

NATIONAL
INDIAN
GAMING
COMMISSION

MAY - 3 1995

Genevieve Pollack, Chairperson
Ponca Tribe of Oklahoma
P.O. Box 2, White Eagle
Ponca City, Oklahoma 74601

Dear Chairperson Pollack:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on January 31, 1995, by Resolution No. 03-013195, by the Ponca Tribe of Oklahoma (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

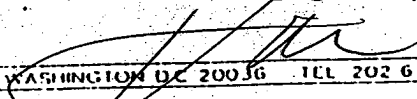
Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the 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. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

This approval, however, does not extend to § 308(c) of the ordinance which exempts charitable gaming from the requirements of the ordinance. Neither the IGRA nor the NIGC's regulations permit a tribe to give a blanket exemption from licensing and regulation to charitable gaming. Therefore, as provided under the severability clause of the ordinance, § 106, § 308(c) concerning charitable gaming is without force and effect.

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

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

Sincerely yours,



Harold A. Monteau
Chairman



Ponca Tribe of Oklahoma

Box 2, White Eagle ♦♦ (405) 762-8104 ♦♦ Ponca City, Oklahoma 74601
Ext. _____

Resolution No. 03-013195

RESOLUTION

WHEREAS, the Ponca Tribal Business Committee is the duly authorized governing body of the Ponca Tribe of Oklahoma, under the authority of the Ponca Tribal Constitution, and bylaws originally ratified on September 20, 1950, and

WHEREAS, under the Indian Gaming Regulatory Act it is the right of the Ponca Tribe of Oklahoma to establish ordinances to regulate tribal gaming operatives, and

WHEREAS, a Ponca Tribal Gaming Ordinance has been developed which complies with applicable federal and tribal requirements.

NOW, THEREFORE, BE IT RESOLVED that the Ponca Tribe of Oklahoma hereby adopts this tribal Gaming Ordinance to regulate Ponca Tribal Gaming operations, and

BE IT FURTHER RESOLVED that the provisions of this Resolution be honored by federal, state and private agencies.

CERTIFICATION

We, the undersigned, hereby affirm that at an official meeting of the Ponca Tribal Business Committee, held on the 31st day of JANUARY, 1995 at which a quorum was present, the above resolution was presented and approved, by a vote of: 6 For, 0 Against, 0 Abstain, and 0 Absent.

950204-00001
DEN 858204-03002

Genevieve Pollak
Genevieve Pollak,
Chairman

Douglas G. Rhodd
Douglas G. Rhodd
Vice-Chairman

Marie Pappan
Marie Pappan,
Secretary/Treasurer

Bennett Arkeketa
Bennett Arkeketa,
Committee Member

Kinsel V. Lieb
Kinsel V. Lieb,
Committee Member

Bronson Roughface, Sr.
Bronson Roughface, Sr.
Committee Member

Deloyce Waters
Deloyce Waters,
Council Member

PONCA TRIBE OF OKLAHOMA GAMING ORDINANCE

TITLE I. GENERAL PROVISIONS

Section 100. Short Title.

This ordinance shall be known and may be cited as the Ponca Tribe of Oklahoma Gaming Ordinance.

950201-00001
PCN 950201-03002

Section 101. Findings And Intent.

The Ponca Tribe of Oklahoma finds that:

- (a) The present form of Tribal government was organized by the membership to form a more perfect union, develop our natural resources, insure our domestic tranquility, promote the general welfare, to enjoy certain rights of home rule, to provide education in schools of higher learning including vocational, trade, high schools, and colleges for our people, and to secure the opportunities offered us under the Indian Reorganization Act. . ." [Preamble to the Constitution and Bylaws of the Tribe].
- (b) The Ponca Tribe of Oklahoma desire to be self-sufficient in its internal affairs, as continued reliance upon federal and other resources will adversely affect the quality of life of this Tribe.
- (c) Public gaming operations have been introduced to the Ponca Tribe of Oklahoma and it is of vital interest to the public health, safety, and welfare of the Ponca people that the Tribe promote and regulate public gaming in a manner commensurate with the interests of the Ponca Tribe of Oklahoma.
- (d) By virtue of the treaties between the United States of America and the Ponca Tribe of Oklahoma and federal statutes and court decisions which together have established and maintained the doctrine of Indian sovereignty, there remains the federal guarantee of the perpetual integrity of the Ponca Tribe of Oklahoma.
- (e) The Ponca Tribe of Oklahoma require an economic base by which Tribe may generate revenues in order to promote its self-sufficiency and fund essential governmental services.
- (f) The operation and regulation of public gaming by the Tribe is in the best interest of the Ponca Tribe of Oklahoma.

Further, the Ponca Tribe of Oklahoma Tribal Business Committee determines that the intent of this ordinance is to:

- (g) Authorize, regulate, and control all Class I, II and III gaming on lands over which the Ponca Tribe of Oklahoma exercise governmental authority or control;
- (h) Provide, revenue generated by the Tribe's licensed gaming operations, to fund tribal government operations and

programs, and to promote the general welfare of the Tribe;

- (i) Foster a spirit of cooperation with the National Indian Gaming Commission, and other federally recognized tribes in the regulation of Tribal gaming;
- (j) Protect gaming as a means of promoting tribal economic development; and
- (k) Ensure that Tribal gaming is conducted fairly and honestly both by the operator and the players as a genuine means of providing both recreation and entertainment, free from organized crime and other corrupting influences.

Section 102. Definitions.

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

- (a) "Tribe" shall mean the Ponca Tribe of Oklahoma, a federally recognized Indian tribe organized under Section 16 of the Indian Reorganization Act of 1934.
- (b) "Business Committee" shall mean the governing body of the Tribe, duly elected in accordance with the provisions of the Constitution of the Tribe.
- (c) "Compact" shall mean an agreement or other instrument concerning the operation of games of chance, entered into or approved, pursuant to Section 2710(d)(1)(c) of the Indian Gaming Regulatory Act of 1988, between the Tribe and the State of Oklahoma, or as may otherwise be approved by the Secretary.
- (d) "Gambling equipment" shall mean any and all goods, materials, machines or devices used to conduct gaming activities by tribe.
- (e) "Gaming" shall mean the act of paying (wagering) for the opportunity to participate in a game or games of chance (risk) for a prize of money or something of value; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e., foodstuffs or games played in private homes or residences for prizes or games operated by charitable and educational organizations which are approved by the Council.
- (f) "Gaming enterprise" shall mean any commercial business owned by the Tribe and operated, in part or in whole, for the conduct of Class II or Class III gaming as delineated by the Indian Gaming Regulatory Act of 1988, 25 USC §2701 et. seq. and/or by virtue of the Tribe's exercise of its governmental powers and authority as a sovereign nation.
- (g) "Gaming Manager" shall mean a person, organization or entity that conducts the management of gaming at a Tribal gaming enterprise; including an entity entering into a management contract with the Tribe or the Tribe itself including any subdivision thereof.
- (h) "Gaming test laboratory" shall mean, a laboratory designated as competent and qualified to conduct

scientific tests and evaluations of games of chance and related equipment; and/or a laboratory operated by or under contract with the States of Minnesota, Nevada, New Jersey, Connecticut, Colorado, or South Dakota.

- (i) "Indian Gaming Regulatory Act of 1988" shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-597, 102 Stat. 2467, codified at 25 U.S.C. §2701 et. seq.
- (j) "Key employee" means:
 - (1) A person who performs one or more of the following functions:
 - A. Bingo caller;
 - B. Counting room supervisor;
 - C. Chief of security;
 - D. Custodian of gaming supplies or cash;
 - E. Floor manager;
 - F. Pit boss;
 - G. Dealer;
 - H. Croupier;
 - I. Approver of credit; or
 - J. Custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (2) If not otherwise included, the four most highly compensated persons in the gaming operation.
(25 C.F.R. §502.14)
- (k) "License" shall mean the permission by authority of the Tribe to do any act, which without such permission, shall be illegal. License, with respect to real property of the Tribe, is a privilege to go on the premises for a certain purpose, but does not operate to confer on, vest in, or license any title, interest, or estate in such property.
- (l) "Licensee" shall mean any person, entity or organization granted a license pursuant to the provisions of this Ordinance.
- (m) "Net Revenues" shall mean the gross gaming revenues of an Indian gaming operation less-
 - (i) Amounts paid out as, or paid for, prizes; and

- (ii) Total gaming-related operating expenses, excluding management fees.
- (n) "Other compact" shall mean such agreements as may in the future be entered into between the Tribe and the State of Oklahoma, governing Class III gaming, as that term is defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703(8).
- (o) "Other games of chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboard, tip jars, paddlewheels, gaming tables, tokens, or satellite television transmission, all of which shall have the same meaning as the term Class II gaming as defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703(7)(A). Any such games as are permitted to be played in the State of Oklahoma by any person for any purpose, shall be included in this definition.
- (p) "Primary management official" means:
- (1) The person having management responsibility for a management contract;
 - (2) Any person who has authority to hire and fire employees; or to set up working policy for the gaming operation; or
 - (3) The chief financial officer of other person who has financial management responsibility.
(25 C.F.R. §502.19)
- (q) "Shall" as used in this Ordinance imposes an obligation to act.
- (r) "Traditional bingo" shall mean that game in which each player is supplied a card or board containing five adjoining horizontal and vertical rows with five spaces in each row each containing a number or figure therein and the word "free" marked in the center space thereof, or in which such a card or board is represented on a video screen. Upon announcement by the person conducting the game or the appearance on the video screen of any number or figure appearing on the player's card or board, the space containing said figures or number is covered by the player. When a player shall have covered all five spaces in any horizontal and vertical row, or shall have

covered four spaces and the "free" space in a five space diagonal row, or shall have covered the required combination of spaces in some other preannounced pattern or arrangement, such combination of spaces covered shall constitute "bingo." The player or players to first announce "bingo" are awarded money, merchandise, or some other consideration by the person or persons conducting the game. (25 C.F.R. §502.3)

- (s) "Video game of chance" shall mean electronic or electro-mechanical video devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette line-up symbols and numbers, or other common gambling forms, which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens, or replays, and contain a meter or device to record unplayed credits of replays; or otherwise shall have the same meaning as the term Class III gaming as defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. §2703(8).

Section 103. Effect Of Headings.

Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or section of this Ordinance.

Section 104. Civil Penalty Provisions.

It shall be a civil violation of the laws of the Ponca Tribe of Oklahoma to violate any provision of this Ordinance, any regulations promulgated by the Tribal Gaming Board and of any proper order issued under the authority of this Ordinance. Any person or licensee so violating such authority shall be fined not more than one Thousand Dollars (\$1,000.00) or by suspension of license for a period not to exceed one year, or by both such fine and suspension or other penalty alternative under Tribal law, including revocation; a show cause hearing pursuant to section 208 shall be afforded by the Tribal Gaming Board to any person subject to such civil penalty prior to any final determination to impose any civil penalty.

In the alternative, should the actions of any person also constitute a criminal offense under the laws of the Tribe, the United States, or the State of Oklahoma, then in that event, Tribe may choose to refer such violation for criminal prosecution within the appropriate court of competent jurisdiction.

Section 105. Liberal Interpretation.

The provisions of this Ordinance, being necessary for the welfare of the Tribe and its members, shall be construed liberally to effect the purpose and objective hereof.

Section 106. Severability.

The provisions of this Ordinance are severable; and if any part or provision hereof shall be held void by tribal or federal court or federal agency, the decision of the court or agency so holding shall not affect or impair any of the remaining provisions of the Ordinance.

Section 107. Implementation.

It being immediately necessary for the preservation of the public peace, health, and safety of the Tribe and its members, that this Ordinance shall take effect and be in full force from and after its approval and passage by the Business Committee of the Ponca Tribe of Oklahoma.

Section 108. Amendment.

This Ordinance may be amended only by majority vote of the Tribal Business Committee.

Section 110. Contents.

This Ordinance, and any amendments hereto or regulations adopted pursuant to the provisions herein, shall govern all tribal gaming operations and shall be the total and inclusive tribal gaming law pursuant to 25 C.F.R. §522.2(d).

Section 109. Service Agent.

For purposes of this Ordinance or any requirement imposed by the Indian Gaming Regulatory Act, the Chief of Police of the Ponca Tribe is designated as the agent for service of any official determination, order, notice or other process pursuant to 25 C.F.R. §522.2(G) and §519.1.

TITLE II. ENFORCEMENT

Section 200. Tribal Gaming Board Over Gaming.

In order to provide for the orderly regulation and enforcement changes of tribal gaming, the Tribal Gaming Board is hereby empowered and established to exercise its authority as the duly authorized body of the Tribe with responsibility for the regulation of any Class I, II, or III gaming activity within the Jurisdiction of the Ponca Tribe of Oklahoma in compliance with the provisions of this Ordinance, any approved State/Tribal Compact or procedures negotiated with the Secretary of Interior if required.

The Gaming Board shall consist of three (3) board members appointed by the Business Committee to staggered three (3) year terms. The Chairman of the Gaming Board shall fill the initial three (3) year term and upon re-appointment or replacement the person so appointed may be appointed or re-appointed to the position of chairman. Two (2) additional positions shall be appointed to serve initial terms of one (1) and two (2) years respectively. Thereafter, each Commissioner, or his/her successor shall be appointed to three (3) year terms.

The Chairman of the Business Committee shall provide a nominee to fill any vacancy or to replace any Commissioner whose term is due to expire on the Gaming Board for the new or remaining term which said nominee shall be confirmed by a majority of the Business Committee. In addition, any member of the Business Committee may offer from the floor said additional nominee, or nominees, as are desired, by motion, and requiring a second to that motion by another Business Committee member before such nomination from the floor becomes effective. A majority of the Business Committee's quorum is required to confirm said appointment. The Chairman is hereby authorized to make reappointment of any commissioner without need for the approval of the Business Committee so long as such reappointee continues to meet all eligibility criteria.

The qualifications of all Gaming Board commissioners shall be established within the regulations promulgated by the Gaming Board with submission to the Ponca Business Committee for review and approval.

Once confirmed, Gaming Board commissioners may be removed by 2/3 majority of the Business Committee and only upon the following listed grounds:

1. conviction or guilty plea entered to a felony involving theft, embezzlement, misappropriations of funds, robbery, burglary or other violations based primarily on the wrongful taking or withholding of the property of another.

2. Falsifying information on application for employment, or licenses issued pursuant to this ordinance.
3. Failure to properly perform the duties of the office of the Gaming Commissioner and to enforce and uphold the Ponca Tribal Gaming Ordinance.

This provision shall not apply to any such person as may have been convicted of one of the above listed offenses where said offense is so remote (10 years or more) from the date of the application, been where said applicant has received a pardon from a governor or other governmental office empowered to grant pardons for crimes committed within their jurisdiction, or where a pardon is granted under the authority of the constitution, laws and regulations of the Ponca Tribe of Oklahoma.

Section 201. Conflict Of Interest.

Any voting (including ex officio) Board member, or employee of the Board or any member of his/her family living with him/her may not have a financial interest in any gaming business or enterprise doing business within Ponca jurisdiction, or in any gaming contractor, or accept any gift or thing of value from a gaming contractor, so employed by Tribe. Nothing in this section shall prohibit any Board member or other person subject to this section from receiving benefits or distribution of revenues as would any other member of the Tribe if entitled to such interest as a Tribal member, including any per capita payments derived from profits made by any gaming business or enterprise operating pursuant to the provisions of this Ordinance.

Section 202. Gaming Board Duties.

- (a) The Gaming Board shall be charged with the responsibility of regulating and enforcing the provisions of this Ordinance.
- (b) It shall be the responsibility of the Gaming Board to promulgate regulations for the review and approval of the Business Committee, and when necessary, to perform actions of enforcement of the provisions of this Ordinance and to adjudicate such issues of enforcement, in accordance with the separation of these duties set forth at Section 204, hereof.

These regulatory activities and duties of the Gaming Board shall include and be limited to the following:

- (1) Printing and making available application forms for initial and renewal licenses, as well as any other necessary licenses and to make available the licenses themselves;
- (2) Supervise the collection of all fees and all applicable taxes;
- (3) Processing all gaming license applications;
- (4) Issuing licenses and notifying the National Indian Gaming Commission of such issuances as required by the Indian Gaming Regulatory Act;
- (5) Determining applicable license fees;
- (6) Providing for the annual outside independent audits of all gaming activity licensed pursuant to the provisions of this Ordinance and providing those audits to the National Indian Gaming Commission and to the tribal Business Committee.
- (7) Reviewing all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountabilities of licensees or the enforcement of any provision of this ordinance, regulations adopted or other applicable law, which shall be promptly provided to the Board by the Manager upon Manager's receipt of a written request from the Board.
- (8) The Gaming Board shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, making a finding of suitability or approval of the license or a

finding of suitability or approval of or the imposition of a fine upon any person licensed for any cause deemed reasonable by the Gaming Board.

- (9) The performance of any other duties required in the Ordinance or any amendments thereto or other duties which may hereafter be assigned by the Business Committee;
- (10) Employing legal Counsel;
- (11) Defending this Ordinance in any court of law or before any federal agency;
- (12) Conduct or have conducted background investigations on all primary management officials and key employees of the involved gaming enterprise, and maintain ongoing responsibility for the review and updating of the qualifications and eligibility of management and key employees;
- (13) The Gaming Board shall propose and submit, for the approval of the Business Committee, an annual budget for operations pursuant to the provisions of this Ordinance, including salaries, expenses and all related costs of Gaming Board members and any employees or agents thereof, reasonably necessary to the activities of the Board in carrying out the duties of the Board under this Ordinance, or any rules and/or regulations promulgated in support hereof. The Gaming Board shall be prepared to provide sufficient and adequate justification for all proposed budget items to the satisfaction of the Business Committee.

Section 203. Power Of Gaming Board.

The Gaming Board may exercise any proper power and authority delegated by this Ordinance necessary to perform only those duties assigned by this Ordinance or as is necessary for the proper enforcement of this Ordinance and any approved gaming regulations of the Ponca Tribe.

Section 204. Plan Of Organization.

The Gaming Board may organize any functional committees or divisions as may be necessary for the performance of their duties, and may from time to time alter such plan of organization as may be expedient. The Gaming Board shall establish and maintain a minimum of two distinct divisions by which the responsibilities of enforcement and adjudication of enforcement and regulatory issues will be separated. No employee or board member shall participate in both the enforcement and adjudication of the same issue, in the same enforcement action.

Section 205. Notice Of Amendment.

In adopting, amending, or repealing any regulation promulgated under this Ordinance, or in the enforcement of any provision of this Ordinance, the Business Committee shall give prior notice of the proposed action to all licensees and other persons whom the Business Committee have reason to believe have a legitimate and bona fide interest in such proposed action.

Section 206. Hearing.

The Gaming Board shall afford an applicant for a license an opportunity for a hearing prior to a final action denying such application and shall afford a licensee or any other person(s), subject to this Ordinance, the opportunity for a hearing prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the Gaming Board deems appropriate, provided, that the Gaming Board may summarily suspend temporarily or extend suspension of a license for Thirty (30) days in those cases where such action is deemed appropriate by the Gaming Board. In cases where a license is suspended prior to a prompt hearing, an opportunity for a hearing shall be provided.

Section 207. Gaming Board Findings.

Whenever upon specific factual finding the Gaming Board determines that any person has failed to comply with the provisions of this Ordinance of any regulation promulgated hereunder, the Gaming Board shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within Ninety (90) days thereof the Gaming Board shall hold a hearing, at which time the subject shall have an opportunity to be heard and to present evidence.

Section 208. Show Cause Hearing.

At such hearing it shall be the obligation of the subject to show cause why the determination is incorrect; why the application in question should not be denied; why the license, or licenses, in question should not be denied; why the licenses, or licenses, in question should not be revoked or suspended; why the period of suspension should not be extended; to show cause why special conditions or limitations upon a license should not be imposed; or to show cause why any other action regarding any other person or persons subject to any action should not be taken. At such hearing, the subject shall be allowed to have access to evidence upon which any determination is made and to confront witnesses.

Section 209. Gaming Authority Determination.

Following such hearing the Gaming Board shall, within seven (7) days, reach a determination by majority vote concerning the accuracy of the preliminary certification of facts and whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited and whether any other action recommended to or by the Gaming Board (including, but not limited to, forfeitures or fines) should be taken.

Section 210. Written Determination Provided.

Within three (3) days following this determination the Gaming Board shall inform the subject and the Ponca Tribal Business Committee in writing of that determination.

Section 211. Sanctions.

Any person who engages in activities on property subject to the provisions of this Ordinance without a license in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Ordinance, regulations promulgated hereunder, or amendments thereto shall be in violation of the ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance without the consent of the licensee and/or the Gaming Board. Separate violations shall be prosecuted as separate offenses before the Gaming Board or other Tribal judicial body, or other judicial body as the case may be. Each day of violation shall constitute a separate count or violation of this Ordinance. A violator shall also be required to pay court costs, storage fees, and auction or sales fees. All property used in each and every separate violation of this Ordinance may become the property of the Tribe by forfeiture. Persons may be prohibited from trespassing on premises licensed under this Ordinance; and licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed upon order of the Tribal Court issued at the request of the Gaming Board following full hearing on the merits. All such requests shall be made at the discretion of the Gaming Board. Winnings found to have been received in violation of this ordinance are forfeited and become the property of the Tribe.

Section 212. No Limitation On The Number Of Gaming Enterprises.

Nothing in this Ordinance shall limit the number of gaming operators the Gaming Board can license pursuant to the provisions of this Ordinance to conduct gaming on those lands within the jurisdiction and control of the Tribe.

TITLE III. LICENSING.

Section 300. License Required.

Any person, organization or entity (including management officials and key employees), engaged on behalf of the Tribe, in conducting public gaming enterprise pursuant to the provisions of this Ordinance, on trust or restricted lands of Tribe and/or which is subject to the jurisdiction of the Tribe, or any person, organization or entity selling, leasing or otherwise distributing gambling equipment or video games of chance to the Tribe, shall be required to have and display prominently, or display upon request, an appropriate, valid, and current Tribal public gaming license issued pursuant to the provisions of this Ordinance. Any other forms of public gaming operations being conducted within the jurisdiction of the Tribe without the lawful written approval of the Gaming Board are prohibited.

Section 301. Application Necessary.

Except as provided for in Section 307, all persons or organizations who seek to engage in public gaming activities within the jurisdiction of the Tribe must apply for the appropriate license at least Thirty (30) days prior to the scheduled activities or as otherwise allowed in the discretion of the Gaming Board.

Section 302. Application For Gaming Enterprise.

The application for any gaming enterprise made by the proposed gaming operator for that gaming enterprise shall contain the following information:

- (a) the name and address of the gaming operator;
- (b) The name(s) and address(es) of all interested parties (including those with direct or indirect financial interests) and their interest and connection with the applicant;
- (c) the name and location of the gaming enterprise for which the gaming operator license is being sought, the number and types of games to be played, a detailed plan of any proposed construction with an environmental impact study, the number of planned employees, and a business plan which includes pro-forma projection;
- (d) explicit and detailed information of any criminal record of any party of interest whose name appears on the application to determine whether any party of interest:
 - (1) has committed a felony or gaming offense in any jurisdiction;
 - (2) has engaged in prior activities or maintains habits or associations affecting his present conduct which would:
 - (i) pose a threat to the public and Tribal interests;
 - (ii) threaten the effective regulation and control of Tribe gaming;
 - (iii) enhance the dangers of unsuitable, unfair, or illegal methods, or activities in the conduct of gaming or the appearance of same.
 - (3) the name and address of all proposed or actual ancillary contractors who provide supplies, services, concessions or property to the proposed gaming operator;
 - (4) the social security number(s) of all parties of interest whose names appear on the application;
 - (5) a description of any previous experience which the proposed operator has had with the gaming industry generally, and Indian gaming in particular,

including specifically the name and address of any licensing or regulatory agency with which such applicant has had contact relating to gaming;

- (6) a financial statement of the applicant;
- (7) any additional information as may be deemed necessary by the Gaming Board.

Section 303. Application For Management Officials And Key Employees; And Other Employees.

I. LICENSE REQUIREMENTS FOR PRIMARY MANAGEMENT OFFICIALS AND KEY EMPLOYEES

Unless a tribal-state compact allocates sole jurisdiction to an entity other than the tribe with respect to background investigations, the requirements of the following sections apply to all Class II and Class III gaming.

A. BACKGROUND INVESTIGATION.

The tribe shall perform a background investigation for each primary management official and for each key employee of a gaming operation. Each key employee or primary management official, as defined in the Gaming Ordinance of the Ponca Tribe, or any applicant for a position as a key employee or primary management official shall complete a written application in such form or forms as may be required by the Gaming Board.

1. The application form for a key employee or primary management official shall include the following notice:

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. The application form for a key employee or a primary management official shall include the following notice:

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

3. The application form for a key employee or a primary management official shall request the following information:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender and all languages (spoken or written);
- b. Currently and for the previous five (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 subsection (b) above;
- 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 ten (10) years of the date of

the application, the name and address of the court involved and the date and disposition;

- j. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (h) or (i) above, 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 photograph;
- m. Any other information the (business committee or gaming commission) deems relevant;
- n. Fingerprints consistent with those regulations previously adopted (or) Two sets of fingerprints to be taken by certified officers of the Ponca Tribal Police Department on a form approved for that purpose by the Ponca Tribal Police Department (business committee or gaming commission).

4. Upon receipt of a completed application for employment as a key employee or primary management official of a gaming operation, the gaming commission shall conduct a background investigation sufficient to make a determination as to whether the employment of the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. In conducting a background investigation, the gaming commission may contract with an investigative consultant to provide such services as are necessary. In conducting a background investigation, the tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

5. As a part of the application process, the Ponca Tribal Police Department shall conduct a criminal history check of the applicant including a check through the Federal Bureau of Investigation National Criminal Information Center.

6. As a part of the application process, the gaming commission or its agents shall:

- a. conduct a personal interview of the applicant;

- b. conduct personal interviews of the personal and employment references provided by the applicant;
- c. conduct a credit check or credit history report on the applicant;
- d. conduct such follow-up research and interviews of neighbors, friends, family members and associates of the applicant as is deemed necessary or appropriate to the verification of all information contained within the application for employment.

7. The Ponca Tribe Personnel Officer shall be responsible for reviewing the results of the background investigations and for making determinations regarding the suitability of all such applicants for employment with the gaming enterprise.

B. ISSUING A LICENSE TO KEY EMPLOYEES OR PRIMARY MANAGEMENT OFFICIALS

1. When the Tribe employs a primary management official or a key employee, the gaming commission or business committee shall forward to the National Indian Gaming Commission a completed application form.

2. Before issuing a license to a primary management official or key employee, the Tribe shall forward to the National Indian Gaming Commission an investigative report on each background investigation. The investigative report shall include the following:

- a. Steps taken in conducting the background investigation;
- b. The results obtained from the background investigation;
- c. Conclusions reached;
- d. The basis for those conclusions; and
- e. A copy of the eligibility determination for employment in a gaming operation provided for in Section C of these regulations.

3. The investigative report and determination of eligibility shall be forwarded to the National Indian Gaming Commission within sixty (60) days after an employee begins work.

- a. If within a thirty day period after the Commission receives the report, the Commission notifies the Tribe that it has no objection to the issuance of a

license pursuant to the application submitted, the Tribe may issue the license to the applicant;

- b. If within a thirty day period after the Commission receives the report, the Commission provides the tribe with a statement itemizing objections to the issuance of the license sought, the Tribe shall reconsider the application, taking into account the objections itemized by the Commission. The Tribe shall make the final decision whether to issue a license to such applicant; and
- c. During the thirty day period beginning when the Commission receives the report submitted herein, the Chairman may request additional information from a tribe concerning the application. Such a request shall suspend the thirty day period until the Chairman receives the additional information.

C. ELIGIBILITY DETERMINATION

1. The Chairman of the Ponca Tribal Gaming Commission or other authorized tribal official shall review an applicant'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 authorized official, pursuant to the standards adopted in the Ponca Tribal Gaming Ordinance, determines that the employment of a person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a management contractor or a tribal gaming operation shall not employ that person in a key employee or primary management official position and no license shall be issued to that person for any such position.

2. A gaming operation shall not employ, in a key employee or primary management official position, a person who has supplied materially false or misleading information or who has omitted material information with respect to the required information under the application procedure herein and no license shall issue to such person.

II. LICENSE REQUIREMENTS FOR GAMING EMPLOYEES

Pursuant to the requirements of the Gaming Ordinance of the Ponca Tribe, any person engaged on behalf of the Tribe in conducting a public gaming enterprise or any support operation thereof, shall be required to have and display prominently, or display upon request, an appropriate, valid and current Tribal public gaming license issued pursuant to the provisions of the

Gaming Ordinance of the Ponca Tribe and these regulations. Persons requiring a license under this section shall include all persons employed or engaged in the gaming enterprise not classified as key employees or primary management officials and includes, but is not limited to, dealers, cashiers, security personnel, food service workers, maintenance or janitorial staff and all other employees of the enterprise.

A. BACKGROUND INVESTIGATION

The Tribe shall perform a background investigation for each employee of a gaming operation. Each employee, or any applicant for a position as an employee, shall complete a written application in such form as approved by the Business Committee or gaming commission.

1. The application form for an employee shall include the following notice:

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 Ponca Tribal 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.

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

2. The application form for an employee shall include the following notice:

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

3. The application form for an employee shall request the following information:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender and all languages (spoken or written);
- b. Currently and for the previous five (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 subsection (b) above;
- 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 ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (h) or (i)
a b o v e ,

the criminal charge, the name and address of
t h e
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 photograph;
- m. Any other information the (business committee or gaming commission) deems relevant;
- n. Two sets of fingerprints to be taken by certified officers of the Ponca Tribal Police Department on a form approved for that purpose by the Ponca Tribal Police Department, Business Committee or gaming commission.

4. Upon receipt of a completed application for employment as an employee of a gaming operation, the gaming commission shall conduct a background investigation sufficient to make a determination as to whether the employment of the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. In conducting a background investigation, the gaming commission may contract with an investigative consultant to provide such services as are necessary. In conducting a background investigation, the tribe or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

5. As a part of the application process, the Ponca Tribal Police Department shall conduct a criminal history check of the applicant including a check through the Federal Bureau of Investigation National Criminal Information Center.

6. As a part of the application process, the gaming commission or its agents shall:

- a. conduct a personal interview of the applicant;
- b. conduct interviews of the personal and employment references provided by the applicant, either in person or by telephone;
- c. conduct a credit check or credit history report on the applicant;

- d. conduct such follow-up research and interviews of neighbors, friends, family members and associates of the applicant as is deemed necessary or appropriate.

B. ISSUING A LICENSE TO EMPLOYEES

1. Prior to or at the time the Tribe employs an individual, the gaming commission or Business Committee shall initiate the application procedure required herein. Provided that when any applicant represents in writing that he or she meets the standards set forth in these regulations and upon submission of a completed application form, an employee may be issued a provisional license for a period not to exceed sixty (60) days if the gaming commission determines it to be in the best interest of the Tribe to issue said provisional license. If during the application or investigation process it is determined that the provisional licensee is unsuitable for employment, the provisional license shall be terminated immediately.

2. A gaming operation shall not employ a person:

- a. who has supplied materially false or misleading information or who has omitted material information with respect to the required information under the application procedure herein;
- b. who has been convicted of felony involving embezzlement, theft, misuse of funds or a related gaming offense; or
- c. who has been determined to be a person whose prior activities, criminal record, 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, subject to the right of any applicant to appeal to the Business Committee, whose decision will be final.

and no license shall otherwise issue to such person unless the affected person has received a pardon from the jurisdiction from which the original event occurred and/or a pardon issued by the Chairman of the Ponca Tribe of Oklahoma and approved by the Ponca Business Committee.

Section 304. Application For Distributors Of Video Games Of Chance And Gambling Equipment.

The application for any person, organization or entity wishing to sell, lease or otherwise distribute gambling equipment and/or video games of chance to the Tribe shall contain the following information:

- (a) the name(s) and mailing address of the person or entity making the application;
- (b) the names and addresses of all interested parties (including those with direct or indirect financial interests)
- (c) the nature of the license applied for; the type of activity to be engaged in under the license;
- (d) explicit and detailed disclosure of any criminal record, including any delinquent taxes or other monies owed to the Tribe, of the applicant, any person involved in the organization, and any party of interest whose name appears on the application;
- (e) any additional information necessary to allow the Tribe or the State of Oklahoma to investigate the applicant or any person included on the application;
- (f) whether the applicant has been properly licensed by the State of Oklahoma pursuant to Oklahoma Law or any other federally recognized Oklahoma Tribe and proof of being the holder of a current and valid distributor or manufacturer license from the Tribe; or properly licensed and holding a current and valid license from either the State of New Jersey, Minnesota, Wisconsin, Kansas, Nevada, or South Dakota, or any other federally recognized tribe of Indians.
- (g) whether the applicant has ever had a distributor or manufacturer license revoked or suspended by any state or other jurisdiction that issued the license and, if so, the circumstances surrounding the state's action;
- (h) a statement of waiver allowing the Tribe or the Tribe's delegated representative to conduct a background investigation of the applicant and any person whose name is required to appear on the application;
- (i) whether the applicant or any person whose name is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages.

Section 305. Machine Licenses.

In addition to a distributor license provided for in Section 303, the person or entity with whom the Tribe enters into a lease or sales agreement regarding video games of chance must obtain from the Gaming Board an annual non-transferable license for each video game of chance to be placed in a gaming enterprise operating under the provisions of this Ordinance.

- (a) An application for a license for a video game of chance shall contain the following information;
 - (1) the name and address of the applicant with proof of a current and valid distributor or manufacturer license issued by a state and the Tribe;
 - (2) identification numbers of codes for each video game of chance placed in a Tribal gaming enterprise, including the manufacturer, the serial number and the model number;
 - (3) proof of approval and certification of the machine by an approved gaming test laboratory or proof that the video game of chance conforms precisely to the exact specifications of the video game of chance prototype tested and approved by the gaming test laboratory;
 - (4) all other information as required by the Tribal-State Compact.
 - (5) proof of a current and valid video game of chance license issued by the Tribe pursuant to this Ordinance.
- (b) Upon issuance, the Gaming Board shall have attached to each video game of chance licensed under the provisions of this Ordinance, an unremovable identification plate on the exterior cabinet which contains the information as required by a Tribal Compact, Ordinance, or Regulation.

Section 306. Classes Of Licenses.

Upon proper application and approval, the following classes of licenses may be issued by the Gaming Board;

- (a) Class A license for a gaming enterprise in which a gaming management firm or entity wishes to conduct traditional bingo and other similar Class II games of chance at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee of \$1,000.00. A separate license shall be issued to each place, facility, or location where Class II gaming is to be conducted;
- (b) Class B license for a gaming enterprise in which a gaming management firm or entity wishes to conduct video games of chance or other Class III gaming subject to a Tribal Compact Ordinance or at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee of \$2,500.00;
- (c) Class C license to any management official or key employee thereof who wishes to be licensed for employment in conducting games of chance or other gaming subject to other compacts at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee of \$2,500.00;
- (d) Class D license to any distributor or manufacturer of gambling equipment and/or video games of chance to be used in a Class III Tribal gaming enterprise; the license shall be valid for a period of one year and shall have an application fee of \$2,500.00;
- (e) Class E license for each video game of chance to be used in a Tribal gaming enterprise; the license shall be valid for a period of one year and shall have the fee of \$25.00 per machine.

Section 307. Fraud On Application.

It shall be unlawful for any applicant to lie or willfully deceive in the submission of a license application.

Section 308. Exemptions.

- (a) The following activities are not public gaming operations under the terms of this ordinance and, therefore, do not require licensing under this title;
- (1) Gaming not for gain. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings or "places" for immediate competitive rankings, is not subject to the provisions of this ordinance. However, gaming for fun which is conducted by a non-profit organization is subject to the requirement of this ordinance if cash or valuable prizes are awarded. "Valuable prize" means (\$100.00) or more in fair market value.
 - (2) Traditional Indian Gaming. Traditional Indian gaming activity, in the nature of hand games, are not subject to the provisions of this ordinance. The Gaming Authority is hereby authorized to determine on a case-by-case basis, upon request, whether a particular traditional gaming activity qualifies for the exemption.
 - (3) Charitable games approved by the Business Committee, conducted in accordance with appropriate regulations, whether conducted within or without the tribe's gaming facility.
- (b) The existing gaming enterprise known as the Ponca Tribal Gaming Enterprises shall be automatically licensed with the adoption of this Ordinance; such gaming enterprise is issued a Class I license and Class II license with a waiver of any application fee; such licenses shall be renewed each year with a waiver of any fee until otherwise provided by Gaming Board decision or amendment to this Ordinance.

Section 309. License Renewal

Every licensee intending to continue engaging in public gaming activities within the Ponca Tribe of Oklahoma Tribal Jurisdiction during the next calendar year shall apply for renewal of the license at least thirty (30) days prior to the expiration of the previous license period.

Section 310. License Display.

Every licensed gaming operation shall display in a prominent place a current and valid Ponca Tribe of Oklahoma tribal license for that location.

Section 311. Requirements To Maintain License.

- (a) Change in location. When a licensee changes a location of public gaming activities within the Ponca Tribe of Oklahoma Tribal Jurisdiction, the Gaming Board shall, after notification by the licensee of such changes, issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.
- (b) It shall be unlawful for any licensee to fail to notify the Gaming Board of any new key employee, new ancillary contractor, or new operator. The Gaming Board shall investigate and provide approval or disapproval of the new key employee, contractor, or operator within thirty (30) days. Any information received by the Gaming Board shall be confidential.
- (c) It shall be unlawful for any licensee to begin the employment of a new person, begin the performance of any new contract or begin the control of any new operator without the approval of the Gaming Board.
- (d) It shall be unlawful for any person to possess a firearm or dangerous weapon on premises where licensed gaming is allowed, with the exception of licensed firearms for the maintenance or order, firearms possessed by duly authorized peace officers, and firearms maintained by the licensee if previously approved by the Gaming Board and Tribal Law Enforcement for protection of himself, his agents, and invitees.
- (e) It shall be unlawful for a licensee to engage in pawnbroking or to take goods or materials in hock or to lend money or engage in similar activity with indigent persons solely for the purpose of enabling the indigent person to gamble. This provision is not intended to prohibit the extending of credit by the licensee to persons of means after proper application and credit checks are performed.
- (f) A licensee is required during normal business hours, to maintain his premises open for inspection by the Gaming Board or its agents or any other authorized government agency and keep its books and financial record open for similar inspection.
- (g) Licensed gaming employees and tribal gaming managers must produce at a player's request, losing tickets, copies of canceled checks or other evidence of loss acceptable to the Internal Revenue Service if requested by the player

or contestant at the time the player or contestant buys a ticket or chance or otherwise enters the game.

(h) The Gaming Board shall by regulation impose the following additional requirements:

- (1) A determination of whether and in what manner rules of play must be posted for each type of licensed gaming;
- (2) The maximum prize, pot or bet limit, if any, that shall be offered in any type of gaming;
- (3) Rules for the particular conduct or any type of licensed gaming should the Gaming Board deem that such rules are necessary for the proper conduct or gaming;
- (4) Any other regulation controlling licensed gaming which is deemed necessary by the Gaming Board.

Section 312. Fees.

Each application for an initial or renewal license shall be accompanied by payment of the license fee. The Gaming Board's determination of the license fee properly owed under this Ordinance shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the jurisdiction of the Tribe.

Section 313. Non-transferability.

The license issued pursuant to the provisions of this Ordinance is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Gaming Board.

Section 315. License As A Revocable Privilege.

The public gaming operations license is a revocable privilege, and no holder thereof shall be deemed to have an interest in any vested rights therein or thereunder. The burden of proving qualifications to hold any license rests at all times in the licensee. The Gaming Board is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person or persons whose operations are conducted in an unsuitable manner.

Section 316. Violations.

Violation of any provision of this Ordinance or any of the Gaming Board's Regulations by a Licensee, his agent, or employee shall:

- (a) be deemed contrary to the public health, safety, morals, good order, and general welfare of the Tribe and its members;
- (b) be grounds for refusing to grant or renew a license, or for suspension or revocation of a license;
- (c) be grounds for the filing of criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Board; and
- (d) be grounds for immediate revocation of license in the case of a licensee being convicted of a felony.

Acceptance of a license or renewal thereof or condition imposed thereon by a licensee constitutes agreement on the part of the licensee to be bound by all applicable gaming laws and regulations of the Ponca Tribe and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violation.

Provided, the Gaming Board has no authority to close a facility licensed under the provisions of this Ordinance. Such Order of closure under this tribal ordinance may be issued only by Tribal Court of competent jurisdiction, the Ponca Tribal Business Committee, or by the National Indian Gaming Commission or such other federal agency as may be so empowered.

Section 317. Criminal History Check And Fingerprints.

The Ponca Tribal Police Department is designated and authorized to take any fingerprints of any applicants for licenses herein or for any purpose required under the provisions of this Ordinance. Fingerprints shall be taken on cards or forms approved by the National Indian Gaming Commission.

The Ponca Tribal Police shall at the request of the Gaming Board or Business Committee, conduct a criminal history check of any applicant or employee including a check through the Federal Bureau of Investigation National Criminal Information Center. The results of said check shall be included with the license application required herein.

TITLE VI. RULES OR GENERAL APPLICABILITY

Section 400. Rules Of Gaming Operation.

Each licensee operating a gaming enterprise under a license issued pursuant to the provisions of this Ordinance shall prominently display in writing all rules and regulations pertaining to all gaming activity, including but not limited to traditional bingo, other games of chance and video games of chance, near the specific location where such gaming activity is conducted; or shall make available a written list of all such rules and regulations to any person making a request for such.

Each gaming employee and management entity licensed under the provisions of this Ordinance shall utilize gaming rules and regulations that are in compliance with the laws of the Tribe, the United States of America, and any gaming Compact and specifically the Indian Gaming Regulatory Act of 1988.

Section 401. Video Games Of Chance.

The following requirements shall apply to management and conduct of all video games of chance within any gaming enterprise licensed pursuant to the provisions of this Ordinance.

- (a) Licensing of manufacturers; no gaming enterprise may own, lease, or operate video games of chance that have been manufactured by a manufacturer that has not received a license from the Gaming Board pursuant to the provisions of Title III or this Ordinance. The Gaming Board shall issue licenses only to manufacturers of video games of chance holding a valid license from the States of Minnesota, New Jersey, Nevada, South Dakota, Kansas, Wisconsin and Connecticut, or from any other federally recognized Tribe.
- (b) Licensing of distributors; no gaming enterprise may own, lease, or operate video games of chance that have been distributed by a distributor that has not received a license from the Gaming Board pursuant to the provisions in Title III of this Ordinance. The Gaming Board shall issue licenses only to distributors of video games of chance holding a valid license from the State of Minnesota, or the State of New Jersey, or the State of Nevada, or the State of South Dakota, Kansas, Wisconsin and Connecticut.
- (c) Suspension, revocation, or non-renewal of manufacturer or distributor license; in the event that the States of Minnesota, Kansas, Wisconsin, Connecticut, New Jersey, Nevada, or the State of South Dakota, suspends, revokes, or refuses to renew a license of a manufacturer or distributor of video games of chance similarly licensed by the Gaming Board, such action shall be grounds for similar action by the Gaming Board, which shall investigate, suspend, revoke, or refuse to renew the license issued by the Gaming Board to such manufacturer or distributor.
- (d) Technical standards: testing and approval of video games of chance; no video game of chance may be purchased, leased or otherwise acquired by a gaming enterprise unless:
 - (1) the video game of chance is purchased, leased, or acquired from a manufacturer or distributor licensed to sell, lease, or distribute video games of chance by the Gaming Board pursuant to the provisions of this Ordinance; and

- (2) the video game of chance, or a prototype thereof, has been tested, approved or certified by an approved gaming test laboratory as meeting all requirements and standards of any appropriate compact, ordinance, regulation, or rule on video games of chance.

- (e) Compliance of video games of chance: any gaming activity involving video games of chance shall be conducted in strict compliance with the Tribal compact, ordinances, and regulations on video games of chance.

Section 402. Restrictions For Gaming Enterprises.

Each licensee operating a gaming enterprise under a license issued pursuant to the provisions of this Ordinance must at all times observe the following restrictions on gaming activities:

- (a) Minimum age for players: no person below the age of eighteen (18) years on the date of gaming shall be permitted to participate in the gaming in any gaming enterprise licensed under the provisions of this Ordinance. If any person below the age of eighteen (18) years plays and otherwise qualifies to win any prize, the prize shall not be paid, and the estimated amount wagered during the course of the game shall be returned to the player.
- (b) Prohibition on alcohol: no gaming enterprise shall allow to be sold or otherwise make available any beverage containing alcohol including, but not limited to, beer or liquor at the gaming enterprise location without the specific approval of same by the Gaming Board with the approval of the Business Committee.
- (c) Prohibition on firearms: no firearms or airguns which are capable of discharging dangerous projectiles or games including, but not limited to, "bb's" or CO2 guns, rifles, shotguns, pistols, or revolvers, shall be allowed on the premises except as permitted for security by an employed security force or other city, state, or federal law enforcement officers in the course of their official duties.

TITLE V. INDIAN GAMING REGULATORY ACT

Section 500. Policy.

It shall be the policy of the Tribe to fully comply with all applicable U.S. federal law, to include the provisions of the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 et seq.), and the Tribal Gaming Compact, if any, in the conduct of all gaming activity within the jurisdiction of the Tribe.

Section 403. Procedures For Resolving Disputes Between The Gaming Public And The Ponca Tribe

The Ponca Tribe recognizes that it is in the best interest of all parties to provide for an orderly and swift resolution of disputes between any member of the gaming public and the Ponca Tribe or any management contractor performing duties on behalf of the Ponca Tribe gaming operation. These disputes may include, but are not limited to, issues relating to the Rules of Play for the particular game and the amount of money wagered, lost and/or won. To insure prompt and fair resolution of any disputes that may arise, the following procedures will be utilized:

1. Every effort will be made for individual dealers or other employees directly involved in the dispute to resolve those disputes.

2. If an individual employee is unable to fairly resolve the dispute to the satisfaction of the patron, the employee's supervisor (pit boss, etc.) will attempt to resolve the dispute after consultation with the patron and the employee. In order not to distract other patrons, the supervisor may ask the affected parties to relocate to an area more suitable for these discussions.

3. If the supervisor is unable to resolve the dispute, the manager of the facility on duty at that time will make a determination as to the appropriate resolution. In reaching this determination, the manager shall consult with the patron, the employee and the supervisor. The manager may also review any available surveillance tape which would be beneficial to this determination. In order not to unduly inconvenience the patron or delay the gaming operation, every effort will be made for a final resolution of all disputes to be made as quickly as possible. Any patron or employee who is not satisfied with the decision of the manager shall be entitled to a hearing before the tribal gaming commission or such body as may be appointed thereby to hear such disputes. All employees of the Ponca Tribe or any facility licensed herein will prepare a report on any dispute and the resolution thereof and forward it to the Gaming Board. A copy of all such reports will be maintained by the Gaming Board.

Section 501. Proprietary Interest.

The Ponca Tribe of Oklahoma shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity, Class II or Class III, as those terms are defined by the Indian Gaming Regulatory act of 1988, 25 U.S.C. §2703(7), (8) within the jurisdiction of the Tribe.

Section 502. Use Of Net Revenues.

Net revenues derived from gaming activity shall be utilized for the following purposes:

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

Section 503. 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 Business Committee and by the Secretary of the Interior or his authorized delegee; and
- (c) The recipients of the said per capita payments are properly notified by the Tribe that the payments are subject to federal taxation.

Section 504. Licensee Standards.

It is the further duty of the Gaming Board to develop standards within the proposed regulatory scheme, whereby any person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation of the gaming activity contemplated herein, 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 by any gaming activity licensed by the Gaming Board. The Gaming Board shall conduct background investigations on primary management officials and key employees of all gaming activity. The results of such background checks shall be supplied to the National Indian Gaming Commission prior to the issuance of any gaming license.

Section 505. Contracts.

All contracts for supplies, services, or concessions for a contract amount in excess of Twenty-five Thousand Dollars (\$25,000.00) annually (except for contracts for professional legal or accounting services) relating to gaming (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. §2703) shall be subject to the outside independent audits provided for in Title II, section 206(6) of this ordinance, and all such outside audits of gaming related contracts shall be submitted to the NIGC pursuant to 25 C.F.R. §522.4(b) (3).

Section 506. Protections.

It is the duty of the Business Committee and the Gaming Board to ensure that any construction and maintenance of any gaming facility licensed by the Gaming Board, and the operation of the gaming activity therein shall be conducted in a manner which adequately protects the environment and the public health and safety.

Section 507. Licenses For Continuing Operations.

No licenses will be issued to allow the continuing operation of individually owned gaming establishments since none were in operation on September 1, 1986.

Section 508. Tribal Self-Regulation.

It is the intent of the Tribe to request a hearing before the National Indian Gaming Commission for the issuance of a certificate of self-regulation. In anticipation of being self-regulating, the Tribe ensures that it will:

- (a) conduct its gaming activity in a manner which:
 - (1) has resulted in an effective and honest accounting of all revenues;
 - (2) has resulted in a reputation for safe, fair, and honest operation of the activity; and
 - (3) has been generally free of evidence of criminal or dishonest activity;
- (b) adopt and implement adequate systems for:
 - (1) accounting for all revenues from licensed gaming activity;
 - (2) investigation, licensing, and monitoring of all employees of the gaming activity; and
 - (3) investigation, enforcement and prosecution of violations of this ordinance and regulations; and
- (c) conduct all gaming operations on a fiscally and economically sound basis.

Section 509. Management Agreements.

All management agreements entered into by the Tribe, if any, shall comply with all the applicable provisions of the Indian Gaming Regulatory Act, 25 U.S.C. §2711.

Section 510. Internal Revenue Code.

All applicable Internal Revenue Code provisions concerning reporting and withholding of taxes with respect to the winnings from gaming shall be adhered to.