

**NATIONAL
INDIAN
GAMING
COMMISSION**

FEB 27 1997

Richard L. Cornell, President
Tonkawa Tribe of Oklahoma
P.O. Box 70
Tonkawa, OK 74683

Dear President Cornell:

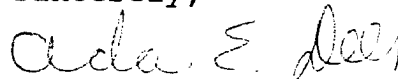
This letter is in response to your request for National Indian Gaming Commission (NIGC) review and approval of Gaming Ordinance No. 1 (Ordinance), adopted on January 28, 1997, and amended February 19, 1997, by the Tonkawa Tribe of Oklahoma (Tribe). I am pleased to inform you that I have reviewed the Ordinance and have determined that it is in compliance with the Indian Gaming Regulatory Act and NIGC regulations. Therefore, I hereby approve the Ordinance.

Please note that the scope of my review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required by IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to NIGC review and approval. Further, NIGC approval does not constitute approval of specific games. Finally, the Ordinance is approved for gaming only on Indian lands as defined in the IGRA.

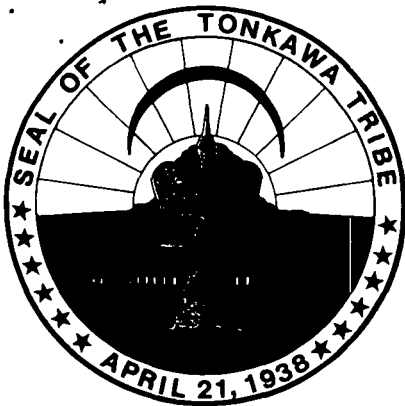
Once a Tribe's gaming ordinance has been approved, the Tribe is required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) 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 Gaming Ordinance No. 1 of the Tonkawa Tribe of Oklahoma for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely,



Ada E. Deer
Acting Chair



FEB 21 1997

TONKAWA TRIBE OF OKLAHOMA
TONKAWA TRIBAL COUNCIL

P.O. Box 70 — PHONE (405) 628-2561

TONKAWA, OKLAHOMA 74653

97 FEB 21 PM 3:21

February 19, 1997

RESOLUTION : T-R-06-97

A RESOLUTION APPROVING AND ADOPTING NECESSARY CHANGES IN THE TONKAWA TRIBE OF OKLAHOMA GAMING ORDINANCE TO COMPLY WITH APPLICABLE LAW, AS REQUESTED BY THE NATIONAL INDIAN GAMING COMMISSION.

WHEREAS, the Tonkawa Tribe of Oklahoma is a federally recognized Tribe of American Indians under the authority of the Oklahoma Indian Welfare Act of 1936, and

WHEREAS, the Tonkawa Tribal Business Committee is empowered by the Constitution and By-Laws to speak for and act in behalf of the Tonkawa Tribe of Oklahoma, and

WHEREAS, the Tonkawa Tribal Business Committee has the duty and responsibility to act in the best interests of the Tribe with regards to matters pertaining to the economic wellbeing of the Tribe, and

WHEREAS, the Tonkawa Tribal Business Committee has determined that the best interests of the Tribe is best served through the enactment of a Gaming Ordinance for the regulation of all gaming activity conducted within the territorial jurisdiction of the Tonkawa Tribe of Oklahoma in order to promote the economic welfare of the Tribe, and

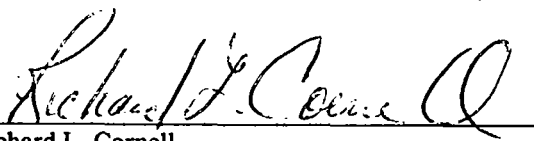
WHEREAS, the National Indian Gaming Commission has requested that minor changes be made in the Gaming Ordinance, Section 15.4.C. and L., to ensure total compliance with all applicable law, and


WHEREAS, the Tonkawa Tribal Business Committee has made the necessary changes as requested by the National Indian Gaming Commission. NOW,

THEREFORE BE IT RESOLVED that the Tonkawa Tribal Business Committee acting for and in behalf of the Tonkawa Tribe of Oklahoma, hereby approves and adopts those changes in the Tonkawa Tribe of Oklahoma Gaming Ordinance as requested by the National Indian Gaming Commission.

CERTIFICATION

We, the undersigned officers of the Tonkawa Tribal Business Committee, do hereby certify that the forgoing Resolution T-R-06-97, was adopted this 19th day of February, 1997, by a vote of, 3 FOR, 0 AGAINST, and 0 ABSENT.


Richard L. Cornell
President


Charles F. Norman
Vice-President


Donald L. Patterson
Secretary/Treasurer

970224-00013

**SECTION 14
FINANCIAL AUDIT**

At the close of each fiscal year (commencing with the current Tribal fiscal year), the TGC shall engage an independent Certified Public Accountant to audit the books and records of all Gaming Operations conducted under this Ordinance. The audit shall be completed within ninety (90) days after the close of the fiscal year. Upon completion of the audit, the TGC shall forward copies of any audit reports and management letter to the National Indian Gaming Commission. The TGC shall engage auditors experienced in auditing Class III Gaming who shall perform the audit in conformity with the most current edition of "Accounting and Audit Guide - Casinos" published by the American Institute of Certified Public Accountants. All gaming-related contracts that result in purchases of supplies, services, or concessions for more than \$25,000.00 in any one year (except contracts for professional legal or accounting services) shall be included within the scope of the audit.

**SECTION 15
BACKGROUND INVESTIGATIONS**

- 15.1 INVESTIGATION PRIOR TO EMPLOYMENT.** The TGC or other appointing employing authority shall conduct a criminal background check and any other such investigation as may be deemed necessary prior to the appointment or employment of any person subject to the standards in Section 11.1 and 11.2 above including, but not limited to, fingerprint checks as set forth in Section 18 hereof.
- 15.2 RECORD RETENTION.** All records pertaining to the investigation and determinations required by section 11.1 and 11.2 above shall be retained by the appointing/employing authority for a period of at least 7 years.
- 15.3 SUBJECT TO COMPACT PROVISION.** All TGC board members, and all gaming activity employees shall be subject to all applicable provisions of the compact.
- 15.4 CONTENTS OF QUESTIONNAIRES.** The tribe shall receive from every Board member or officer, every member, every management official and each key employee, a background questionnaire containing at least the following information.
- A) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, and gender;
 - B) A current photograph, driver's license number, and a list of all languages spoken or written;
 - C) Business and employment positions held, and business and residence addresses currently and for the previous five (5) years and any ownership interests in those businesses;

- D) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the person at each different residence location for the past five (5) years;
- E) Current business and residence telephone numbers;
- F) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- G) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- H) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit relating to gaming, whether or not such license was granted;
- I) For each gaming offense and for each felony for which there is an ongoing prosecution or a conviction, the name and address of the court involved, the charge, and the dates of the charge and of the disposition;
- J) 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.
- K) 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 this Section, the criminal charge, the name and address of the court involved and the date and disposition.
- L) Any information the Tribe deems relevant.

15.5 PRIVACY ACT NOTICE.

- A) The following notice shall be placed on top of the application form for key employees and/or primary management officials.

"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, or the suitability of individuals with a financial interest in, or having management responsibility for, a management contract. The information will be used by the National Indian

THE TONKAWA TRIBE OF OKLAHOMA

Gaming Ordinance No. 1

with revisions as requested by

The National Indian Gaming Commission,

December 22, 1995¹

¹Modified to address NIGC concerns of 5-13-96.

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The Tonkawa Tribe of Oklahoma—Gaming Ordinance No # 1.a.

BE IT ENACTED BY THE PEOPLE OF THE TONKAWA TRIBE OF OKLAHOMA

**SECTION 1
GENERAL PROVISIONS**

- 1.1 TITLE.** This Ordinance shall be the Tonkawa Tribe of Oklahoma Gaming Ordinance.
- 1.2 AUTHORITY.** This Ordinance is enacted pursuant to Article V, Section 1, of the Constitution of the Tonkawa Tribe of Oklahoma, and in accordance with the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2710.
- 1.3 PURPOSE.** The purpose of this Ordinance is to regulate all gaming activity conducted within the territorial jurisdiction of the Tonkawa Tribe of Oklahoma, and to promote Tribal economic development.
- 1.4 EFFECTIVE DATE.** This Ordinance shall be effective on the date of enactment by the business committee of the Tonkawa Tribe of Oklahoma.
- 1.5 ABROGATION AND GREATER RESTRICTIONS.** Where this Ordinance imposes greater restrictions than those contained in other Tribal ordinances, this provisions of this Ordinance shall govern.
- 1.6 INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other Tribal power or authority.
- 1.7 SEVERABILITY.** If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- 1.8 SOLE PROPRIETARY INTEREST.** It is the purpose and intention of this Ordinance that the Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation.
- 1.9 PROTECTION OF THE ENVIRONMENT, PUBLIC HEALTH AND SAFETY.** The Tribe shall construct, maintain and operate any gaming facility which falls within the scope of this Ordinance in a manner that adequately protects the environment and the public health and safety.

SECTION 2 DEFINITIONS

- 2.1 GENERAL DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory, and the word "may" is permissive.
- 2.2 TONKAWA BUSINESS COMMITTEE** shall mean the organization of the Tonkawa Tribe of Oklahoma whose purpose is, and to whom to power is delegated herein to conduct, manage, oversee, and administer the operation of all gaming conducted within the Tribal jurisdiction.
- 2.3 TONKAWA GAMING COMMISSION ("TGC")** shall mean the Tribal gaming regulatory commission responsible for enforcement of this Ordinance.
- 2.4 BINGO** shall mean bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players play for prizes with cards bearing numbers or designations, cover numbers or designations when objects similarly numbered or designated are drawn or electronically determined, and where the game is won by the first player to cover a designated pattern on such cards; and, when played in the same location as bingo or lotto, pull tabs, punch boards, tip jars, instant bingo, and other games similar to bingo, and all card games that Oklahoma State law explicitly authorizes or does not prohibit and that are played in conformity with any state laws and regulations concerning hours, periods of operation, limitations on wages and pot limits.
- 2.5 COMMISSION** shall mean the National Indian Gaming Commission.
- 2.6 COMMITTEE** shall mean the Business Committee of the Tonkawa Tribe of Oklahoma.
- 2.7 CASINO** shall refer to any Tribal gaming facility where Class II and/or Class III Gaming is conducted.
- 2.8 CLASS I GAMING, CLASS II GAMING, AND CLASS III GAMING** shall have the meanings ascribed to them by the Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701, et seq.
- 2.9 COUNCIL** shall refer to the Tribal council of the Tonkawa Tribe of Oklahoma.
- 2.10 COMPACT** shall refer to the Tonkawa Tribe of Oklahoma/State of Oklahoma Gaming Compact as executed in 1994, together with such amendments as may from time to time become effective in accordance with section __ of said compact.
- 2.11 GAMING** shall mean the act of paying for the opportunity and participation in a game or games of chance for money or something of value where motor skills play no part or are no consequence in determining the outcome of the game; to operate, carry on, conduct, maintain, or expose for play, money, property, or a representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e. foodstuffs or

games, in private homes or residences for prizes or games operated by charitable and educational organizations which are approved by the Tribe.

- 2.12 GAMING ENTERPRISE** shall mean any commercial business owned by the Tribe and operated, in part or in whole, for the conduct of Class II or Class III gaming.
- 2.13 GAMING OPERATOR** shall mean a person, organization, or entity that conducts the management of gaming at a Tribal gaming enterprise, including an entity entering into a management contract with the Tribe or with any duly authorized division or subordinated business organization thereof.
- 2.14 GAMING TEST LABORATORY** shall mean, as contemplated by the Compact, a laboratory agreed to and designated in writing by the State of Oklahoma and the Tribe as competent and qualified to conduct scientific tests and evaluations of video games of chance and related equipment; a laboratory operated by or under contract with the States of Minnesota, or Nevada, New Jersey, or South Dakota constitutes a designated gaming test laboratory.
- 2.15 IMMEDIATE FAMILY MEMBER** shall mean an individual who is related as a father, mother, son, or daughter, as provided by the Bureau of Indian Affairs "Guideline to Govern The Review and Approval of Gaming Contracts and Other Gaming Activities," Section F(3), dated March 15, 1992.
- 2.16 KEY EMPLOYEES** shall a person who performs one or more of the following functions: Bingo caller, Counting room supervisor, Chief of security, Custodian of gaming supplies or cash, Floor manager, Pit boss, Dealer, Croupier, Approver of credit, or Custodian of gaming devices (including persons with access to cash and accounting records within such devices); or, if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or, if not otherwise included, the four most highly compensated persons in the gaming operation.
- 2.17 LICENSE** shall mean the permission by authority of the Tonkawa Business Committee, or its approved subdivision, to do an act which without such permission said act shall be illegal.
- 2.18 LICENSEE** shall mean any person, entity, or organization granted a license pursuant to the provisions of this Ordinance.
- 2.19 OTHER COMPACT** shall mean such agreement(s) as may in the future be entered into between the Tribe and the State of Oklahoma, or such governing body as has the right to issue such compacts, governing Class II or Class III gaming.
- 2.20 OTHER GAMES OF CHANCE** shall mean games similar to traditional bingo or in which colors, symbol or symbols are determined by chance. Such games may be played using pull tabs, raffles, tip boards, punch boards, tip jars, paddle wheels, gaming tables, tokens, satellite games of chance; or shall have the same meaning as the term act of 1988 codified at 25. U.S.C. 2703 (7) (A). Any games which are not prohibited by the criminal laws of the State of Oklahoma, or which are subject to permissive regulation pursuant to Oklahoma Law, shall be included in this definition.

2.21 PERSONS ACTING UNDER THE AUTHORITY OR AUSPICES OF THE TRIBE shall mean:

- A) Persons employed by the Tribe for the specific purpose of managing, conducting, or participated in the conduct of gaming; and
- B) Persons acting pursuant to a written management contract.

Any other person, including persons alleging oral authorization by the Tribe, shall be regarded as a "non authorized person" for the purposes of this Ordinance.

2.22 PRIMARY MANAGEMENT OFFICIALS shall mean the person having management responsibility for a management contract, any person who has the authority to hire and fire employees or to set up working policy for the gaming operation, and the chief financial officer or other person who has financial management responsibility.

2.23 TRIBAL JURISDICTION shall refer to all land within the Tribal jurisdiction of the Tonkawa Tribe of Oklahoma.

2.24 TRIBE shall refer to the Tonkawa Tribe of Oklahoma.

2.25 VIDEO LOTTERY TERMINAL shall mean electronic or electromechanical video devices that simulate Class II or Class III games, or other gaming forms, which are activated by insertion of a coin, token, currency, or credit card devices, and which award game credits, cash token, or replays, and/or contain a meter to record unplayed credits or replays.

**SECTION 3
ADMINISTRATION AND REGULATION**

- 3.1 ADMINISTRATION BY TONKAWA GAMING COMMISSION.** The full power and authority of the Tribe with respect to all gaming conducted within the Tribal jurisdiction is hereby granted by the Tribe to the Gaming Commission. The Gaming commission will oversee all gaming, gaming enterprises and gaming operators upon lands within the Tribal jurisdiction and over any gaming activity in which the Tribe has a proprietary interest.
- 3.2 REGULATION BY THE TONKAWA GAMING COMMISSION.** In order to provide for the regulation of Tribal gaming there is hereby created the Tonkawa Gaming Commission ("TGC" hereinafter). The TGC shall be comprised of a Gaming Commissioner and Three (3) members.
- 3.3 Qualifications and Appointment.**
- A) The Gaming Commissioner shall be appointed by the Committee and preference shall be given to a person with knowledge and experience in the commercial gaming industry, familiarity with the Act, and experience in and knowledge of administration and administrative procedure.
 - B) The members shall be appointed by the Committee. All members shall be from among the Tribal council.
 - C) Appointments of the TGC Commissioner and members shall be for a period of Four (4) years, except that of the initial members, one will be appointed for one (1) year, one for two (2) years, one for three (3) years, and one for four (4) years, which will result in staggered appointment and provide continuity with the TGC. The TGC Commissioner and all members may be re-appointed for one term.
 - D) No person shall be appointed to the TGC unless the committee is satisfied that:
 - 1. He, or she, is a person of good character, honesty, and integrity, whose prior activities, criminal records, if any, reputation, habits, and associations do not pose a threat to the public interest of the Tribe or its members, or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conducting of gaming or the carrying on of the business and financial arrangements incidental thereto; and
 - 2. He or she has no interest in any private gaming activity on Indian Lands or any activity which may have an interest in conflict the Tribal gaming operations.
- 3.4 DUTIES AND POWERS.** The TGC shall administer the provisions of this Ordinance and shall have all the powers necessary therefore. In exercise of its duties the TGC shall:

- A) **Promulgate such rules and regulations as may be necessary and desirable for the proper implementation of this Ordinance;**
- B) **Identify and define the rule of play for each Class II and Class III game permitted.**
- C) **License, supervise, inspect, and oversee all gaming activities and persons employed in gaming activities conducted within the Tribal jurisdiction.**
- D) **Carry on a continuous study and investigation of Class II and Class III gaming in Indian Lands for the purpose of:**
 - 1. **Ascertaining any defects in or abuses of the standards and regulations in this Ordinance, or applicable rules and regulations.**
 - 2. **Formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations.**
 - 3. **Preventing abuses and evasions of the standards and regulations described by the Ordinance and applicable rules.**
- E) **Report to the Tonkawa Business Committee on any matters related to gaming which are deemed by the TGC to constitute an emergency requiring immediate action.**
- F) **Take any action it deems necessary and appropriate for violation(s) of this Ordinance or applicable rules and or regulations including, but not limited to, license suspension, revocation, prosecution, referral for prosecution, or civil suit; and**
- G) **Employ such employees as are necessary to carry out the specific powers and duties of TGC.**

**SECTION 4
CLASS III GAMES ALLOWED**

- 4.1 ALLOWED GAMES.** The following Class III games may be conducted under the Tribal auspices on Tribal property within the confines of the Tonkawa Tribe of Oklahoma Tribal jurisdiction: Lottery games, Video lottery games, pari-mutuel betting on Horses, and other games as may from time to time be authorized pursuant to the compact or amendments to the compact, or by future compacts with the State of Oklahoma or such authorized body that is permitted to issue such compacts by law.
- 4.2 OTHER GAMES PROHIBITED.** No person acting under the authority or auspices of the Tribe shall conduct or participate in the conduct of any Class III games on the Reservation other than the games provided for in Section 4.1 above.
- 4.3 NOT AUTHORIZED GAMING.** No non-authorized person shall conduct, participate or assist in the conduct of any class III game on the Reservation.

**SECTION 5
RULES OF PLAY FOR GAMING**

- 5.1 COMPACT.** All games conducted pursuant to section 4.1 above shall be conducted in accordance with the Rules of play pertinent to such games as set out in the compact or amendments of the compact.
- 5.2 CASINO HOURS.** Hours of play shall be established by the TGC and publicly displayed at each Casino.
- 5.3 GAMING AGE LIMITS.** No persons under the age of 18 shall play or be permitted to play any class III games, nor shall any prize or winning be paid to such person, notwithstanding that by their play they otherwise qualified for such a prize or winning.
- 5.4 EMPLOYMENT AGE LIMIT.** No person under the age of 18 may conduct or be employed in the conduct of any class III gaming activity.
- 5.5 INTOXICATION.** No person who is visibly intoxicated shall be permitted to play any Class III Game.
- 5.6 CREDIT.** No person acting under the authority or auspices of the Tribe shall extend credit to any person for the purposes of gaming, nor shall any other person be allowed to extend such credit for a fee while on premises, other than by means of bank card, or credit card transactions such as would normally be permitted at retail businesses located within the State of Oklahoma.
- 5.7 GAMING BY EMPLOYEES.** No person employed in any Tribal Class III gaming activity shall play at such Tribal Class III gaming enterprises, nor permit any other person employed there to play at said gaming enterprise.

- 5.8 GAMING BY FAMILY MEMBERS.** Any immediate family members of an employee subject to section 5.7 above, and any other family member residing in the same household of such employee, shall prior to playing at any session of such gaming enterprise, notify the manager or manager's designee thereof of their entrance, and shall be allowed to play at any game where the aforementioned employee is off duty.

SECTION 6 MANAGEMENT CONTRACTS

- 6.1 PROPOSALS FOR MANAGEMENT.** No proposal for management by persons other than Tribal employees shall be considered by the Tribal Council unless submitted in writing; and

- A) Shall state the names, and addresses, of all principals involved in the management enterprise. If the proposed management enterprise is a corporation it shall state the name, and address of each officer, and if not publicly held the name, address, and percentage holding of each stockholder. If the proposed management enterprise is a partnership or joint venture the proposal shall contain the name and address of each partner, and the percentage interest held by that partner or any other person or business entity of any kind whatsoever with any interest therein,
- B) Shall state clearly, in general (but concrete) terms, the services proposed, the duration of the agreement and the nature of the compensation sought.
- C) Shall not state or propose any term in violation of 25 U.S.C. 2711.

- 6.2 APPROVAL OF MANAGEMENT.** No management contract shall be approved unless:

- A) The text of such a contract is arrived at or submitted to the committee at least 5 days prior to the Committee meeting at which such approval is sought; and
- B) The terms of the contract meet the restrictions imposed under U.S.C. 25 Section 2711 of the IGRA; and
- C) The TGC has conducted appropriate investigation, and found out the facts necessary to determine that the proposed contractor (including all relevant personnel) meet the qualifications imposed under 25 U.S.C. Sec. 2711 of the IGRA and this Ordinance.

SECTION 7 GAMING VENDORS

- 7.1 LICENSE REQUIRED.** No agreement shall be entered into with any person, partnership, or corporation, for the purchase, lease, or provision of services, supplies, or equipment unique to the operation of gaming, for an amount exceeding \$10,000.00 in any year, unless said contractor holds a

gaming license issued by the TGC, or it is exempt from such requirement pursuant to the Compact.

- 7.2 CONFLICTS OF INTEREST.** No person employed by the Tribe in the conduct of gaming may have a direct or indirect interest in any entity, or be employed by any person, who has entered into a gaming related contract with the Tribe.

SECTION 8 CONSENT TO JURISDICTION

- 8.1 MANAGEMENT, VENDORS, EMPLOYEE.** Any non-member participating under a gaming management contract with the Tribe, participating in a vendor or lessor relationship related to gaming, and any other non-member employed in the conduct of gaming, shall by virtue of such participation or employment be deemed to have consented to the Civil and Criminal jurisdiction of the Tribe and its courts.
- 8.2 PLAYERS.** In addition, any non member player at a Tribal gaming enterprise shall be deemed by virtue of such play to have consented to the civil and criminal jurisdiction of the Tribe, in relation to such disputes arising from their presence and play at such gaming enterprises.

SECTION 9 DISPUTE RESOLUTION

- 9.1 MANAGERS RESPONSIBILITY.** It shall be the responsibility of the gaming manager of a particular gaming enterprise, or the manager's designee, to resolve such disputes as may be initiated by a player arising from the conduct of play at such facility.
- 9.2 NAME DISPLAY.** The name of the manager with responsibility for a specific gaming enterprise shall be prominently displayed at such gaming enterprise.
- 9.3 MANAGER'S DESIGNEE.** At all times, when the manager is not available, said manager shall designate a specific person as the manager designee for purposes of dispute resolution and the name of the person so designated at that specific time shall also be prominently displayed. Such designee shall act in place of the manager to resolve disputes during the time authorized.
- 9.4 NOTICE OF GRIEVANCE.** Any aggrieved player shall immediately bring such grievance to the notice of the employee(s) involved and, if unsatisfied by the result, thereupon must bring such grievance to the attention of the manager or the designee.
- 9.5 DELAY IN REPORTING.** Any delay in reporting such a grievance to the gaming manager, or designee, may be considered by the gaming manager as mitigating against the grievance. Failure to report the grievance during the session at which the grievance allegedly arose may, at the discretion of the manager or designee(s) justify the summary dismissal of the grievance.
- 9.6 MANAGER'S DECISION.** Except where circumstances require further investigation or consultation, the manager/designee shall deliver the decision

during the session at which the grievance is brought to their attention. Upon request of the player, the manager/designee's decision shall be made in writing and time stamped.

- 9.7 APPEAL.** A player who has timely submitted a grievance for resolution by the manager/designee and who is dissatisfied with the result may appeal such decision to the TGC.
- 9.8 REQUIREMENTS OF APPEAL.** Such appeal shall be in writing, contain a statement of the facts, and the grounds for the appeal, and shall be delivered or postmarked within five (5) days of the occurrence giving rise to the grievance.
- 9.9 INITIAL REVIEW.** Where the manager/designee's decision is delayed beyond the session at which the grievance allegedly arose, the time of the appeal shall be five days from the date the manager/designee delivers the decision.
- 9.10 NOTICE OF PROCEDURES.** Notice of these dispute resolution procedures or a summary thereof shall be posted at each gaming enterprise, and shall contain the address for the notices to be delivered to.

SECTION 10 GAMING MANAGERS

- 10.1 NAME PUBLISHED.** For each gaming enterprise whether Tribally managed or managed pursuant to a management contract, the TGC shall establish and publish the name of the individual designated as Gaming Manager for that Gaming Enterprise.
- 10.2 DUAL MANAGEMENT.** In no case other than in an emergency and for a period not to exceed 30 days shall the TGC designate the same person as manager of more than one gaming enterprise.

10.3 MANAGERS DUTIES.

- A) To hire and promote TGC employees pursuant to such policies as may from time to time be promulgated or approved by the TGC, and at such salary ranges and other compensation as may be directed by the TGC or established by regulation/policies approved by TGC.
- B) To supervise, manage, and discipline said employees, pursuant to regulations/ policies approved by the TGC.
- C) To enter into agreements for the purpose of lease of gaming services supplies, equipment, and promotion except any agreement in excess of \$2,500 shall require the approval of the TGC.
- D) To enter into agreements for the purchase or lease of services, supplies, and equipment for the repair and maintenance of the gaming enterprise, subject to the restrictions set forth in C) of this section.
- E) To draft regulations and policies relating to personnel, purchasing, leasing, promotion and other management concerns, and hours and rules, preferably in consultation, cooperation and joint agreement with other managers for submission to approval by the TGC.
- F) To operate such games as are authorized at the gaming enterprise at which they are responsible, together with purveying related food services, pursuant to the compact and such more specific directions as may from time to time be established.
- G) To submit monthly financial reports, entailing at a minimum 1) an itemized statement of the gross receipts, 2) an itemized list of toll expenditures, 3) a balance sheet/income statement for their facility, prepared in accordance with generally accepted accounting principles and 4) the beginning and ending balance in each gaming account together with their identifying number and location.

SECTION 11 GENERAL GAMING PERSONNEL STANDARDS

11.1 **PROHIBITED PERSONNEL.** Notwithstanding any other provision herein or any other Tribal law, no person shall be appointed to the TGC or to any gaming enterprise, nor shall be allowed to continue in such appointment or employment, who has been convicted or, or entered a plea of guilty or no contest to any of the following, unless the person had been pardoned.

- A) A felony, other than a felony conviction for any offense under sections B) through D) below, during the past ten (10) years.
- B) Any gambling related offense;
- C) Fraud or misrepresentation in any connection;
- D) A violation of a Tribal ordinance regulating or prohibiting gaming.

- 11.2 OTHER PROHIBITIONS.** Irrespective of whether such person qualifies under section 11.1 above, anyone determined by the appointing or employing authority 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, shall be prohibited from holding any of the positions enumerated in Section 11.1
- 11.3 REVIEW.** Persons subject to this section shall be reviewed at least once every two (2) years to determine whether they continue to meet the standards imposed under sections 11.1 and 11.2.

SECTION 12 ENFORCEMENT

- 12.1 FINES FOR VIOLATION OF RULES OR ORDINANCES.** In addition to firing or other disciplinary action taken by the Tribe or its agents in their role as employer, an employee, player, or other person subject to this Ordinance shall be subject to a forfeiture of up to \$5,000 plus costs for violation of section 4.2 above, or violation of any provision of play other than section 5.9.
- 12.2 FINES FOR FALSE STATEMENTS.** In additions to firing or other disciplinary action taken by the Tribe or its agents in their role as employer, an applicant, employee, appointee, player, or other person who makes a false statement or representation in connection with any application for a management contract, for employment, or for appointment in connection with gaming, including but not limited to representations required by this Ordinance shall be subject to a forfeiture of up to \$5,000 plus costs.
- 12.3 FINES FOR TAMPERING OR UNAUTHORIZED GAMING.** In addition to firing or other disciplinary action taken by the Tribe or its agents in their role as employer, an employee, player, or other person who violated section 4.5 or 5.9 of this Ordinance shall be subject to a forfeiture of up to \$5,000 plus costs in addition to any moneys which may be recoverable pursuant to this Ordinance.
- 12.4 FINES RELATING TO RECORDS.** In addition to firing or other disciplinary action taken by the Tribe or its agents in their role as employer, an employee, a contractor, or other person who tampers with or destroys records or otherwise impedes or obstructs gaming shall be subject to a forfeiture of up to \$5,000 plus costs.
- 12.5 JURISDICTION.** The Tribal Court, or any court that may be chosen to act as the Tribal court, shall have the jurisdiction to enforce the sanctions provided for violation of this Ordinance.

SECTION 13 USE OF REVENUES

- 13.1 APPROVED USES.** The net revenues from the gaming activity contemplated by this Ordinance and the compact shall be used as set forth in the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq.
- 13.2 ACCOUNT FOR GAMING RECEIPTS.** The Tribal Gaming Manager and/or Bingo Manager shall create a special account into which all gaming receipts shall be deposited daily. Gross receipts derived from the conduct of gaming shall not be commingled with any other Tribal funds.

SECTION 14 FINANCIAL AUDIT

At the close of each fiscal year (commencing with the current Tribal fiscal year), the TGC shall engage an independent Certified Public Accountant to audit the books and records of all Gaming Operations conducted under this Ordinance. The audit shall be completed within ninety (90) days after the close of the fiscal year. Upon completion of the audit, the TGC shall forward copies of any audit reports and management letter to the National Indian Gaming Commission. The TGC shall engage auditors experienced in auditing Class III Gaming who shall perform the audit in conformity with the most current edition of "Accounting and Audit Guide - Casinos" published by the American Institute of Certified Public Accountants. All gaming-related contracts that result in purchases of supplies, services, or concessions for more than \$25,000 in any one year (except contracts for professional legal or accounting services) shall be included within the scope of the audit.

Section 15
BACKGROUND INVESTIGATIONS

- 15.1 INVESTIGATION PRIOR TO EMPLOYMENT.** The TGC or other appointing employing authority shall conduct a criminal background check and any other such investigation as may be deemed necessary prior to the appointment or employment of any person subject to the standards in Section 11.1 and 11.2 above including, but not limited to, fingerprint checks as set forth in Section 18 hereof.
- 15.2 RECORD RETENTION.** All records pertaining to the investigation and determinations required by section 11.1 and 11.2 above shall be retained by the appointing/employing authority for a period of at least 7 years.
- 15.3 SUBJECT TO COMPACT PROVISION.** All TGC board members, and all gaming activity employees shall be subject to all applicable provisions of the compact.
- 15.4 CONTENTS OF QUESTIONNAIRES.** The tribe shall receive from every Board member or officer, every member, every management official and each key employee, a background questionnaire containing at least the following information.
- A) Full name, other names used, social security numbers, and date of birth.
 - B) For the past previous four (4) years, home addresses, business and employment positions held.
 - C) The names and addresses of at least three personal references, including one personal reference who was acquainted with the applicant during the four year period listed in Section 15.4.B. above.
 - D) Current telephone numbers of home and businesses.
 - E) A description of any previous relationship with Indian Tribes.
 - F) A description of any previous relationship with the gaming industry.
 - G) The name and address of any licensing or regulatory agency which the person has filed an application for a license or permit relating to gaming whether or not such license was granted.
 - H) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition.

- 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) Whatever other information the Tribe deems relevant.

15.5 PRIVACY ACT NOTICE.

- A) The following notice shall be placed on top of the application form for key employees and/or primary management officials.

"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, or the suitability of individuals with a financial interest in, or having management responsibility for, a management contract. The information will be used by the National Indian Gaming Commission members and staff and Indian tribal officials who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, or foreign law enforcement and regulatory agencies in connection with a background investigation or when relevant to civil, criminal, or regulatory investigations or prosecutions or investigations of activities while associated with a gaming operation, 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 an operating license.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."

- B) The Tribe shall notify in writing existing key employees and primary management officials that they shall either,
 - 1) Fill out a new application that contains a Privacy act notice, or
 - 2) Sign a form that contains the contents of the privacy act notice and consent to the routine uses described in that notice.

15.6 PERIODIC REVIEW. Each person employed shall be subject to a periodic review, which review shall take place at least annually commencing with the date of employment.

15.7 CONFIDENTIALITY. In conducting a background investigation the TGC shall promise confidentiality to each person interviewed in the course of the investigation.

15.8 INVESTIGATION PROCEDURE.

- A) The Tribe is responsible for the conduct of all background investigations and suitability determinations required pursuant to applicable statutes and regulations, or pursuant to this Ordinance.
- B) The TGC shall have final and ultimate responsibility for the conduct, review and reporting of background investigations, the coordination of fingerprint processing with the Tonkawa Police Force of Tonkawa, Oklahoma, and the making of suitability determinations.
- C) The responsibilities of the TGC as set forth in this Section 15.8 have been delegated to the TGC by the Tribe consistent with the powers and authorities granted to the TGC upon its creation by the Tribal Council.
- D) TGC Procedure. The background investigation shall be conducted in substantially the following manner:
 - 1) Each application requiring a background investigation and suitability determination will be assigned on a random, rotating basis to a member of the TGC, who will then be designated the "TGC Coordinator" for that application. If, upon assignment or at any time in the course of an investigation, the TGC Coordinator believes that he or she may not be able to conduct an impartial investigation, the TGC Coordinator shall immediately notify the Chairman of the TGC, and a new TGC Coordinator shall be assigned to that application.
 - 2) The TGC Coordinator is responsible for verifying all information on an application, by telephone or, if necessary, in writing.
 - 3) The TGC Coordinator shall interview sufficient employment and personal references, including at least the applicant's two (2) most recent employment references, two (2) personal references, and any other reference which, in the opinion of the TGC Coordinator, is relevant to the suitability determination.

- 4) Upon receipt of the results of the fingerprint investigation through the NCIC and completion of the TGC Coordinator's investigation, the TGC Coordinator shall present his or her preliminary findings to the entire TGC. The TGC will then have the option of interviewing the applicant.
- 5) If, following the interview, or the TGC Coordinator presentation if no interview took place, the TGC determines that additional information is required, the TGC Coordinator will obtain such information.
- 6) Following the TGC presentation, interview, if any, and gathering of additional information, if any, the TGC will convene and jointly determine an applicant's suitability. As part of that determination, the TGC is required, where appropriate, to document in writing:
 - a) where an applicant is determined to be suitable for employment, the disposition of any potential problems or issues discovered in the course of the background investigation, or
 - b) where an applicant is determined not to be suitable for employment, all disqualifying information and the rationale supporting the determination.
- 7) The TGC will prepare a final investigation report detailing:
 - a) The precise steps taken in performing the particular background investigation, including identification of all references contacted,
 - b) The results of the investigation,
 - c) The conclusions of the TGC, and
 - d) The basis for those conclusions.

**SECTION 16
GAMING LICENSE**

16.1 POSSESS AND DISPLAY LICENSE. Any person, organization, or entity (including management officials and key employees) on behalf of the tribe conducting a public gaming enterprise pursuant to the provisions of this Ordinance, within the Tribal jurisdiction and/or in which the Tribe has a proprietary interest, or any person, organization, or entity selling, leasing, distributing gaming equipment or video games of chance to the Tribe shall be required to have and display prominently on display upon request an appropriate, valid and current Tribal gaming license issued pursuant to the provision of this Ordinance. Any other forms of public gaming operation being conducted within the jurisdiction without the lawful written approval of the TGC are prohibited.

16.2 APPLICATION FOR MANAGEMENT OFFICIALS AND KEY EMPLOYEES.

A) The application for management officials and key employees of any gaming operation or the Tribe shall contain explicit and detailed information of criminal record of the applicant in order to determine whether the applicant:

- 1) Has committed a felony or gaming offense in any jurisdiction.
- 2) Has engaged in any prior activities or maintains any habits or associations affecting his present conduct that would:
 - a) Pose a threat to the public or Tribal interests.
 - b) Threaten the effective regulation and control of gaming.
 - c) Create or enhance the dangers of illegal and unfair practices, methods or activities in the conduct of gaming.

B) Such information shall include:

- 1) Full name, other names used, social security numbers, and date of birth.
- 2) For the past four (4) years, home addresses, business employment and positions held.
- 3) The names and addresses of at least three persons who are acquainted with the applicant, including one during the period of the four (4) years as listed above.
- 4) Current business and residence telephone numbers.
- 5) A description of any previous business relationships with Indian Tribes.
- 6) A description of any previous relationships with the gaming industry.

- 7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted.
 - 8) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition.
 - 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) Whatever other information the Tribe deems relevant, including the fingerprints of the applicant.
- C) Any other employee not a management official or key employee shall be required to fill out an employment application provided by the gaming operator or the TGC and shall be required to submit to a background check with local law enforcement authorities chosen by the gaming operator of the TGC and leave on file with such authorities a set of fingerprints.

16.3 APPLICATIONS FOR DISTRIBUTORS FOR GAMING EQUIPMENT AND/OR VIDEO/VIDEO LOTTERY OR OTHER GAMES. The Applications for any person, organization or entity wishing to sell, lease or otherwise distribute either video, lottery or other type games to the Tribe shall submit an application containing the following information.

- A) The name(s) and mailing address of the person or entity making the application.
- B) The names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the applicant.
- C) The nature of the license applied for; the type of activity to be engaged in under the license.
- D) Explicit and detailed disclosure of any criminal records, including delinquent taxes owed to any federal, state, local or Tribal government, of the applicant any person involved in the organization and any party of interest whose name appears on the application.
- E) Any additional information necessary to allow the TGC or the State of Oklahoma to investigate the application.
- F) Whether the applicant has been properly licensed by the State of Oklahoma pursuant to Oklahoma statutes, and proof of being the holder of a current and valid distributor or manufacturer license from the State of Oklahoma, or properly licensed and hold a current valid license from any state, or valid licensing entity.

- G) Whether the applicant has ever had a distributor or manufacturing license revoked or suspended by the entity that issued the license and, if so, the circumstances surrounding that action.
- H) A statement of waiver allowing TGC and the State of Oklahoma to conduct a background investigation of the applicant and any person whose name is required to appear on the application.
- I) Whether the applicant or any person whose name is required to appear on the application maintains any involvement in the business distribution of alcoholic beverages.

16.4 MACHINE PERMIT. In addition to a distributor license provided for in 16.3, the person or entity with whom the TGC enters into a lease or sales agreement regarding any approved machine played devices must obtain from the TGC a non-Transferable permit for each such device to be placed in a gaming enterprise operating under the provisions of this Ordinance.

- A) An application for a permit for a machine shall contain the following information.
 - 1) The name and address of the applicant with proof of a current and valid distributor or manufacturer license issued by a licensing entity.
 - 2) Identification numbers or codes for each such gaming machine placed in a Tribal gaming enterprise including the manufacturer, the serial number and the model number.
 - 3) Proof of approval and certification of the machine by an approved gaming test laboratory, or proof that the game conforms precisely to the exact specification(s) of the game prototype tests and approved by the gaming test laboratory.
 - 4) All other information as required by the Compact.
 - 5) Proof of a current and valid game license, if required and issued by the State of Oklahoma.
- B) Upon Issuance, the TGC shall have attached to each such game licensed under the provisions of this Ordinance an unremovable identification plate on the exterior cabinet which contains the information as required (if Any) by the Compact.

16.5 CLASSES OF LICENSE AND PERMITS. Upon proper application and approval the following classes of licenses may be issued by the TGC or permit which shall be issued by the Tonkawa Tax Commission ("TTC" hereafter).

- A) Class A License for a gaming enterprises in which a gaming operator wishes to conduct traditional bingo and other games of chance at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee of \$500.

- B) **Class B License for a Class II or Class III gaming enterprise in which a gaming operation wishes to operate any approved gaming machinery at a Tribal gaming enterprise; the license shall be site specific and have an application fee of \$500**
- C) **Class C License to any management official or key employee of either a gaming operator or the TGC; the license shall be valid for a period of one year and have an application fee of \$30.00.**
- D) **Class C-1 License to any other employee not licensed as a management official or key employee, or a gaming operator the TGC employed in a gaming enterprise licensed under the provisions of this Ordinance; the license shall be valid for a period of one year and shall have an application fee of \$10.00**
- E) **Class D License to any distributor or manufacturer of gambling equipment and or video games to be used in a Tribal gaming enterprise; the license shall be valid for a period of one year, and shall have an application fee of \$500.00**
- F) **Class A Permit issued by the TGC for each approved mechanical device and other type of approved gaming device to be used in a gaming enterprise; the permit shall be valid for a period of one year and shall have the fee of \$100.00**

16.6 FRAUD ON THE APPLICATION. It shall be unlawful to lie or willfully deceive the submission of a license or permit application.

16.7 EXEMPTIONS. The following activities are not public gaming operations under the terms of this Ordinance and therefore do not require a license under this title.

- A) **Gaming Not for Gain.** Gaming in which no cash or valuable prizes are won, other than "Point" for commutative competitive rankings, or "places" for immediate competitive rankings, is not subject to the provisions of this Ordinance. However, gaming for gain which is conducted by non profit organization is subject to the requirements of this Ordinance if cash or valuable prizes are awarded. Valuable prizes means an object or service worth more than One Hundred Dollars (\$100.00) or more in fair market value.
- B) **Traditional Indian Gaming.** Traditional Indian gaming activity in the nature of hand games are not subject to the provision of this Ordinance. The Commission is hereby authorized to determine on a case by case basis upon request whether a particular traditional gaming activity qualified for the exemption.

16.8 ELIGIBILITY DETERMINATION. The TGC shall make a finding concerning the eligibility of a key employee or a primary management official for employment in a gaming enterprise. If the TGC, in applying standards adopted in the Ordinance, determines that employment of a person under investigation poses a threat to the public or Tribal interest or to the effective regulation of gaming, or creates or enhances the dangers of unfair or illegal practices, methods and activities in the conduct of gaming, a management contractor or a Tribal gaming enterprise shall not employ that person in a gaming position.

16.9 PROCEDURES FOR FORWARDING APPLICATION AND REPORTS TO THE NATIONAL INDIAN GAMING COMMISSION.

- A) When an employee begins work at a gaming enterprise the Tribe shall:
 - 1) Forward to the National Indian Gaming Commission a completed application for employment that contains the information listed in section 16.2 of this Ordinance.
 - 2) Conduct a background investigation to determine the eligibility of any employee for continued employment in a gaming enterprise.
- B) Upon completion of a background investigation and a determination of eligibility for employment in a gaming enterprise, the Tribe shall forward a report to the National Indian Gaming Commission within Sixty (60) days after the employee begins work. A gaming enterprise shall not employ a person who does not have a license after Ninety (90) days.
- C) During a Thirty (30) Day period when the National Indian Gaming Commission receives a report submitted under this Section, the Chairman of the National Indian Gaming Commission may request additional information from the Tribe concerning an employee who is the subject of a report. Such a request shall stop the 30 day period until the Chairman of the National Indian Gaming Commission receives the completed additional information.

reflecting the new address upon reasonable proof of change of address and without imposition of additional fee.

- B) It shall be unlawful for any licensee to fail to notify the TGC of any new prospective key employee, new ancillary contractor, or new operator. The TGC shall investigate and provide approval or disapproval of the new key employee, new ancillary contractor or new operator within Thirty (30) days. Any information received by the TGC shall be confidential.
- C) It shall be unlawful for any licensee to begin the employment of a new person, begin the performance of any new contract, or begin the control of any new operator without the approval of the TGC.
- D) It shall be unlawful for any person to possess a firearm or dangerous weapon on premises where licensed gaming is allowed, with the exception of licensed firearms for the maintenance of order. Firearms possessed by duly authorized Peace officers, and Firearms maintained by licensees for protection of themselves, their agents and invitees shall be registered with the Tribal Police Department.
- E) It shall be unlawful for a licensee to engage in pawn brokering or to take goods or materials in hock or to lend money or engage in similar activity with indigent persons solely for the purpose of enabling the indigent person to gamble.
- F) A licensee is required to, during normal business hours, maintain his premises open for inspection by the TGC or its agents, or any other authorized government agency, and keep its books and financial records open for similar inspections.
- G) Licensed gaming operators and Tribal gaming operators must produce at a players request losing tickets, copies of canceled checks or other evidence of loss from records normally maintained by the operator acceptable by the Internal Revenue Service if requested by the player or anyone who otherwise enters the game.
- H) The TGC shall by regulation impose the following additional requirements.
 - 1) A determination of whether and in what manner rules of play must be posted for each type of licensed game.
 - 2) The maximum prize, pot, or bet limit, if any, that shall be offered for any type of licensed game.
 - 3) Rules for the particular conduct of any type of licensed gaming, should the TGC deem that such rules are necessary for the proper conduct of gaming.
 - 4) Any other regulation controlling licensed gaming which is deemed necessary by the TGC.

- 16.14 FEES.** Each application for an initial or renewal license shall be accompanied by payment of the license fee. The TGC determines the fees, which are imposed for the revocable privilege of being licensed to engage in public gaming within the Tribal jurisdiction.
- 16.15 NON TRANSFERABILITY.** The license issued pursuant to the provisions of this Ordinance is valid only for the person(s) shown on the face thereof. It is not transferable or assignable to any other person or organization or for any other location without the written approval of the TGC.
- 16.16 PAYMENT OF LICENSE FEES.** All license fees for all licenses issued under the authority of the TGC shall be paid to the Treasury of the Tribe.
- 16.17 LICENSE AS A REVOCABLE PRIVILEGE.** The public gaming operations license is a revocable privilege and no holder thereof shall be deemed to have a part in any vested privilege, and no holder thereof shall be deemed to have a part in any vested rights therein or thereunder. The burden of proving qualifications to hold any license rests at all times in the licensee. The TGC is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified person or persons, whose operations are conducted in an unsuitable manner.

- D) At the conclusion of the Thirty (30) day period described under this section the National Indian Gaming Commission Shall:
- 1) Issue a report stating that it has no objection to the employment of an employee in a gaming enterprise;
 - 2) Issue a that states it objects to the employment of an employee and stating the reasons for such objection; or
 - 3) Issue no report.

16.10 GRANTING A GAMING LICENSE. Upon completion of the Thirty (30) day period described under this section, or upon receipt of the National Indian Gaming Commission's report described under this section, the TGC shall:

- A) Grant a gaming license to an employee who is eligible for continued employment in a gaming enterprise.
- B) Terminate the employment of an employee in a gaming enterprise;
- C) Place an employee in a position other than as a key employee or a primary management official.

16.11 LICENSE SUSPENSION.

- A) If, after the issuance of a gaming license, the National Indian Gaming Commission receives reliable information indicating that an employee is not eligible for employment under this Section, the National Indian Gaming Commission shall notify the TGC that issued a gaming license.
- B) Upon receipt of such notification under this section, the TGC shall suspend such license, and shall notify in writing the licensee of the suspension and the proposed revocation.
- C) The TGC shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- D) After a revocation hearing, the TGC shall decide to revoke or to reinstate a gaming license. The TGC shall notify the National Indian Gaming Commission of its decision.
- E) A right to a hearing under this section shall vest only upon receipt of a license issued by the TGC.

16.12 LICENSE RENEWAL. Every licensee intending to continue engaging in public gaming activities with the Tribal jurisdiction during the next calendar year shall apply for renewal of the license at least Thirty days (30) prior to the end of the license period.

16.13 REQUIREMENTS TO MAINTAIN A LICENSE.

- A) When a licensee changes a location of public gaming within the Tribal jurisdiction, the TGC shall after notification by the licensee of such changes, issue a corrected license for the balance of the current period

16.18 VIOLATIONS.

- A) Violations of any provision of this Ordinance or any of the TGC regulations by a licensee, his agent(s) or employee(s) shall:
- 1) Be deemed contrary to the public health, safety, morals, good order, and general welfare of the Tribe.
 - 2) Be grounds for refusing to grant or renew a license, or for suspension or revocation of a license.
 - 3) Be grounds for filing of criminal charges and or a civil action in a court of competent jurisdiction on behalf of the TGC and the Tribe.
 - 4) Be grounds for immediate revocation of license in the case of licensee being convicted of a felony.
- B) Acceptance of a license or renewal thereof or condition imposed thereon by a licensee constitutes agreement on the part of the licensee to be bound by all the regulations and/or conditions of the TGC and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violations.

16.19 REPORT TO THE NATIONAL INDIAN GAMING COMMISSION.

- A) Before the TGC employs a primary management official or a key employee on behalf of the Tribe, the TGC shall forward to the National Indian Gaming Commission or its designated agent a complete application containing the information listed under paragraph 16.2 of this section.
- B) Before issuing a license to a primary management official or key employee, the TGC shall forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include:
- 1) Steps taken in conducting a background investigation
 - 2) Results obtained
 - 3) Conclusions reached
 - 4) The basis of those conclusions.
- C) When the TGC forwards its report to the commission, or its designated agent, it shall include a copy of the eligibility determination made pursuant to Commission Regulations.

SECTION 17

BINGO

17.1 DEFINITIONS. As used in this section:

- A) Bingo Manager means a person or organization hired by the Tribe to conduct and organize and supervise all Bingo occasions.
- B) Bingo Occasions means a single gathering or session at which a series of successive Bingo games are conducted.
- C) Bingo Supplies and Equipment means all cards, boards, sheets, markers, pads, or other supplies, devices or other equipment designed for use in the conduct or play of Bingo.
- D) Conduct means as to Bingo the drawing of the numbers and the announcement of the numbers drawn. The markings of a bingo card by a player shall not be considered an essential element of the conduct of bingo.
- E) Gross Receipts mean total receipts received from the conduct of bingo.
- F) Premises means any Tribal building, room, hall, enclosure, tent, or outdoor area in which bingo is being conducted on Tribal land.
- G) Profit means the gross receipts collected from one or more Bingo occasions, less reasonable sums necessary and actually expended for conducting the occasions, supplies, equipment, prizes, utilities, and the like;
- H) Tribal Land means land within the Tribal jurisdiction.
- I) Tribal Organization means any organization duly recognized by the Tribe.

17.2 BINGO MANAGER. The Tribal Bingo Manager shall be hired by the TGC on behalf of the Tribe and may be removed for cause by the TGC. The Tribal Bingo Manager shall be subject to the personnel policies and procedures of the Tribe and shall be supervised by the TGC. The Tribal Bingo Manager shall have the following powers and duties.

- A) To conduct Bingo operations in conformity with this Ordinance.
- B) To receive and deposit moneys generated from Bingo operations in an account established for that purpose pursuant to section 13.2 above.
- C) To supervise all personnel necessary to conduct Bingo operations.

17.3 GENERAL BINGO PROVISIONS.

- A) Only the Tribal Bingo Manager or a person authorized by the Tribal Bingo Manager shall conduct Bingo or act as a caller in the conduct of Bingo.
- B) Bingo shall be conducted only on Tribal land.

- C) Purchase of a Bingo card within the gaming enterprise shall entitle each purchaser to a place where Bingo is conducted with sufficient room in which to work the Bingo card.
- D) The Tribal Bingo Manager may, in his/her/its discretion, limit the number of persons allowed to purchase Bingo cards at any one Bingo Occasion.
- E) The Tribal Bingo Manager shall hold not less than 106 Bingo occasions within any calendar year. The Tribal Bingo Manager may hold such further Bingo occasions as he/she/it deems suitable in his/hers/its discretion.
- F) The Tribal Bingo Manager shall purchase such supplies and equipment as necessary for the operation of Bingo, and consistent with the budget approved by the TGC. All equipment and supplies used in the conduct of Bingo shall be owned by the Tribe. The Bingo equipment shall be maintained in good repair and sound condition.
- G) Only the Tribal Bingo Manager and persons employed by him/her/it shall participate in the management or operation of any Bingo occasions. No other person, firm, corporation, consultant, or similar entity shall participate in the management of any Bingo occasion with the express prior approval of the TGC.
- H) No person under the age of 18 shall purchase or make a Bingo card for any Bingo game conducted pursuant to this Ordinance unless accompanied by a such person's parent or guardian. No person under the age of 8 shall be allowed in the gaming enterprise in which Bingo is conducted during a Bingo occasion.
- I) No alcoholic beverages or illegal drugs shall be allowed in the gaming enterprise where Bingo is conducted during a Bingo occasions shall be removed from the premises and barred from further Bingo occasions.
- J) Bingo Occasions shall be advertised by whatever lawful methods the Tribal Bingo Manager deems suitable and appropriate to attract a maximum number of players.
- K) The Tribal Bingo Manager may provide for the sale of food or refreshments at concessions during Bingo occasions as part of the Bingo operation or may, in his/her/its discretion authorize the operation of concessions for the sale of food or refreshments by he/her/its deem appropriate. No person or organization may sell any other merchandise on the premises during a Bingo occasion unless authorized by the TGC.
- L) Bingo cards shall be sold or rented by Tribal Bingo Manager in the first instance only on the premises at which the Bingo occasion is being conducted. The Tribal Bingo Manager shall keep an accurate, separate count of the number of Bingo cards which are sold, rented, or used.

- M) No person employed in the operation of a Tribal bingo occasion shall be permitted to purchase Bingo Cards for that occasion or participate in any other way as a player during that Bingo occasion.
- N) Nothing herein shall prevent the broadcast or Televising of Tribal Bingo occasions. The Tribal Bingo Manager is hereby authorized to enter into a contract for the broadcast or televising of Tribal Bingo occasions, provided such contract shall be approved by the TGC before taking effect.

17.4 BINGO PRIZES.

- A) The amount and nature of prizes offered shall be determined for each Bingo occasion by the Tribal Bingo Manager, provided that the prizes offered shall be commensurate with the generally accepted odds in Bingo operations.
- B) Either cash prizes or merchandise prizes shall be allowed. If a merchandise prize is offered, its stated value shall be the current retail price.
- C) Prizes of alcoholic or fermented malt beverages, securities, or interests in real property are prohibited.

17.5 METHOD OF CONDUCTING BINGO.

- A) The Tribal Bingo Manager shall determine the type of games and prize for each game conducted during a Bingo occasion. The particular arrangement of numbers required on a Bingo cards in order to win and the amount of the prize for the game shall be clearly described and audibly announced to the players immediately before each game.
- B) Each Bingo game shall be conducted in such a manner that the results are random and each person purchasing a card is afforded an equal chance to win, and all equipment and supplies used in the conduct of each game shall be designed and used in such a manner as to secure results.
- C) The objects to be drawn shall be as near the same size, shape, weight, balance, and all other relevant characteristics as is practicable so that at all time during the conduct of Bingo each object possesses the capacity for equal agitation with any other object with in the receptacle.
- D) Seventy Five (75) objects, numbered consecutively "1" through "75" inclusive, shall be used for the conduct of each game. All 75 objects, shall be present in the receptacle at the beginning of each Bingo game.
- E) The number on each object drawn shall be announced in a manner clearly audible to the persons present during the conduct of the game and shall be visually displayed as well.
- F) Once removed from the receptacle during the conduct of the game, no object shall be returned to the receptacle until after the conclusion of that game.

- G) The receptacle and the caller shall be visible to the majority of the persons present during the conduct of a game at all times.

17.6 WINNERS.

- A) The winner of a Bingo game shall be the person in possession of the Bingo card with numbers on it arranged in the manner announced for that game, achieved with the least number of objects drawn. It is the player's responsibility to call "Bingo" and the "BINGO" Call must be on the last number called.
- B) The Bingo winner for each game shall be determined on the same day on which the Bingo occasion is conducted.
- C) The numbers appearing on the winning card at the time a winner is determined shall be verified in the immediate presence of at least one disinterested person.
- D) At the time a winner is determined, any person may call for a verification of all numbers and of the objects remaining in the receptacle not drawn. Such verification shall be made in the presence of the Tribal Bingo Manager and at least one disinterested person.

- E) When more than one person is found to be the winner of a Bingo game, a cash prize shall be divided equally among the winners to a minimum cash prize of five dollars. When equal division of a merchandise prize is not possible, identical prizes whose aggregate retail value is approximately equal to that of the designated prize shall be awarded.
- 17.7 ANNUAL OPERATING BUDGET.** The Tribal Bingo operation shall be carried out in accordance with an annual operating budget adopted for that purpose. Such budget shall detail the operation expenses of the operation and shall be prepared by the Tribal Bingo Manager. No Expenses may be incurred by the Tribal Bingo Manager except as provided in and in conformity with the annual operating budget so adopted.
- 17.8 MONTHLY FINANCIAL REPORT.** The Tribal Bingo Manager shall prepare, sign and submit to the TGC a monthly financial report which shall include the following information for the preceding month.
- A) The names of all persons employed in the conduct of Bingo.
- B) The number and dates of all Bingo occasions.
- C) An itemized list of all expenditures.
- D) An itemized statement of gross receipts from all Bingo occasions.
- E) A statement showing the balance in the Bingo account.
- F) A list of the full names, addresses and social security numbers of all winners of \$500 or more, including pull tab winners.
- 17.9 PROHIBITED ACTIVITIES.** It shall be unlawful and a prohibited activity for any person to:
- A) Violate the terms of this Ordinance in any way; or
- B) Conduct a Bingo game or occasion within the boundaries of the Tribe's reservation except in conformity with this Ordinance; or
- C) Act or scheme in any way to influence the conduct or result any Bingo game or the determination of the winner thereof; or
- D) Act or scheme in any way to deprive the Tribe of the income or proceeds or any portion thereof from any Bingo game, Bingo occasion, concession, or this operational expenses related thereto.

SECTION 18 LAW ENFORCEMENT

The Tonkawa Tribe of Oklahoma will use the Tonkawa Tribal Police, as well as a co-operative agreement with the Tonkawa Police force of Tonkawa, Oklahoma to take fingerprints pursuant to 25 C.F.R. 522.2 (h) and the Tonkawa Tribe's gaming Ordinance. Any person(s) who must under 25 C.F.R. 522.2 (h) must have fingerprints taken, but does not reside in the vicinity of the Tonkawa Tribe of

Oklahoma will be required to go to the police department in their home city, to have those prints taken and forwarded to the Tonkawa Police Force of Tonkawa, Oklahoma for use under 25 C.F.R. 522.2 (h) and the gaming Ordinance of the Tonkawa Tribe of Oklahoma, including, but not limited to, the Tonkawa Police Force's responsibility for conducting criminal history checks through the Federal Bureau of Investigation National Criminal Information Center.

**SECTION 19
DESIGNATION OF AGENT**

The Secretary of the Tribal Business Committee is hereby designated as the official agent of the Tribe, and the agent for receipt of service.

RESOLUTION #

BE IT HEREBY RESOLVED by the Council of the Tonkawa Tribe of Indians of Oklahoma, that the foregoing Revised Tribal Gaming Ordinance No. 1 was presented to the Council for approval and adoption pursuant to the Constitution and By-Laws on the _____ day of _____, 1996, and that the same is hereby approved and adopted as Tribal Gaming Ordinance No. 1, superseding any preceding Ordinance.

I certify that Resolution _____ was passed by the Tribal Council on this _____ day of _____, 1996 in accordance with the Constitution and By-Laws of the Tribe.

Secretary of the Tribal Council

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