



December 3, 2012

Chief Thomas E. Gamble
Miami Tribe of Oklahoma
P.O. Box 1326
Miami, Oklahoma 74355

Re: Miami Tribe of Oklahoma Amended Gaming Ordinance, Resolution 12-46

Dear Chief Gamble:

This letter responds to your letter, dated October 18, 2012, and received on October 19, 2012, seeking review and approval of amendments to the Miami Tribe of Oklahoma's Gaming Ordinance ("Ordinance"), which were adopted by Tribal Resolution 12-46. The amendments allow the Tribe's Gaming Commission to set vendor licensing fees; clarify patron dispute resolution procedures; and update contacts for service of process. The amendments also update the language of the Privacy Act and false statement notices on the Tribe's employment and licensing application forms for primary management officials and key employees.

We appreciate that the Tribe brought the Ordinance amendments to our attention. The Tribe's amended Ordinance is approved, as the amendments are consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions or require assistance, please contact Katherine Zebell, Senior Attorney, at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Stevens".

Tracie L. Stevens
Chairwoman



Miami Tribe of Oklahoma

P.O. Box 1326--Miami, Oklahoma 74355
Ph: 918-542-1445 Fax: 918-542-7260



OCT 19 2012

RESOLUTION 12-46

A RESOLUTION AUTHORIZING THE MIAMI TRIBE OF OKLAHOMA AMENDED GAMING ORDINANCE

WHEREAS: The Miami Tribe of Oklahoma is a federally recognized Indian Tribe, organized under the Oklahoma Indian Welfare Act of 1936, with a Constitution and By-Laws approved by the U.S. Secretary of the Interior on February 22, 1996; and,

WHEREAS: The Business Committee of the Miami Tribe of Oklahoma is empowered to act on behalf of the Tribe in all matters which the Tribe is empowered to act on, under Article VI of the Constitution and By-Laws; and,

WHEREAS: The Miami Tribal Business Committee is the supreme governing body of the Miami Tribe of Oklahoma with the authority to enact laws and ordinances and to interpret provisions of the Constitution and By-Laws; and,

WHEREAS: The Business Committee of the Miami Tribe of Oklahoma previously passed Resolution 93-44 (passed 8/23/1993), An Act Relating to Miami Tribe of Oklahoma regarding Regulation and Licensing of Gaming on Indian Lands; and,

WHEREAS: The Business Committee of the Miami Tribe of Oklahoma previously passed Resolution 93-45, supplements to Miami Class II Gaming Ordinance (passed 8/23/1993); and,

WHEREAS: The Business Committee of the Miami Tribe of Oklahoma previously passed Resolution 94-55, An Act Relating to Miami Tribe of Oklahoma Regarding Terms of Class III Gaming Operations on Tribal Lands (passed 9/19/1994); and,

WHEREAS: The Business Committee of the Miami Tribe of Oklahoma previously adopted Resolution 97-02, an "Act Relating to Miami Tribe of Oklahoma Regarding Terms of Class II and Class III Gaming Operations, Supplements to Miami Class II Gaming Ordinance 93-44 (8/23/1993) and Class III Gaming Ordinance 94-55 (9/19/1994) Providing for Licensing of Individually Owned Gaming Operations Other Than Those Operating on September 1, 1986 (passed 10/08/1996); and,

WHEREAS: The Business Committee passed Resolution 12-32, A Resolution Authorizing an Amended Miami Tribe of Oklahoma Gaming Ordinance to reformat and update the Tribe's Gaming Ordinance; to specifically allow the Miami Tribe of Oklahoma Gaming Commission to

set vendor licensing fees (Section 19); to clarify patron dispute resolution procedures (Section 23); and to update service of process contacts (Section 34); and,

WHEREAS: The National Indian Gaming Commission, after receiving and reviewing the Amended Gaming Ordinance submitted with Resolution 12-32, requested the Tribe recind the submission and re-submit an Amended Ordinance to include specific statutory language related to the employee license application forms notification requirements in Section 20(b)(1-3) of the Amended Gaming Ordinance.

WHEREAS: The Amended Gaming Ordinance submitted with this Resolution 12-46 contains the required statutory lanugage in Section 20(b)(1-3).

THEREFORE, BE IT RESOLVED the Business Committee of the Miami Tribe of Oklahoma hereby approves the proposed Miami Tribe of Oklahoma Amended Gaming Ordinance with changes to Section 20(b)(1-3).

THEREFORE, BE IT FURTHER RESOLVED the Chief of the Miami Tribe of Oklahoma is authorized to forward this Amended Gaming Ordinance and this Resolution to the Chairwoman of the National Indian Gaming Commission for approval as required by 25 CFR § 522.4 for Class II and 25 CFR § 522.6 for Class III.

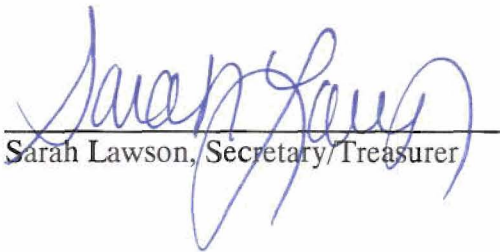
THEREFORE, BE IT FINALLY RESOLVED AND ENACTED by the Miami Tribal Business Committee that the following Miami Tribe of Oklahoma Amended Gaming Ordinance shall be adopted immediately, submitted to the National Indian Gaming Commission Chairwoman for her approval (within 15 days), pursuant to CFR § 522.3, and shall become effective upon approval.

CERTIFICATION

I hereby certify that the foregoing Resolution was passed at a regularly scheduled monthly meeting of the Elected Council of the Miami Tribe of Oklahoma on October 9th, 2012 with a vote of 4 for, -0- against and -0- abstaining.



Thomas E. Gamble, Chief



Sarah Lawson, Secretary/Treasurer



**MIAMI TRIBE OF OKLAHOMA
AMENDED GAMING ORDINANCE**

OCT 19 2012

Approved by Resolution 12-46

The Miami Tribe of Oklahoma Gaming Ordinance is amended to read as follows:

SECTION 1: CITATION

This Ordinance shall be known and may be cited as the “Miami Tribe of Oklahoma Gaming Ordinance” and shall apply to all forms of gaming conducted on tribal lands of the Miami Tribe of Oklahoma.

The Miami Business Committee of the Miami Tribe of Oklahoma (hereinafter the “Tribe”), empowered by the Constitution and By-Laws of the Miami Tribe of Oklahoma to enact Ordinances, hereby enacts this Ordinance in order to set the terms for all forms of gaming conducted on tribal lands of the Miami Tribe of Oklahoma.

SECTION 2: PURPOSES

The purpose of this Ordinance is to promote the public order, peace, safety and welfare of all persons coming within the jurisdiction of the Miami Tribe of Oklahoma, to provide a safe and wholesome means of recreational activity in a community setting, to provide a source of revenue for the operation of the programs and departments of the Tribal government by ensuring that any gaming activity conducted whether Class I, II, or III, is fair, responsible, and consistent with applicable federal law including the regulations and guidelines established by Public Law 100-497, known as “The Indian Gaming Regulatory Act” (“IGRA”), and/or any Tribal-State Compact to which the Tribe is a party. This Ordinance shall be liberally construed to promote these purposes.

SECTION 3: DEFINITIONS

Unless the context clearly indicates a different meaning, the following words are defined as:

- a. “Tribe” (and any of its derivations) means the Miami Tribe of Oklahoma.
- b. “Class I Gaming” means social games played solely for prizes of minimal value, or traditional forms of Indian gaming engaged in by individuals as a part of or in connection with Tribal ceremonies or celebrations.
- c. “Class II Gaming” means

- (1) "Bingo," which means a game of chance (whether or not electronic, computer, or other technologic aids are used in connection therewith)
 - (a) Played for prizes, including monetary prizes, with cards bearing numbers or other designations,
 - (b) In which two (2) or more players must be competing for a game to begin,
 - (c) In which the holder of the card covers such numbers or designations when objects similarly numbered or designated, are drawn or electronically determined, and
 - (d) 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 Oklahoma, or
 - (b) Are not explicitly prohibited by the laws of the State of Oklahoma and are played at any location in the State of Oklahoma, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Oklahoma regarding hours or periods of operation of such card games or limitations on wagers or pot size in such card games.
- (3) The term "Class II Gaming" does not mean:
 - (a) Any house-banked card games, including baccarat, chemin de fer, or blackjack (21), or
 - (b) Electronic or electromechanical facsimile of any game of chance which can be played as a standalone slot machine.
- d. "Class III Gaming" means all forms of gaming that are not Class I or Class II but are now or hereafter permitted by the State of Oklahoma.

- e. "Commission" means the Miami Tribe of Oklahoma Gaming Commission as established by this Ordinance.
- f. "Commissioner" means a duly appointed member of the Miami Tribe of Oklahoma Gaming Commission.
- g. "Compact" means the 2005 Tribal-State Compact between the Tribe and the State of Oklahoma and any future amendments or successor compact entered into by the Tribe and State and approved by the Secretary of the United States Department of Interior.
- h. "Court" means the courts of the Miami Tribe of Oklahoma.
- i. "Director of Tribal Gaming" means the manager of the Miami Tribe of Oklahoma gaming facilities.
- j. "Expenses" means all sums actually expended and reasonable and necessary for the gaming operation including, by example, supplies, equipment, non-cash prizes, facilities, security services, license fees, rent, employees and other personnel services.
- k. "Games, Gaming, or Gaming Activity" means all forms of any activity, operation, or game of chance that is considered Class II or Class III Gaming, provided that this definition does not include Class I Gaming.
- l. "Gross Revenue" means the total revenues from the operation of gaming including among other things, entry fees, special session fees, proceeds from the sale or rental of gaming cards or supplies, sale of food or drink and similar items.
- m. "Key Employee" (and Primary Management Official) means: 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 gambling devices including persons with access to cash and accounting records within such devices; any person having management responsibility for a management contract, any person who has authority to hire and fire employees; any person with financial authority; the chief financial officer or other person who has financial management responsibility; a person whose total cash compensation is in excess of \$50,000 per year; or the four (4) most highly compensated persons in the gaming operation.

- n. "Net Revenues" means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. § 2711 (C).
- o. "NIGC" means the National Indian Gaming Commission.
- p. "Primary Management Official" means: 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 gambling devices including persons with access to cash and accounting records within such devices; any person having management responsibility for a management contract, any person who has authority to hire and fire employees; any person with financial authority; the chief financial officer or other person who has financial management responsibility; a person whose total cash compensation is in excess of \$50,000 per year; or the four (4) most highly compensated persons in the gaming operation.
- q. State means the State of Oklahoma, its authorized officials, agents and representatives.
- r. Tribe means the Miami Tribe of Oklahoma.

SECTION 4: GAMING PROHIBITED

Except as provided herein no person shall conduct any form of gaming within Tribal Indian Country for which a charge is made or other consideration requested or required for participation, or to the winner of which any prize is awarded.

SECTION 5: GAMING AUTHORIZED

The only form of gaming allowed within Tribal jurisdiction is gaming duly licensed and authorized by the Tribe through the Miami Tribe Gaming Commission and subject to the regulations of the Tribe and the Indian Gaming Regulatory Act, or any Tribal-State compact for Class III Gaming approved by the Chairman and the Secretary of the Interior.

SECTION 6: OWNERSHIP OF GAMING OPERATIONS

The Tribe shall have sole proprietary interest in and be responsible for conduct of all gaming operations. The Miami Business Committee administers the Tribal gaming operations

consistent with this Ordinance. The Gaming Commission regulates and monitors compliance with this Ordinance, any Tribal-State compacts, and all applicable federal or Tribal laws on behalf of the Tribe.

SECTION 7: MANAGEMENT OF GAMING OPERATION

All gaming operations shall be administered by the Director of Tribal Gaming who is employed by Miami Nation Enterprises (MNE), a subordinate economic enterprise of the Miami Tribe of Oklahoma. The Director of Tribal Gaming shall serve at the pleasure of MNE and the Tribe.

SECTION 8. LICENSE FOR LOCATION

No Class II or Class III gaming shall be allowed at any location unless a separate license is issued by the Gaming Commission for such site.

SECTION 9: PUBLIC SAFETY STANDARDS

In compliance with 25 U.S.C. § 2710(b)(42)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of any applicable Tribal-State Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

SECTION 10: APPLICATION OF NET REVENUES

- a. In compliance with 25 U.S.C. § 2710 (b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than:
 1. To fund Tribal government operations or programs;
 2. To provide for the general welfare of the Tribe and its members;
 3. To promote Tribal economic development;
 4. To donate to charitable organizations;
 5. To help fund operations of local Government Agencies; or
 6. Any other purpose permitted under the Act.
- 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 Interior under 25 U.S.C. § 2710 (b)(3).

SECTION 11: 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 12: ANNUAL AUDIT

The Tribe will annually provide the NIGC and, if applicable, the State, with a copy of the portion of the audit prepared by the Tribe's independent auditor that relates to the gaming. This audit will include, among other matters, all contracts for supplies, services (except legal or accounting) or concessions in excess of \$25,000 annually that relate to the gaming operation.

SECTION 13: GAMING FACILITY RECORDS

The Director of Tribal Gaming shall be responsible for storing and maintaining records concerning all gaming operations. These records shall be audited annually per Section 11.

SECTION 14: ESTABLISHMENT OF GAMING COMMISSION

- a. The Miami Tribe of Oklahoma Gaming Office and Gaming Commission ("Gaming Commission") having been previously established under prior gaming Ordinance 93-45 (8/23/93), shall continue to act as the regulatory body of the Tribe.
- b. The Gaming Commission shall constitute no less than three (3) nor more than five (5) members to be appointed by the Chief acting as the Chairman of the Miami Business Committee. Commission members will serve for a period of two (2) years. The Commission shall elect from among its members a Chairman. The Commission shall have the power to generally oversee the Chairman and the tribal gaming office and review its actions for approval or ensure compliance with this Act and any regulations adopted and orders issued by the Commission. The Commission members shall submit to the conflict of interest provisions to disclose potential unethical situations.
- c. The Chairman or any other member of the Commission acting in the absence of the Chairman may, to protect the public interest and the integrity of the Miami

Tribe's gaming operations, issue in the name of the Commission, any order which the Commission has the power to issue, to the gaming operation or to any employee or contractor thereof or to any person within the jurisdiction of the Miami Tribe, to take any action or to cease and desist from taking any action as may be required to protect the public interest; provided that any Commission at its earliest opportunity, whereupon said order may be confirmed or vacated by the Commission.

- d. The Commission may appoint an individual to serve as a full time Executive Director of the Commission to administer its responsibilities on a day-to-day basis and to oversee inspectors appointed by the Commission, as well as such other staff as the Commission may from time to time employ.

SECTION 15: FUNCTION OF THE GAMING COMMISSION

It shall be the responsibility of the Commission to promulgate regulations necessary to administer the provisions of this Act. The powers and duties of the Gaming Commission shall include, but not be limited to the following:

- a. To ensure that all gaming within Miami Tribal lands is operated in accordance with all applicable laws and regulations including the background checks and licensing of all employees of the gaming operation pursuant to 25 U.S.C. 558.1(b).
- b. The Gaming Commission shall be recognized as a law enforcement authority for the purpose of conducting background investigation and fingerprinting, enforcing regulations, and investigating incidents of possible cheating, fraud, theft, or collusion.
- c. Conduct background investigation on management officials, key tribal gaming employees, and vendors in accordance with IGRA, NIGC regulations, and or Tribal-State compact provisions and forward the results to the NIGC and/or State for review.
- d. Issue, deny, review, rescind, put conditions on, suspend or revoke any/all tribal gaming licenses including for management officials, key tribal gaming employees, and vendors.
- g. Promulgate tribal gaming regulations in accordance with tribal and Federal law and Tribal-State compact requirements for gaming as needed.

- h. Establish or approve Tribal Minimum Internal Control Standards (TICS) and approve policies and procedures for the operation of the gaming facilities, including but not limited to rules for cage and vault, credit table games, gaming devices, and security standards.
- i. Maintain a surveillance department and oversee all activities related to surveillance.
- j. Establish regulations and procedures for proceedings including but not limited to evidence representation and hearing officers for patron dispute hearings as described in Section 23(b) and licensing hearings as described in Section 20 (h) and Section 22 of this Ordinance.
- k. Continuously regulate and monitor gaming operations to ensure compliance with Tribal, Federal law, and Tribal-State compact requirements.
- l. Oversee and/or conduct audits of the gaming facilities, including audits of service and supply contracts.
- m. Conduct investigations of any kind in order to protect the public interest and the integrity of gaming operations, with unfettered access throughout the gaming operations, and take appropriate enforcement action, and make appropriate referrals to Tribal, State, and Federal law enforcement agencies.
- n. Compel any licensed employee, or any individual doing business with any gaming enterprise to appear before it under oath to provide any information, documents or other material as required in writing by the Commission.
- o. Conduct hearings take testimony, take disciplinary actions, levy fines, impose penalties and sanction, and issue closure orders for violations of this Ordinance, the Tribal Internal Control Standards, the NIGC Minimum Internal Control Standards and any applicable Compact(s), or other rules or procedure adopted by the Commission.
- p. Ban, bar, or exclude patrons from gaming faculties.
- q. Maintain a list of persons barred from the gaming facilities
- r. Oversee protection of public safety and the physical security of patrons.
- s. Review and approve floor plans.
- t. Hire other appropriate staff, subject to approval of the Business Committee, necessary to carry out duties.

- u. Retain legal counsel or professional services, including investigative services, to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.
- v. Commence any civil or criminal action necessary to enforce the provisions of the Ordinance.
- w. Prepare and submit to the Business Committee for approval an annual operating budget.
- x. Perform licensing responsibilities to the IRS as stated in Section 28 of this Ordinance and ensure proper reporting in accordance with Title 31 of the U.S. Code.
- y. Perform licensing responsibilities and duties assigned in Sections 20 and 21 of this Ordinance.
- z. Work cooperatively with all applicable Tribal, State, and Federal regulatory and law enforcement agencies.

SECTION 16: COMPENSATION

The Gaming Commissioner shall be compensated at a rate established by the Business Committee.

SECTION 17: MEETINGS

- a. Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be set by the Commission.
- b. Special meetings of the Commission may be called by the Chairman or any other Commissioner. A notice for a special meeting shall set the time and place, the business to be transacted, or the purpose of the meeting.
- c. Members of the Commission may preside in a meeting by means of conference telephone or similar communications.

SECTION 18: QUORUM

At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at the meeting at which a quorum is present shall be the act of the Commission. The Chairman shall

preside at all meetings unless not present, in which case the Chairman shall designate another member to preside in his/her absence.

SECTION 19: GAMING COMMISSION FUNDING – LICENSING FEES

The Gaming Commission functioning as an independent, non-profit entity shall be funded as follows:

- a. The Gaming Commission shall determine licensing fees to adequately operate and regulate, and shall propose a budget on an annual basis to the Secretary/Treasurer of the Business Committee for approval.
- b. The Gaming Commission shall collect any licensing fees required. Such fees shall become tribal revenues and will be specifically disbursed to the Gaming Commission budget as approved by the Business Committee.

SECTION 20. EMPLOYEES LICENSED

The Gaming Commissioner shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming facility operated on tribal lands:

- a. Definitions. For the purpose of the section, the following definitions apply:
 - (1) *Key Employee* means those key employees are defined in any statute or regulations and at a minimum includes:
 - (a) A person who performs one or more of the following functions: (1) Bingo caller; (2) Counting room supervisor; (3) Chief of Security; (4) Custodian of gaming supplies or cash; (5) Floor manager; (6) Pit boss; (7) Dealer; (8) Croupier; (9) Approver of credit; or (10) Custodian of gambling devices including persons with access to cash and accounting within such devices.
 - (b) If not otherwise included, and other person whose total cash compensation is in excess of \$50,0000.00 per year; or
 - (c) If not otherwise included, the four most highly compensated persons in the gaming operation.

- (2) *Primary Management Official* means:
 - (a) The person having management responsibility for a management contract;
 - (b) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or
 - (c) The chief financial officer or other person who has financial management responsibility.

b. Applications Forms

Privacy Notice

- (1) The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant.

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C.A § 2701 et. seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the 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 issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe of a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe’s being unable to license you for 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) The Gaming Commission shall notify in writing existing key employees and primary management officials 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.

Notice Regarding False Statements

- (3) The Gaming Commission shall place the following notice on the application form for a key employee or a primary management official before that form is filled out by an applicant:

“A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also you may be punished by fine or imprisonment.” (U.S. Code, Title 18 Section 1001).

- (4) The Gaming Commission shall notify in writing key employees and primary management officials 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.

c. Background Investigations:

- (1) The Gaming Commission shall request from each primary management official and from each key employee all of the following information:
 - (a) Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
 - (b) Currently and for the previous five years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver’s license numbers;
 - (c) The names and current addresses of at least three (3) personal references, including one personal reference that was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section.
 - (d) Current business and residence telephone numbers;

- (e) A description of any existing and previous 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 interest in those businesses;
- (g) The name and address of any licensing or regulatory agency with which the person had filed an application for a 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 ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and, address of the court involved and the date and disposition;
- (j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charges is within 10 years of the date of the application and is not otherwise listed pursuant to Paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k) The names and address of any licensing or regulatory agency with which the person had filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) A current photograph;
- (m) Any other information the Gaming Commissioner deems relevant; and
- (n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted to

check the criminal history records information maintained by the Federal Bureau of Investigation.

- (o) Any other information the Tribe deems relevant.

d. Eligibility Determination.

The Gaming Commission shall review all the information referred to in Subsection (c) of this section including but not limited to a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation or gaming, or creates or enhances dangers or unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person.

e. Procedures for Forwarding Applications and Report 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 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 Subsection d of this section.
- (2) The Gaming Commission shall forward the report referred to in this subsection to the NIGC within 60 days after an employee begins work.

f. Report to the NIGC.

- (1) Pursuant to the procedures set out in Subsection (e) of this section, the Gaming Commission shall prepare for each employee and forward to the NIGC (unless the Tribe is approved for the NIGC's Pilot Program), an investigative report on each background investigation. An investigation report shall include all of the following:
 - (a) Steps taken in conducting the background investigation;
 - (b) Results obtained;
 - (c) Conclusions reached; and

- (d) The basis for those conclusions.
- (2) The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Subsection (d) of this section. Should the Commission participate in the NIGC Pilot Program, only submission of the document(s) required by the NIGC shall be necessary.
- (3) If a license is not issued to an applicant, the Gaming Commission;
 - (a) Shall notify the NIGC; and
 - (b) May forward copies of its eligibility determination and investigative report (if any) to the NIGC for the inclusion in the Indian Gaming Individuals Records System.
- (4) With respect to key employees and primary management officials, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three(3) years from the date of termination of employment.

g. Granting a Gaming License.

- (1) If, within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a license pursuant to license application filed by a key employee or a primary management official for whom the Gaming Commission has provided an application and investigation report to the NIGC, the Gaming Commission may issue a license to such applicant.
- (2) The Gaming Commission shall respond to a request for additional information from the NIGC concerning a key employee or a primary management official who is the subject of a report. Such request shall suspend the 30-day period under Paragraph (1) of this section until the Chairman of the NIGC receives the additional information.
- (3) If, within the thirty (30) day period described above, the NIGC provides the 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 Gaming Commission has provided an application and investigative report to the NIGC, the Gaming Commission shall

reconsider the application, taking into account the objections itemized by the NIGC. The Gaming commission shall make the final decision whether to issue a license to such applicant.

h. License Suspension.

- (1) If, after the issuance of a gaming license, the Gaming Commission receives from the NIGC reliable information indicating that a key employee of primary management official is not eligible for employment under Subsection (d) above, the Gaming Commission shall suspend such license and notify in writing the licensee of the suspension and the proposed revocation.
- (2) The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- (3) After a revocation hearing, the Gaming Commission shall decide revoke or to reinstate a gaming license. The Gaming Commission shall notify the NIGC of its decision.

SECTION 21: PROCEDURES FOR BACKGROUND INVESTIGATIONS

The Gaming Commission is responsible for the conduct of the background investigations and suitability to determination for licensing of key employees and primary management officials.

a. Organization Chart.

- (1) Gaming Commission.

The Gaming Commission under this Gaming Ordinance shall be ultimately responsible for conducting and/or causing to be conducted the background investigations on key employees and primary management officials. The Gaming Commission may conduct the investigations personally or may employ Gaming Commission staff to conduct the background investigations on behalf of the Gaming Commission. The Gaming Commission shall review and approve the investigative work performed. The Gaming Commission shall make all determinations concerning the licensing of key employees and primary management officials. The results of the background investigation shall be submitted to the NIGC.

(2) Licensing Agents and Background Investigators.

Licensing Agents and Background Investigators may be employed by the Gaming Commission to assist in background investigations. Any investigators employed for background investigation will be under the supervision of the Gaming Commissioner or designee referred to in subsection (1) above. All report of the investigation will be forwarded to the Gaming Commissioner or designee, who shall make the reports a part of the Gaming Commissioner's final investigative report submitted to the NIGC.

b. Investigation Procedures.

(1) Information Required.

The Gaming Commission shall secure from each key employee of primary management official applicant all information required by the Tribal Gaming Ordinance, federal law, and regulations.

(2) Check List.

The Gaming Commission shall create a checklist which shall be used in the verification process. This list shall indicate that each item of information received from the primary management official or employee applicant has been verified through written or oral communication.

(3) Personnel Interviews.

In inquiring into the applicant's character, the Gaming Commission shall interview a sufficient number of knowledgeable people such as former employers, personal references, and any other individuals which may have information as to the reputation, habits and associations of the applicant. The Gaming Commission shall interview as many individuals as is necessary (in no event shall the number of persons interviewed be less than three) sufficient to make a finding concerning the eligibility for employment in the gaming operation.

c. Investigation Report

(1) Content.

The final investigative report shall identify all potential problem areas as discovered during the investigation and shall state that final resolution of each

problem area. Further, the final report shall specifically identify the information which formed the basis for the rejection or disqualification of any applicant.

(2) Procedure.

The final investigative report submitted to the NIGC shall set forth in detail the procedure followed by the Gaming Commission in conducting the background investigation.

(3) Disclosure.

The final report submitted to the National Indian Gaming Commission shall set forth in detail the results of the investigation, including the disclosure of all potential problems in the applicant's background and, in detail, the facts which demonstrate the existence of the problem.

(4) Recommendation.

The final investigation report shall state whether the applicant should be or should not be granted a license and shall state, in detail, the facts that support the grant, or denial of said license.

SECTION 22: HEARINGS

a. Preliminary Determination.

Whenever, upon preliminary factual finding, the Commission determines that any person has failed to comply with the provisions of this Ordinance or any regulations promulgated hereunder, the Commission shall make a certification of finding with a written notice and copy of findings thereof provided to the subject(s) of that determination. Within thirty (30) days of receipt of the Notice the Commission shall hold a hearing. The subject shall have the opportunity to be heard and present evidence. The Commission shall have the right to enjoin and restrain illegal activities.

b. Hearing.

At the hearing it shall be the obligation of the subject to show cause why the preliminary determination is incorrect, why the application in question shall not be revoked or suspended, why the period of suspension should not be extended or to show cause why special conditions or limitations upon a license should not

be imposed, or to show cause why any other action regarding any other person or persons subject to any action should not be taken.

c. Final Determination.

Following such hearing, the Commission shall, within thirty (30) days, reach a final determination concerning the accuracy of the preliminary certification of facts, and whether the license in question should be granted, continued, suspended, revoked, conditioned or limited, and whether or not any other action recommended to or by the commission (including but not limited to forfeitures or fines) should be taken. The action for the Commission will be the final action of the Miami Tribe.

- d. The subject shall be notified in writing within thirty (30) days following this determination.

SECTION 23: PATRON DISPUTE RESOLUTION

In the event of (a) an alleged personal injury or property damage suffered by the patron of the gaming facility, or (b) a dispute between a patron and the gaming enterprise regarding the payment of bet or distribution of winnings, the patron may make a claim against the gaming enterprise as follows:

a. Personal Injury or Property Damage.

(1) Making Claim.

Any patron having a claim against the gaming enterprise for personal injury or property damage shall present a claim to the gaming enterprise for any appropriate relief including the award of money damages. Claims against the gaming enterprise are to be presented within ninety (90) days of the date of the injury or loss occurs. In the event a claim is not presented following ninety (90) days after the injury or loss occurs, but within one (1) year, any judgment in a lawsuit arising from the act which is the subject of the of the claim shall be reduced by ten (10) percent. A claim against the gaming enterprise shall be forever barred unless notice thereof is presented within one (1) year after the injury or the loss occurs. A claim against the gaming enterprise shall be in writing and filed with the Tribal Gaming Commission at the address of the gaming facility. Notices explaining this procedure shall be posted in the gaming facility. Such notices shall explain that this procedure is the exclusive method of

making tort claims. Such notices shall explain that upon denial of the claim redress must be sought exclusively in Tribal Court.

(2) Notice.

The written notice of claims of the gaming enterprise shall state the following:

- (a) Date;
- (b) Time;
- (c) Place;
- (d) Circumstances of the claim;
- (e) The identities of the tribal or gaming employees, and witnesses as applicable,
- (f) The amount of compensation or other relief demanded.
- (g) The name, address and telephone number of the claimant; and
- (h) The name, address and telephone number of any agent authorized to settle the claim.

(3) Denial.

A claim is deemed denied if the gaming enterprise fails to approve the claim in its entirety within ninety (90) days of receipt, unless the interested parties have reached a settlement before the expiration of that period. A person may not initiate suit against the gaming enterprise unless the claim has been denied in whole or part. The claimant and the gaming enterprise may continue attempts to settle a claim; however, settlement negotiations do not extend the date of denial.

(4) Limitations.

No action for any cause arising from personal injury or property damage shall be maintained unless valid notice has been given and the action is commenced in a tribal court within 180 days after denial of the claim as set forth herein. Neither the claimant nor the gaming enterprise may extend the time to commence an action by continuing to attempt settlement of the claim.

b. Patron Dispute – Payment of Winnings.

(1) Administrative Process.

Any person who has any dispute, disagreement or other grievance with the gaming enterprise that involves currency, tokens, coins, or any other thing of value, may seek resolution of such disputes from the following persons and in the following order:

- (a) A member of the staff of the gaming enterprise.
- (b) The supervisor in the area of the relevant gaming enterprise in which the dispute arose.
- (c) The Director of Tribal Gaming of the gaming enterprise.

(2) Patron Right Regarding Disputes.

When a patron brings a dispute for resolution through the administrative process, the complainant shall have the right to explain his or her side of the dispute, and to witness in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level. Resolution of any dispute by the personnel of gaming enterprise shall always involve two (2) or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, the Director of Tribal Gaming of the property, and to the Gaming Commission.

(3) Refusal to Pay Winnings.

Whenever the gaming enterprise refuses payment of alleged winnings to a patron and the Director of Tribal Gaming of that enterprise and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:

- (a) At least Five Hundred Dollars (\$500.00), the Director of Tribal Gaming shall immediately notify the Gaming Commission. The Gaming Commission shall conduct whatever investigation it deems necessary and shall determine whether payment should be made; or

- (b) Less than Five Hundred Dollars (\$500.00), the Director of Tribal Gaming shall inform the patron on his or her right to request that the Gaming Commission conduct an investigation. Upon request of the patron, the Gaming Commission shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

(4) Limitation of Liability.

The liability of the gaming enterprise in any proceeding under these regulations shall be limited to the amount of the alleged winnings and a patron shall not be entitled to an award of special or punitive damages, or damages for mental distress. In addition, disputes relating to a patron's entitlement to a game prize shall be limited to the amount of such prize. The Gaming Commission's decision shall constitute the complainant's final remedy.

(5) Petition to the Gaming Commission

Patrons who have complains against the gaming enterprise shall have as their final remedy the right to file a petition for relief with the Gaming Commission. Any patron complaint must be submitted in writing to the Gaming Commission within three (3) days of the incident giving rise to the complaint. The Gaming Commission shall then grant a hearing.

(6) Hearing Procedures – Patron Disputes.

The Gaming Commission shall establish hearing procedures as stated in Section 22 that shall be used to hear and decide any petition for relief. The Gaming Commission shall then issue a written decision that shall be sent via certified mail to the patrol and the Director of Tribal Gaming of the enterprise.

(7) Petition for Reconsideration.

Within thirty (30) days after the date of receipt of the written decision, the aggrieved party may file a petition with the Gaming Commission requesting a review of the decision. The Gaming Commission may, at its discretion, set a hearing on the matter or may make a decision based solely upon the prior decision and other documentation provided to it by the patron and the gaming enterprise. The decision of the Gaming Commission shall be final and binding upon the patrol and the gaming enterprise and shall not be subject to any further dispute resolution, judicial review, or any other legal action.

SECTION 24: QUALIFICATIONS OF DIRECTOR OF TRIBAL GAMING

The Director of Tribal Gaming must:

- a. Never have been convicted of a felony, gaming offense, or crime involving dishonesty or moral turpitude.
- b. Not have been convicted of any offense except traffic violations within two years from the date of employment.
- c. Not be a member of the Business Committee or Grievance Committee or related to any member of the Business Committee or Grievance Committee by blood or marriage within the first degree.
- d. Not have his surety bond forfeited or been criminally convicted of or found civilly liable for any breach of fiduciary duty to the Tribe or have been impeached or removed from Tribal office.
- e. Be bondable in the necessary amounts.
- f. Meet any other applicable qualifications as prescribed in the Indian Gaming Regulatory Act.

SECTION 25: DUTIES OF THE DIRECTOR OF TRIBAL GAMING

The duties of the Director of Tribal Gaming are to:

- a. Manage and conduct all forms of gaming and concessions of the Tribal gaming operation allowed under this Ordinance.
- b. Timely submit all reports required by the Business Committee and any applicable law.
- c. Account for all monies and properties entrusted to him/her.
- d. Perform any other duties established by the Business Committee.
- e. Develop and update written policies regarding all gaming activities to comply with Gaming Commission Tribal Internal Control Standards (TICS).
- f. Ensure that all regulations established by the Gaming Commission pertaining to gaming operations are adhered to.

SECTION 26: CONDUCT OF GAMING OPERATIONS

The Director of Tribal Gaming shall conduct the gaming operation consistent with the following:

- a. The rules of play and operation of the game as prescribed by and approved by the Gaming Commission.
- b. Each and every player has a fair and equal opportunity to win.
- c. The method of winning and the prize or prizes for each game should be clearly outlined before each game.
- d. The winner or winners of each game shall be verified in a manner that all present may witness.
- e. No person who is conducting or assisting in the gaming operation shall participate directly or indirectly in the play of the game.
- f. No person under (18) years of age shall be permitted to play for any reason. The Tribe may elect to ban patrons under the age of twenty-one (21) if alcohol is served on the gaming premises.
- g. He/she shall make determination as to the validity of a winner or winners at the conclusion of the game at which they were a winner. If the Director of Tribal Gaming's decision is disputed, it will be forwarded to the Gaming Commission for the final resolution.
- h. No alcoholic beverages or drugs of any kind shall be permitted in the facility during the time that the facility is being used for the gaming operation, unless the Business Committee has issued an Alcoholic Beverage License for on-premises consumption.
- i. Persons excessively intoxicated, under the influence of drugs, or in any violation of Tribal law or Ordinance shall be permitted neither to engage in any form of gaming nor to remain in the building when gaming is being conducted.
- j. Individuals who are banned by the Gaming Commission, the Director of Tribal Gaming, or through self-ban, shall not be permitted entrance to the gaming facility(s).

SECTION 27: GAMING FACILITY EMPLOYEES

The following shall apply to employees of the gaming facilities:

- a. All persons employed in the gaming operation shall be licensed by the Gaming Commission as prescribed by the Indian Gaming Regulatory Act or any Tribal-State compact.
- b. Each employee will wear his or her license in a visible manner when operating or assisting in the operation of a gaming facility.
- c. No person shall be employed whose prior activity, criminal record, in any, or reputation, habits and associations pose a threat to the public interest or the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.
- d. As necessary, the Business Committee may require the Director of Tribal Gaming or any other "key" employee to be bonded in an amount not less than \$50,000 payable to the Tribe.
- e. Background investigations shall be conducted on the primary management officials and key employees as prescribed in the Indian Gaming Regulatory Act, federal regulations, or any Tribal-State compact for Class III gaming.
- f. The Director of Tribal Gaming shall employ qualified tribal members in preference to other equally-qualified applicants for work, but shall not be required to employ or retain in employment unqualified tribal members.

SECTION 28: REPORT OF WINNERS

- a. No prize shall be awarded unless the winner has fairly won without any collusion with the Director of Tribal Gaming or any of his employees or agents. A receipt acknowledging acceptance and receipt of the prize awarded must be signed by any winner if it exceeds the amount designated by the Director of Tribal Gaming. The Director of Tribal Gaming has the authority to hold the payment of any winnings indefinitely until the final verification of authentic winning has been determined whether by inquiry or electronic means of validation upon the approval of the Gaming Commissioner or Business Committee.
- b. The Gaming Commissioner or designee shall ensure accurate and timely reports are sent to the Internal Revenue Service of any winnings at any gaming facility whose prize winnings exceed the minimum limits set by the Internal Revenue Service. In which case, acceptable proof of winners' name, address, and social

security number must be presented to the Director of Tribal Gaming or his designee in order to be paid prizes.

SECTION 29: DISCRIMINATION

Notwithstanding any other provision of this section, the Business Committee the Tribal Gaming Director, or the Gaming Commissioner may bar any person from admittance to any Tribal gaming facility for any or no reason whatsoever. However, no person shall be discriminated against because of his race, color, creed, sex, or natural origin.

SECTION 30: TRIBAL-STATE COMPACTS

The Chairman of the Gaming Commission is hereby authorized by the Business Committee to approve a tribal state compact governing Class III gaming activities. Said compact shall be approved by the Secretary of Interior or the Chairman of the National Indian Gaming Commission, as required, and published in the Federal Register as provided by the Indian Gaming Regulatory Act. The Miami Tribe Business Committee is hereby authorized to negotiate said compact on behalf of the Miami Tribe.

SECTION 31: JURISDICTION

Any cause of action initiated by the Miami Tribe arising from the failure of the State to enter into negotiations with the Miami Tribe for purposes of entering into or renewing a tribal-state compact or to conduct negotiations in good faith will be filed in the United States District Court.

SECTION 32: MANAGEMENT CONTRACTS

The Miami Tribe Business Committee, on behalf of the Miami Tribe is authorized to enter into and approve management contracts for the management of any Class II and/or Class III gaming facility owned and operated by the Miami Tribe. Said management contract shall in all respects be in compliance with the Indian Gaming Regulatory Act. All management contracts shall be approved by the Chairman of the National Indian Gaming Commission or as designated by IGRA. No person holding a management contract with the Miami Tribe for the management of any Class II or Class III gaming facility shall be an elected official of the Miami Tribe, or have been convicted of any felony or gaming offense, or have knowingly or willingly provided any material false statements to the National Indian Gaming Commission or Miami Tribe Gaming Commission pursuant to this Ordinance or the Indian Gaming Regulatory Act or whose prior activities, criminal record, if any, or reputation, habits, and association pose a threat to the effective regulation and control of the gaming activity subject to the management contract or

who has attempted in any way to unduly influence or interfere with the decision process relating to any management contract or license.

SECTION 33: CRIMINAL PENALTIES

- a. Any person or firm violating the provisions of this Ordinance shall be guilty of an offense and shall, upon conviction thereof, be punished as provided by law. If a person is convicted in Tribal Court, he may be punished by confinement for a period of not less than ten (10) days and no more than six (6) months or by a fine of not less than \$500.00 and no more than \$5,000.00 or by both such fine and imprisonment per occurrence.
- b. Such remedy shall not be exclusive or preclude any civil or other judicial remedy available to the Tribe.

SECTION 34: SERVICE OF PROCESS

All notices or process made pursuant to this Ordinance may be made by directing said notice to:

Gaming Commission Chairman
Miami Tribe of Oklahoma
202 S Eight Tribe Trail
Miami, Oklahoma 74354

cc: Legal Department
Miami Tribe of Oklahoma
202 S Eight Tribe Trail
Miami, Oklahoma 74354

SECTION 35: INHERENT SOVEREIGNTY OF THE MIAMI TRIBE OF OKLAHOMA

This Ordinance shall not limit or restrict the inherent sovereignty of the Miami Tribe, nor waive, in whole or in part, the sovereign immunity of the Miami Tribe of Oklahoma.

SECTION 36: REPEALER

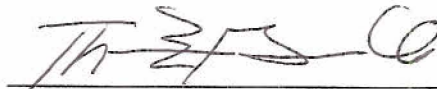
Any prior gaming ordinance and all other ordinances inconsistent herewith are hereby repealed.

SECTION 37: EFFECTIVE DATE

This Ordinance shall become effective on the date of approval.

CERTIFICATION

The foregoing Ordinance was duly adopted through Resolution 12-46 by vote among the Business Committee for the Miami Tribe of Oklahoma on the 9th day of October 2012, with 4 voting for, 0 opposed, and 0 abstaining.



Thomas E. Gamble, Chief



Sarah Lawson, Secretary/Treasurer

Filed with:

Chairwoman Traci Stevens, National Indian Gaming Commission