

NATIONAL
INDIAN
GAMING
COMMISSION

JUN - 2 1994

Chairman Kenneth E. Black
Otoe-Missouria Tribe
Rt. 1, Box 62
Red Rock, Oklahoma 74651

Dear Mr. Black:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Otoe Missouri Tribe (the Tribe) by Resolution OMTG #019 on April 6, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

cc: Truman Carter, Esq.

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Otoe-Missouria Tribe

Rt. 1, Box 62, Red Rock, Oklahoma 74651

(405) 723-4466 Tribal Office
(405) 723-4434 Cultural Center
(405) 723-4418 Senior Center

(405) 723-4426 Tribal Court
(405) 723-4540 Law Enforcement Office
(405) 763-1556 Mobile Police Unit

(405) 268-3016 Head Start Program
(405) 268-3101 Social Service
FAX (405) 723-4273

RESOLUTION

OMTC# 019 FY94

NOW, THEREFORE, BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE OTOE-MISSOURIA TRIBE OF INDIANS, and

WHEREAS, the Otoe-Missouria Tribal Council, the Governing Body of the Otoe-Missouria Tribe of Indians, in accordance with the Tribal Constitution, Article VIII-Powers, Section I. Tribal Council, duly convened to discuss, review and approve Tribal business, and

WHEREAS, the need exists to enact, adopt, and establish a tribal gaming ordinance which conforms to the regulatory and procedural requirements of the Indian Gaming Regulatory Act and the National Indian Gaming Commission's rules and guidelines, and

WHEREAS, it is in the best interests of the Otoe-Missouria Tribe of Indians to enact and adopt into law the Bingo Ordinance of 1994, as revised, updated, and amended.

NOW THEREFORE BE IT RESOLVED AND ENACTED, that the Tribal Council of the Otoe-Missouria Tribe of Indians hereby enacts and adopts the Otoe-Missouria Tribe of Indians hereby enacts and adopts the Otoe-Missouria Bingo Ordinance of 1994, as attached hereto, by approval of this Resolution.

C E R T I F I C A T I O N

We, the undersigned, Chairman and Secretary, of the Otoe-Missouria Tribal Council, do hereby certify, by signature, that the above and foregoing Resolution was approved and adopted on this 6th day of April, 1994, with a quorum present, and a vote of 5 for, 0 against, 1 absent, 1 abstaining.

SEAL:

ATTEST: Diane Tillman Rowledge
Diane Tillman Rowledge
Tribal Secretary

Kenneth E. Black
Kenneth E. Black, Chairman

BINGO ORDINANCE OF 1994

OTOE-MISSOURIA TRIBE OF OKLAHOMA

Section 1. Scope

This Title shall apply to all games of Bingo conducted within the territorial jurisdiction of the Tribe in which a prize is offered or awarded to any participant or in which a participant is required or requested to provide any legal consideration in order to participate, whether in person or by agent.

Section 2. Purpose

This Title is intended to promote the peace, safety and welfare of all persons coming within the jurisdiction of the Tribe by insuring that any game of Bingo conducted within the Tribal jurisdiction is conducted in a fair and responsible manner, by providing a safe and wholesome means of recreational activity in a community setting, by ensuring that the public order, peace, and safety be maintained, and by providing a source of revenue for the Tribal Government. This Title shall be liberally construed to promote such purposes.

Section 3. Definitions

As used in this Title, unless the context clearly indicates that a different meaning is intended, the term:

A. "Act" means the National Indian Gaming Regulatory Act of 1988, P.L. 100-447 [S.555], 102 Stat. 2467, October 17, 1988, to be codified at 25 U.S.C. Section 2701 et. seq.

B. "Agreement" means a Bingo Management Contract in which a contract is entered into with an outside person or entity, not a regular employee of the Tribe, to manage and operate a Tribal Bingo Operation at a Bingo Facility on a specified Bingo Site.

C. "Attorney General" means the Attorney General of the United States.

D. "Bingo Board Chairman" means the Chairman of the Bingo Board of the Otoe-Missouria Tribe of Oklahoma.

E. "Bingo Facility" means a building or buildings for the operation of Bingo Games, including access roads, parking lot, outside lighting, water and sewer facilities,

electrical facilities, heating and air conditioning equipment, and any other improvements reasonable and necessary to a facility for the operation of Bingo Games.

F. "Bingo Games" means:

1. games of chance commonly known in the trade as "bingo" (whether or not electronic, computer, or other technologic aids are used in connection therewith).

a. which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

b. in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

c. in which the game is won by the first person or persons covering a previously designated arrangement of numbers or designations on such cards,

including (if played at the Bingo Facility) 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 limitation on wagers or pot sizes in such card games.

3. The following are not included within the definition of the term "Bingo Games": any banking card games, including baccarat, chemin de fer, blackjack (commonly known as 21), or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

G. "Bingo Operation" means the business, created by this Ordinance, of providing entertainment and amusement through the playing of Bingo Games through a Bingo Facility owned and licensed by the Tribe.

H. "Bingo Site" or "Site" means the real estate upon which is located the Bingo Facility.

I. "Concessions" means all soft drinks, food, novelty items, and bingo paraphernalia sold at the Bingo Facility.

J. "Contractor" means a person or entity (other than the Tribe) who is party to an Agreement having responsibility for the Management of a particular Bingo Operation on a particular Bingo Site.

K. "Council" means the Tribal Council of the Otoe-Missouria Tribe.

L. "Court" means the Courts of the Otoe-Missouria Tribe.

M. "Criminal Investigator" means the criminal investigator assigned to the Bureau of Indian Affairs Agency having jurisdiction over the land of the Tribe, or, in his absence, the Superintendent.

N. "Equipment" means all gaming, office, concession, and maintenance equipment necessary to the operation of Bingo Games and the Bingo Facility.

O. "Equipment Costs" as to any item of Equipment or period of time, means the lowest cost at which Bingo Equipment may be acquired.

P. "Facilities Costs" as to the Bingo Facility or any period of time, means the cost of acquiring a Bingo Site and establishing thereon a Bingo Facility.

Q. "Gaming Commission" means the National Indian Gaming Commission established pursuant to Section 5 of the Act.

R. "Gross Receipts" means, as to any period, all income (calculated on a cash basis) derived, produced, or created in any manner whatsoever related to or as a result of business done, sales made and services rendered at, in, about, from, or upon the Bingo Site during such period by the Contractor and its affiliates, whether individuals, corporations, partnerships, firms, or other business entities and shall further include income to the Contractor hereunder produced or derived from the subleasing, subrenting, permitting, contracting, or other authorized use of the Bingo Site or Bingo Facility by individuals, partnerships, corporations, firms, or other business entities, at the fair annual rental value of each part or portion of the premises so subleased, subrented, permitted, or otherwise contracted for use in accordance with an Agreement, the lease of the Bingo Site granted to

Contractor, and this Title; provided however, that all sales made on credit shall be treated as "gross receipts" as of the date the sale was made. Further, the term "gross receipts" shall include all money and other things of value received by or paid to Contractor, or to others for Contractor's use or benefit including specifically the face value of all checks or drafts returned to Contractor unpaid for any reason, and all credit extended by Contractor in connection with the business conducted by Contractor, directly, or indirectly, on or from the foregoing, the sale of all merchandise, of whatever kind or character, and all services performed by Contractor, or anyone working for Contractor, for which payment is received. The term "gross receipts" shall not include, however, any sums collected and paid out for any sales or excise tax imposed by any duly constituted governmental taxing authority where such tax is billed to the purchaser as a separate item. It shall not include the exchange of merchandise between the stores, if any, of Contractor or subcontractor where such exchanges of goods or merchandise are made solely for the convenient operation of the business of Contractor or subcontractor and not for the purpose of consummating a sale which has theretofore been made at, in, for, or upon the Bingo Site or Bingo Facility. Said term shall not include sales of fixtures not in the regular course of business, but shall include similar sums collected by an Owner, Operator, or Manager when the Bingo Games are being conducted by such persons.

S. "Key Employee" means any employee of a Contractor, Operator, or Owner of a Bingo Operation whose total remuneration from Contractor, Owner, or Operator, and the Bingo Operation, exceeds, in aggregate, \$20,000.00 regardless of the source from which derived, or who is a Relative of a Primary Management Official of Contractor, or who supervises directly or indirectly 5 employees of the Bingo Operation. The term also includes any 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,
10. Custodian of gaming devices including persons with access to cash and accounting records within such devices,
11. any other person whose total cash compensation is in excess of \$50,000 per year, or
12. the four (4) most highly compensated persons in the gaming operation.

T. "Loan" means the non-recourse loan or loans made by the Contractor, or others at his request, to the Bingo Operation for the purpose of acquisition, improvement, or operation of the Site and Bingo Facility. The exclusive source for the repayment of all such loans shall be the Revenues of the Bingo Games conducted at the Bingo Facility, without recourse against the Tribe or its officers, agencies, other businesses, if any, or employees in the event that the Revenue of the Bingo Operation is insufficient to repay the principal and/or interest on said loans, in which event, the loan or loans shall be deemed forgiven and no right of action shall exist in any Court as against the Tribe, its officers, agencies, other businesses, or employees for the repayment of such loans and/or any interest thereon, and Contractor shall hold the Tribe harmless in such regard.

U. "Manager" means an individual person hired by the Tribe as a regular employee of the Tribe with overall management responsibility for a Bingo Operation.

V. "National Chairman" means the Chairman of the National Indian Gaming Commission. Until the Commission is organized and prescribes regulations, the term "Chairman" as used in this Title or any Agreement shall mean the Secretary of the United States Department of the Interior or his authorized representative.

W. "Operating Costs" as to any period of time, means all reasonable and necessary costs (calculated on a cash basis) incurred in the operation of the Bingo Facility and the conduct of Bingo Games, including but not limited to reasonable payroll expenses, advertising, security, insurance, applicable taxes, utilities, printing, and the costs of goods sold, and excluding depreciation of the Bingo Facility and Equipment, amounts paid to amortize loans used to construct or acquire the Bingo Facility or Equipment, and management fees. The term "Operating Costs" does not include that portion of payroll payments to Primary Management Officials and Key Employees of Contractor in excess of \$20,000.00 per annum, absent the prior written approval of the Council by Resolution.

X. "Operator" means a private person who owns and operates a bingo operation subject to Tribal law that was operating on September 1, 1986, if the Act allows continued gaming by said bingo operation.

Y. "Ordinance" or "Title" means the Bingo Ordinance of the Tribe as now in force or as hereafter amended.

Z. "Owner" means either the Tribe or any not-for-profit entity authorized to conduct Bingo pursuant to Chapter Four of this Ordinance.

AA. "Police Chief" means the Chief of the Tribal Police Department.

BB. "Primary Management Officials" means each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and every person who owns directly or indirectly, either individually or by agent, including Relatives, any stock in a corporate Contractor or equity interest in the association which is the Contractor however those shares be designated, or a person having sufficient voting power individually or by proxy to elect at least one member to the Board of Directors or other managing entity of the Contractor. This term also includes all other persons employed by Contractor in any capacity, and Relatives of persons who are defined as Primary Management Officials by the preceding sentences of this paragraph, having five percent (5%) or more equity ownership, either individually or by agent, including Relatives, in any other business entity hired by Contractor or doing any business with Contractor with respect to the Agreement entered into by said Contractor. This term also includes any person who has authority:

1. to hire and fire employees, or
2. to set up or establish working policy for any aspect of the gaming operation.

This term also includes the chief financial officer or other person who has financial management responsibility.

CC. "Prize Costs" as to any period of time means the total amount of all money and property (limited to the actual acquisition costs of property prizes) given away as prizes to bona fide participants of Bingo Games played in the Bingo Facility at the Bingo Site.

DD. "Prosecutor" shall mean the Attorney General or Tribal Prosecutor of the Otoe-Missouria Tribe.

EE. "Relative" means an individual related to the referenced person as a father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousin, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

FF. "Revenue" means Gross Receipts less Operating Costs, Prize Costs, actual payments made to amortize loans for Facility Costs, and a percentage of the Equipment Costs appropriate to the period for which the Revenue is to be calculated.

GG. "Secretary" or "Tribal Secretary" means the Secretary of the Otoe-Missouria Tribe of Oklahoma.

HH. "Superintendent" means the chief administrative officer assigned to the Bureau of Indian Affairs Agency having jurisdiction over the land of the Tribe.

II. "Title" or "this Title" means the Bingo Ordinance of the Tribe as now in force or as hereafter amended.

JJ. "Treasurer" or "Tribal Treasurer" means the Treasurer of the Otoe-Missouria Tribe of Oklahoma.

KK. "Tribal Chairman or Chairman" means the Chairman of the Otoe-Missouria Tribe of Oklahoma.

LL. "Tribal Prosecutor" means the Tribal Attorney or other chief law enforcement officer of the Tribe.

MM. "Tribe" means the Otoe-Missouria Tribe of Oklahoma, or the Council of the Otoe-Missouria Tribe of Oklahoma.

**CHAPTER ONE
GENERAL PROVISIONS**

Section 101. Bingo Prohibited-Exceptions

No person shall conduct any game of bingo within the Indian Country subject to the jurisdiction of the Tribe, for which a charge is made or other consideration requested or required for participation, or to the winner of which any prize is awarded, provided, that a person licensed pursuant to this Title may conduct or operate bingo games pursuant to this Title.

Section 102. Limitations on Hiring of Employees

Managers, Contractors, Operators, and Owners licensed to conduct Bingo pursuant to this Title shall never allow any of the following persons to become an employee of such Manager, Contractor, Operator, or Owner, or otherwise receive any salary, remuneration, dividend, benefit, or recompense in any manner whatsoever, either directly or indirectly as a result of, or due to, the Manager, Contractor, Operator, or Owner conducting Bingo within the Tribal jurisdiction:

(a). Any person less than sixteen years of age,

(b). Any person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment.

(c). Any person who is employed by the Tribe, if it shall interfere with his Tribal employment,

(d). Any person who holds any elective or appointive office or position of the Tribe including but not limited to any member of the Council, Election Committee, Law and Order Committee or any other Committee established by the Constitution or Council, the Tribal Court.

Section 103. Implied Consent for Audits and Reviews

Any person, organization, or corporation which applies for or receives a license to conduct Bingo pursuant to this Title shall be deemed to have consented to the audit and review of its records by authorized accounting or law enforcement agencies or officers of the Tribe without notice

or warrant at any reasonable time, including spot checks or field audits of its operations during Bingo sessions in return for the privilege of conducting Bingo Games within the Tribal jurisdiction.

Section 104. Annual Audits

A. Not less frequently than once each calendar year, an independent audit, will be conducted by a Certified Public Accountant designated by the Bingo Board with respect to each bingo operation.

B. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000.00 annually (except contracts for professional legal or accounting services) relating to a gaming operation shall be subject to such independent audits, and each such contract shall contain a clause whereby each party thereto agrees to cooperate and comply with said audit.

C. This Bingo Board shall levy upon each gaming operation a fee sufficient to pay for the expenses associated with the audit or audits provided for by this section. Such levy, upon being filed in the office of the clerk of the Tribal Court, shall be subject to collection in the same manner as money judgments entered by the Tribal Court.

D. The Tribe shall submit the resulting audit reports to the National Indian Gaming Commission.

Section 105. Environmental Protection

A. The Manager, Owner, Operator, or Contractor shall construct and maintain the Bingo Facility and operate the Bingo Games in a manner which adequately protects the environment and the public health and safety.

B. The Bingo Board shall have jurisdiction to make and enforce any regulations necessary to protect the environment and the public health and safety with regard to the construction, maintenance, and operation of a Bingo Facility. In doing so, it may request the assistance of the Tribal Health Department, the Tribal Prosecutor, the Tribal Police, and other interested Tribal agencies.

Section 106. Public Notice of Prizes, Charges, and Rules

A list of Prizes to be given away by game, the charges for participation by game, and the rules of each game with

appropriate examples, shall be prominently displayed within the room in which Bingo is to be conducted in such manner that the public shall have immediate and unrestricted access thereto.

Section 107. Intoxicating Beverage Prohibited

No person shall sell, serve, give away, consume, furnish, or possess any beer, ale, wine, liquor, spirits, or any other beverage or product containing alcohol for ingestion by human beings or any substance listed in Section 812 of Title 21 of the United States Code or added to the schedules contained therein as provided by Federal law, at or near any game or session of Bingo conducted within the Tribal jurisdiction. Any Indian violating this section shall be guilty of an offense. Any non-Indian violating this section shall be expelled from the Indian Country subject to the jurisdiction of the Tribe, or held for the Federal authorities.

Section 108. Age Restrictions

No person under the age of sixteen (16) years shall be permitted to play Bingo.

Section 109. Discrimination Prohibited

No person shall be discriminated against due to race, color, creed, sex, or national origin at any game of Bingo, or for employment by any Manager, Contractor, Owner, or Operator.

Section 110. Indian Preference Required

Every Manager, Contractor, Operator, or Owner shall give preference in hiring and employee retention practices to members of the Otoe-Missouria Tribe of Indians and then to members of other Federally recognized Indian Tribes.

Section 111. Civil Penalties

A. Any violations of this Title are hereby declared to be a public nuisance.

B. The Tribal Prosecutor is authorized to bring a civil action against any person violating the provisions of this Title.

C. Upon finding that a violation has occurred, the Court may impose a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each separate violation in addition to any or all actual damages, administrative costs, court costs, and the fees of the Tribal Prosecutor. Each Bingo game played at which a continuing violation occurs shall be deemed a separate violation.

Section 112. Criminal Penalties

Any person subject to the criminal jurisdiction of the Tribe violating the provisions of this Title shall be guilty of an offense and shall upon conviction thereof be punished by the confinement in the Tribal jail or a contracted jail facility for a period of not less than six months nor more than one year, and a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or by both such fine or imprisonment for each separate violation, in addition to court costs and the fees of the Tribal Prosecutor.

Section 113. Requirements to Receive a Prize

In addition to being the first player or players to properly cover a predetermined and publicly announced pattern of squares upon the card being used by him, a player, in order to qualify to receive a prize, must furnish:

(a). Acceptable proof of said winner's name, address, and social security number. Acceptable proof may be a driver's license, photo identification, or other identification. An oral statement of the winner's social security number may be acceptable when accompanied by two forms of identification, one of which is a photo identification.

(b). A signed receipt acknowledging acceptance and receipt of the prize awarded.

Section 114. Disputes Between the Customers and the Gaming Operation

(a). Any customer or player who wishes to challenge the decision of gaming operation officials under this section may file a written request for review of the gaming management decision with the Bingo Board within ten (10) days of the decision.

(b). The Bingo Board shall conduct such administrative review and render a decision within thirty (30) days of the

receipt of request for such determination under this section.

(c). The decision of the Bingo Board shall be subject to judicial review in the same manner, and subject to the conditions and limitations, as are other gaming matters.

Sections 115 - 195. Reserved

Section 196. Entire Ordinance

This Ordinance is the entire bingo ordinance which governs bingo operations within the tribal jurisdiction.

Section 197. Severability

The provisions of this Title are severable. If any part or provision hereof shall be held void by any Court of competent jurisdiction, the decision of the Court so holding shall not effect or impair any of the remaining parts or provisions of this Title.

Section 198. Effective Date

This Title shall be effective from and after the date of approval by the Tribe and the National Chairman.

Section 199. Citation

This Title may be cited as the "Otoe-Missouria Tribe of Indians Bingo Ordinance of 1994."

CHAPTER TWO
BINGO BOARD

Section 201. Bingo Board Defined

The Tribal Chairman or his designated representative, the Chairman of the Otoe-Missouria Economic Development Board, and one Member shall constitute the Otoe-Missouria Bingo Board. The Chairman of the Otoe-Missouria of the Otoe-Missouria Economic Development Board shall serve as the Chairman of the Bingo Board. The Tribal Council may appoint any person, by Resolution, to serve as the Member of the Bingo Board.

Section 202. Powers of the Bingo Board

The Bingo Board shall have the power:

A. to approve the annual operating budget of a Contractor or Manager, including Equipment Costs for the replacement or necessary upgrading of Equipment, and budget modifications.

B. to submit the annual budget of the Bingo Board to the Council for approval.

C. by majority vote to authorize the chairman to issue subpoenas, which subpoenas shall be of like effect as subpoenas issued by the Court.

D. to designate such of its members as may be necessary to act as chairman during the chairman's absence, incapacity, or refusal or failure to act in accordance with the directives of the Board.

E. to order the temporary or permanent closing of a gaming activity upon a violation of this Title, the Act, or other applicable laws of the Tribe. A decision to order permanent closure pursuant to this Section may be appealed upon the record directly to the Supreme Court of the Tribe.

F. to monitor Bingo Games conducted within the jurisdiction of the Tribe, and to oversee the conduct of the management and employees of gaming enterprises on a continuing basis.

G. to inspect and examine all Bingo Sites and Bingo Facilities within the jurisdiction of the Tribe at such times as the Board may deem proper to determine whether the environment and the public health and safety are being maintained, and to verify compliance with this Title.

H. to conduct or cause to be conducted such background investigations as may be necessary or required by this Title, and in particular to conduct thorough checks upon the background and suitability of Contractors, Owners, Operators, Managers, Primary Management Officials, and Key Employees.

I. to demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues and operations of Bingo Games conducted within the jurisdiction of the Tribe and other matters necessary to carry out the duties of the Bingo Board pursuant to this Title.

J. to use such Tribal buildings and other property in the performance of its duties as shall be approved by the Council or the Tribal agency having jurisdiction or use of said buildings or other property.

K. to procure supplies, services, and property by contract in accordance with applicable Tribal laws and regulation.

L. to enter into contracts with Federal or Tribal governments or their subdivisions and private entities for activities necessary to the discharge of the duties of the Bingo Board, and, to the extent feasible, contract with the National Indian Gaming Commission for the responsibility to enforce the regulations of the National Indian Gaming Commission.

M. to hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Bingo Board deems appropriate.

N. to administer oaths or affirmations to witnesses appearing before the Bingo Board,

O. to promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Title, and to provide for its own rules of procedure, provided that all such rules and regulations shall be filed with the Tribal Secretary and Court and shall be public records open to inspection by any person during normal business hours.

P. to conduct or cause to be conducted the annual audit required by Section 104 of this Title, and to report the results of said audit to the Council and the Commission.

Q. to approve, issue, disapprove, suspend, cancel, or renew licenses as provided in Chapter Three in this Title.

R. to take such other actions as may be reasonable and proper to exercise any of the foregoing powers or other

powers granted to the Board by this Title, and to enforce the provisions of this Title according to its purposes.

Section 203. Reports

The Bingo Board shall, at a minimum, submit quarterly reports, including the views of individual members if submitted, to the Council commencing during the month of January of each calendar year. The report shall include information relative to:

A. whether the Bingo Board should be full or part time officials,

B. funding, including income and expenses, of the Bingo Board,

C. recommendations for amendments to this Title,

D. a summary of gaming licenses issued and denied by type,

E. any other matter considered appropriate by the Bingo Board.

Section 204. Bingo Board Staffing

A. The Tribal Prosecutor shall act as General Counsel to the Bingo Board. The General Counsel may appoint such Assistant General Counsel as may be approved by the Bingo Board.

B. The Bingo Board may appoint and supervise other staff of the Bingo Board without regard to the personnel policies of the Tribe, at such rates of pay as shall be reflected in the budget of the Bingo Board as approved by the Council, provided, that no person may be appointed to the staff of the Bingo Board who is a Relative of a member of the Bingo Board, the Council, or a Bingo Manager, Contractor, Operator, Owner, Primary Management Official, or Key Employee.

C. The Board may procure temporary and intermittent services necessary to the conduct of its duties pursuant to this Title, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for a GS-18 of the General Schedule of the United States Civil Service.

D. Upon the request of the Board, the head of any Tribal agency or department is authorized to detail any of the personnel of such agency or department to the Bingo

Board to assist the Board in carrying out its duties under this Title, unless otherwise prohibited by law or contract.

Section 205. Board Access to Information

The Bingo Board may secure from any department or agency of the Tribal government, and from cooperating agencies or departments of the government of any Indian Tribe, any State, or the United States information necessary to enable it to carry out its function under this Title. Upon request of the Board, the head of any Tribal department or agency shall furnish such information to the Bingo Board unless otherwise prohibited by law.

Section 206. Board Distribution of Information

The Bingo Board is authorized, upon request for law enforcement purposes or as required by law, to distribute to the Commission, the Oklahoma Indian Gaming Commission, and any agency of another federally recognized tribe or state having authority to regulate gaming or prosecute offenders for violations of the appropriate gaming laws within the jurisdiction of such tribe or state, such information as it may have available, unless otherwise prohibited by law.

Section 207. Assessment of Fees

A. The Bingo Board shall oversee and monitor a schedule of fees to be paid to the Commission annually by each Manager, Owner, Operator, or Contractor operating a Bingo Facility that is regulated by this Title, and shall review said schedule annually during its budget process.

B. The rate of fees imposed under this Section shall be:

1. no less than 0.5 percent nor more than 2.5 percent of the first \$1,000,000 of Gross Receipts, and

2. no more than 5 percent of the Gross Receipts in excess of the first \$1,000,000

of the Gross Receipts from each entity regulated by this Title.

C. Failure to pay the fees imposed under the schedule of fees shall, subject to the regulations of the Board, be grounds for revocation or suspension by the Board of the license of the nonpaying entity or person required by this Title for the operation of Bingo Games and a Bingo Facility.

D. To the extent that revenue derived from fees imposed under the schedule established by this Section is not expended or committed at the close of any fiscal year, such surplus funds shall be credited to each entity or person who paid fees during that year pro rata against such fees imposed for the succeeding year.

Section 208. Judicial Review

A. The decisions of the Board denying, suspending, or revoking a license, or ordering permanent closure of a Bingo Operation or Bingo Games, shall be subject to judicial review in a suit, in the Tribal Court only, naming the Board as the sole defendant notwithstanding Tribal sovereign immunity. The Tribal Court may enter declaratory and injunctive relief only against the Board, provided, that the limited waiver of immunity herein contained is conditioned upon the plaintiff in such action posting a bond with good sufficient sureties in an amount not less than \$5,000.00 to be determined by the Court for the payment of the Tribal Prosecutor's fees and court costs in the event that the plaintiff therein does not prevail, and provided further, that no temporary restraining order or preliminary injunction may be issued in favor of such plaintiff absent a clear showing upon hearing of testimony and other evidence that (1) the plaintiff is likely to prevail upon the law and facts, (2) that the public health, welfare, and safety will not be harmed by such temporary relief, (3) that the balance of equity is strongly in favor of such plaintiff, (4) the plaintiff will suffer irreparable harm absent such temporary relief other than simply loss of profits or fees, and (5) at least forty-eight hours notice to the Tribal Prosecutor.

B. The individual members of the Bingo Board shall be absolutely immune from civil suit in all actions at law or in equity for any actions taken or statements made within the scope of their authority as members of the Bingo Board, or in a good faith belief that their actions or statements were within the scope of their authority.

Section 209. Subpoena and Deposition Authority

A. The Board shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, documents, and things relating to any matter under consideration or investigation.

B. The attendance of witnesses and the production of books, papers, and documents, may be required from any place in the United States at any designated place of hearing. The Board may request the Commission to bring appropriate action to enforce any subpoena under this Section.

C. The Court, in case of contumacy or refusal to obey a subpoena for any reason, issue an order requiring such person to appear before the Board, and produce books, papers, documents, or things as so ordered, and give evidence concerning the matter in question, and any failure to obey such order of the Court may be punished by the Court as a contempt thereof.

D. The Board may order testimony to be taken by deposition in any proceeding or investigation pending before the Board at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Board and having the power to administer oaths. Reasonable notice must first be given to the Board in writing by the party or his attorney proposing to take such deposition, and, in cases in which the Board proposes to take a deposition, reasonable notice must be given. The notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce books, papers, documents, or things in the same manner as witnesses may be compelled to appear and testify and produce like physical or documentary evidence before the Board as hereinbefore provided.

E. Every person deposing as herein provided shall be cautioned and shall be required to swear or affirm to testify to the whole truth, and shall be carefully examined. His testimony shall be reduced to writing where possible by the person taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent in the same manner as depositions in civil cases. All depositions shall be promptly filed with the Board.

F. Where any current or proposed Manager or licensee, or a Primary Management Employee, Key Employee, or other employee or Relative of a potential licensee or current licensee fails or refuses to comply with a subpoena issued pursuant to this Section, the Board may presume that the testimony and evidence which would have been presented to the Board would be adverse to the interests of the current or potential licensee in the matter under investigation.

Section 210. Referrals for Prosecution

A. The Board shall, when information received during an investigation indicates a violation of Tribal, Federal, or State statutes, ordinances, or resolutions, provide such information to the appropriate law enforcement officials.

B. The Tribal Prosecutor shall investigate activities associated with gaming authorized by this Title which may be a violation of Tribal law.

Section 211. Authorization for Appropriations

There are hereby authorized to be appropriated such sums as may be necessary for the operation of the Board.

**CHAPTER THREE
LICENSING REQUIREMENTS**

Section 301. Types of Licenses to be Issued

The Board shall issue the following licenses with respect to gaming operations:

- A. A Bingo Manager License
- B. A Bingo Owner License
- C. A Bingo Operator License
- D. A Bingo Contractor License
- E. A Primary Management Official License
- F. A Key Employee License
- G. A General Employee License
- H. A Bingo Facility License

Section 302. License Fees

A. The proponent of any license shall tender the following fees to the Board at the time application is made for a license:

- A. Bingo Manager License - \$500.00
- B. Bingo Owner License - \$1,500.00
- C. Bingo Operator License - \$1,000.00
- D. Bingo Contractor License \$2,500.00
- E. Primary Management Official License - \$1,500.00
- F. Key Employee License - \$1,500.00
- G. General Employee License - \$15.00
- H. Facility License - \$100.00

B. The Bingo Board may waive fees in its discretion if a proponent is unable to pay fees.

Section 303. Consolidation of License Hearings

The Board may, by order, consolidate some or all of the license hearings pending in which either the same person or entity is applying for more than one license or type of license, or different persons are applying for one or more types of licenses for one location.

Section 304. Hearing Procedure

The Board shall have power to determine its own rules of procedure, not inconsistent with this Title, in its conduct of licensing hearings and other investigations.

Section 305. License Applications

(1). Applications for licenses shall be made in writing in such form as the Board shall by rule provide, subject to the following requirements:

A. All individuals to be licensed in any capacity shall submit at a minimum:

1. a complete resume
2. their social security number
3. a statement as to whether the individual is a member, or Relative of a member, of the governing body of the Tribe, any other Constitutional or statutory agency or body of the Tribe, or a Tribal employee
4. whether the individual has been convicted of any felony or gaming offense.
5. all prior experience or contact with Indian gaming enterprises in any capacity, and the gaming industry generally including specifically the name, address, and telephone number of any regulatory or licensing agency having jurisdiction over or records of such prior actions
6. any previous contact that the individual has had with persons involved with organized crime.
7. a complete statement as to prior arrests, convictions, and civil suits whether as plaintiff or defendant, including the name of the court, the style and number of the case, a description of the claims by each of the parties, and the outcome. Whenever possible, the final judgment, and opinion if available, of the Court should be attached to the application.
8. A complete financial statement showing assets, liabilities, net worth, all debts owed and leases exceeding

a term of one year, and including specifically any financial agreements made relative to the gaming operation with any person.

B. Nonindividuals to be licensed in any capacity shall submit at a minimum:

1. A complete statement as to the form of the organization, including copies of its governing documents and the name, address, and telephone number of the governmental body having copies of such records on file or responsible for oversight of the organization.

2. A complete certified copy of the organizations minute book(s), records relating to ownership, governance, and management of the organization, and a complete list of all owners of equity interests in the organization or other interests convertible to equity interests.

3. The organizations federal tax identification number, the address and telephone number of all places at which it has or does conduct business, and the name, address, and telephone of its service agent, if any.

4. A statement as to whether any Primary Management Official or Key Employee of the organization is a member, or Relative of a member, of the governing body of the Tribe, any other Constitutional or statutory agency or body of the Tribe, or a Tribal employee.

5. Whether the organization, or any Primary Management Official or Key Employee of the organization, has been convicted of any felony or gaming offense.

6. All prior experience or contact of the organization, its Primary Management Officials and Key Employees, with Indian gaming enterprises in any capacity, and the gaming industry generally, including specifically the name, address, and telephone number of any regulatory or licensing agency having jurisdiction over or records of such prior actions.

7. Any previous contact that the organization, its Primary Management Officials and Key Employees, has had with persons involved with organized crime.

8. a complete statement as to prior arrests, convictions, and civil suits whether as plaintiff or defendant of the organization, its Primary Management Officials and Key Employees, including the name of the Court, the style and number of the case, a description of the claims by each of the parties, and the outcome. Whenever possible, the final judgment, and any opinion if

available, of the Court should be attached to the application.

9. A complete list of every other organization with which it is affiliated, including without limitation, a parent, subsidiary, owner of equity interests sufficient to name one person to a managing entity, organization with which the applicant has at least one common director, officer, Primary Management Official, or Key Employee even though the individual's status may not be the same in both organizations.

10. A description of the safeguards the organization has in place to prevent any person from becoming a Primary Management Official or Key Employee of said organization without first obtaining a license from the Bingo Board.

11. The names, addresses, telephone numbers (work and residence), social security number, and complete resume showing every place of employment and residence for the next preceding twenty years of every Primary Management Official and Key Employee of said organization.

C. Applications for a Bingo Facility License must contain at a minimum:

1. A complete legal description of the Bingo Site, including evidence that said Site is within the territorial jurisdiction of the Tribe.

2. A complete and accurate description of the Bingo Facility, including where possible blueprints, drawings, floor plans including square footage, utility services, waste services, parking plans, and photographs.

3. Evidence that the proposed Bingo Facility complies with national building and fire codes.

4. Evidence that the Bingo Facility is insurable against fire and other hazards, and that liability insurance may be obtained to protect the public from hazards which may exist in or around the proposed Bingo Facility.

D. Every application for a license shall be verified under oath or affirmation.

(2). Application Forms

The following additional requirements shall be included on the license application form approved by the Board:

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. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

2. Existing key employees and primary management officials 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 form for a key employee or a 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 Tribe shall notify in writing existing 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.

Section 306. Manner of Filing Instruments with Board

Any document, affidavit, return, report, fee or other instrument or payment required to be filed with, delivered to, or served upon the Bingo Board by this Title shall be deemed to be properly filed, delivered, or served, as the case may be if it is filed, delivered, or served upon the Chairman of the Bingo Board at the Tribal Complex, or such Tribal employee at the Tribal Complex as the Bingo Board shall designate in writing.

Section 307. Issuance of Instruments by Board

Any license, registration form, receipt, or other instrument which the Bingo Board is required or permitted to issue pursuant to this Title, may be issued by the Chairman of the Bingo Board pursuant to the order of the Board, or in such other manner as the Board shall by rule provide.

Section 308. Criminal Investigation of License Application

A. Upon receipt of any application forms or of any affidavit or other instrument listing the names of any Primary Management Officials, Key Employees, owners, employees, or other persons involved in Bingo conducted or to be conducted pursuant to this Title, the Bingo Board shall request the Tribal Chairman, the Police Chief and the Criminal Investigator to verify that, after due investigation no record can be found of a conviction of any such persons of a felony or a gaming offense.

B. The Bingo Board shall request the Tribal Chairman, the Police Chief, and the Criminal Investigator to investigate the accuracy of any information submitted or required to be submitted to the Board pursuant to this Title as may be appropriate.

C. The Police Department of the Otoe-Missouria Tribe is authorized and designated to conduct and perform any criminal history investigations under this Ordinance. Such criminal history investigations shall include a check through the Federal Bureau of Investigation National Crime Information Center. The Tribal Police Department is also authorized to assist the Tribal Chairman and Bingo Board, in

any appropriate manner, in conducting and performing any background investigations authorized under this Ordinance.

D. The results of such investigations shall be reported to the Bingo Board, the Tribal Prosecutor, and the Tribal Chairman.

Section 309.A Background Investigations

1. The Tribe or Board 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 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

c. The names and current addresses of at least three personal references, including one personal reference who 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 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 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 charge 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 name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

l. A current photograph;

m. Any other information the Tribe deems relevant; and

n. Fingerprints consistent with procedures adopted by the Tribe.

2. The Tribe, through the Tribal Chairman, the Board, and the Tribal Police Department, shall conduct an investigation sufficient to make a determination under Section 310 below. In conducting a background investigation, the Tribe shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

Section 309.B Description of Procedures for Background Investigations

The Tribe is responsible for the conduct of the background investigations and suitability determinations.

The procedures for performing background investigations are herein set forth. Such procedures shall be followed by the Tribe and the Bingo Board. In the event that the Tribe and the Bingo Board establish different procedures, a report of such additional procedures shall be submitted to the National Indian Gaming Commission.

Background investigations and suitability determinations shall be made as follows:

1. The Tribal Bingo Board shall conduct and cause to be conducted the background investigations. The actual investigation and the reporting thereof shall be done by Otoe-Missouria Police Department, the Police Chief, or his or her replacement.

2. The Chairman, or in his or her absence, the Vice Chairperson of the Tribal Bingo Board, shall review and approve the investigative work.

3. Otoe-Missouria Police Department, the Police Chief, or his or her replacement, shall report the results of the background investigation to the National Indian Gaming Commission.

4. The Chief of Police of the Otoe-Missouria Tribe of Oklahoma Police Department, or his designated deputy, or such other law enforcement agencies as may be selected by the Tribal Bingo Board and reported to the National Indian Gaming Commission, shall obtain and process fingerprints and immediately submit the fingerprint cards to the National Indian Gaming Commission.

5. The Chairman, or in his or her absence, the Vice Chairperson of the Tribal Bingo Board, shall make the suitability determinations.

The positions and people identified above were selected after due discussion among both staff and Tribal leaders.

The minimum investigative procedures to be performed shall include the following:

1. Verification by written or oral communication of information submitted by applicant.

2. Inquiries into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; interviews with a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the Tribe to make a finding concerning the eligibility for employment in a gaming operation.

3. Documentation of the disposition of all potential problem areas noted and disqualifying the information obtained.

An investigative report shall set forth the following:

1. Steps taken in conducting the background investigation;

2. Results obtained;

3. Conclusions reached; and

4. The bases for those conclusions.

Section 309.C Fingerprints

Fingerprints of Key Employees and Primary Management Officials shall be taken by the Otoe-Missouria Tribe of Oklahoma Police Department, Red Rock, Oklahoma, or such other duly authorized law enforcement agency authorized in writing by the Bingo Board, after due notice to the National Indian Gaming Commission. The Otoe-Missouria Tribe of Oklahoma Police Department or other authorized law enforcement agency shall thereafter immediately submit such fingerprint cards to the National Indian Gaming Commission for processing.

Section 310. Eligibility Determination

The Tribe shall review 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 Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a Tribal gaming operation shall not employ that person in a key employee or primary management official position.

Section 311. 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 Tribe 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 310 of this Chapter.

2. The Tribe, through the Tribal Chairman, shall forward the report referred to in Section 312 of this Chapter 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.

Section 312. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in Section 311 of this chapter, the Tribe 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. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Tribe shall submit, with the report, a copy of the eligibility determination made under Section 310 of this chapter.

3. If a license is not issued to an applicant, the Tribe:

- 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 313. Issuance of Licenses

Whenever it appears to the Board upon investigation that a proposed license would be consistent with the Act, this Title, and the public interest, it shall issue the requested license after thirty days notice of intent to issue said license to the National Chairman unless, during the notice period, the Board is directed by the Commission to delay issuance of said license for further investigation. It shall be a condition of said licenses that the licensee or the proponent of the license notify the Bingo Board in writing within working 72 hours of any event which would change any of the answers or information submitted with his license application.

Section 314. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe 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 Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe 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 paragraph 1 of this section 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 Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 315. Suspension and Revocation of Licenses

A. Whenever it appears that a holder of a license is not eligible to hold that license, or that the holder of a license is in violation of the Act, this Title, or other applicable Tribal law, or that continued licensing of the licensee would pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of Bingo, the Board may suspend and after a hearing cancel such license.

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

C. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

D. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

Section 316. Persons not Eligible for Licensing

No license may be approved if:

A. a person:

1. is an elected member of the governing body of the Tribe;

2. has been or subsequently is convicted of any felony or gaming offense;

3. has knowingly and willfully provided materially important false statements or information to the Commission or the Tribe pursuant to the Act or this Title, or has refused to respond to a subpoena issued pursuant to this Title; or

4. has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

B. A management contractor:

1. has or has attempted to unduly interfere or influence for his or its gain or advantage in any decision or process of Tribal government relating to the gaming activity;

2. has deliberately or substantially failed to comply with the terms of the management contract or the Tribal Bingo Ordinance or resolution adopted and approved pursuant to this Act; or

a person is otherwise not eligible for licensing under the Act or this Title.

Section 317. Term of Licenses

Every license shall be valid for a term of one year.

Section 318. Renewals

Every license shall be renewable upon request in such form as the Bingo Board shall by rule determine, provided that the renewal request shall specifically identify any changes in the renewal applicant's original license application or renewal license application, as the case may be, since the issuance of said license, and the renewal applicant shall pay a renewal fee established by the Board not to exceed 3/4 of the fee for the original issuance of the license to be renewed.

Section 319. License Locations

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where class II gaming is conducted under this Ordinance.

Section 320. Repeal

To the extent that they are inconsistent with this Ordinance, all prior Bingo Ordinances and provisions are hereby repealed.

Section 321. Registered Office and Registered Agent

Each person, entity, or corporation who manages or operates a bingo operation shall have and continuously maintain within the Tribal jurisdiction a registered office and a registered agent, which agent may either be an individual resident of the Tribal jurisdiction or a corporation authorized to transact business in this jurisdiction having a business office identical to such registered office.

Section 322. Change of Registered Office or Registered Agent

A person, entity, or corporation may change its registered office or change its registered agent, or both, upon filing in the office of the Secretary a statement setting forth:

1. The name of the person, entity, or corporation.
2. The address of its then registered office.

3. If the address of its registered office is to be changed, the address to which the registered office is to be changed.

4. The name of its then registered agent.

5. If its registered agent is to be changed, the name and address of its successor registered agent.

6. That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

7. That such change was authorized by resolution duly adopted by its authorized representative or its board of directors. Such statement shall be executed by the corporation by its president, or vice president, and verified by him, and delivered to the Secretary. If the Secretary finds that such statement conforms to the provisions of this Act, he shall file such statement in his office, or the appointment of a new registered agent, or both, as the case may be, shall become effective. Any registered agent of a person, entity, or corporation may resign as such agent upon filing a written notice thereof, executed in duplicate, with the Secretary, who shall forthwith mail a copy thereof to the person, entity, or corporation at its registered office. The appointment of such agent shall terminate upon the expiration of thirty days after receipt of such notice by the Secretary. If a registered agent changes his or its business address to another place within the tribal jurisdiction, he or it may change such address and the address of the registered office of any person, entity, or corporation of which he or it is registered agent by filing a statement as required above except that it need be signed only by the registered agent and need not be responsive to 5 or 7 and must recite that a copy of the statement has been mailed to the person, entity, or corporation.

Section 323. Service of Process

The registered agent so appointed by a person, entity, or corporation shall be an agent of such person, entity, or corporation upon whom any process, notice or demand required or permitted by law to be served upon the person, entity, or corporation may be served. Whenever a person, entity, or corporation shall fail to appoint or maintain a registered agent within the Tribal jurisdiction, or whenever its registered agent cannot with reasonable diligence be found at the registered office, then the Tribal Secretary shall be an agent of such person, entity, or corporation upon whom any such process, notice or demand may be served. Service on the Tribal Secretary of any such process, notice or

demand shall be made by delivering to and leaving with him, or with any clerk or other Tribal employee having charge of the corporation department of his office, duplicate copies of such process, notice or demand. In the event any such process, notice or demand is served on the Tribal Secretary, he shall immediately cause one of the copies thereof to be mailed, addressed to the person, entity, or corporation at its registered office. Any service so had on the Tribal Secretary shall be returnable in not less than thirty days. The Tribal Secretary shall keep a record of all processes, notices and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto. Nothing herein contained shall limit or affect the right to serve any process, notice or demand required or permitted by law to be served upon a person, entity, or corporation in any other manner now or hereafter permitted by law.

Section 324. Agent for Service of Process

Any notice given to the Tribe hereunder shall be delivered to the Tribe by certified mail, addressed as follows:

Chairman Kenneth E. Black
Otoe-Missouria Tribe of Oklahoma
Rt. 1, Box 62
Red Rock, Oklahoma 74651

The Agent for service of process for any legal process served in connection herewith shall be:

Chairman Kenneth E. Black
Otoe-Missouria Tribe of Oklahoma
Rt. 1, Box 62
Red Rock, Oklahoma 74651

**CHAPTER FOUR
NONPROFIT BINGO**

Section 401. Licensing of Certain Nonprofit Organizations

The Bingo Board shall be authorized to issue a license to conduct bingo games to any organization that is a bona fide religious, charitable, labor, fraternal, educational organization or any branch, lodge, chapter or auxiliary thereof or any veterans' or firemen's organization which operates without profit to its members, and provided that such organization has been in existence for not less than two (2) years prior to making application for license and is exempt from tax under paragraphs 3, 4, 5, 6, 7, 8, and 19 of subsection (c) of Section 501 of the Internal Revenue Code of 1954, as amended, if no part of the receipts derived from such activity, except actual expenses incurred in the conduct thereof, is to inure to the benefit of any individual shareholder, member or employee of the organization, except as compensation for actual expenses incurred by him in the conduct of such activity and provided that such game is conducted or operated by the officers, employees, or members of such organization without compensation therefor other than that to which the officer, employee, or member is entitled for the performance of his regular duties, and not by agreement or contract with any other person or organization for which any consideration or compensation is provided.

**Section 402. License not to be leased or assigned- -
Persons selling concessions to obtain sales
tax permit**

The license to conduct a Bingo Game shall not be leased or assigned to a commercial establishment. Provided, persons selling food, drink, or any other concession items at any location at which Bingo Games are authorized under the provisions of this chapter shall be required to obtain a sales tax permit pursuant to the provisions of the Tribal tax laws prior to such sale.

**Section 403. Application for license - - Form - - Informa-
tion required - Fees - Renewals - Protests -
Lease, assignment or sale of license
prohibited - - Felons**

Any organization or association may apply to the Bingo Board for a license to conduct Bingo Games. The application shall be on such form as designed by the Bingo Board and shall state sufficient facts to enable a determination as to whether the license should be issued. Except in the case of

churches which are naturally immune from taxation according to the Internal Revenue Code, said application shall be accompanied by a copy of the Tribal sales tax permit in the name of the organization, a copy of a letter or other certificate from the Internal Revenue Service wherein it is recognized that the applicant or parent organization or association of the applicant is a nonprofit organization and exempt from payment of Federal income taxes, a copy of the minutes of a meeting of such applicant designating current officers of such organization or association and their terms of office; a copy of the minutes of a meeting of such applicant authorizing the application for a bingo license; a certified copy of the applicant's articles of incorporation or corporate trade name report or the organization's constitution and bylaws, if unincorporated under Section 501(c) of the Internal Revenue Code; and a copy of the Federal identification number of the applicant or of the parent organization or association of the applicant. Said application shall state that the applicant is an organization or association which has been in existence for longer than two (2) years continuously immediately preceding the date of such application; that it proposes to conduct bingo at a specific location and setting forth such location, provided, no more than three licenses may be issued for any one location or building. Except that different organizations may conduct bingo at a single location for not to exceed six (6) days a week, however, bingo shall not be conducted more than two days in a given week on a single license, no license shall be issued if a license has previously been issued and has not expired or been revoked pursuant to the provisions of this chapter for the location specified in the application; that no commission, salary, compensation, reward or recompense will be paid to any person for conducting such games except when the recompense will be paid to any person for conducting such games except when the conducting of such games is only incidental to the regular employment of employees of such organization; that the applicant will abide by all the provisions of this chapter. Said application shall also state the name and address of some person authorized to receive notice in behalf of said licensee. All of the requirements provided for in this section shall be sworn and attested to by a designated principal officer of said nonprofit organization or association or by the attorney of record for the organization or association. The applicant applying for such license shall pay to the Bingo Board a fee of Thirty Dollars (\$30.00) for the issuance of the initial license. At the end of one (1) calendar year from the date of the issuance of the initial license, the licensee shall renew such license for a period of one (1) year. A charge of Seven Dollars and fifty cents (\$7.50) per year shall be charged for the issuance of such renewal license. All such fees shall be deposited in an account established for such purposes. Upon application being filed, the Bingo Board

shall give five (5) days' notice by causing the same to be posted on the front of the building in which such bingo games are to be conducted. A copy of said notice shall be mailed to the Tribal Prosecutor, the Chief of Police, and the Bingo Board. Said notice shall contain the name of the applicant and the location of said place of business and the time and place the said Bingo Board will act upon said application. If there are no protests and the application is sufficient on its face, then said license shall be granted by the Bingo Board. Provided, that if any resident of the Tribal jurisdiction or member of the Tribe files a written protest setting forth objections, then the Bingo Board shall advise the Chief Judge who shall hear the application or assign such application to a district judge or associate district judge or special judge for hearing. Said hearing shall be held within thirty (30) days and after due notice. The application for such license must be in writing and verified by the presiding officer of the applicant organization. All testimony before the Tribal court shall be under oath.

A license granted pursuant to the provisions of this section shall not be leased, assigned, sold, or transferred to any other organization, person or entity of any nature and no bingo game shall be administered or conducted pursuant to the provisions of this chapter except by the organization to which a license has been issued.

An applicant organization shall be denied a license, if any officer of the organization has been convicted of a felony or gaming offense pursuant to the laws of the United States, any Indian Tribe, or any state.

Section 404. Annual Report - - Contents - - Other Reports

Prior to April 1 of each year, every organization which has conducted bingo games pursuant to the provisions of this Chapter shall file a report with the Tribal Tax Commission on forms provided by the Tribal Tax Commission. The report shall contain the following information:

1. The gross receipts received by the organization in conducting the bingo games;
2. The amount of the gross receipts given or to be given to the purpose represented by the organization;
3. The aggregate amount paid or to be paid for the expenses of conducting the bingo games; and
4. Any other information required by the Tribal Tax Commission.

An organization which maintains its books on other than a calendar year basis, upon application to the Tribal Tax Commission, may be permitted to file its report within ninety (90) days after the close of its fiscal year. The report when filed shall be a public record in the Office of the Tribal Tax Commission.

Section 405. License fees not required for limited bingo activity

Any organization qualifying under the provisions of this chapter which conducts bingo activities three times or fewer per year shall, upon filing of a verified application with the Bingo Board, signed by the executive officer of said organization setting forth that said organization shall conduct bingo activities three times or fewer per year and the dates and times and location wherein such activities shall occur, shall be exempt from the payment of any license fees provided in this chapter; provided, however, that such organization shall be subject to all other provisions of this chapter.

Section 406. Revocation of license

The Tribal Prosecutor may file a petition in the Tribal court to revoke the license of any licensee alleging the violation by the licensee, its agents, officers or employees of any of the provisions of this Title. Thereafter, following at least ten (10) days' notice by certified mail to the person designated to receive such notice in the application filed to obtain the license sought to be revoked, the Court, sitting without jury, shall hear said petition and enter its order thereon. If said license is revoked, said licensee shall not be permitted to reapply for another license hereunder for a period of one (1) year from date of revocation. Provided that notwithstanding any other provisions of this chapter, any licensee whose license has been previously revoked one time shall pay the sum of One Hundred Fifty Dollars (\$150.00) as renewal fee and the sum of Three Hundred Dollars (\$300.00) for any renewal following a second or subsequent revocation.

Section 407. Limitation on applicants

No applicant whose existence as an organization is less than two (2) years shall be granted a license.

Section 408. Payment of commissions, salaries, etc. Prohibited - Exception

No license shall pay any commission, salary, compensation, reward or recompense to any person for conducting bingo except when such conducting is only incidental to the regular employment of such employees of such licensees, and in no event shall commission, salary, compensation, reward or recompense, either directly or indirectly, be based upon a percentage of the receipts accruing to such licensee by virtue of such bingo operation. Provided, that employees of a nonprofit organization may be paid a fair and reasonable wage for their actual time spent conducting bingo.

No licensee shall employ in any capacity a person who has been convicted of a felony or gaming offense pursuant to the laws of the United States, any Indian Tribe, or any state.

Section 409. Fair and Reasonable Rental for Premises

No licensee shall pay more than the fair and reasonable rental value for premises rented or leased for the purpose of conducting bingo. In no case shall such fair and reasonable rental value be based on a percentage of the receipts accruing to such licensee by virtue of such bingo operation.

Section 410. Sunday Bingo Prohibited - - Hours

No bingo shall be conducted by any licensee on the first day of the week, commonly known and designated as Sunday. No bingo shall be conducted between the hours of midnight and 10:00 a.m. on weekdays.

Section 411. Limitation on sessions and prizes

No licensee may conduct more than one session per day, each session not to exceed thirty bingo games per session nor may any licensee conduct bingo games in excess of two (2) days per week. At each location each day, a single game of bingo shall not be conducted pursuant to more than one license. No prize greater in the amount or value than Five Hundred Dollars (\$500.00) shall be offered or given in any single game of bingo conducted under any such license and the aggregate amount of all prizes offered or given in all games played in a single session under any such licensee shall not exceed Three Thousand Dollars (\$3,000.00).

Section 412. Intoxicating and nonintoxicating beverages prohibited

No licensee shall sell, serve or permit to be consumed any intoxicating and nonintoxicating beverages as defined in the laws of Oklahoma in any room or outdoor area where bingo is conducted during the time that it is so conducted.

Section 413. License required - - Admission charges

A. No person, except a licensee operating pursuant to this chapter shall conduct any game of bingo for which a charge is made.

B. No licensee shall collect an admission charge for admittance to the premises where any game of bingo is conducted.

Section 414. Minors

No minor shall be permitted to play bingo unless accompanied by a parent or guardian except when such game of bingo is conducted by an organization exempt from the license fee as provided by Section 404 hereof.

Section 415. Discrimination prohibited

No licensee shall practice racial or sex discrimination at any game of bingo.

Section 416. Penalties

Any violation of this chapter is hereby declared to be a public nuisance. Any person violating the provisions of this chapter except as otherwise provided in this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by confinement in the Tribal jail or contracted jail facility for a period of time not to exceed one (1) year and by a fine of not less than Two Hundred Dollars (\$200.00) and not more than Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

Section 417. Additional Licensing Requirements Imposed by the Act

A. Not less than 60 percent of the net revenues of such nonprofit bingo shall be paid over to the Tribal Treasurer's Office for deposit in the Tribe's bingo revenue account.

B. The income to the Tribe from nonprofit gaming must be used only for the same purposes as other gaming income under the Act.

C. The Operator of the nonprofit bingo shall pay an appropriate assessment to the Commission as required by the Act.

**CHAPTER FIVE
TRIBAL BINGO**

Section 501. Establishment of Bingo Operation(s)

There is hereby established a Tribal Bingo Operation for each county and incorporated city or town within the Tribal jurisdiction which shall be a body corporate of the Tribe and which shall have the authority to conduct Bingo Games and sessions within the jurisdiction of the Tribe under the terms and conditions herein or hereafter prescribed by law.

Section 502. Commencing Operations

No Bingo Operation may begin operations except upon written resolution by the Council which shall provide for (1) the name in which the particular Bingo Operation is to be conducted, (2) the method of management, (3) the particular Bingo Site upon which Bingo Games will be conducted, and (4) the beginning date. Every such resolution shall be delivered promptly to the Bingo Board.

Section 503. Tribe to be Sole Proprietor

The Otoe-Missouria Tribe of Oklahoma will have the sole proprietary interest and responsibility for the conduct of bingo within its jurisdiction as provided in this Title and the Act. Tribal Bingo Operations shall never issue any capital stock.

Section 504.A Net Revenues

Net revenues means gross gaming revenues of an Indian gaming operation less

A. Amounts paid out as, or paid for, prizes; and

B. Total gaming-related operating expenses, excluding management fees.

Section 504.B Use of Net Revenue

A. The portion of the revenue belonging to the Tribe as a result of any bingo operation is not to be used for any purposes other than:

1. to fund Tribal government operations and programs, or

2. to provide for the general welfare of the Tribe and its members, or

3. to promote Tribal economic development, or

4. to donate to charitable organizations, or

5. to help fund operations of local government agencies.

B. In order to adequately account for the portion of the revenue belonging to the Tribe as a result of any gaming operation, the Treasurer shall deposit all such revenue in a separate account, identified as such, and all such revenue shall be expended only upon authority of a Council Resolution appropriating such funds for one or more of the purposes identified in subsection A of this section.

C. Per capita payments of such revenues to tribal members may be made.

Section 504.C Per Capita Payments

Net revenues from any gaming activity (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. ~2703) may be used to make per capita payments to Tribal members only if the following conditions are first met:

A. The Tribe has prepared an adequate plan for allocation of net revenues as described above in section 502, which plan has been approved by the Secretary of Interior or his authorized delegee;

B. In the event of a per capita distribution, the interests of affected minors and other legally incompetent persons entitled to such per capita payments are adequately protected and preserved, under a plan approved by the Bingo Board and by the Secretary of the Interior or his authorized delegee; and

C. The recipients of said per capita payments are properly notified by the Tribe that the payments are subject to federal taxation.

Section 505. Administration

Except for those Bingo Operations managed via Contractors, each separate Tribal Bingo Operation shall be administered by the Council sitting as its Board of

Directors. All Bingo Operations shall be a subordinate agencies of the Tribe.

Section 506. Designation of the Bingo Manager

The Council may appoint and employ one individual person for each Tribal Bingo Operation who shall be designated the Manager of the particular Bingo Facility. In order to enter into employment, said Manager must obtain a Bingo Manager's License from the Bingo Board.

Section 507. Powers and Miscellaneous Provisions

Each Bingo Operation shall have the following powers which it may exercise consistent with the purpose for which it is established:

- A. To have perpetual succession by its corporate name.
- B. To sue in its corporate name, and to be sued where sovereign immunity has been waived by Tribal law.
- C. To have a corporate seal which may be altered at pleasure, and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.
- D. To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, personal property, or any interest therein, wherever situated, when useful to its conduct of Bingo Games, provided, that if the acquisition of such property is not in the approved budget, then acquisitions are limited to and may not exceed \$500.00.
- E. To enter into agreements, contracts, and undertakings with any governmental agency, Tribal, Federal, state, or local or with any person, partnership, corporation, and to agree to any conditions attached to Federal financial assistance; provided, the Bingo Operation must first obtain approval of the Tribal Council.
- F. To lend money and use its credit to assist its employees; provided, the Bingo Operation must first obtain approval of the Tribal Council.
- G. To make contracts and guarantees and incur liabilities, borrow money at such rates of interest as the Bingo Operation may determine not inconsistent with this Title, issue its notes, bonds, and other obligations, and secure any of its obligations by mortgages or pledge of all or any of its property or investments; provided, the Bingo

Operation must first obtain the approval of the Tribal Council.

H. To lease property from or to the Tribe and others for such periods as are authorized by law, and to hold and manage or sublease the same.

I. To borrow or lend money, to issue temporary or long term evidence of indebtedness, and to repay the same; provided, the Bingo Operation must first obtain approval of the Tribal Council.

J. To pledge the assets, other than real property, as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interest therein.

K. To make rules and regulations regarding its activities pursuant to this Title as the Bingo Operation may deem necessary and desirable to effectuate the powers granted by this Title. Provided, that all such rules and regulations shall be filed for record in the Tribal Secretary's Office and the Tribal Court Clerk's office and approved by the Tribal Council prior to being given any force or effect.

L. To purchase insurance from any stock or mutual company for any property or against any risk or hazards, and the sovereign immunity of the Bingo Operation is hereby waived to the limit of the scope and extent of such insurance as may be in force as to any claim payable by such insurance.

M. To invest such funds as are not required for immediate disbursements; provided, the Bingo Operation must first obtain approval of the Tribal Council.

N. To establish and maintain such bank accounts as may be necessary or convenient, subject to audit by Tribal officials.

O. To employ such officers as may be necessary or convenient, and to employ technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Bingo Operation may require, to establish the conditions of their employment, and to delegate to such officers and employees their powers or duties.

P. To take such further actions, not inconsistent with this Title, as are commonly engaged in by public or corporate bodies of this character.

Q. To enter into partnerships, joint ventures, and other business arrangements with any legal entity to

effectuate the purposes of the Bingo Operation; provided, the Bingo Operation must first obtain approval of the Tribal Council.

R. To adopt such rules and regulations for the government of its internal affairs as the Operation deems necessary or appropriate to administer or enforce this Title and its activities thereunder, provided, that all such rules and regulations shall be filed for record in the Tribal Secretary's Office and the Tribal Court Clerk's Office and approved by the Council prior to being given any force or effect.

S. To operate, manage, use, and control, including entering into leases as herein before provided, such personal property which the Council shall assign to its use.

T. To use such name as may be approved by the Tribal Council in any of its business activities within or without the Tribal jurisdiction, and to incorporate or hold stock in such other corporations as may be necessary or convenient.

U. To exercise, in conformity with Tribal law, the power of eminent domain excepting land or interest therein held by any other agency of the Tribe, in order to further the purposes and powers expressed in this Title.

V. To operate Bingo Games in the manner provided for by this Title at a particular Bingo Facility and Site approved by the Tribal Council.

Section 508. Duties of the Bingo Manager

It shall be the duty of the Bingo Manager to manage and conduct all Bingo Games of the Tribal Bingo Operation in a fiduciary capacity to maximize the Revenues of said operation, to cause to be prepared and submitted to the Council such reports as may be required by law, to account for all monies and property entrusted to the Tribal Bingo Operation, to collect and pay over all taxes due the Tribe and all assessments due the Commission and the Bingo Board, and to perform any other duties as may be required by law.

Section 509. Supplies and Equipment

Subject to the approval of the Council, the Manager may incur such expenses and purchase such equipment as may be necessary for the conduct of the Tribal Bingo Operation. All equipment purchases shall be the property of the Tribe.

Section 510. Location of Bingo Sessions

All games and sessions of Bingo conducted by a Bingo Operation within the territorial jurisdiction of the Tribe shall be conducted through a Bingo Facility approved by the Tribe for that Bingo Operation.

Section 511. Report of Winners

The Bingo Manager shall file with the Treasurer a list of each winner or winners of any game of Bingo at each session of Bingo. The list shall be itemized by session and game and shall include the name of the winner, the address of the winner, the social security number of the winner, the amount or fair market value of the prize won, and the method of identification from the driver's license or other acceptable identification of the winner prior to issuing the prize to the winner. It shall be the duty of the Manager to comply with 25 U.S.C. Section 2719(d).

Section 512. Report of Receipts and Disbursements

The Bingo Manager shall file with the Treasurer a verified report of all receipts and disbursement of all funds relating to said Bingo games or sessions. At the time of filing said report, the Manager shall deposit with the Treasurer the Net Revenues of the Bingo Operation for the reporting period. Such report shall contain an itemized list of all Gross Receipts from bingo games conducted, concessions, and any and all related activities. Such reports shall also contain an itemized list of all disbursements including but not limited to, Operating Costs, Equipment Costs, Facilities Costs, materials, supplies, and equipment furnished and prizes paid.

Section 513. Verification of Report

The Bingo Manager shall verify the accuracy of each report submitted to the Treasurer.

Section 514. Time for Submission of Reports

Unless the Council shall by rule require reports from the Bingo Operation on a monthly basis, the Bingo Manager shall submit reports for each week not later than the close of business on Wednesday of the next week after the Bingo games or session to be reported.

Section 515. Deposit of Bingo Monies

A. The Manager shall deliver all monies received, less amounts retained for petty cash, the prize account(s), and other cash funds approved by the Council, on a same day basis to the Banking Institution holding the Bingo Accounts. The Tribal Police or Security shall accompany the deposit of the monies.

B. The Treasurer shall verify the deposit and crediting to the account on the next business day after deposit.

Section 516. No Tribal Liability

Neither the Tribe, nor its officers, agents, or agencies, shall be responsible for the debts or liabilities of any Bingo Operation, it being the intent of the Council that each Bingo Operation shall be a corporate entity solely responsible (with its Contractor when provided for by contract) for its own debts, torts, and other liabilities, and subject to suit in its own name to the extent explicitly provided for by this Title.

Section 517. Appropriations for Bingo Operation

The Council may appropriate such sums as may be necessary for the function of the Bingo Operation based upon a written budget request submitted by the Manager through the Treasurer. The Council shall not be bound by any requested budget when making such appropriations.

Section 518. Employee Grievances

Any employee of a Tribal Bingo Operation aggrieved by a decision of the Manager or Contractor with respect to promotion, retention, termination, or violations of the Tribal personnel policies may appeal such decision to the Court naming the Manager or Contractor and the Bingo Operation as the sole defendants. In such cases, the Court may grant declaratory and injunctive relief against the Manager, Contractor, or Bingo Operation as may be appropriate.

**CHAPTER SIX
MANAGEMENT CONTRACTS**

Section 601. Appointment of Contractor

In lieu of hiring and appointing a Manager for a particular authorized Bingo Operation, the Council may enter into an Agreement with a Contractor to provide for the management and administration of that Bingo Operation upon such terms and conditions not inconsistent with the Act or this Title as the Council may deem appropriate.

Section 602. Duties of the Contractor

It shall be the duty of the Contractor:

A. to manage and conduct all Bingo Games of the Bingo Operation for which the Contractor has management responsibility in a fiduciary capacity to maximize the Revenues of said Bingo Operation, to cause to be prepared and submitted to the Council such reports as may be required by law or contract, to account for all monies and property entrusted to the Bingo Operation for which the Contractor has management responsibility, to collect and pay over all taxes due the Tribe, and all assessments due the Commission, and to perform any other duties as may be required by law or contract,

B. to perform all the duties of a Manager imposed by law.

Section 603. Requirements for Management Contracts

Every Agreement for the management of a Tribal Bingo Operation shall provide:

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

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

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

D. for an agreed ceiling for the repayment of development and construction costs;

E. for a contract term not to exceed five years, except that, upon the request of an Indian Tribe, the Chairman may authorize a contract term that exceeds five years but does not exceed seven years if the National Chairman is satisfied that the capital investment required, and the income projections, for the particular gaming activity require the additional time; and

F. for grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission,

and every Agreement with a Contractor for the management of a Bingo Operation shall be deemed to contain said provisions whether or not such provisions are reproduced in said management contract.

Section 604. Licensing Required

No Contractor may enter into its duties until it has satisfied all applicable licensing requirements for a Contractor License, a Facility License, and licenses for its Primary Management Officials and Key Employees. General Employee licenses shall be secured before new employees are allowed to actually begin work.