



March 20, 2009

Via Facsimile and U.S. Mail

John Shotton, Chairman
Otoe-Missouria Tribe of Indians
8151 Highway 177
Red Rock, OK 74651
Fax: (580) 723-4273

Dear Chairman Shotton:

This letter responds to your request that the National Indian Gaming Commission (NIGC) review and approve the newly enacted Gaming Ordinance of the Otoe-Missouria Tribe of Oklahoma (Gaming Ordinance) as enacted on March 11, 2008, under Resolution No. OMTTC# 31154 FY 2009. The newly enacted gaming ordinance replaces the Tribe's prior gaming ordinance enacted on March 23, 1998.

This letter constitutes approval of the amendment because nothing therein conflicts with the requirements of the Indian Gaming Regulatory Act (IGRA) and the Commission's regulations.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip N. Hogen". The signature is fluid and cursive, with a large loop at the beginning.

Philip N. Hogen
Chairman



OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

March 14, 2009

MAR 17 2009

31709-46


Rebecca Chapman
Office of General Council
National Indian Gaming Commission
1441 L Street NW
Washington, D.C. 20005

Re: Otoe-Missouria Resolution and Amended Gaming Ordinance

Dear Ms. Chapman:

Enclosed please find the Resolution and Gaming Ordinance which replaces the one that had been previously submitted to you. If you have any questions, please let me know.

Very truly yours,


Baptiste Shunatona
Treasurer
bshunatona@omtribe.org



OTOE-MISSOURIA TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

MAR 17 2009

RESOLUTION

OMTC # 31154 FY 2009

RESOLUTION TO ADOPT AN ORDINANCE PROVIDING FOR THE AUTHORIZATION AND REGULATION OF GAMING ON INDIAN LANDS OF THE OTOE-MISSOURIA TRIBE OF OKLAHOMA

WHEREAS, the Otoe-Missouria Tribe of Oklahoma ("Tribe") is a federally recognized Indian Tribe organized pursuant to a Constitution and By-Laws, as amended by the People of the Otoe-Missouria Tribe from time to time as provided in the Oklahoma Indian Welfare Act of June 26, 1936, Ch.831,49 Stat. 1967;and

WHEREAS, the Constitution and By-Laws of the Tribe provide that the Otoe-Missouria Tribal Council shall the power to act on behalf of the Tribe in all matters on which Tribe is empowered to act; and

WHEREAS, the Otoe-Missouria Tribal Council is the supreme governing body of the Tribe with the authority to enact laws and ordinances; and

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

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

WHEREAS, the Tribe desires to approve the attached GAMING ORDINANCE OF THE OTOE-MISSOURIA TRIBE OF OKLAHOMA in order to authorize and regulate gaming on Indian lands of the Tribe as defined by the IGRA, superseding any previous tribal gaming ordinances; and

WHEREAS, the Constitution and By-Laws of the Tribe provide that enactments are to be passed by a majority of the Tribal Council members present.


NOW, THEREFORE, BE IT ENACTED BY THE TRIBAL COUNCIL OF THE OTOE – MISSOURIA TRIBE OF OKLAHOMA does hereby approve the above mentioned Gaming Ordinance, and

CERTIFICATION


We, the undersigned Chairman and Secretary of the Otoe-Missouria Tribal Council, do hereby certify, by signature, that the above and foregoing Resolution was approved and adopted on the 11th day of MARCH, 2009, with a quorum present, and a vote of:

5 FOR, 0 AGAINST, 0 ABSENT, and 1 ABSTAINING, 1 VACANT.

Thereby: APPROVING [] DISAPPROVING this Resolution.



John R. Shotton, Tribal Chairman

(SEAL)
ATTEST: 
Barbara Childs Walton,
Tribal Secretary

**GAMING ORDINANCE
OF THE OTOE-MISSOURIA TRIBE OF OKLAHOMA**

MAR 11 7 2009

SECTION 1. GENERAL PROVISION

1.1 Authority

The Otoe-Missouria Tribal Council, which is the supreme governing body of the Otoe-Missouria Tribe (hereinafter, the "Tribe") as empowered by the Otoe-Missouria Constitution, hereby amends, adopts and implements this Gaming Ordinance of the Otoe-Missouria Tribe of Oklahoma (hereinafter, the "Ordinance").

1.2 Interpretation; Implementation

This Ordinance supersedes any and all ordinances or laws regarding its subject matter, save and except the Otoe-Missouria Development Act, provided that this Ordinance shall not be implemented until it is approved by the National Indian Gaming Commission (hereinafter, the "NIGC") in accordance with the Indian Gaming Regulatory Act of 1988, 25 U.S.C. § 2701 *et seq.* (hereinafter, the "IGRA") and the regulations implementing IGRA, 25 C.F.R. Part 501 *et seq.*

1.3 Sovereign Immunity Unaffected

The Tribe specifically retains all governmental immunities associated with its sovereign status. The Tribe's subsidiaries, employees and agents, including but not limited to the Otoe-Missouria Gaming Commission, shall share in its sovereign immunity from suit. The Tribe, by adoption of this Ordinance, does not waive its sovereign immunity in any respect and this Ordinance shall not be construed as such waiver.

1.4 Compliance with Applicable Law

The management and operation of any Class II gaming facility shall be subject to all applicable provisions of the IGRA. The IGRA and its implementing regulations, as same may change from time to time, hereby are adopted and incorporated by reference. The management and operation of any Class III gaming facility shall be subject to all applicable provisions of the Tribal-State Compact, as same may change from time to time, which hereby is incorporated by reference.

1.5 Purpose; Scope

- A. The purpose of this Ordinance is to:
1. Regulate the conduct of gaming owned and operated by the Tribe or its officially licensed agents, on Indian lands of the Tribe in compliance with the IGRA.
 2. Promote tribal economic development, self-sufficiency and self-governance.

3. Provide a basis under tribal law for the regulation of gaming by the Tribe adequate to shield it from organized crime and other corrupting influences, to ensure that the Tribe is the primary beneficiary of the gaming operation, that the regulatory functions of the Gaming Commission are carried out independently of the gaming enterprise and that gaming is conducted fairly and honestly by the Otoe-Missouria Tribe, its agents and players.

B. This Ordinance applies to all Class II and Class III gaming activities conducted on Indian lands within the jurisdiction of the Otoe-Missouria Tribe and such lands as the Tribe may hereinafter acquire.

1.6 Definitions.

As used in this Ordinance, the following definitions shall apply:

A. "Bingo" means a game of chance (whether or not electronic, computer and/or other technologic aids are used in connection therewith):

1. Which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
2. In which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and/or
3. In which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pulltabs, lotto, punchboards, tip jars, instant bingo, and other games similar to bingo.

B. "Chairman" means the Chairman of the National Indian Gaming Commission, or his or her designee.

C. "Cheating" means operating or playing a game in violation of the written or commonly understood rules of the game, with the intent to create for himself/herself or someone in privity with him/her an advantage over and above the chance of the game.

D. "Class II gaming" means that gaming defined in 25 U.S.C. § 2703(7) and 25 C.F.R. § 502.3.

E. "Class III gaming" means that gaming defined in 25 U.S.C. § 2703(8) and 25 C.F.R. § 502.4.

F. "Gross revenues" means all monies collected or received by a gaming operation, including admission fees.

G. "Management contract" means any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor within the meaning of 25 U.S.C. § 2710(d)(9) or § 2711.

H. "Management contractor" means the person or entity holding a contract entered into pursuant to 25 U.S.C. § 2710(d)(9) or § 2711.

I. "Net revenues" means gross gaming revenues of a gaming operation less –

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, excluding any management fee(s).

J. "Patron" means a person participating in a game with the hope of winning money or other benefit, but does not include a licensee or any assistant of a licensee.

K. "Person" means any individual, firm, partnership, corporation, company or association.

L. "Tribal-State Compact" means the Agreement between the Tribe and the State of Oklahoma concerning Class III gaming negotiated pursuant to 25 U.S.C. § 2710(d).

SECTION 2 GAMING AUTHORIZED; CLASSES OF GAMING

2.1 General Provisions

There shall be three (3) different classes of gaming, each characterized by its separate requirements and fees. The IGRA classifications set forth at 25 U.S.C. § 2703 and 25 C.F.R. § 502, as same may change from time to time, hereby are adopted and incorporated by reference.

2.2 Classes of Gaming

A. Class II Gaming. Class II games hereby are authorized and may be licensed for conduct on Tribal lands, including but not limited to:

1. Bingo as defined under the Ordinance and IGRA (whether or not electronic, computer, or other technologic aids are used in connection therewith) including, if played at the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo);
2. Non-banking card games deemed as Class II gaming under 25 C.F.R. 502.3(c); and/or
3. Any and all games determined to be a Class II game by the Tribal Gaming Commission, amendment of the IGRA, by regulation, or by decision of the National Indian Gaming Commission or the federal courts.

B. Class III Gaming. Class III games hereby are authorized and may be licensed for conduct on Tribal lands, in accordance with the Tribal-State Compact.

SECTION 3 OTOE-MISSOURIA TRIBAL GAMING COMMISSION

3.1 Establishment; General Provisions

A. Establishment; Purpose. The Tribe hereby establishes the Otoe-Missouria Tribal Gaming Commission (hereinafter, "Commission") as the public body solely responsible for the regulation of the Tribe's gaming operations. The purpose of the Commission is regulatory, not managerial. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of the gaming operation and to all records.

B. Composition. The Commission shall constitute not less than three (3) nor more than five (5) members to be appointed by majority vote of the Otoe-Missouria Tribal Council. Duly enrolled members of the Otoe-Missouria Tribe, who are also at least 21 years of age and who have sufficient knowledge of gaming regulation, business, finance or law to carry out the duties prescribed by this Ordinance, are eligible to serve as members of the Gaming Commission, provided that employees of any gaming enterprise, management contractor or vendor are not eligible to serve on the Commission and further provided that no more than one (1) member of the Commission may serve simultaneously as a member or officer of the Otoe-Missouria Tribal Council. Nominees for the Commission must satisfy the suitability standards applicable to key employees and primary management officials of the gaming operation.

C. Term of Office. Commission members shall serve for a period of two (2) years from the date of appointment and until a successor is duly appointed and installed. The Commission shall elect from among its members a Chairperson.

D. Removal. To maintain the Commission's independence, Commissioners may be removed from office prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for his/her position by a two-thirds (2/3) vote of the Tribal Council. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unsuitable for his/her position must be substantiated by a preponderance of the evidence. Commissioners subject to removal will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered. A vote of the Tribal Council on the validity of the removal shall be final and not subject to further appeal.

E. Conflict of Interest. No member of the Commission may engage in any business which is subject to regulation by the provisions of this Ordinance or participate as a player in any gaming activity conducted by the Tribe pursuant to this Ordinance.

F. Duties. The Commission shall:

1. Ensure compliance with applicable tribal, state and federal laws and regulations regarding Indian gaming;

2. Develop and distribute application forms for initial and renewal licenses;
3. Supervise the collection of all fees prescribed by this Ordinance;
4. Establish license eligibility criteria;
5. Process and review all license applications and make license eligibility determinations;
6. Conduct or cause background investigations to be conducted on, at a minimum, primary management officials and key employees;
7. Issue gaming licenses to management officials and employees of the operation, consistent with the suitability determination;
8. Report results of background investigations to the NIGC;
9. Establish standards for licensing tribal gaming operations;
10. Issue facility gaming licenses to tribal gaming operations;
11. Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming operation;
12. Determine applicable license fees;
13. Secure appropriate financial audits;
14. Review all records, documents and any other matter necessary and pertinent to the financial accountability of licensees;
15. Propose fines and penalties as needed;
16. Investigate any suspicion of wrongdoing associated with any gaming activities;
17. Prepare and monitor a plan for the protection of public safety and the physical security of patrons;
18. Review and approve floor plans and surveillance systems for each gaming facility;
19. Maintain a list of persons barred from the gaming facilities to maintain the integrity of the gaming operation;

20. Maintain a list of persons who have voluntarily asked to be excluded from the tribal gaming facility and create regulations to enforce such exclusion;
21. Approve the rules of each game of chance operated pursuant to this Ordinance;
22. Develop and issue regulations necessary to comply with applicable internal control standards;
23. Commence any civil or criminal action necessary to enforce the provisions of this Ordinance;
24. Enjoin or restrain illegal activities;
25. Prepare and submit to the Tribal Council an annual operating budget;
26. Comply with any and all reporting requirements under the IGRA, Tribal-State Compact and any other applicable law;
27. Establish policy regarding matters within its jurisdiction; and
28. Perform such other functions and take such other actions as are necessary to carry out the purposes and provisions of this Ordinance.

G. Powers. In order to adequately perform its duties, the Commission may:

1. Investigate on its own initiative any aspect of the gaming operations in order to protect the public interest in the integrity of the gaming activities and to prevent improper or unlawful conduct in said gaming activities;
2. Retain legal counsel or other professional services, including investigative services, to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction;
3. Hire appropriate support staff;
4. Compel any person employed by or doing business with any gaming operation to appear before it under oath and to provide such information, documents or other material as required in writing by the Commission;
5. Impose penalties and sanctions for violations of this Ordinance, any applicable compact, or other rules of procedure adopted by the Commission; and
6. Establish policy and take all actions necessary to carry out the provisions of this Ordinance in compliance with IGRA.

3.2 Employees

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

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

3.3 Meetings

A. Notice. Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary.

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

C. Waiver of Meeting. Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission, and shall have the same effect as a unanimous vote or resolution of the Commission at a legal meeting thereof. Any such action taken by unanimous written consent may, but need not be, set forth in such consents in the form of resolutions or votes. Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment, provided that all persons participating in the meeting can hear each other, and participation in such a meeting by any member who does not object at the beginning of such meeting shall constitute presence in person at such meeting.

D. Special Meetings. Special meetings of the commission may be called by the Chairperson or the Executive Director. The person or persons calling the special meeting shall fix the

time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission is required to be specified in the notice of the meeting.

3.4 Delegation of Rulemaking Authority

A. General Delegation. The Gaming Commission hereby is authorized and empowered to make any useful or necessary rule or regulation, not inconsistent with any other provision of this Ordinance, the IGRA or other applicable law, to carry out the purposes of this Ordinance. Specifically, the Gaming Commission shall address by regulation matters including, but not limited to, the following:

1. The rules of any and all Class II or Class III gaming activity to ensure that such gaming is conducted fairly and uniformly;
2. Minimum suitability standards applicable to any and all licensees, management contractors and vendors; and
3. The annual fees applicable to any and all licensees, management contractors and vendors.

B. Notice to Tribe. A copy of every rule or regulation enacted by the Tribal Gaming Commission shall be filed of record in the office of the Secretary of the Otoe-Missouria Tribe.

SECTION FOUR LICENSES

4.1 License Requirement

A. Any individual or entity conducting public gaming operations for the benefit of the Tribe on Indian lands of the Tribe (including vendors doing business with the gaming operations of the Tribe) shall be required to have and display prominently an appropriate, valid and current public gaming license issued pursuant to the provisions of this Ordinance. Any form of public gaming operation conducted within the jurisdiction of the Tribe without the lawful written approval of the Tribal Gaming Commission is prohibited. Furthermore, it shall be unlawful for any person to conduct gaming activities on Indian lands of the Tribe which are not licensed by and for the benefit of the Tribe or which mislead the general public in believing the gaming operation is owned or operated by the Tribe.

B. A separate license shall be required for each place, facility or location on Indian lands at which gaming is conducted pursuant to this Ordinance.

C. Federally or state-regulated lending institutions, government agencies, and institutional investors who, alone or in conjunction with others, lend money through publicly or commercially traded bonds or other commercially traded instruments, shall be exempt from the licensing requirements of this section.

4.2 Procedure for Obtaining a License

A. Background Investigation. The Commission shall request from each primary management official and key employee information including, but not limited to, the following:

1. Full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, and all languages in which the Applicant is proficient (spoken or written);
2. Currently and for the previous 5 years: employment positions held, ownership interests in any businesses, business and residential addresses, and drivers license numbers;
3. The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph two (2) of this section;
4. Current business and residential telephone numbers;
5. A description of any existing and previous relationships with Indian tribes, including ownership interests in any tribal enterprises;
6. A description of any existing and previous relationships with the gaming industry generally;
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 conviction or ongoing prosecution: the charge, the name and address of the court involved, and the date and disposition of the matter, 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, if any;
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 eight (8) or nine (9) of this section: the criminal charge, the name and address of the court involved, and the date and disposition, if any;
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 the Tribe deems relevant; and
14. Fingerprints consistent with procedures adopted by the Tribe pursuant to 25 C.F.R. §522.2(h).

B. Key Employee and Primary Management Official Defined. The definitions of “Key Employee” and “Primary Management Official” as set forth in 25 CFR Part 502, as same may change from time to time, hereby are adopted and incorporated by reference.

C. Preliminary Determination. Whenever, upon preliminary factual finding, the Commission determines that any person has failed to comply with the provisions of this Act or any regulations promulgated hereunder, the Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination.

4.3 Appeal of Licensing Determination

A. Appeal subsequent to Preliminary Determination. The Commission shall afford an Applicant, licensee or any other person or entity subject to an adverse determination by the Commission an opportunity for hearing, provided that an Applicant, licensee or any other person or entity who is subject to such determination files a written request for hearing within thirty (30) days of the date of such determination.

B. Hearing. At such hearing, it shall be the obligation of the subject to show cause why the determination is incorrect, why the application in question should not be revoked or suspended, why the period of suspension should not be extended, why special conditions or limitations upon a license should not be imposed, or why any other action regarding any other person or entity subject to any action should not be taken.

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

D. Summary Process. The Commission immediately may enjoin and restrain illegal activities without observing the due process protections set forth in this Section if the Commission, in its sole discretion, finds that such activity poses an imminent threat to the employees or patrons of the facility or to the Tribe. The Executive Director, in his or her sole discretion, may summarily suspend or extend suspension of licenses for a period not to exceed sixty (60) days. In any case where a license

C. Access to Financial Records of Vendors and other Licensees. The Otoe-Missouria Tribe Gaming Commission shall promulgate regulations establishing proper accounting procedures and methods of operations for all licensees of Class II and Class III gaming activities so that all monies or things of value received and paid out may be properly monitored and accounted for. All gaming vendors shall maintain an accounting system which shall comply with, but not be limited to, all applicable provisions of this Act or regulations of the Commission. Said accounting system shall reflect all Tribal and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Act. The Commission shall have the right to subpoena records or to secure a court order to seize records for property not surrendered. No applicant, agent or employee of any gaming vendor shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by the Commission, or shall otherwise interfere or attempt to interfere, with any proper and lawful efforts by the Executive Director or the Commission to produce such information. The Commission may conduct such hearings as deemed necessary to ensure compliance with the provisions of this Act and accountability for all monies received and spent. Failure to comply with the provisions of this Act shall constitute grounds for complaint with the National Indian Gaming Commission and summary suspension or revocation of any license or management contract.

6.3 Environment and Public Health and Safety

The construction and maintenance of any gaming facility, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and, for that purpose, shall comply with the requirements of the tribal/state gaming compact and all other applicable health, safety and environmental standards enacted by the Tribe.

SECTION SEVEN ENFORCEMENT; SANCTIONS

7.1 Issuance of Emergency Orders; Injunctive Relief

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

7.2 Revocation of License

Any violation of any provisions of this Ordinance or of any of the Commission's rules by a licensee, its agent, or employee may constitute grounds for the failure to grant or renew a license or management contract, suspension or revocation of a license or management contract or a referral to the NIGC.

7.3 Termination of Management Contract

Any charge of any unfair or illegal practice of any licensee or manager, which is sustained by the Commission, shall constitute grounds for temporary suspension or termination by the Commission of any license or management contract, provided that such licensee or manager shall have the notice and opportunity to be heard set forth in Section 4.3, above.

7.4 Civil Fines; Forfeiture

Any person who engages in activities on property subject to the provisions of this Act without a license, in violation of the license or terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Ordinance, the tribal/state Compact, the IGRA, regulations promulgated thereunder, or amendments thereto, shall be in violation of this Ordinance. Separate violations shall be prosecuted as separate offenses. Each day of violation shall constitute a separate count or violation of this Ordinance. Each violation shall carry a potential fine of Five Hundred Dollars (\$500.00) to Five Thousand Dollars (\$5,000.00) to be determined at the discretion of the Commission. Any property used in the furtherance of any violation of this Ordinance may become the property of the Tribe. All winnings found to have been received in violation of this Ordinance are subject to seizure and forfeiture and become the property of the Tribe.