

**NATIONAL
INDIAN
GAMING
COMMISSION**

DEC 1 1997

Earl OldPerson, Tribal Chairman
Blackfeet Tribal Business Council
P.O. Box 850
Browning, Montana 59417

Dear Chairman OldPerson:

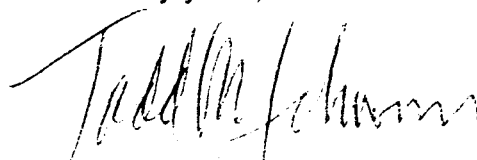
This letter responds to your request to review and approve the Blackfeet Class II Gaming Ordinance No. 96 adopted by the Blackfeet Tribal Business Council on October 7, 1997, as evidenced by Resolution No.8-98. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

Thank you for submitting the ordinance of the Blackfeet Nation for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Tadd M. Johnson
Chairman

BLACKFEET NATION

1

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
BERNARD ST. GODDARD, VICE CHAIRMAN
ROLAND KENNERLY, SECRETARY
CHERYL REEVIS, TREASURER

P.O. BOX 850
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BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
BERNARD ST. GODDARD
ROLAND KENNERLY
MARLENE BEAR-WALTER
TED WILLIAMSON
ARCHIE ST. GODDARD
JIMMY ST. GODDARD
GABE GRANT
CARL KIPP

RESOLUTION

No. 8-98

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation and

WHEREAS, The Blackfeet Tribal Business Council has the power pursuant to the Blackfeet Tribal Constitution, Article VI, Section 1(e), to manage all economic affairs of the Blackfeet Indian Reservation and Article VI, Section 1(h) to regulate and license all business or professional activities conducted upon the Reservation, and

WHEREAS, The Congress of the United States has enacted the Indian Gaming Regulatory Act, whereby an Indian Tribe may regulate and participate in the gaming industry on its Reservation, and

WHEREAS, The Blackfeet Tribal Business Council is desirous of adopting and implementing a Class II Gaming Ordinance that authorizes Class II Gaming on the Blackfeet Indian Reservation as defined by the regulations promulgated by the National Indian Gaming Commission at 25 CFR Section 502.3, and

WHEREAS, The Blackfeet Tribal Business Council has discussed and reviewed the proposed Blackfeet Class II Gaming Ordinance, now

THEREFORE BE IT RESOLVED:

1. That the Blackfeet Tribal Business Council hereby grants its approval to the proposed Blackfeet Tribal Gaming Ordinance as to all of its contents. That this new Class II Gaming Ordinance shall be referred to as "**BLACKFEET CLASS II GAMING ORDINANCE NO. 96**".

2. That this Ordinance shall immediately be transmitted to the National Indian Gaming Commission for its review and approval.

3. That the Chairman and Secretary are hereby authorized to sign this Resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


Roland Kennerly

ROLAND KENNERLY, SECRETARY

Earl Old Person

EARL OLD PERSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 7th day of October, 1997, with Six (6) members present to constitute a quorum, and with a vote of - 6- FOR and -0- OPPOSED.

(SEAL)

Roland Kennerly

ROLAND KENNERLY, SECRETARY

OCT 10 1997

BLACKFEET CLASS II GAMING

ORDINANCE NO. 96

**Adopted by the Blackfeet Tribal
Business Council on October 7, 1997
Resolution No. 8-98**

BLACKFEET INDIAN TRIBE
CLASS II GAMING ORDINANCE NO. 96

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BLACKFEET INDIAN TRIBE

CLASS II GAMING ORDINANCE

Chapter I General Provisions

Section 1-101 Statement of Purpose. The Blackfeet Tribe (hereinafter "Tribe") empowered by its Constitution and Bylaws to enact ordinances, hereby enacts this ordinance, No. 96, to regulate class II gaming within the exterior boundaries of the Blackfeet Indian Reservation, and to produce revenue for the support of tribal government operations that promote the health, education and welfare of the tribe.

Section 1-102 Repeal of Former Ordinance. Upon the effective date of this ordinance, the previous ordinance 41, passed by the Blackfeet Tribal Business Council on December 13, 1974, shall be deemed repealed.

Section 1-103 Short Title. This ordinance shall be known and may be cited as the "Blackfeet Class II Gaming Ordinance", to regulate class II gaming within the exterior boundaries of the Blackfeet Indian Reservation.

Section 1-104 Definitions. As used in this ordinance, unless the context otherwise requires, the following terms shall have the following meaning:

A. "Applicant" means any person who has applied for a license under this ordinance or who has applied for permission to engage in any act or activity which is regulated by this ordinance.

B. "Background Investigation" means the security, criminal history, financial checks of an applicant for a license, plus any other information deemed relevant by the Commission, to establish the suitability of the applicant to become a licensee.

C. "Calendar Year" means the period beginning on the first day of January at 12:00:01 and ending the immediately following December 31 at 12:00 o'clock midnight.

D. "Class I Gaming" means:

1. Social games played solely for prizes or minimal value; or
2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

E. "Class II Gaming" means:

1. The game of chance commonly known as bingo (whether or not electronic,

- computer, or other technologic aids are used in connection therewith)-
- (a) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,
 - (b) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and
 - (c) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and
2. card games that-
- (a) are explicitly authorized by the laws of the State of Montana, or
 - (b) are not explicitly prohibited by the laws of the State of Montana and are played at any location in the State of Montana.

F. "Collateral Agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties, or obligations created between the Blackfeet Tribe (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

G. "Commission" means the Blackfeet Gaming Commission, consisting of five (5) members, appointed by the Blackfeet Tribal Business Council .

H. "Gaming Operation" means each economic entity that is licensed by the Blackfeet Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly, or by a management contractor.

I. "Indian Lands" means:

- 1. Land within the limits of the Blackfeet Indian Reservation; or
- 2. Land over which the Blackfeet Tribe exercises governmental power and that is either-
 - (a) Held in trust by the United States for the benefit of the Blackfeet Tribe or individual; or
 - (b) Held by the Blackfeet Tribe or individual subject to restrictions by the United States against alienation.

J. "Indian Tribe" means any Indian tribe, band, nation, or other organized group or community of Indians that the Secretary recognizes as-

- 1. Eligible for the special programs and services provided by the United States to

Indians because of their status as Indians; and

2. Having powers of self-government.

K. "Key Employee" means:

1. 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

2. If not otherwise included above any other person whose total cash compensation is in excess of \$50,000 per year; or

3. If not otherwise included, the four most highly compensated persons in the gaming operation, or

4. Any other person so designated by the Commission.

L. "Licensee" means a person to whom a license is issued.

M. "Management Contract" means any contract, subcontract, or collateral agreement between the Blackfeet Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

O. "Net Revenues" means gross gaming revenues of a tribal gaming operation less amounts paid out as, or paid for, prizes; and total gaming related operating expenses, excluding management fees.

P. "Ordinance" means Blackfeet Tribal Gaming Ordinance No. 96.

Q. "Person having a direct or having a financial interest in a management contract" means:

1. When a person is a party to a management contract, any person having a direct financial interest in such management contract;

2. When a trust is a party to a management contract, any beneficiary or trustee;

3. When a partnership is a party to a management contract, any partner;

4. When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

5. When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

S. "Primary Management Official" means:

1. Any person having management responsibility for a management contract; or
2. Any person who has authority to hire and fire employees, or to set up working policy for the gaming operation; or
3. The chief financial officer or any other person who has financial management responsibility.

T. "Tribe" means the Blackfeet Indian Tribe.

U. "Tribal Council" means the Blackfeet Tribal Business Council.

V. "Working Days" means Monday through Friday except for Federal or Tribal holiday.

Section 1-105 Ownership of Gaming. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

Section 1-106 Use of Gaming Revenue.

A. Net revenues from Class II gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. Section 2710 (b) (3).

Section 1-107 Audit.

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (A) above.

Section 1-108 Protection of the Environment and Public Health and Safety. Class II gaming facilities on the Blackfeet Indian Reservation shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

Section 1-109 Amendments. All provisions of this ordinance are subject to amendment by a majority of both the Commission and the Blackfeet Tribal Business Council. All regulations promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission and the Blackfeet Tribal Business Council.

Section 1-110 Severability. If any provision of this ordinance, or its application to any purpose or circumstances, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstances shall not be effected

Section 1-111 Effective Date. The effective date of this ordinance shall be the first day following its approval by the Tribal Council and the National Indian Gaming Commission.

CHAPTER II ADMINISTRATION

Section 2-101 Establishment of Gaming Commission. There shall be formed a Commission known as the Blackfeet Gaming Commission, herein after referred to as the "Commission". This Commission shall be appointed by a majority vote of the Blackfeet Tribal Business Council and shall consist of five (5) adult enrolled members of the Blackfeet Tribe.

Section 2-102 Restrictions on Gaming Commissioners. Gaming Commissioners may hold other tribal positions and may engage in business, provided however, that they shall not engage in any business which is subject to the provisions of this ordinance.

Section 2-103 Compensation for Gaming Commissioners. Gaming Commissioners shall be compensated at a rate to be established annually by the Tribal Council. Gaming Commissioners shall be reimbursed for actual expenses incurred on Commission business, which include travel expenses determined to be necessary and essential to the Commission. In no event shall compensation be based on a percentage of net profits from gaming operations of the Tribe.

Section 2-104 Selection of Officers. The Commission shall select annually from its membership a Chairperson, Vice-Chairperson, and Secretary. The Chairman shall not make motions and shall vote only in the event of a tie among the remaining members of the Commission. The Vice-Chairman will act in the absence of the Chairman. The Secretary shall be in charge of keeping the minutes of all Commission meetings and hearings and submitting such minutes to the Blackfeet Tribal Business Council. The Secretary will also inform other Commission members of meeting cancellations, complaints for review, and meeting agenda.

Section 2-105 Meetings. General meetings of the Commission may be open to the general membership of the Blackfeet Tribe and all meetings shall be governed by the Robert's Rule of Order. The Chairperson shall have the authority to convene special meetings of the Commission upon forty-eight (48) hours written notice. Matters dealing with personnel, security or the fiscal integrity of the gaming operation shall be conducted in executive session and not open to the public upon a majority vote of the Commission.

Section 2-106 Quorum - Majority Vote. A quorum shall be required for all official meetings of the Commission, and shall consist of three (3) members of the Commission. All decisions shall be made by a majority vote of the Gaming Commissioners present at the meeting, unless indicated otherwise in this ordinance. Proxy or assignments of voting shall be prohibited.

Section 2-107 Monthly Reports. The Commission shall make monthly reports to the Tribal Council within thirty (30) days after the close of the month for which the information is being required. The report shall include a full and complete statement of gaming revenues paid to the Tribe, expenses and all other financial transactions of the Commission and a summary of all licensing and

enforcement actions.

Section 2-108 Powers and Duties. In addition to any other powers and duties set forth in this ordinance, the Commission shall have the following powers and duties, subject to the approval of the Tribal Council:

A. To promulgate rules and regulations governing the licensing, internal fiscal affairs, and operation of class II gaming as it deems necessary to effectuate the purpose of this ordinance.

B. To conduct hearings, and resolve all disputes upon a complaint charging a violation to this ordinance.

C. To promote and ensure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation.

D. To formulate and recommend changes to this ordinance for the purpose of preventing abuses and violations; to guard against the use of this ordinance for illegal activities; and to ensure that this ordinance shall be in such form and be so administered as to serve its true intent.

E. To deny any application; to limit, condition, suspend, revoke, or restrict any license; make a finding of suitability of approval of a license, or find suitable the imposition of a fine upon any person licensed, for any cause deemed reasonable by the Commission.

F. To establish and collect any gaming or licensing fees.

G. To obtain all information from licensees and other persons which the Commission deems necessary in the conduct of its business.

H. To issue subpoenas for the appearance of persons, or the production of records and other evidence in connection with applications before the Commission or in connection with disciplinary or contested cases considered by the Commission.

I. To apply for injunctive or declaratory relief to enforce the provisions of this Code.

J. To exercise such other incidental power as may be necessary to ensure the safe and orderly regulation of gaming and the secure collection of all revenue, taxes and license fees.

2-109 Prior Notice of Actions. In adopting, or amending, and repealing regulations, the Commission shall give prior notice of the proposed action to all licensees and other persons who the Commission has reason to believe have a legitimate and bona fide interest in such proposed action. Said notice shall inform all such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission. In emergencies, the Commission may summarily adopt, amend or repeal any regulation

if at the time the Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order of general welfare, together with a statement of facts constituting the emergency; provided the Commission shall schedule such emergency action for a regular hearing within sixty (60) days after any such emergency meeting.

2-110 Request for Commission Action. Any person who is determined by the Commission to be a bona fide interested party may file a petition in a manner and form approved by the Commission requesting the adoption, amendment or repeal of a regulation. Upon receipt of the petition, the Commission shall within thirty (30) days deny the request in writing or schedule the matter for action pursuant to this chapter.

2-111 Right of Inspection. The Commission, and their agents, inspectors, and employees have the authority:

A. To inspect and examine all equipment and supplies in, upon or about a tribal gaming operation, or inspect any equipment or supplies wherever located, which may, or have been used in the tribal gaming operation;

B. To summarily seize and remove from a tribal gaming operation and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;

C. To demand access to and inspect, examine and audit all papers, books, and records of applicants and licensees on the premises of a tribal gaming operation or elsewhere pertaining to the financial activity of the gaming operation.

D. To issue subpoenas and compel the attendance of a witness for hearing at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for services of process and notices in civil actions.

CHAPTER III LICENSING

3-101 Gaming Authorized. Class II gaming is defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703 (7)(a) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1993) is hereby authorized.

3-102 Mandatory License. Any person, including, but not limited to a key employee or primary management official, seeking to conduct, supervise, manage, or operate any tribal gaming operation pursuant to this ordinance shall apply for, and receive, all the required licenses from the Commission prior to engaging in such activity.

3-103 Application Fee. The Commission shall set a fee for applications, background investigations, background investigations and licenses. All such fees shall be payable to the Blackfeet Indian Tribe.

3-104 Application Forms.

A. An applicant for a class II gaming license must apply on the specific forms as provided by the Commission.

B. The Commission shall request from each key employee and from each primary management official the following information:

1. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
3. The names and current addresses of at least three personal references;
4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
6. 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;

7. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court, and the date and disposition if any;

8. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, including the name and address of the court involved and the date and disposition;

9. 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 A(7) or A(8) of this section, the criminal charge, the name address of the court involved and the date and disposition;

10. 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;

11. Current photograph;

12. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. Section 522.2(h);

(a) The Blackfeet Law Enforcement Department is the designated law enforcement agency as required by 25 C.F.R. Section 522.2(h) and shall obtain fingerprints from each applicant on a fingerprint card.

(b) Once the fingerprints have been taken, the Blackfeet Law Enforcement Department shall forward the completed cards with the appropriate processing fee directly to the NIGC.

(c) The NIGC will then forward the fingerprint cards to the Federal Bureau of Investigation (FBI) so that a Criminal History Investigation can be performed on each applicant.

(d) After the investigation is completed by the FBI, a report of its findings will be sent to the NIGC, and then forwarded to the Blackfeet Tribe.

13. Any other information the Commission deems necessary.

C. The application, in addition to those items in section (A) above, will contain a privacy notice as required by 25 C.F.R. Section 537.1(b)(4) as follows:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be

employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

D. Existing key employees and primary management officials shall be notified in writing that they shall either:

1. Complete a new application form that contains a Privacy Act notice; or
2. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

E. The following notice shall be placed on the application form as required by 25 C.F.R. Section 537.1(b)(5):

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)

3-105 Background Investigation of Key Employees and Primary Management Officials Pursuant to 25 C.F.R. Section 522.2(b).

A. The Commission shall conduct an investigation sufficient to make a determination under Section 3-106 below. In conducting a background investigation, the Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

B. The Commission shall employ the following procedures for conducting background investigations on key employees and primary management officials for class II gaming to determine

the eligibility of an applicant:

1. Criminal history check;
2. Civil history check;
3. Financial and credit check;
4. Interview a sufficient number of knowledgeable people such as former employers, personal references, business associates, and others as appropriate;
5. Educational verification;
6. Inquire into the applicant's prior activities, reputation, habits and associations;
7. Document the disposition of all potential problems areas noted and disqualifying information obtained.

C. The Commission is primarily responsible for the conduct of the background investigations and suitability determinations in consultation with the NIGC.

D. The Chairman of the Blackfeet Gaming Commission is responsible for reviewing and approving all investigative work performed by the Commission and responsible for reporting the results of the background investigations to the NIGC.

3-106 Eligibility Determination. To determine whether an applicant is eligible to receive a class II gaming license, the Commission shall consider the results from all background investigative work performed. The Commission may refuse to issue a gaming license to the applicant if the Commission determines the applicant is ineligible, or in the judgement of the Commission, it would be in the best interest of the Blackfeet Tribe to refuse to grant such license. In addition to any further requirements, a license shall not be issued to a person:

- A. Who has been convicted of a felony offense within 10 years of the date of application or is on probation or parole or under deferred prosecution for committing a felony offense; or
- B. Whose license issued under this law has been revoked for cause; or
- C. Who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application; or
- D. Who is not a citizen of the United States and who has not been a resident of the Blackfeet Indian Reservation for at least one (1) year immediately preceding the filing of the application for license; or
- E. Who poses a threat to the public interest.

Additional regulations and rules may also be adopted for the purpose of the protection of the health, welfare and safety of the members of the Blackfeet Indian Tribe and residents of the Blackfeet

Reservation, and to assure compliance with the intent of this law.

3-107 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the NIGC.

A. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Commission shall forward to the NIGC a completed application for employment and conduct a background investigation and make the determination referred to in Section 3-105 above.

B. The Commission shall forward the report referred to in Section 3-107 below to the NIGC within 60 days after an employee begins work or within sixty (60) days of the approval of this ordinance by the Chairman of the NIGC.

C. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

3-108 Report to the National Indian Gaming Commission.

A. Pursuant to the procedures set out in Section 2-104, the Commission shall prepare and forward to the NIGC an investigative report on each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting the background investigation;
2. Results obtained;
3. Conclusions;
4. The basis for those conclusions.

B. The Commission shall submit, with the report, a copy of the eligibility determination made under Section 3-105.

C. If a license is not issued to an applicant, the Commission:

1. Shall notify the NIGC; and
2. May forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the NIGC Individuals Records System.

D. With respect to key employees and primary management officials, the Commission shall retain applications for employment and report (if any) of background investigations for inspection by the Chairman of NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

3-109 Voting on Licensing. A vote of the Commission resulting in the approval,

disapproval, revocation, suspension, restriction or conditioning a license under this ordinance shall be by ballot only.

3-110 Granting a License.

A. The Commission may approve a gaming license to an eligible applicant upon a majority vote of the Commission when a quorum of the Commission membership is present.

B. If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Commission that it has no objection to the issuance of a license to a license application filed by a key employee or a primary management official for whom the Commission has provided an application and investigative report to the NIGC the Commission may issue the license to such applicant.

C. The Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (A) of this section until the Chairman of the NIGC receives the additional information.

D. If, within the thirty (30) day period described above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the NIGC, the Commission shall consider the application, taking into account the objection itemized by the NIGC. The Commission shall make the final determination whether to issue a license to such applicant.

3-111 License Term. Each license issued pursuant to this ordinance shall expire one year from the date of its issuance, but may be renewed upon the filing and approval of an application for renewal.

3-112 License Location. The Commission shall issue a separate license to each place, facility, or location on Indian lands where class II gaming is conducted under this ordinance.

3-113 License Suspension.

A. If, after the issuance of a gaming license, the Commission receives reliable information from the National Indian Gaming Commission indicating that a key employee or a primary management official is not eligible for employment under Section 3-106 above, the Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

B. The licensee is entitled to a hearing of the proposed suspension or revocation of the license according to the procedures as provided in Section 3-113 below.

C. At the completion of a hearing, the Commission shall decide to revoke or reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.

3-114 Hearing. Should an applicant disagree with the determination of the Commission, the applicant shall have the right to request that a hearing be conducted by the Commission on said action. The request must be in writing, directed to the Commission, and made within ten (10) days after such action is taken by the Commission. The Commission shall conduct the hearing within (10) days after receiving such request, or sooner if the Commission deems necessary. At the hearing, the burden shall be on the applicant to show cause why the Commission's decision was incorrect.

3-115 Gaming Commission Findings. Following such hearing, the Commission shall, within (5) working days reach a final determination, and communicate this decision in writing to the party as it concerns:

A. The accuracy of the preliminary certification of facts; and

B. Whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited; and

C. Whether or not any other action recommended to the Commission including but not limited to forfeitures, should be taken.

3-116 Right to Appeal. Unless otherwise contractually agreed to, the subject shall have the right to appeal the determination of the Commission to the Tribal Court solely to determine whether or not the Commission acted arbitrary and capriciously. The decision of the Court shall be final.

CHAPTER IV ENFORCEMENT

4-101 Unauthorized Gaming. Any Indian who commits any act of unauthorized gaming on this reservation in violation of this ordinance shall be prosecuted in Tribal Court.

4-102 Fraudulent Conduct While Gaming. It shall be unlawful to conduct or participate in a class II game authorized by this ordinance in any manner which results in cheating, misrepresentation or other such disreputable tactics which distract from a fair and equal chance for all participants or which otherwise affects the outcome of an authorized gaming activity. Any violations of this section will subject the violator to the penalties set out in Section 4-103 below.

4-103 Sanctions. Any person who willfully violates or knowingly commits fraud or who procures, aids or abets in the willful violation of this law or any regulation adopted pursuant to this law, shall be deemed guilty of a crime, and upon conviction shall be punished by a fine of not more than One Thousand Dollars (\$1000.00), or imprisonment for not more than one (1) year, or both. In addition to the above penalties, revocation, suspension or denial of a license may be made by the Blackfeet Gaming Commission.

4-104 Law Enforcement. It shall be the duty of all peace officers of the Blackfeet Tribe to enforce the provisions of this law, either upon a complaint from the Commission or upon their own knowledge, and to arrest any person violating any provision of this law or the rules and regulations of the Commission to which are attached criminal penalties as set out in Section 4-103 above. It shall be the duty of the Prosecutor of the Blackfeet Tribe to prosecute all violations of this law for which there are criminal penalties. It shall be a crime for any person or persons named herein to knowingly fail to perform his or her duty under this section and upon conviction of violating this section, the defendant may be fined up to Five Hundred Dollars (\$500.00) or imprisonment in the Tribal jail for a period not to exceed six (6) months, or both.

4-105 Patron Disputes. In a patron dispute, a licensee must notify the disputing patron that the patron has a right to contact the Commission regarding the dispute. If a licensee refuses payment of alleged winnings to a patron, and the licensee and the patron are unable to resolve the dispute to the patron's satisfaction, or the dispute involves at least \$250, the licensee must immediately notify the Blackfeet Gaming Commission of the dispute. An agent for the Commission shall investigate the dispute and make a report to the Commission for a decision. The Commission must notify the licensee and the patron in writing of the Commission's decision regarding the dispute, within thirty (30) days after the date the Commission first received notice of the dispute. Failure to immediately notify the Commission, or to notify a patron of the patron's rights or failure to pay after an adverse decision is a violation by the licensee.

4-106 Prohibition Against Embezzlement. Any delay, maneuver or action of any kind which in the opinion of the Commission is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action

against that licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew license.

4-107 Legal Age for Gaming. No person under the age of eighteen (18) years shall be permitted to participate in any game or games of chance as defined in this class II ordinance.

CHAPTER V MANAGEMENT CONTRACTS

5-101 Commission Approval Required. Any management contract entered into by the Tribe for the operation and management of class II gaming activity must be submitted to the Commission for approval, but before approving such contract, the Commission shall require and obtain the following information:

A. The name, address, and other additional pertinent background information on each person or entity (including persons comprising such entity) having direct financial interest in, or management responsibility for such contract and in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10% or more of its issued and outstanding stock;

B. A description of any previous experience that each person listed pursuant to subsection (A) has had with other gaming contractors with Indian tribes or with the gaming industry generally, including specially the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming;

C. Any further or additional information as may be required under existing rules and regulations for management contracts pursuant to IGRA.

5-102 Approval of Management Contracts. The Commission may approve any management contract entered into by the Tribe pursuant to this chapter only if it determines that such contract provides at least:

A. For adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared by or for the Council on a monthly basis;

B. For access to daily operations of the gaming to the appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

C. For a minimum guaranteed payment to the Tribe that has preference over the retirement of development and construction costs;

D. For preference to Tribal members in hiring of employees for the gaming operation;

E. For all which may be required by the IGRA.

5-103 Percentage of Net Revenue. Management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity may be approved by the Commission if such percentage fee is reasonable in light of surrounding circumstances. Except as provided in this

Section, such fee shall not exceed 30 percent of the net revenue. Upon request of the Council, the Commission shall approve a management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming operation that exceeds 30 percent but not 40 percent of the net revenues if the Council is satisfied that the capital investment required, and income projections, for such tribal gaming operation require the additional fee, and such contract is otherwise in compliance with this ordinance.

5-104 Dispute Resolution. If a dispute arises as to the application or interpretation of the forgoing Sections, or the breach, default, termination or invalidity thereof, shall be settled by arbitration as provided for in this Section. The decision of the arbitrator shall be final and binding upon the parties. The Commercial Arbitration Rules of the American Arbitration Association shall be applicable, to any arbitration conducted hereunder, and decisions of the arbitrator shall be enforceable in a court of competent jurisdiction.


A. **Notice.** The party asserting noncompliance or seeking an interpretation shall serve written notice on the other party or parties. The notice shall identify the specific ordinance provision alleged to have been violated or in dispute and shall specify in detail the factual basis for the alleged noncompliance or the proffered interpretation of the ordinance provision for which interpretation is sought.

B. **Arbitration Procedures.** If the dispute is not resolved to the satisfaction of the parties within thirty (30) days after service of the notice set forth above, the dispute shall be adjudicated through arbitration as follows:

1. The parties shall attempt to agree upon one arbitrator with expertise in the subject matter of the dispute.
2. If the parties are unable to agree on an arbitrator, each party shall select an arbitrator within ten (15) days of the commencement of the arbitration and the two (2) arbitrators shall mutually appoint a third arbitrator within twenty (20) days of their appointment. If the two (2) arbitrators are unable to agree on the appointment of a third arbitrator within twenty (20) days, the third arbitrator shall be appointed by the American Arbitration Association.

CERTIFICATION

I hereby certify that the foregoing Ordinance No. 96 was adopted by the Blackfeet Tribal Business Council by Blackfeet Tribal Resolution No. 8-98 dated October 7, 1997.



**EARL OLD PERSON, CHAIRMAN
BLACKFEET TRIBAL BUSINESS COUNCIL**