



OCT 23 2001

Lehman Coyote
Caddo Indian Tribe of Oklahoma
Post Office Box 487
Binger, Oklahoma 73009

RE: Caddo Tribe of Oklahoma-Class II/Class III Ordinance

Dear Mr. Coyote:

This letter is in response to the submission of the Caddo Indian Tribe of Oklahoma Gaming Ordinance (ordinance), Resolution No. 10 -2001-02, adopted on October 9, 2001, for review and approval by the Chairman of the National Indian Gaming Commission (NIGC). The ordinance was received on October 15, 2001.

This letter constitutes approval of your submission under the Indian Gaming Regulatory Act ("IGRA"). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

With approval of the Tribe's Gaming Ordinance, the Tribal Gaming Commission 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, pursuant to 25 C.F.R. § 556.5(b), before the Tribal Gaming Commission issues a license to a key employee or primary management official

Thank you for submitting the Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

If you have any questions concerning this letter or the ordinance review process, please contact Ms. Michele Mitchell at 202/632-7003.

Sincerely yours,

A handwritten signature in black ink that reads "Montie R. Deer". The signature is written in a cursive style.

Montie R. Deer
Chairman

Caddo Nation of Oklahoma

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Binger, Oklahoma 73009
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**RESOLUTION APPROVING THE AMENDMENT
OF SECTION 1, 1.2 (p) OF THE CADDO TRIBE
GAMING ORDINANCE IN ACCORDANCE WITH
SECTION 21, 21.1 OF THE GAMING ORDINANCE.**

WHEREAS: The Caddo Tribe of Oklahoma in its capacity as a sovereign federally recognized tribe, governed by a Constitution pursuant to the Oklahoma Indian Welfare Act of 1936 (49 Stat. 1967), and

WHEREAS: Under the revised Caddo Tribal Constitution adopted by the Caddo Tribal Membership on June 26, 1976, the Caddo Tribal Council is empowered, in accordance with Article V, Section 2 (j), to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies, and

WHEREAS: The Caddo Tribal Council is also authorized, in accordance with Article V, Section 2 (m), to pass such ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties, and

WHEREAS: The Caddo Tribe Gaming Ordinance adopted on December 15, 1994 by Tribal Council Resolution No. 12-94-02 and amended on June 27, 2001 by Tribal Council Resolution No. 06-2001-04 provides at Section 21, Amendment of Ordinance, 21.1 that such ordinance may be amended by a majority vote of the Tribal Council.

NOW THEREFORE BE IT RESOLVED: That the Caddo Tribal Council hereby amends the Caddo Gaming Ordinance by approving the changes to Section 1, 1.2 (p) to read as follows:

"Net revenues" means gross gaming revenues of a gaming operation less -

- (i) Amounts paid out as, or paid for, prizes; and**
- (ii) Total gaming-related expenses, excluding Management fees.**

Tribal Council Resolution No. 10-2001-02

CERTIFICATION

We the undersigned Chairperson and Secretary of the Tribal Council of the Caddo Nation of Oklahoma, hereby certify that the Tribal Council is composed of eight (8) members, with a quorum being composed of five (5) members, of whom 5 were present at a meeting thereof duly and specially called, noticed and convened and held on the 9th day of October, 2001 at the Caddo Tribal Complex, Binger, Oklahoma and that the foregoing resolution was duly adopted by an affirmative vote of 4 For, 0 Opposed and 0 Abstained. The Chairperson is not required to vote except in the case of a tie.



LaRue Parker, Chairperson



Joyce Hinse, Secretary

OCT 15 2001

**GAMING ORDINANCE
OF THE CADDO NATION
OF OKLAHOMA**

TABLE OF CONTENTS

SECTION 1 DECLARATION OF POLICY

1.1 Declaration of Policy 1

1.2 Definitions 1, 2, 3, 4, 5

SECTION 2 TRIBAL GAMING COMMISSION

2.1 Tribal Gaming Commission 5

2.2 Conflict of Interest 5

2.3 Voting 5

2.4 Appointment of Members 5

2.5 Appointment of Officers 5, 6

SECTION 3 TRIBAL GAMING COMMISSION AUTHORITY

3.1 Authority and Responsibility 6, 7

SECTION 4 GAMING AUTHORIZED

4.1 Interest and Responsibility 7

4.2 Authorization 7

4.3 Class II Licensing 7

4.4 Class III Licensing 8

SECTION 5 GAMING LICENSE REQUIRED

5.1 Licensing Requirement 8

SECTION 6 APPLICATION FOR LICENSES

6.1 Application Forms 8, 9

6.2 Notice 9, 10

6.3 Payment of Application Fee 10

6.4 Organizational Chart 10

6.5 Description on Application 11

6.6 Other Gaming License 11

6.7 Management Contractor's Application 11

SECTION 7 BACKGROUND INVESTIGATIONS

7.1 General 11

7.2 Background Investigations 11, 12, 13

7.3 Eligibility Determination 13

7.4 Procedures for Forwarding Applications and Reports for Key Employees and Primary
 Management Officials to the National Indian Gaming Commission 13, 14

7.5 Report to the National Indian Gaming Commission 14

SECTION 8	ISSUANCE OF LICENSES; RENEWAL; SUSPENSION	
8.1	General.....	15,16
8.2	Validity.....	16
8.3	Assignment/Transfer/Display.....	16
8.4	No Class III Gaming License.....	16
8.5	License Suspension and Revocation.....	16, 17
SECTION 9	GAMING LICENSE FEES	
9.1	Annual Fee.....	17
9.2	Adjustment of Annual Fee.....	17
9.3	Payment in Advance.....	17
9.4	Prorated Annual Fee.....	17
SECTION 10	RECORDS AND REPORTS	
10.1	Keep and Maintain.....	17
10.2	Statement of Gross Revenues and Net Revenues.....	18
10.3	Falsification.....	18
10.4	Inspection by Commission.....	18
10.5	Audit.....	18
10.6	Insurance Policies.....	18
SECTION 11	GROSS REVENUES	
11.1	Expenditures and Disbursement.....	19
SECTION 12	MAINTENANCE OF GAMING FACILITY	
12.1	General.....	19
SECTION 13	VIOLATIONS.	
13.1	Gaming License.....	19
13.2	Falsifying Information.....	19
13.3	Accounting and Inspection.....	19
13.4	Age Limit.....	20
13.5	Cheating.....	20
13.6	Possession of a Firearm.....	20
13.7	Violation of Any Provision, Rule, Regulation or Order.....	20
13.8	In Privity.....	20
13.9	Compliance of Ordinance.....	21
13.10	Fraudulent Scheme or Technique.....	21
SECTION 14	CIVIL ENFORCEMENT	
14.1	Action to be Taken.....	21
14.2	Jurisdiction.....	22
14.3	Notification.....	22
14.4	Acknowledgment.....	23

SECTION 15	USE OF NET REVENUES	
	15.1 Expenditure	23
	15.2 Approval of Operating Budget	23
SECTION 16	HEARINGS AND APPEALS	
	16.1 Petition for Payment of Penalty.....	24
	16.2 Petition for Hearing and Reconsideration.....	24
	16.3 Petition for Review.....	24
SECTION 17	APPLICABLE LAW	
	17.1 Controversies Involving Contract.....	24
SECTION 18	SERVICE	
	18.1 Tribal Gaming Commission Service Agent.....	25
	18.2 Management Service Agent.....	25
SECTION 19	SAVINGS PROVISION	
	19.1 Invalidity.....	25
SECTION 20	POLICIES AND PROCEDURES FOR RESOLUTION OF DISPUTES BETWEEN MANAGER AND CUSTOMERS	
	20.1 1. Improper Conduct by Customers.....	25
	2. Complaints by Customers	26
SECTION 21	AMENDMENT OF ORDINANCE	
	21.1 Amendment by Majority Vote.....	27
SECTION 22	EFFECTIVE DATE/REPEAL	
	22.1 General	27

**GAMING ORDINANCE
OF THE CADDO INDIAN TRIBE
OF OKLAHOMA**

**An Ordinance to authorize, license and regulate
Class II and Class III gaming on Tribal Lands of the
Caddo Indian Tribe of Oklahoma.**

SECTION 1 DECLARATION OF POLICY

1.1 Declaration of Policy.

It is the declared policy of the Caddo Indian Tribe of Oklahoma, (hereinafter referred to as the "Tribe"):

- (a) All gaming conducted on Tribal Lands of the Tribe shall be regulated by the Caddo Gaming Commission to protect the public health, welfare and morals of residents, employees and patrons from the adverse effects which may derive from unregulated gaming;
- (b) It is the objective of the Tribe to achieve and sustain the maximum Tribal revenue from gaming;
- (c) The conduct of gaming activities provided for by this Ordinance on Tribal Lands and the regulation thereof shall conform with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701 et seq., and the regulations promulgated by the National Indian Gaming Commission.

1.2 Definitions.

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

- (a) "Act" means the Indian Gaming Regulatory Act, 102 Stat. 2467, codified 25 U.S.C. § 2701 et seq.;
- (b) "Bingo" means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith):

- (i) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
- (ii) in which the holder of the Card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
- (iii) 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; and
- (iv) card games that -
 - (I) are explicitly authorized by the laws of the State; or
 - (II) are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.
- (c) “Chairman” means the Chairman of the National Indian Gaming Commission, or his or her designee.
- (d) “Cheating”. means operating or playing in a game in a manner 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.
- (e) “Class II gaming” means that gaming defined in 25 U.S.C. § 2703(7) and 25 C.F.R. § 502.3.
- (f) “Class III gaming” means that gaming defined in 25 U.S.C. § 2703(8) and 25 C.F.R. § 502.4
- (g) “Commission” means the National Indian Gaming Commission.
- (h) “Council” means the Tribal Council as described in the Constitution of the Caddo Indian Tribe of Oklahoma.

- (i) “Gaming” means risking any money or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gaming apparatus, or the happening or outcome of an event over which the person taking the risk has no control.
- (j) “Gaming operation” means each economic entity that is licensed under this ordinance, operates the games, receives and secures the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly or by a management contractor.
- (k) “Gross revenues” means all monies collected or received by a gaming operation, including admission fees.
- (l) “In privity with” means one who acts jointly with another or as an accessory before the fact to an act committed by the other or as a conspirator with the other.
- (m) “Key employee” of a gaming operation means:
 - (i) a person who performs one or more of the following functions:
 - (1) bingo caller;
 - (2) counting room supervisor;
 - (3) security personnel;
 - (4) custodian of gaming supplies or cash;
 - (5) floor manager;
 - (6) pit boss;
 - (7) dealer;
 - (8) croupier;
 - (9) approver of credit; or
 - (10) custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - (ii) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (iii) if not otherwise included, the four most highly compensated persons in the gaming operation.
- (n) “Management contract” means any contract, subcontract, or collateral agreement between the 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. May include non-

gaming activities. Any agreement is subject to approval of Gaming Commission.

- (o) **“Management contractor” means the person or entity holding a contract entered into pursuant to 25 U.S.C. § 2710(d)(9) or § 2711.**
- (p) **“Net revenues” means gross gaming revenues of a gaming operation less -**
 - (i) **amounts paid out as, or paid for, prizes; and**
 - (ii) **total gaming-related operating expenses, excluding management fees.**
- (q) **“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.**
- (r) **“Person” means any individual, firm, partnership, corporation, company, or association.**
- (s) **“Primary management official” means:**
 - (i) **the person having management responsibility for a management contract;**
 - (ii) **any person who has authority:**
 - (I) **to hire and fire employees; or**
 - (II) **to set up working policy for the gaming operation; or**
 - (iii) **the chief financial officer or other person who has financial management responsibility;**
- (t) **“Tribe” or “Tribal Council” means the Caddo Tribal Council as described in the Constitution of the Caddo Indian Tribe of Oklahoma.**
- (u) **“Tribal Gaming Commission” means the Caddo Tribal Gaming Commission.**
- (v) **“Tribal lands” means any or all land over which the Tribe exercises governmental power and that is either held in trust by the United States for the benefit of the Tribe or individual members of the Tribe, or held by the Tribe or individual members of the Tribe subject to restrictions by the United States against alienation.**

- (w) "Tribal-State Compact" means an agreement between the Tribe and the State of Oklahoma concerning Class III gaming negotiated pursuant to 25 U.S.C. § 2710(d).
- (x) "Tribal Treasurer" means the Tribal Treasurer as described in the Constitution of the Caddo Indian Tribe of Oklahoma.

SECTION 2 TRIBAL GAMING COMMISSION

2.1 Tribal Gaming Commission.

There is hereby established a Tribal Gaming Commission which shall be called the Caddo Tribal Gaming Commission, hereinafter referred to as "Tribal Gaming Commission". The Tribal Gaming Commission shall consist of eight (8) members.

2.2 Conflict of Interest.

No member of the Tribal Gaming Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance.

2.3 Voting.

The Tribal Gaming Commission shall act by majority vote of a quorum present and each member of the Tribal Gaming Commission shall be entitled to one vote. A quorum shall consist of five members.

2.4 Appointment of Members.

Members of the Tribal Gaming Commission shall be appointed, at large, by adoption of a written resolution of the Caddo Tribal Council. Terms of the initial Commission shall be set by the first appointment resolution and such staggering of terms shall continue until changed by written resolution of the Caddo Tribal Council.

2.5 Appointment of Officers.

After appointment of the initial Gaming Commission, the Commission shall elect a Chairman, Vice-Chairman from its own members. In the absence of the Chairman, the Vice Chairman will serve as Chairman. The Tribal Gaming Commission may also elect such other officers as the Commission deems appropriate. The Tribal Gaming Commission may designate the Director of

the Caddo Tax Commission to serve as General Manager/Comptroller or designate such other Tribal employee, Commission member or other qualified individual to serve in this capacity. The person chosen as General Manager/Comptroller will be responsible for the collection of all funds, i.e. license fees, fines, penalties and guaranteed monthly payments, due to the Tribe from any Gaming Operation on Tribal Lands in accordance with the relevant provisions of this Ordinance. Payroll, expenses, and disposition of all funds hereunder will be made by the Tribal Council and shall require the co-signatures of the Committee's Chairman and Treasurer for disbursements.

SECTION 3 TRIBAL GAMING COMMISSION AUTHORITY

3.1 Authority and Responsibility.

The Tribal Gaming Commission shall have the authority and responsibility to:

- (a) Approve or disapprove all documents necessary for the promotion of gaming within the jurisdictional boundaries of Tribal Lands;
- (b) issue and renew gaming licenses for the conduct of Class II gaming activity on Tribal Lands;
- (c) issue and renew gaming licenses for the conduct of Class III gaming activity on Tribal Lands upon such terms and conditions which may be provided for in a Tribal-State Compact;
- (d) enforce and administer the provisions of this Ordinance and any regulations promulgated by the Tribal Gaming Commission;
- (e) revoke, suspend or condition a gaming license or deny an application for a gaming license for violations of this Ordinance, the Act, and regulations promulgated by the National Indian Gaming Commission;
- (f) promulgate regulations regarding Class II and Class III gaming on Tribal Lands;
- (g) collect fees and interest as provided for in Sections 6 and 8 of this Ordinance;
- (h) levy and collect penalties and fines as provided for in Section 14 or this Ordinance;
- (i) cause to be conducted annually an independent audit of gaming operations as more fully set forth herein at Section 10.5;

- (j) review, on demand, such books and records and inspect the premises and operations of applicants and licensees as it deems necessary for the enforcement of this Ordinance;
- (k) issue such forms as it deems necessary;
- (l) institute such legal proceedings in Courts of competent jurisdiction as it deems necessary for the enforcement of this Ordinance and regulations promulgated thereunder.
- (m) conduct hearings as provided in this Ordinance and regulations promulgated thereunder;
- (n) deposit all payments, fees, penalties, interest, civil fines and any other revenues collected under authority of this Ordinance into accounts designated by the Tribal Gaming Commission to the credit of the Tribe;
- (o) maintain a correct and full accounting of all payments, fees, penalties, interest, and civil fines received under authority of this Ordinance; and
- (p) take such other actions and issue such orders as the Tribal Gaming Commission may deem necessary to perform properly and fulfill its duties and responsibilities under this Ordinance.

SECTION 4 GAMING AUTHORIZED

4.1 Interest and Responsibility.

The Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming authorized by this Ordinance. The Gaming Commission is designated as the entity to act in behalf of the Tribe concerning such interest and responsibility.

4.2 Authorization.

If the Gaming Commission decides to allow individually owned gaming operations it shall authorize such operations in accordance with the requirements set forth in 25 C.F.R. §§ 522.10 and 522.11.

4.3 Class II Licensing

Class II games as follows may be licensed for conduct on Tribal Lands:

- (a) bingo as defined under the Act (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);
- (b) non-banking card games deemed as Class II gaming under 25 C.F.R. § 502.3 (c);
- (c) any game determined to be a Class II game by amendment of the Act, by regulation, or by decision of the National Indian Gaming Commission or the federal courts.

4.4 Class III Licensing.

Class III games as follows may be licensed for conduct on Tribal Lands:

- (a) such games as may be provided for in a compact between the State of Oklahoma and the Tribe, or such procedures as prescribed by the Secretary of the Interior pursuant to the Act.

SECTION 5 GAMING LICENSE REQUIRED

5.1 Licensing Requirements.

A Tribal Gaming license shall be required for:

- (a)
 - (i) each person or entity having a management contract; and
 - (ii) each primary management official and each key employee.
- (b) each place, facility, or location on Tribal Lands at which Class II or Class III gaming is conducted.

SECTION 6 APPLICATION FOR LICENSES

6.1 Application Forms.

- (a) Each person or entity having a management contract, each primary management official and each key employee shall complete an application for an initial license or renewal of an existing gaming license for each gaming establishment on an application form prescribed by the Tribal Gaming Commission. The application shall set forth:

- (i) the name under which the applicant transacts or intends to transact business on Tribal Lands;
- (ii) the location of the gaming establishment for which the gaming license is sought; and
- (iii) the application shall be signed by the applicant if a natural person, or, in the case of an association or partnership, by a member or partner thereof, or, in the case of a corporation, by an executive officer thereof, or by some other person specifically authorized by the corporation to sign the application, in which case written evidence of the signatory's authority shall be attached. The applicant shall provide evidence of authority of the signatory or any other representative to act for and bind the applicant. If any change is made in that authority, the Tribal Gaming Commission shall be immediately informed in writing and, until that information is filed with the Tribal Gaming Commission, any action of the representative shall be presumed to be that of the applicant.

6.2

Notice.

1. The following notice shall be placed on the application form of a key employee or a primary management official before that form is filled out by the applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701, et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory 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."

2. Existing key employees and Primary management officials, if any, shall be notified in writing that they shall either:

(a) Complete a new application form that contains a Privacy Act Notice; or

(b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application for a key employee or primary official before that form is filled out by an applicant:

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

4. The Gaming Commission shall notify in writing existing key employees and primary management officials, if any, that they shall either:

(a) Complete a new application form that contains a notice regarding false statements; or

(b) Sign a statement that contains the notice regarding false statements.

6.3 Payment of Application Fee.

Each application shall be accompanied by payment of an application fee established by the Tribal Gaming Commission to which shall include the cost of the background investigation conducted pursuant to Section 7 below.

6.4 Organizational Chart.

The management contractor shall file along with the application an organizational chart of its management organization and job descriptions of the employees of the gaming operation. The chart shall identify which employees are or will be the primary management officials and the key employees of the gaming operation.

6.5 Description on Application.

An application for a gaming license shall include a description of the place, facility, or location on Tribal Lands where the applicant will operate a gaming operation or where the applicant will be employed.

6.6 Other Gaming License.

Each applicant for a gaming license who has or will have a contract with the Tribe to manage a tribal gaming enterprise shall state whether he/she already has a management contract to operate any Indian or non-Indian gaming operation and, if so, a description of the location of each such operation.

6.7 Management Contractor's Application.

A management contractor's application shall include information required by 25 U.S.C. § 2711 and 25 C.F.R. § 537.1.

SECTION 7 BACKGROUND INVESTIGATIONS

7.1 General.

The Tribal Gaming Commission shall conduct, or cause to be conducted, a background investigation of the management contractor and each applicant for a position who is designated as a key employee or primary management official sufficient to make a qualification determination under Section 7.3 below. In conducting the investigation, the Tribal Gaming Commission shall keep confidential the identity of each person interviewed in the course of the investigation.

7.2 Background Investigations.

1. The Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:
 - (a) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
 - (b) currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business addresses, residence addresses since age 18, and drivers license number(s);

- (c) the names and current addresses of at least five (5) personal references, including one personal reference who was acquainted with the applicant during the most recent period of residence listed under paragraph (b) of this Section;
- (d) current business and residence telephone numbers;
- (e) a description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (f) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) the name and address of any licensing or regulatory agency with which the person has filed an application for license or permit related to gaming, whether or not such license or permit was granted;
- (h) for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
- (i) for each misdemeanor conviction or misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) for each criminal charge (excluding minor traffic charges) whether or not there is a conviction if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (h) or (i) of this Section, the criminal charge, the name and address of the court involved, and the date and disposition;
- (k) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) a current photograph;

- (m) fingerprints of the applicant to be taken by the Bureau of Indian Affairs police located in Anadarko, Oklahoma, an Oklahoma State Bureau of Investigation criminal history check. The criminal history check will include a check with the Federal Bureau of Investigation National Crime Information Center; and
 - (n) any other information the Gaming Commission deems relevant.
2. The Tribal Gaming Commission shall conduct an investigation sufficient to make a determination of employee eligibility under Section 7.3.

7.3 Eligibility Determination

1. The Tribal Gaming Commission shall make reasonable efforts to ensure that any person involved with the conduct of gaming activities is: a person of good character, honesty, and integrity.
2. The Tribal Gaming Commission shall review the investigation report of a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of such person for employment in the gaming operation. If the Tribal Gaming Commission determines that employment of the person poses a threat to the public interest of the Tribe or to the effective regulation and control of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming, the gaming operation shall not employ that person.

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

1. When a key employee or primary management official begins work at a gaming operation authorized by this Ordinance, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Section 7.3.
2. The Tribal Gaming Commission shall forward the report referred to in Subsection 7.5 to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

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

7.5

Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in Section 7.4 of this Ordinance, the Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:
 - (a) the steps taken in conducting the background investigation;
 - (b) the results obtained;
 - (c) the conclusions reached; and
 - (d) the basis for those conclusions.
2. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Section 7.3.
3. If a license is not issued to an applicant, the Tribal Gaming Commission:
 - (a) shall notify the National Indian Gaming Commission; and
 - (b) may forward copies of its eligibility determination and Investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

SECTION 8 ISSUANCE OF LICENSES; RENEWAL; SUSPENSION

8.1 General.

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission may issue a license to such applicant.
2. The Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Section 8.1, 1. until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.
4. The Tribal Gaming Commission may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate annual fee, provided that no license shall be issued to or renewed for an applicant:
 - (a) who is not found by the Gaming Commission, in its sole discretion, to be a person of good character, honesty, and integrity;
 - (b) who is not found by the Tribal Gaming Commission to be eligible for employment under the criteria of Section 7.3;

- (c) who has had, or who is in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction;
- (d) who has been convicted of, or plead guilty or nolo contendere to, a felony or a misdemeanor involving financial impropriety or dishonesty, within the last ten (10) years.
- (e) who is delinquent in the payment of any obligation owed to the Tribe or Tribal Gaming Commission pursuant to this Ordinance or a management contract; and
- (f) who has failed to comply with the Act, regulations of the National Indian Gaming Commission, this Ordinance or any regulation that the Tribal Gaming Commission has or may adopt.

8.2 Validity.

Each gaming license shall be valid for the three-year period commencing January 1 and ending December 31 of a respective year.

8.3 Assignment / Transfer / Display.

A gaming license may not be assigned or transferred and is valid only for use by the person in whose name it is issued and at the gaming establishment for which it is issued. A gaming license shall be conspicuously displayed at all times at the gaming establishment for which it is issued.

8.4 No Class III Gaming License

Until authorized by a Tribal-State Compact, no gaming license shall be issued for any Class III gaming.

8.5 License Suspension and Revocation

1. If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the National Indian Gaming Commission, or any other source, what the Gaming Commission finds, in its sole discretion, to be reliable information indicating that a key employee or a primary management official is not eligible for continued employment, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation of such license.

2. The Tribal Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license. The revocation hearing shall be conducted by the Gaming Commission pursuant to such procedures as it may establish by regulation or resolution.
3. After a revocation hearing, the Tribal Gaming Commission shall decide, in its sole discretion, to revoke or to reinstate a gaming license. The decision of the Gaming Commission shall be final and not subject to review except as set forth elsewhere in this Ordinance. The Tribal Gaming Commission shall notify the National Gaming Commission of its decision.

SECTION 9 GAMING LICENSE FEES

9.1 Annual Fee.

The annual fee for each gaming license issued pursuant to this Ordinance to the holder of a valid management contract shall be \$1,200.00 and for each primary management official and key employee shall be \$600.00.

9.2 Adjustment of Annual Fee.

The Tribal Gaming Commission may adjust the amount of the annual fee, provided that any increase shall take effect only on the ensuing January 1.

9.3 Payment in Advance.

The annual license fee shall be paid in advance of the initial issuance or renewal of a license.

9.4 Prorated Annual Fee.

The annual license fee shall be prorated in the case of each initially issued license.

SECTION 10 RECORDS AND REPORTS

10.1 Keep and Maintain.

Each gaming operation shall keep and maintain complete and thorough books and records as need to accurately and totally document the receipts, expenses, and uses of revenues relating to the conduct of gaming activities authorized

under a license. Included in the records of the activity shall be session summary sheets, operational budgets and projections, tour/bus attendance and compensation and such other forms and records as the Gaming Commission may require.

10.2 Statement of Gross Revenues and Net Revenues.

No later than the fifteenth day of each month, each gaming operation shall provide, in a report form prescribed by the Tribal Gaming Commission, a statement of gross revenues and net revenues received or collected at each gaming establishment during the immediately preceding calendar month. Such report shall be submitted to the Tribal Gaming Commission and Tribal Council.

10.3 Falsification.

No licensee shall falsify any books or records relating to any transaction connected with the conduct of gaming activities authorized under this Ordinance.

10.4 Inspection by Tribal Gaming Commission

All books and records of each gaming operation relating to licensed gaming activities shall be subject to inspection, examination, photocopy and auditing by the Tribal Gaming Commission or a person designated by the Tribal Gaming Commission at any time during reasonable hours. "Reasonable hours" includes, without limitation, all hours the gaming operation is open for business.

10.5 Audit.

The Tribal Gaming Commission shall cause to be conducted, at least annually, an independent audit by a certified public accountant of each gaming operation and shall submit the resulting audit reports to the National Indian Gaming Commission. All gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000 in any year (except professional legal or accounting services) shall be specifically included within the scope of the independent audit.

10.6 Insurance Policies

A copy of all insurance policies covering each gaming enterprise or any part thereof shall be filed with the Tribal Gaming Commission.

SECTION 11 GROSS REVENUES

11.1 Expenditure and Dispersements

Consistent with reasonable gaming industry business practices, the gross revenues derived from operations of a tribal-owned and licensed gaming operations may be expended and dispersed by management contractor as outlined in the management contract. Reasonable practices and expenses will be defined by the Tribal Gaming Commission and management contractor.

SECTION 12 MAINTENANCE OF GAMING FACILITY

12.1 General.

Each gaming facility licensed under this Ordinance shall be constructed, maintained and operated by the management contractor or licensee in a manner which adequately protects the environment and the public health and safety.

SECTION 13 VIOLATIONS

13.1 Gaming License.

No person shall operate or conduct any gaming activity in a gaming operation within the exterior boundaries of the Tribal Lands without a gaming license issued by the Tribal Gaming Commission, as required by this Ordinance.

13.2 Falsifying Information.

No licensee or license applicant shall provide false information in connection with any investigation, transaction, document or proceeding related to the operation of this Ordinance and its enforcement.

13.3 Accounting and Inspection.

- (a) No management contractor shall fail to account fully to the Gaming Commission for all moneys received or collected in connection with gaming activities.
- (b) In compliance with 25 C.F.R. § 571.5 or § 571.6, or of a Tribal Ordinance or resolution approved by the Chairman of the National Indian Gaming Commission under parts 522 or 523 in

Title 25 C.F.R., a gaming operation shall not refuse to allow an authorized representative of the National Indian Gaming Commission or an authorized Tribal Gaming Commission official to enter or inspect a gaming operation.

- (c) No management contractor shall refuse access to a gaming operation and its record by the Gaming Commission, its members or any certified public accountant or other designee authorized by the Gaming Commission.
- (d) Failure to comply with this section shall be grounds for immediate suspension and notice of proposed revocation of the license of management contractor.

13.4 Age Limit

No person under the age of twenty-one (21) years shall be permitted to participate in any gaming activity.

13.5 Cheating

No person shall engage in cheating in any gaming activity.

13.6 Possession of a Firearm.

No person, other than a law enforcement officer or security personnel licensed to carry a firearm, may enter or remain in a gaming establishment licensed under this Ordinance while in the possession of a firearm or other weapon.

13.7 Violation of Any Provision, Rule, Regulation or Order.

No person shall intentionally violate any provision of this Ordinance, nor any rule, regulation or order that the Tribal Gaming Commission may promulgate or issue.

13.8 In Privity.

Any person who is in privity with a person who violates any provision of this Ordinance shall be deemed to be in violation of this Ordinance to the same extent as the violator, and shall be treated in a similar manner.

13.9 **Compliance of Ordinance.**

Management contractor is responsible for ensuring that all primary management officials and key employees assisting in the operation of any gaming activity on the licensee's behalf comply with this Ordinance. A violation by any such officials or employees, shall be deemed a violation by management contractor and subject management contractor to civil enforcement action. It shall not be a defense that management contractor was unaware of the violation.

13.10 **Fraudulent Scheme or Technique.**

No person, playing in or conducting any gaming activity authorized under this Ordinance, shall:

- (a) use bogus or counterfeit cards, or substitutes or use any game cards that have been tampered with;
- (b) employ or have on one's person any cheating device to facilitate cheating in any gaming activity;
- (c) use any fraudulent scheme or technique, including when an operator or player of games of charitable gaming tickets directly or indirectly solicits, provides, or receives inside information of the status of game for the benefit of either person; or
- (d) knowingly cause, aid, abet, or conspire with another person or cause any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.

SECTION 14 CIVIL ENFORCEMENT

14.1 **Action to be Taken.**

The Tribal Gaming Commission may take any one or a combination of the following actions with respect to any person or entity who violates any provision of this Ordinance:

- (a) Impose a civil fine not to exceed five hundred dollars (\$500.00) for each violation, and if such violation is a continuing one, for each day of such violation.
- (b) Suspend or revoke any Tribal gaming license issued.

- (c) Bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions:
 - (i) enforcement of a Gaming Commission decision for suspension, revocation or termination of the license and further conduct of gaming activities, through injunction or other relief;
 - (ii) seizure of any gaming apparatus, proceeds, or other property of a licensee connected with the gaming activities engaged in by the licensee;
 - (iii) in the case of any non-member of the Tribe, expulsion of such persons from Tribal Lands;
 - (iv) collection of any unpaid fees, interest, fines or other monies owed to the Tribe under any contract or this Ordinance;
 - (v) execution on any nonexempt property of a violator located within the exterior boundaries of the Tribal Lands; or
 - (vi) a penalty of fifty dollars (\$50.00) per day for failure to file with the Tribal Gaming Commission any report when due and five hundred dollars (\$500.00) per day for failure to file such report after notice and demand.

14.2 **Jurisdiction.**

Any court of competent jurisdiction shall have jurisdiction over any civil action brought by the Tribal Gaming Commission under this Ordinance, and any court of competent jurisdiction shall have the authority to impose any and all sanctions imposed by the Tribal Gaming Commission pursuant to this Ordinance.

14.3 **Notification.**

Before taking any enforcement action authorized in this Section, the Tribal Gaming Commission shall use its best efforts to notify the alleged violator, in person or by letter delivered to his/her last known address, of the charges against him/her, and allow the alleged violator an opportunity for a prompt hearing. If the alleged violator fails to respond, or cannot be found, the Tribal Gaming Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate.

14.4 Acknowledgment

Every person or entity which applies for a gaming license and accepts such license thereby acknowledges the civil enforcement jurisdiction and authority of the Tribal Gaming Commission and a court of competent jurisdiction under this Ordinance to order an execution on his/her nonexempt property, the suspension or termination of his/her further conduct of gaming activities and the seizure of his/her gaming equipment or proceeds or other property, upon a proper finding of the Tribal Gaming Commission or the court that the person has violated a provision of the Act, regulations of the National Indian Gaming Commission, this Ordinance, or regulations promulgated by the Tribal Gaming Commission, despite lack of actual notice, provided that the Tribal Gaming Commission has used its best efforts to notify the person, in person, or by letter delivered to his/her last known address.

SECTION 15 USE OF NET REVENUES

15.1 Expenditures

Net revenues from gaming conducted under this Ordinance shall only be expended for the following purposes:

- (a) to fund Tribal government operations or programs;
- (b) to provide for the general welfare of the Tribe and its members;
- (c) to promote Tribal economic development;
- (d) to donate to charitable organizations; or
- (e) to help fund operations of local governmental agencies.

15.2 Approval of Operating Budget.

The operating budget of the Tribal Gaming Commission, including necessary payroll and expenses, shall be approved by the Caddo Tribal Council and shall be funded from net revenues from gaming conducted under this Ordinance.

SECTION 16 Hearings and Appeals

16.1 Petition for Payment of Penalty.

Any licensee paying, a penalty for late filing or failing to file a report for which there is an acceptable excuse may petition the Tribal Gaming Commission for a credit. The petitioner may petition the Tribal Gaming Commission for a credit. The petition shall be filed within thirty (30) days after the petitioner knew or should have known that payment was excusable, but not more than six (6) months after payment in any case.

16.2 Petition for Hearing and Reconsideration.

Any person or entity aggrieved by a decision made or action taken by the Tribal Gaming Commission without notice and opportunity for hearing, may petition the Tribal Gaming Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action.

16.3 Petition for Review.

Any person or entity aggrieved by a decision made or action taken by the Tribal Gaming Commission after notice and opportunity for hearing may petition the Caddo Tribal Council for review. Such petition shall specifically set forth the reasons for aggrieving, and be filed with the Tribal Council no later than thirty (30) days after the Tribal Gaming Commission's decision or action. The Tribal Council shall set the matter for review no later than thirty (30) days after receipt of the petition, and may affirm, modify, reverse and/or vacate the Tribal Gaming Commission's order. The decision of the Caddo Tribal Council shall be final and not subject to further review or appeal.

SECTION 17 APPLICABLE LAW

17.1 Controversies Involving Contract.

All controversies involving contracts relating to gaming entered into under the authority of the Tribe on Tribal Lands shall be resolved, as appropriate, in accordance with:

- (a) the Act;
- (b) regulations promulgated by the National Indian Gaming Commission;

- (c) the Caddo Tribe Constitution;
- (d) this Ordinance and the other laws, ordinances and regulations of the Tribe, as applicable; and
- (e) if no Tribal laws exists, the law of the State of Oklahoma.

SECTION 18 SERVICE

18.1 Tribal Gaming Commission Service Agent.

The Tribal Gaming Commission shall designate by written notification to the National Indian Gaming Commission an agent for service of any official determination, order, or notice of violation including the full name and mailing address of such agent.

18.2 Management Service Agent.

Each management contractor shall designate by written notification to the Tribal Gaming Commission and the National Indian Gaming Commission an agent for service of any official determination, order, or notice of violation including the full name and mailing address of such agent.

SECTION 19 SAVINGS PROVISION

19.1 Invalidity.

If any provision of this Ordinance or the application thereof to any person, entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of this Ordinance are severable.

SECTION 20 POLICIES AND PROCEDURES FOR RESOLUTION OF DISPUTES BETWEEN MANAGER AND CUSTOMERS

20.1 1. Improper Conduct by Customers.

- (a) Notice of warning regarding the improper conduct set out in paragraph (b) of this section or other gaming rules established and enforced by the gaming operation shall be posted by

Manager at the entrance of the gaming operation and/or given to patrons upon entering the premises.

- (b) The following improper conduct shall result in ejection of a patron from any gaming operation:
 - (i) cheating;
 - (ii) possession of weapons in the gaming operation;
 - (iii) possession of alcohol that has been brought by a patron into the gaming operation;
 - (iv) possession of a controlled substance in the gaming operation;
 - (v) disorderly conduct, including the willful, or wanton disregard for the rights of others, and any other act which is disruptive to the gaming operation and other patrons.
- (c) Failure by a patron to provide proof of age when requested by gaming operation personnel shall result in ejection of the patron from the gaming operation premises. The admission fee shall be refunded in such instance.
- (d) Ejection of a patron shall be accomplished by security personnel, upon request of the Manager.

2. Complaints by Customers

- (a) Either the Manager or an alternate shall be present at all times to resolve complaints by patrons involving the gaming operation.
- (b) If the Manager or an alternate are unable to resolve any dispute, the matter may, upon request of the patron, be referred to the Tribal Gaming Commission for resolution. Action by the Tribal Gaming Commission may be initiated by making a written request to the Gaming Commission.

SECTION 21 AMENDMENT OF ORDINANCE

21.1 Amendment by Majority Vote.

This Ordinance may be amended only by majority vote of the Tribal Council. Within 15 days after adoption, the Tribal Gaming Commission shall submit for the Chairman of the National Indian Gaming Commission's approval for any amendment to the Ordinance. Any amendment shall be effective on the day after such approval unless the amendment specifies a different date.

SECTION 22 EFFECTIVE DATE/ REPEAL

22.1 General.

This Ordinance shall be effective upon approval of the Chairman of the National Indian Gaming Commission. Once effective, this Ordinance shall serve to repeal all previous gaming ordinances of the Tribe.