, etc.).
- F. The Thlopthlocco Tribal Town Gaming Commission shall utilize the Bureau of Indian Affairs law enforcement, Thlopthlocco Tribal Town law enforcement, or such other law enforcement or other agency to inquire into the applicant's prior activities and criminal record. The Chairman shall see to it that a sufficient number of people, knowledgeable as to the applicant's habits, reputation, and associations, such as former employers, personal references, and others to whom referred are interviewed in order to provide a basis for the Thlopthlocco Tribal Town Gaming Commission making a finding concerning the eligibility for employment in a gaming operation.
- G. During the background investigation, the Thlopthlocco Tribal Town Gaming Commission shall document all potential problem areas and disqualifying information and make such information a permanent part of the file on the applicant.

§29 Eligibility Determination

- A. Thlopthlocco Tribal Town 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 Thlopthlocco Tribal Town 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.

- B. After all background information is gathered, it shall be the responsibility of the Thlopthlocco Tribal Town Gaming Commission to weigh such information against the criteria outlined in subsection A above, and to make a determination as to eligibility.

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

- A. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, Thlopthlocco Tribal Town by and through the Thlopthlocco Tribal Town Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Section XXIX.
- B. Thlopthlocco Tribal Town Gaming Commission shall forward the report referred to in Section XXXI to the National Indian Gaming Commission within 60 days after an employee begins work within 60 days of the approval of this Code by the Chairman of the National Indian Gaming Commission.
- C. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

§31 Report to the National Indian Gaming Commission

- A. Pursuant to the procedures set out in Section XXX, Thlopthlocco Tribal Town Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. Each member of the Thlopthlocco Tribal Town Gaming Commission shall document each and every action taken with regard to the background investigation from start to completion. This information shall be kept in a file on the applicant in order to have sufficient information to prepare and defend the items necessary (subsections 1 through 4 below) in the investigative report submitted to the National Indian Gaming Commission. An investigative report shall include all of the following:
 - 1. Steps taken in conducting a background investigation;
 - 2. Results obtained;
 - 3. Conclusions reached; and
 - 4. The basis for those conclusions.

- B. Thlopthlocco Tribal Town Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Section XXIX.
- C. If a license is not issued to an applicant, Thlopthlocco Tribal Town:
 - 1. Shall notify the National Indian Gaming Commission; and
 - 2. May forward copies of its eligibility determination and investigation report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- D. With respect to key employees and primary management officials, Thlopthlocco Tribal Town Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

§32 Granting a Gaming License

- A. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Thlopthlocco Tribal Town Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee of a primary management official for whom Thlopthlocco Tribal Town Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, Thlopthlocco Tribal Town Gaming Commission may issue a license to such applicant.
- B. The Thlopthlocco Tribal Town Gaming Commission 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 D of this Section until the Chairman of the National Indian Gaming Commission receives the additional information.
- C. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides Thlopthlocco Tribal Town Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom Thlopthlocco Tribal Town has provided an application and investigative report to the National Indian Gaming Commission, Thlopthlocco Tribal Town Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission.

§36 Service of Process Agent

The Thlopthlocco Tribal Town Gaming Commission designates the chairman as its agent for service of process.

§37 Repeal

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

609253.1