

NATIONAL
INDIAN
GAMING
COMMISSION

AUG - 9 1995

Joan Rebar, Chairperson
Sac and Fox Nation of Missouri
R.R. 1, Box 60
Reserve, Kansas 66434

Dear Chairperson Rebar:

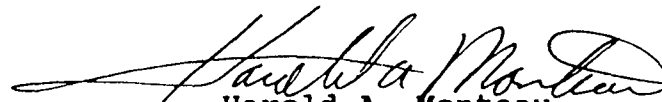
This letter responds to your request to review and approve the tribal gaming ordinance, Resolution No. R-1-95, adopted on January 11, 1995, by the Sac and Fox Nation of Missouri (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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.

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 Sac and Fox Nation of Missouri 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

cc: Paul Alexander, Esq.
Alexander & Karshmer
Attorneys at Law
1790 Lanier Place, N.W.
Washington, D.C. 20009

Sac and Fox Nation of Missouri

R.R. 1, BOX 60, RESERVE, KANSAS 66434

(913) 742-7471 • FAX (913) 742-3785

RESOLUTION R-1-95

WHEREAS, The Sac and Fox Nation of Missouri, in Kansas and Nebraska, is a duly recognized Tribe in accordance with the Indian Reorganization Act of 1934 (48 Stat. 984); and has a Constitution approved by the Secretary of the Interior on July 20, 1993; and

WHEREAS, The Sac and Fox Tribal Council met in regular session on the Sac and Fox Reservation in Reserve, Kansas, December 28, 1994; and

WHEREAS, The Sac and Fox Council has been given full authority by the Tribe to act in all matters of business for the Nation; and

WHEREAS, The Sac and Fox Nation is striving for self-sufficiency, and strong tribal government by providing economic development to improve the economy, health, education, and welfare of its tribal members; and

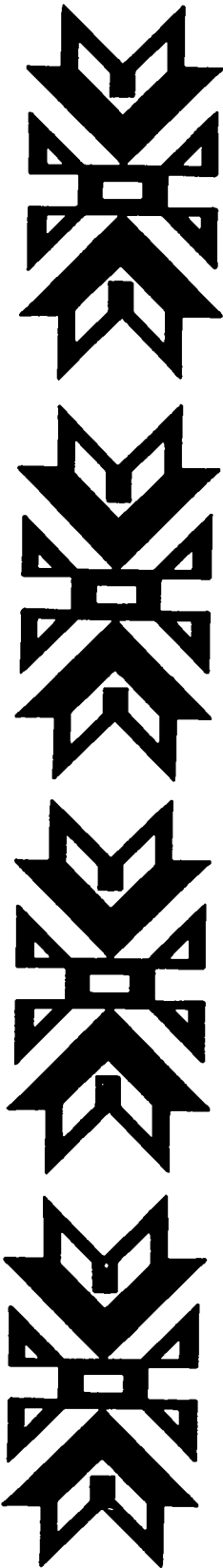
WHEREAS, The United States Congress enacted Public Law 100-497, the Indian Gaming Regulatory Act (IGRA); and

WHEREAS, The Sac and Fox Nation have adopted a gaming ordinance pursuant to IGRA; and

WHEREAS, The Sac and Fox Nation seeks to establish Class III gaming on its Indian lands; and

WHEREAS, IGRA requires the Sac and Fox Nation to request the State of Kansas to negotiate a Class III gaming Compact.

NOW THEREFORE IT BE RESOLVED, The Sac and Fox Council has read and approved the Tribal Gaming ordinance, and has read and approved a proposed Class III Compact with the State of Kansas, and does hereby authorize the Chairperson and the General Counsel to the Tribe to take all necessary steps to: (1) submit the Gaming Ordinance for approval of the Chairman of the National Indian Gaming Commission; and (2) submit, negotiate, and obtain approval of a Class III Compact with the State of Kansas.



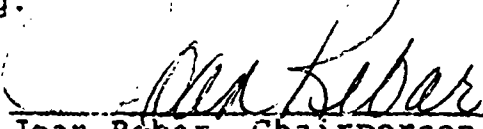
Sac and Fox Nation of Missouri

R.R. 1, BOX 60, RESERVE, KANSAS 66434

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

This foregoing Resolution was duly adopted this date, January 11, 1995, in a regular session of the Tribal Council, at which 4 members of the Tribal Council were present, constituting a quorum, by a vote of 4 for and 0 against. Chairperson abstaining.



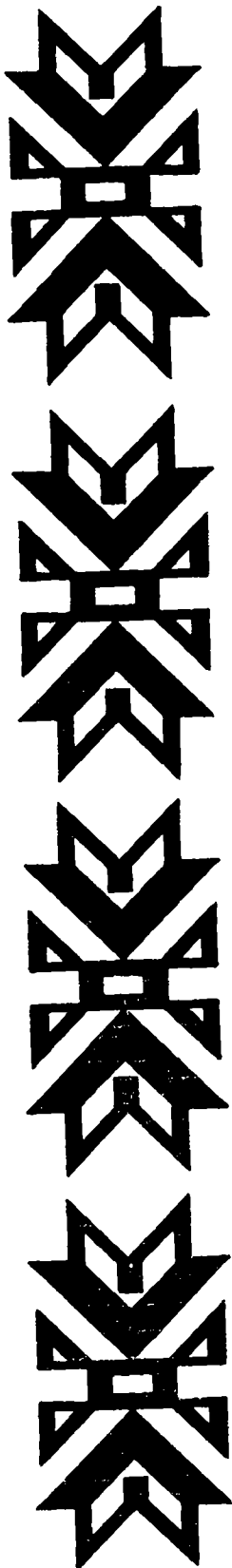
Joan Rebar, Chairperson
Sac and Fox Tribal Council

ATTEST:



Dennis Brown, Acting Secretary
Sac & Fox Tribal Council

Dennis Brown, Acting Secretary
Sac & Fox Tribal Council



GAMING ORDINANCE

I. Purpose

The Sac and Fox Nation of Missouri in Kansas and Nebraska ("Sac and Fox Nation"), as the beneficial owner of the Sac and Fox Nation's trust lands in Kansas and Nebraska, and acting through its Tribal Council under its constitution in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Sac and Fox Nation's lands and the members of the Sac and Fox Nation, hereby ordains and establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which Class II and Class III gaming may be conducted on the Indian lands, as defined in 25 U.S.C Section 2701 **et seq.**, of the Sac and Fox Nation.

II. Gaming Authorized

A. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA") and by regulations lawfully promulgated by the National Indian Gaming Commission ("NIGC") that now or hereafter may be in effect is hereby authorized.

B. Class III gaming as defined in IGRA, 25 U.S.C. Section 2703(8) and by regulations promulgated by the NIGC that now or hereafter may be in effect is hereby authorized, provided such gaming is also authorized by and consistent with a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

III. Ownership of Gaming Facilities and/or Enterprises

The Sac and Fox Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming facilities and/or enterprise(s) authorized by this ordinance.

IV. Use of Gaming Revenue

A. Except as specifically authorized pursuant to Subsection B of this Section, net revenues from Class II and Class III gaming of the Sac and Fox Nation shall be used only for the following purposes:

- 1) to fund Sac and Fox Nation's government operations and programs;
- 2) to provide for the general welfare of the Sac and Fox Nation and its members;

- 3) to promote the Sac and Fox Nation's economic development;
- 4) to donate to charitable organizations; or
- 5) to help fund operations of local government agencies.

B. If the Sac and Fox Nations elects to make per capita payments to Sac and Fox Tribal members, it shall authorize such payments only in conformity with a plan submitted to and approved by the Secretary of the Interior pursuant to 25 U.S.C. §2710(b)(3).

V. Audit

A. The Sac and Fox Nation's Tribal Council shall cause to be conducted at least annually an independent audit of all gaming operations and shall submit the resulting audit reports to the NIGC, and to such other agencies as may be required by the terms and conditions of any Class III compact or other document authorizing Class III gaming on the Indian lands of the Sac and Fox Nation.

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

VI. Protection of the Environment and Public Health and Safety

Class II and Class III gaming facilities on the Indian lands of the Sac and Fox Nation shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety, with the Sac and Fox Nation's Tribal Council having primary responsibility for assessing the environmental impact of all construction and gaming operations, and taking such measures as it determines may be reasonably necessary to mitigate any adverse environmental impacts as it may identify.

VII. Licenses for Key Employees and Primary Management Officials

The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any class II and/or Class III gaming enterprise operated on Indian lands of the Sac and Fox Nation:

A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

- (a) A person who performs one or more of the following functions:
 - (1) Bingo Caller;
 - (2) Counting Room Supervisor
 - (3) Chief of Security
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor Manager
 - (6) Pit Boss
 - (7) Dealer
 - (8) Croupier
 - (9) Approver of Credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

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

B. Application Forms

1. The following notice shall be placed on the application form of a key employee or a primary management official before that form is filled out by 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, Sac and Fox Nation Tribal Council, 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.
(18 U.S.C. §1001).

4. The Sac and Fox Nation Tribal Council or its designated gaming regulatory agency 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.

C. Background Investigations

1. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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 five years: all 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 Subsection;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian Tribal Councils, 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 every 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 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 years of the date of the application and is not otherwise listed

pursuant to paragraph (1)(h) or (1)(i) of this Subsection, the criminal charge, the name and address of the court involved and the date and disposition;

- k. The name and address of each 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 Sac and Fox Nation's Tribal Council may deem relevant under the circumstances; and
- n. Fingerprints consistent with procedures adopted by the Sac and Fox Nation's Tribal Council in accordance with 25 C.F.R. §522.2(h).

2. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall conduct an investigation sufficient to make a determination under Subsection D. below. In conducting a background investigation, the Sac and Fox Nation's Tribal Council or its agent(s) shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall review a 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 Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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, the gaming operation shall not employ that person in a key employee or primary management official position.

E. 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 Sac and Fox Nation's Tribal Council or its

designated gaming regulatory agency shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Subsection D of this Section.

2. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall forward the report referred to in Subsection F of this Section 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.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in Subsection E of this Section, the Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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 the background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall submit, with the report, a copy of the eligibility determination made under Subsection D of this Section.

3. If a license is not issued to an applicant, the Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency:

- 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 Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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 or denial of employment.

G. 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 Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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 Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency has provided an application and investigative report to the National Indian Gaming Commission, the Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency may issue a license to such applicant.

2. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency 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 Subsection G.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 *** Tribal Council with a statement itemizing its objection(s) to the issuance of a license to a key employee or to a primary management official for whom the Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency has provided an application and investigative report to the National Indian Gaming Commission, the *** Tribal Council or its designated gaming regulatory agency shall reconsider the application, taking into account the objection(s) itemized by the National Indian Gaming Commission. The Tribal Council of the Sac and Fox Nation shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribal Council of the Sac and Fox Nation or its designated gaming regulatory agency 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 D above, the Tribal Council of the Sac and Fox Nation or its designated gaming regulatory agency shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Sac and Fox Nation's Tribal Council or its designated gaming regulatory agency shall decide whether to revoke or to reinstate a gaming license. The Sac and Fox Nation's Tribal Council shall notify the National Indian Gaming Commission of its decision.

VIII. Licensing of Gaming Places, Facilities and Locations

A separate license shall be required for each place, facility, or location on Indian lands where Class II and/or Class III gaming is to be conducted on the Sac and Fox Nation's Indian Reservation.

IX. Creation of Sac and Fox Nation's Tribal Gaming Commission

A. There is hereby created the Sac and Fox Nation's Tribal Gaming Commission, which shall consist of three persons who would themselves qualify for licensing under this Ordinance.

B. The members of the Sac and Fox Nation's Gaming Commission shall be appointed by the Sac and Fox Nation's Tribal Council, and shall not be removed during their terms of office except for misconduct, neglect of duties or other acts that would render such persons unqualified for licensure hereunder. An affirmative vote of at least four members of the Sac and Fox Nation's Tribal Council, taken in an open meeting after a duly-noticed hearing at which the member charged with misconduct shall have the right to hear and present evidence concerning his/her removal, shall be required to remove a member of the Commission. At the request of the member whose removal is at issue, the hearing may be held in executive session. The Tribal Council of the sac and Fox Nation also may elect to receive in executive session any evidence public disclosure of which might compromise any on-going law-enforcement investigation, or which might jeopardize any privilege or immunity possessed by the Sac and Fox Nation.

C. There shall be a Chairperson of the Sac and Fox Tribal Gaming Commission, who shall be appointed for a term of two years. The remaining members of the Commission shall be appointed for terms of ~~one~~ year. The Tribal Council shall determine and authorize the compensation, if any, to be paid to members of the Sac and Fox Tribal Gaming Commission based upon the Tribal

Council's determination of the time required to be expended upon Commission duties and the qualifications of the appointed Commissioners.

D. The Sac and Fox Nation's Tribal Gaming Commission shall be authorized and hereby is directed to promulgate, subject to review and approval by the Tribal Council, detailed and comprehensive regulations for the implementation and enforcement of this Ordinance. Said regulations shall describe and establish the rules for each specific Class II and Class III gaming activity to be authorized to be conducted on Indian lands of the Sac and Fox Nation, and no form of such gaming may be conducted on such lands without prior approval by the Sac and Fox Nation's Tribal Gaming Commission. Pending approval of the Sac and Fox Nation's Tribal Gaming Commission's regulations by the Sac and Fox Nation's Tribal Council, any interim regulations that the Sac and Fox Nation's Tribal Council may adopt shall govern gaming on the such lands.

E. The Sac and Fox Tribal Gaming Commission, independent of the Tribal Council, shall have full authority to monitor compliance with this Ordinance and its Regulations, and to investigate and act to prevent any violation(s) thereof.

F. Subject to the approval of the Tribal Council and the appropriation of funds therefor, the Sac and Fox Nation's Tribal Gaming Commission shall be authorized to employ such staff as reasonably may be required to fulfill its responsibilities under this Ordinance. Compensation of Commission employees shall be limited to that which is comparable to compensation paid to persons performing similar duties in other governmental gaming regulatory agencies.

G. Subject to the approval of the Tribal Council, the Sac and Fox Nation's Tribal Gaming Commission hereby is authorized to establish and impose upon gaming facilities, permittees, applicants and licensees such application, permit and license fees as may be necessary to fully reimburse the Sac and Fox Nation for its actual costs of operating the Sac and Fox Nation's Tribal Gaming Commission, enforcing this Ordinance and Sac and Fox Nation's Tribal Gaming Commission regulations, processing of licensing and permit applications, and otherwise fulfilling its regulatory responsibilities under IGRA. All such fees shall be collected by the Tribal Gaming Commission and hereby are continuously appropriated solely for the purposes enumerated in this Subsection.

H. Failure to timely pay any gaming-related fee imposed by the Sac and Fox Nation's Tribal Council or the Tribal Gaming Commission, or to comply with any Commission regulation or order, or any other violation of this Ordinance or the terms of any Class III gaming compact authorizing and regulating gaming on the Indian lands of the Sac and Fox Nation, shall be grounds for suspension or revocation of any license or permit issued pursuant to this

Ordinance, exclusion of any non-member of the Sac and Fox Nation from the Sac and Fox Indian Reservation or other Indian lands of the Sac and Fox Nation, and imposition of such other sanctions as the Sac and Fox Nation's Tribal Gaming Commission may deem appropriate.

I. Any person or entity subject to any sanction or penalty by the Sac and Fox Nation's Tribal Gaming Commission shall have the right to appeal such sanction or penalty to the Tribal Council in accordance with such rules and regulations as may be promulgated by the Tribal Council for that purpose. The decision of the Tribal Council on any appeal shall be final and not otherwise reviewable.

X. Repeal

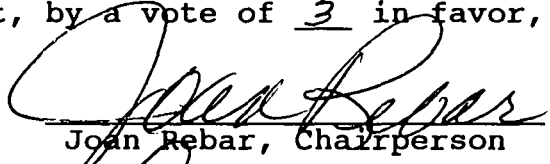
To the extent that they are inconsistent with this ordinance, all gaming ordinances previously enacted or amended by the Sac and Fox Nation hereby are repealed.

CERTIFICATION

This is to certify that the foregoing Ordinance was adopted on JAN 11, 1995, at a duly-called meeting of the Sac and Fox Tribal Council at which a quorum was present, by a vote of 3 in favor, 0 opposed and 1 abstaining.

Dated:

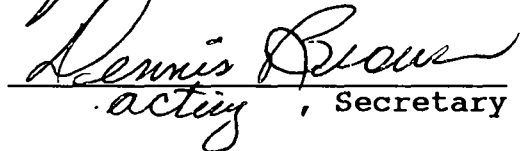
JAN 11, 1995


Joan Rebar, Chairperson

Affirm:

Dated:

JAN 11 1995


acting, Secretary

**INTERIM GAMING REGULATIONS OF
THE SAC AND FOX NATION OF MISSOURI IN KANSAS AND NEBRASKA**

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I. PREAMBLE

(A) Development of regulations. The following interim regulations are issued pursuant to the powers vested in the Sac and Fox Tribal Council by the Sac and Fox Tribal Constitution and Tribal Gaming Ordinance. Until such time as the Sac and Fox Gaming Commission is operational, the Tribal Council may from time to time issue, amend, and repeal such regulations consistent with the policy and purposes of the Tribal Gaming Ordinance.

II. DEFINITIONS

(A) "Chairman" means the chairman of the Sac and Fox Nation of Missouri or designee unless the context clearly indicates otherwise.

(B) "Tribal Council" means the Sac and Fox Tribal Council.

(C) "Tribal Council representative" means any member of the Tribal Council or any other person duly appointed by the Tribal Council as its representative in any matter.

(D) "Employee" has the same meaning as the term is used by the United States Internal Revenue Service.

(E) "Financial interest" means a right to a share in or benefit from the proceeds of:

(1) A gaming operation, other than those rights accruing from the provision of goods or services for which no part of the compensation is based upon a percentage of the profits or a similar share of the operation's proceeds; or

(2) A lease or purchase agreement for the leasing or purchasing of any gaming equipment where the agreement is for more than six months duration in any 12 month period.

(F) "Gambling game" or "game" means any game defined and authorized by the Sac and Fox Gaming Ordinance.

(G) "Gaming" or "gambling" means the offering of any games authorized by the Sac and Fox Gaming Ordinance, except card games played in private homes in which no person makes money for operating the game, except as a player, and traditional Indian games as defined in the Sac and Fox Gaming Ordinance.

(H) "Gaming facility" means any place, location, or building wherein gaming is conducted, and including any associated food service area, lounge, offices or other areas housed therein as well as the area occupied by the games. The term shall also include all buildings, improvements, equipment, and facilities used or maintained in connection with such business.

(I) "Gaming operation" means each economic entity that operates games, receives the revenues, issues the prizes, and pays the expenses of the games.

(J) "Key contractor" means any person or other legal entity, other than a management official or key employee, who has a contract or other agreement with a gaming operation meeting of any of the following criteria:

(1) Where the contract or agreement is primarily for services, the contemplated or actual payment to the contractor exceeds \$50,000 in any 12 month period;

(2) Where the contract or agreement is primarily for goods, the contemplated or actual payment to the contractor exceeds \$100,000 in any 12 month period; or

(3) The contractor performs for the gaming operation any function described in the definition for a key employee.

The term also includes any individual employed by a key contractor who performs any function for the gaming operation described in the definition for a key employee or is compensated in any manner in excess of \$50,000 per annum for services provided directly or indirectly to the gaming operation.

(K) "Key employee" means any employee who is directly or indirectly engaged in the administration or supervision of the gaming operations or physical security activities of such gaming operations. The following classes of employees are presumed to be actively and directly engaged in the administration or supervision of gaming:

1) All individuals who are compensated in any manner in excess of \$50,000 per annum;

2) All individuals who have the authority to supervise or direct a shift of any gaming or security activity, including but not limited to supervision or direction of the pit area, card rooms, keno or bingo games, mechanical or electronic gaming devices, race or sports books, pari-mutuel operations, or any persons having authority to supervise or direct such persons;

3) All individuals who supervise or direct other employees engaged in the control of gaming assets and revenues and record keeping, including the recording of cash and evidences of indebtedness, and the maintenance, review, or control of the records, accounts, and reports of transactions;

4) All individuals who have custodial responsibility for

cash or gaming supplies;

5) All count room supervisors and personnel;

6) All individuals who supervise or direct other employees engaged in providing security or surveillance services to the gaming establishment;

7) All individuals who may approve or extend gaming credit in any amount, or whose recommendations in this regard are ordinarily sought or followed;

8) All individuals who may approve or extend gaming credit in any amount, or whose recommendations in this regard are ordinarily sought or followed;

9) Any individual who has been specifically represented to the Tribal Council by a licensee as being important or necessary to the operation of the gaming establishment.

The term "key employee" does not include any person licensed as a management official.

(L) "License" means a written approval of the Tribal Council authorizing a specific individual to engage in certain gaming activities which may also require approval from the federal government.

(M) "Sac and Fox Tribal Council" or "Tribal Council" means the governing body of the Sac and Fox Nation as established and defined by the Sac and Fox Nation of Missouri's Constitution.

(N) "Management committee" means a group of individuals selected by the owner of a gaming operation to oversee and establish policies for that operation.

(O) "Management contractor" means any person or other legal entity engaged by the owner of a gaming establishment to provide management services under a management contract as that term is used by the Indian Gaming Regulatory Act.

(P) "Management interest" means the ability to effect significant policy for a gaming establishment. A management official is deemed to possess a management interest.

(Q) "Management official" means any member of a gaming management committee or other board of directors for a gaming operation, any management contractor, any person having a direct or indirect interest in a management company, the spouse of any person having a direct or indirect interest in a management company, the general manager, the gaming operations manager, the controller or chief financial officer, and any other person who has authority to hire

or fire employees or set working policy for a gaming operation.

(R) "National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. §2701 et seq.).

(S) "Permit" means a written approval of the Tribal Council authorizing a specific individual to engage in certain gaming activities that do not require a separate approval from the federal government.

(T) "Player" shall mean a person who participates in a game other than as an employee or contractor of the gaming operation.

(U) "Gaming Security Board" means the Gaming Security Board established by the Tribal Council for the purpose of implementing these regulations, or as further defined by the Tribal Council.

(V) "Standard employee" means any employee of a gaming operation, including but not limited to card dealers, runners, food servers, administrative personnel, maintenance, valet, and any other gaming operation employee in any capacity except management officials and key employees.

(W) "Tribal representative" means any member of the Tribal Council or any other person duly appointed by the Tribal Council as their representative in any manner, excluding management contractors.

III. ADMINISTRATION

(A) Staff; personnel policies; job descriptions. The Tribal Council may hire, supervise, and discipline such personnel as the Tribal Council may deem necessary to implement the Sac and Fox Gaming Ordinance and these regulations in an efficient and effective manner. The personnel policies of the Sac and Fox Nation of Missouri shall apply to all Tribal Council employees unless alternative policies are adopted and approved by the Tribal Council.

(B) Job Descriptions; organization chart. A job description including job title, position supervisor, responsibilities, authorities, and minimum qualifications shall be provided for each position. The Tribal Council shall maintain an organization chart that clearly shows the lines of control and supervisory authority between all gaming regulatory boards, committees, and employees of the Tribal Council.

(C) Budgets. The Tribal Council shall each year prepare and approve annual operating and capital expenditure budgets.

IV. ENFORCEMENT AND SECURITY SERVICES

(A) Division established. A Gaming Enforcement and Security Services Division of the Nation shall be established for the purpose of administering the Tribal Council's license and permit regulations, monitoring compliance of gaming operations with the Tribal Gaming Ordinance and these regulations, and providing physical security and surveillance services to licensed gaming operations and premises.

(B) Gaming Security Board.

(1) Gaming Security Board established, delegated powers and responsibilities. The Tribal Council shall establish and maintain a Gaming Security Board composed of at least two Tribal Council members and the Tribal administrator. The Gaming Security Board is delegated Tribal Council powers to: conduct or oversee necessary personal background and criminal history investigations of license and permit applicants; approve and deny applications for gaming licenses and permits; issue gaming licenses and permits; restrict, suspend, or revoke licenses and permits or impose penalties or other sanctions established by these regulations against the holder of a license or permit; conduct hearings to consider an applicant's appeal of a Gaming Security Board decision to deny any application or to consider a permit applicant's request for a waiver of permit standards; and perform other Tribal Council duties as the Tribal Council may decide. The Gaming Security Board is not delegated Tribal Council authority to contract with the State of California or any other third party, without the prior approval of the Tribal Council, for the performance of background and criminal history investigations.

(2) Security and surveillance policy-making responsibilities; written policies required. The Gaming Security Board shall supervise and establish written policies and procedures for the Tribal Council's security and surveillance force. When convened to discuss security and surveillance policies and procedures, the Gaming Security Board membership shall also include the general manager of the gaming operation to which the security and surveillance services are provided. Under no circumstances shall the general manager of a gaming operation participate in or influence any decision of the board or Tribal Council concerning a gaming license or permit.

(C) Provision of security, surveillance, and enforcement services; prompt payment required. Physical security and surveillance services for gaming facilities owned by the Sac and Fox Nation of Missouri and enforcement of these regulations shall be provided by Tribal employees. The Gaming Security Board shall bill the gaming operation for the services provided by the Tribal Council and any expenses incidental to these services. Failure on the part of a gaming operation to promptly pay such expenses shall be grounds for suspension or revocation of a facility license and/or other disciplinary actions of the Gaming Security Board against the

facility and/or its management officials.

(D) Security personnel employees of the Sac and Fox Nation. The Gaming Security Board shall hire, supervise, and discipline a gaming security director. The gaming security director shall hire, supervise, and discipline a gaming security force. All security and surveillance services personnel shall be employees of the Sac and Fox Nation of Missouri.

(E) Pricing; billing; late payment penalties. Gaming/regulatory services provided to a gaming operation shall be priced to cover all costs associated with providing the services without any financial burden on the Sac and Fox Nation. Pricing of services shall include all direct expenses, overhead, and indirect charges associated with or reasonably attributed to the Sac and Fox Nation's provision of the services. The Gaming Security Board shall prepare and present an invoice from the Tribal Council to the gaming operation that received the services. The Gaming Security Board shall bill the gaming operation monthly or as near to monthly as is possible. Invoices for security and surveillance services shall be due and payable upon receipt of the invoice by the billed party. Payments shall be deemed to be late if the invoice is not paid in full within 15 calendar days after its receipt. The Gaming Security Board shall impose a late payment penalty equal to 10% of the unpaid invoice amount for every month or partial month the payment is late. The imposition or collection of late payment penalties shall not limit the Gaming Security Board from taking other disciplinary actions against the licensed operation or responsible management officials that the Gaming Security Board may deem necessary and appropriate.

V. LICENSES

(A) Policy; revocable privilege.

(1) It is declared policy of the Sac and Fox Nation of Missouri that all gaming facilities, all persons having a financial or management interest in such games, and all employees of such gaming operations shall be licensed and controlled so as to better protect the public health, safety, morals, good order, and welfare of the community. Any gaming license or permit which is issued by the Tribal Council shall be deemed to be a revocable privilege and no person holding such a license or permit is deemed to have acquired any vested rights therein.

(2) Every gaming facility, management official, key employee, key contractor, and standard employee of a gaming operation shall possess a valid gaming license or permit issued by the Tribal Council of the activity in which s/he is engaged.

(3) An application for a Sac and Fox tribal gaming license or permit is seeking the granting of a privilege, and the burden of

proving his/her qualification to receive any license or permit is at all times on the applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.

(4) An application for a license or permit constitutes a request to the Tribal Council for a decision upon the applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with, the gaming industry in the manner or position sought by the application.

(5) To protect the public good, it is the Tribal Council's intent to err on the side of caution when considering any license application.

(6) The granting of a license or permit by the Tribal Council does not constitute a commitment on behalf of the Tribal Council or any other party to hire or continue to employ the licensee or permittee.

(7) These regulations do not apply to bonafide traditional Indian gambling games, so long as such games are conducted by and for Indian persons at Tribal celebrations or gatherings and not as a business.

(B) License and Permit Categories.

(1) Facility license. No gambling games may be played at any place, facility, or location within the Sac and Fox Nation tribal lands unless the manager of the gaming operation first obtains and maintains in good standing a valid facility license issued in accordance with these regulations.

(2) Management official's license. No person, corporation, or other entity other than the Sac and Fox Nation of Missouri may have a management interest or financial interest in a gaming operation unless s/he first obtains and maintains in good standing a valid management official's license issued in accordance with these regulations.

(3) Key employee license. No person shall be employed as a key employee by a gaming operation or by the Tribal Council unless such person first obtains and maintains in good standing a valid key employee license issued in accordance with these regulations. The term "key employee" is defined in Section II of these regulations.

(4) Work permit. Each standard employee in a gaming operation not classified as a management official or key employee shall first obtain and maintain in good standing a valid work

permit issued in accordance with these regulations.

(5) Key contractor license. No person or other legal entity shall enter into any contract or other agreement with a gaming operation that establishes the entity as a key contractor unless the entity first obtains and maintains in good standing a valid key contractor license issued in accordance with these regulations.

(6) Any person possessing a valid management official license need not obtain a key employee license, key contractor license, or work permit. Any person possessing a valid license need not obtain a permit.

(C) Standards for issuance of license or permit. No license or permit shall be granted unless and until the applicant has satisfied the Tribal Council that the applicant"

- 1) Is a person of good character, honesty, and integrity;
- 2) Is a person whose background, reputation, and associations will not result in adverse publicity for the Sac and Fox Nation of Missouri;
- 3) Is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not 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 gaming practices, methods, and activities. Specifically, the applicant must have:
 - a) Not been determined by any court to be guilty of committing any felony, regardless of sentence, including any pending appeals;
 - b) Not been determined by any court to be guilty of committing any non-felony crime involving violence, dishonesty, theft, or moral turpitude within the past five (5) years, including any pending appeals;
 - c) Not been identified in the published reports of any federal, tribal, state, or executive body as a member or associate of organized crime, or as being of notorious and unsavory reputation; and
 - d) No outstanding warrant for arrest from any jurisdiction.
- 4) If other than a management committee member, is not an elected member of the Sac and Fox government or a relative in the immediate household of an elected member of the Tribal government.
- 5) Meets the federal requirements pertaining to Indian

gaming licenses, especially the Indian Gaming Regulatory Act and related regulations.

(D) License application procedures.

(1) General requirements. Applicants for a gaming license or permit must complete the appropriate application form and submit the form, all necessary additional documents, and the application fee to the Gaming Security Board. The application will not be regarded as complete until the Gaming Security Board receives all requested information from the applicant and the application fee and any additional investigation fees that may be required are received by the Tribal Council.

(2) Application forms; contents; amendments.

(a) Every application or report must be filed on forms furnished or approved by the Gaming Security Board and must contain and be accompanied by such documents and information as may be specified or required.

(b) It is grounds for denial of an application or disciplinary action for any person to make any untrue statement of material fact in any application or report filed with the Gaming Security Board or to willfully omit any material fact in such application or report.

(c) All information required to be included in an application must be true and complete as of the dates of the Gaming Security Board action sought by such application; and an applicant shall promptly supply any factual information occurring after the original application. Failure by an applicant to promptly update his application to include all material facts shall be deemed by the Gaming Security Board as a willful omission of information.

(d) Every application for any gaming license or permit, other than a facility license, shall include, at a minimum, the following information:

- i) The applicant's full name, any other names used, date and place of birth, citizenship, social security number, drivers license numbers, and physical description; and
- ii) The dates and places of residence of the applicant for the past ten years, dates and places of employment and/or business including the positions held or types of work engaged in for the past ten years (this information is needed for only the past five years for employee work permit applicants); and

- iii) The applicant's current business and residence telephone numbers; and
 - iv) The applicant's current business and residence telephone numbers; and
 - v) A description of any previous or ongoing gaming or business relationship with any Indian tribe; and
 - vi) A description of any previous business relationship with the gaming industry, including the name and address of any licensing or regulatory agency with which the applicant has filed an application for a license or permit relating to gaming and the status of the application; and
 - vii) A list of all felony charges and dispositions against the applicant, if any, the name and address of the court involved, and the date and ruling of the court; and
 - viii) A list of all misdemeanor charges and dispositions, if any, within the past 10 years, the name and address of the court involved, and the date and ruling of the court; and
 - ix) A list of all determinations of guilt by any court regardless of the sentence imposed, including any appeals; and
 - x) For other than employee work permit applications, a financial statement disclosing all assets, liabilities, and financial interests for each of the past ten years.
- (e) Every application for a facility license shall include, at minimum, the following information:
- i) The name, address, and telephone number of the gaming operation;
 - ii) The name, address, and telephone number of the gaming operation's owner;
 - iii) The name, address, and telephone number of the management company, if any, and the name, address, social security number, birth date, and percentage interest in the management company of each person possessing a financial interest in the management company;
 - iv) An operating plan detailing all information required in section VI(K) of these regulations,

including the annual budget;

- v) A list of all management officials and key employee names, including the position and annual salary of each individual listed; and
- vi) The complete current or proposed house rules of the gaming operation.

(f) An application may be amended at the discretion of the Gaming Security Board at any time prior to the Gaming Security Board's final action on the application.

(g) Any document filed under any of the provisions of the Sac and Fox Tribal Ordinance may be incorporated by reference in a subsequent application if it is available in the files of the Tribal Council, to the extent that the document is currently accurate.

(h) Any person denied a license or permit may not submit, and the Gaming Security Board may not accept, another application from that person for at least six months after the date the initial application was denied.

(3) Fingerprints. An application for a management official license, key employee license, or key contractor license shall not be complete until the applicant furnishes to the Gaming Security Board his/her fingerprints in duplicate on fingerprint impression cards.

(4) Photographs. Each applicant for a license or work permit shall be required to submit a photograph in duplicate with their application. The photographs must be satisfactory to the Gaming Security Board and must have been taken not more than 3 months before the application is filed.

(5) Application and investment fees.

(a) Each application for a license or work permit must be accompanied by a non-refundable application fee in the amount shown below:

- i) \$500.00 for a management official license;
- ii) \$250.00 for a key employee license;
- iii) \$250.00 for a key contractor license;
- iv) \$150.00 for a work permit.

(b) In addition to any non-refundable application fees paid, the Gaming Security Board may require an applicant to pay such supplementary investigative fees and costs as may be determined by the Gaming Security Board. The Gaming Security Board may estimate the supplementary investigative fees and

costs and require the applicant to pay the estimated fees and costs in advance as a condition precedent to beginning or continuing an investigation.

(c) The Gaming Security Board may not act upon any application unless all application and investigation fees and costs have been paid in full. The Gaming Security Board shall deny an application if the applicant has failed or refused to pay all application and investigation fees and costs.

(d) A gaming operation may enter into an agreement with the Gaming Security Board to guarantee an applicant's payment of the required application and investigation fees over a three-month period or less. The agreement must state that the gaming operation will pay on the applicant's behalf any payments not timely made by the applicant regardless of whether or not the applicant continues to be employed by the gaming operation. The Gaming Security Board may take preliminary or final action on an application before the required application and investigation fees are received only if payment of the fees is guaranteed by an agreement with the gaming operation.

(E) Background investigations.

(1) Within 14 calendar days after receipt of a complete application and such supplemental information as the Gaming Security Board may require, the Gaming Security Board shall begin its investigation of the applicant's background to determine if the applicant meets the Tribal Council's minimum license or permit standards. The Gaming Security Board shall investigate the criminal history of each applicant for a license or permit and the personal background and character of each applicant for a license. At its own discretion the Gaming Security Board may also investigate the personal background and character of any applicant for a permit. The Gaming Security Board shall perform, at a minimum, the following investigations before taking preliminary or final action on any application:

(a) Applicant for any gaming license or permit. The criminal background of an applicant for any gaming license or permit shall be investigated by submitting the applicant's vital information, including but not limited to: full name; any other names used, date and place of birth; citizenship, drivers license numbers; social security number; and physical description to the Brown County Sheriff and a federal law enforcement or federal gaming regulatory agency and requesting a criminal history report.

(b) Applicant for any gaming license - additional requirements. In addition to other investigations, the Gaming Security Board shall submit the fingerprints of each license

applicant to a responsible agency of the federal government and request a Federal Bureau of Investigation report of the applicant's criminal history. If the applicant lived outside the United States for more than six months during the preceding ten years the Gaming Security Board shall also submit the applicant's vital information to INTERPOL and request an international criminal history report for the applicant. The Gaming Security Board shall also interview at least three previous employers, associates, or other persons familiar with the applicant to determine if the applicant's reputation, character, habits, and activities meet the standards for issuance of a license. The Gaming Security Board shall also obtain a credit bureau report on the applicant.

(c) Applicant for a management official's license. In addition to other investigations, the Gaming Security Board shall contact banks, other financial institutions, and other information sources as needed to verify the accuracy of financial information provided by each person named in an application for a management official's license.

(2) The Gaming Security Board is not limited to the above investigations and shall make additional investigations and inquiries as required by federal law or regulation or as needed to determine with reasonable certainty that an applicant either does or does not meet the minimum standards for issuance of a gaming license or permit.

(3) The Gaming Security Board shall attempt to complete its background investigation within 30 days following receipt of a complete application. If the investigation cannot be completed within 30 days the Gaming Security Board shall notify the applicant in writing why the investigation is not complete and when it expects to complete the investigation.

(4) Upon approval of the Tribal Council, the Gaming Security Board may contract with private, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations.

(F) Applications reviews; approvals; denials; appeals; waivers.

(1) Review. Within 14 calendar days following completion of the background investigation the Gaming Security Board shall review each application and all background investigation and criminal history reports to determine if the applicant meets the standards for issuance of the requested license or permit.

(2) Permit approval. If, in the Gaming Security Board's judgment, the applicant meets the standards for issuance of a permit and all application and investigation fees are fully paid,

the Gaming Security Board may approve the application and issue the permit.

(3) License approvals.

(a) Preliminary approval; temporary licenses. If, in the Gaming Security Board's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees are fully paid, the Gaming Security Board may grant its preliminary approval of the application. At its discretion, the Gaming Security Board may also issue a temporary license. A temporary license shall not be valid for more than 60 days.

(b) National Indian Gaming Commission review. Within seven calendar days after granting preliminary approval of a license application, the Gaming Security Board shall mail a copy of the application and all background investigation and criminal history reports to the National Indian Gaming Commission or other appropriate federal agency. The Gaming Security Board shall also include a cover letter indicating the Sac and Fox Tribal Council's intent to issue the applicant a license and request that the federal agency review the application pursuant to the requirements of federal law. A copy of this letter may also be sent to the applicant with a notice that the application is not finally approved.

(c) Final approval. The Gaming Security Board may grant final approval of a license application only after:

- i) Receiving authorization to do so from the National Indian Gaming Commission or other responsible federal agency; or
- ii) 30 days have elapsed since the responsible federal agency was notified of the Tribal Council's intent to issue the license and the federal agency has not responded.

The Gaming Security Board shall promptly notify each approved applicant that his/her application is approved and issue a license. If a temporary license was previously issued, the effective date of the license shall be the issue date of the temporary license.

(4) License and permit limitations and restrictions. No license or permit shall be valid unless signed by the Chairman of the Tribal Council or the Chairman of the Gaming Security Board. The Gaming Security Board may limit the term of the license or place such conditions thereon as it may deem necessary to protect the Sac and Fox Nation of Missouri or public interest.

(5) Denial.

(a) The Gaming Security Board must deny an application for any class of license or permit if, in the Gaming Security Board's opinion, the applicant does not meet the standards required for issuance of the requested license or permit (minimum license and permit standards are defined in section V (C). Without limiting the Gaming Security Board's discretion to deny any application, if, in the Gaming Security Board's judgment, such a denial is in the interests of the Sac and Fox Nation of Missouri or public, the Gaming Security Board may deny an application if the applicant:

- i) Failed to disclose, misstated, or otherwise attempted to mislead the Gaming Security Board with respect to any material fact contained in the application for issuance or renewal of a license or permit;
- ii) Knowingly failed to comply with the provisions of the Sac and Fox Gaming Ordinance or the regulations of the Tribal Council at any time in the past;
- iii) Commit, attempted, or conspired to commit any crime of moral turpitude, embezzlement, or larceny or any violation of any law pertaining to gaming;
- iv) Committed, attempted, or conspired to commit a crime which is any felony or a gross misdemeanor involving theft, embezzlement, fraud, or violence;
- v) Was identified in the published reports of any federal or state legislative or executive body as being a member or associate or organized crime, or as being of notorious and unsavory reputation; or
- vi) Had a gaming license or permit revoked by this Tribal Council or the gaming commission or gaming regulatory body of any Tribe, State, or foreign country;
- vii) Failed to exercise discretion and sound judgment to prevent incidents which might reflect on the reputation of the Sac and Fox Nation of Missouri;
- viii) Permitted persons who are visibly intoxicated to participate in gaming activity;
- ix) Catered to, assisted, employed, or associated with, either socially or in business affairs, persons of notorious or unsavory reputation or who have extensive police records, or persons who have defied investigative or other bodies acting on behalf of the United States, or the Sac and Fox Nation of Missouri, or employing either directly or through a contract, or any other means, of any firm or individual in any capacity where the reputation of the Sac and Fox Nation of Missouri is liable to be damaged because of the unsuitability or unethical methods of the firm or individual;
- x) Employed in any gaming operation any person whom the Tribal Council, any other gaming regulatory agency, or any court has found guilty of cheating or using any improper device in connection with any game, whether as a licensee, permittee, or player;

- xi) Failed to comply with or make provision for compliance with all federal and Tribal laws and regulations pertaining to the operations of a gaming facility including, without limiting the generality of the foregoing, payment of all license fees and withholding and paying any payroll taxes;
- xii) Possessed or permitted to remain in or upon the gaming facility any cards, dice, mechanical device, or any other cheating device whatever;
- xiii) Conducted, operated, or dealt any cheating or thieving game or device on the premises which may have in any manner been marked, tampered with, or otherwise placed in a condition, or operated in a manner, which tends to deceive the public or which might make the game more liable to win or lose, or which tends to alter the normal random selection of criteria which determine the result of the game; or
- xiv) Denied any Tribal Council member or duly authorized Tribal Council representative, upon proper presentation of identification, access to, inspection, or disclosure of any portion or aspect of a gaming facility or gaming operation.

(b) In addition to the foregoing, the Gaming Security Board may deny any activity on the part of a licensee or permittee, his agents, or employees that is in any way contrary to the public health, safety, morals, good order, and general welfare of the Sac and Fox Nation of Missouri, or that would reflect or tend to reflect discredit on the Sac and Fox Nation of Missouri, as an unsuitable method of operation and cause for denial of a license or permit.

(c) The Gaming Security Board shall deny any license application that is disapproved by the National Indian Gaming Commission or other federal agency responsible for Indian gaming licenses under the Indian Gaming Regulatory act or other federal law or regulations.

(d) The Gaming Security Board may deny an application at any time during the application process, including after granting preliminary approval to the application. The Gaming Security Board shall promptly notify an applicant that his/her application was denied and shall specify the reasons for the denial, including a list of criminal conviction(s), date(s), and location(s), if any, that contributed to the Gaming Security Board's decision to deny the application. If an application was denied as a result of information contained in the applicant's FBI identification record, the applicant shall also be advised of the procedures to change, correct, or update the record as set forth in Title 28 CFR, Section 16.34.

(6) Hearings. All persons denied a license or permit shall be informed of their right to a hearing before the Gaming Security Board. Hearings to consider the denial of a license or permit shall be conducted in accordance with the hearing provisions of section VI with the following additional requirements:

- a) The applicant must state in his/her written request for a hearing the reasons s/he believes the application should be approved.
- b) The applicant shall also include copies of all documents supporting the applicant's position, including police records and reports, character references, and other relevant information.
- c) Failure by the applicant to provide this information shall be deemed just cause to deny the applicant's request for a hearing or, if the hearing is held on the premise that the required information was provided, the board may deem the omitted information as a willful attempt to deceive the board and shall deny the application.

(7) Appeals. Any applicant denied a license or permit following a hearing by the Gaming Security Board may appeal the board's decision. The appeal must be made in accordance with the hearing and appeal provisions of section VI.

(8) Waivers.

(a) Any enrolled member of the Sac and Fox Nation of Missouri or other Native American with established ties to the Sac and Fox tribal lands denied an application for a permit may request a waiver of the permit standards. Waivers may not be considered for any non-Native American resident of the Sac and Fox tribal lands, community or any other person not enrolled as a member of the Sac and Fox Nation of Missouri. Waivers may not be considered when the application is for a license. The eligible applicant must show that a waiver is in the best interests of the Sac and Fox Nation of Missouri or the Gaming Security Board may not grant the requested waiver.

(b) The procedures for requesting and considering a waiver are the same as those for hearings before the Gaming Security Board with the following additional requirements:

- i) If the requested waiver involves any of the following criminal offenses, the waiver applicant must provide copies of all police and court records relating to his/her conviction(s), probation officer reports, character references, and any other information relevant to proving the applicant is now of good character:

- 1) Any felony conviction involving crimes of violence,

- dishonesty, theft, or moral turpitude within the last five (5) years; or
- 2) Any other felony conviction within the last two (2) years.

(c) The Gaming Security Board may also require that any applicant for a waiver provide the Gaming Security Board with copies of police, court, and other records related to any criminal or civil charges made against the applicant. The waiver applicant will follow all other procedures for Gaming Security Board hearing and must appear in person before the Gaming Security Board to present his/her arguments that the issuance of a permit would be in the best interests of the Sac and Fox Nation of Missouri.

(G) Expirations.

(1) Except for a facility license and a key contractor license, the expiration date of each license and permit shall be determined by the licensee's or permittee's birth date. The license or permit shall expire on the licensee's or permittee's next birth date if this date occurs six months or later from the date the license or permit was issued. The license or permit shall expire one year from the licensee's or permittee's next birthday if the next birthday occurs within six months of the license or permit issue date.

(2) A key contractor license shall expire not later than one year from the date it was issued.

(3) A facility license shall expire not later than one year from the date it was issued.

(4) The expiration schedules in this section describe the maximum period for which a license or permit may be granted. The Council, Commission or Gaming Security Board may issue any license or permit for a shorter period if the Council, Commission or Gaming Security Board deems the shorter period is necessary to adequately protect the interests of the Sac and Fox Nation of Missouri or the public.

(H) Renewals. Subject to the power of the Gaming Security Board to deny, revoke, suspend, or limit licenses and permits, any gaming license or permit in force may be renewed for the next succeeding period upon proper application for renewal and payment of applicable license and investigation fees as required by law and the regulations of the Tribal Council. The Gaming Security Board shall encourage license and permit holders to apply for a license or permit renewal at least 60 days prior to expiration of the current license or permit, but the Gaming Security Board may not accept a renewal application more than 120 days prior to expiration of the current license or permit.

(I) Identification cards and name badges.

(1) The Gaming Security Board shall issue an identification card to every person granted a license or permit. The identification card shall include the licensee's or permittee's photograph, name, license, or permit category and number, name of the gaming operation by which they are employed or to which they provide services, expiration date of the license or permit, Sac and Fox Nation of Missouri logo, and such other identifying marks deemed necessary by the Tribal Council to readily identify legitimate cards from counterfeit cards. The gaming security director shall direct the preparation and issuance of identification cards pursuant to procedures established by the Gaming Security Board. An identification card may not be issued until after the applicant's application is approved and the license or permit signed by the chairman of the Tribal Council or Gaming Security Board. An identification card may be issued to the holder of an approved temporary license.

(2) The licensee or permittee shall be required to carry the identification card on their person at all times s/he is on duty, or in the case of a management official, whenever s/he is at the gaming establishment. A licensee or permittee is required to promptly show his/her identification card to any person requesting to inspect the card.

(3) Every licensee or permittee shall at all times while on duty wear a name badge issued by the gaming operation. Undercover security personnel performing legitimate security or monitoring functions are not required to wear a name badge.

(4) The licensee or permittee shall be required to surrender his/her photo identification card when: the card expires; when a new license or permit is issued; when the licensee's or permittee's association with the gaming operation ends, whether or not the termination is voluntary; or when the license or permit is suspended or revoked. The gaming operation shall be required to withhold an employee's or contractor's last paycheck or final payment until the photo identification card is returned to the Tribal Council's security director.

(5) Any person who has lost his/her photo identification card must report the loss to the security director within 24 hours of the loss or discovery of the loss. Replacement of the first lost photo identification card may be made for a fee of \$25. Subsequent lost photo identification cards may be replaced for a fee of \$50.

(J) Employment of unlicensed or unpermitted persons prohibited. A licensee shall not employ any person or enter into any contract or agreement for services with any person in a capacity for which that person is required to obtain a license or permit if that person does not possess the proper and valid license or permit as

required by these regulations. The gaming operation shall immediately discharge any employee and cancel any contract or agreement upon notification by the Gaming Security Board that the employee;'s or contractor's license or permit has been revoked by the Gaming Security Board or that the employee or contractor does not possess the required license or permit.

(K) Facility license requirements.

(1) License fee.

(a) Each gaming operation approved to receive a facility license shall pay a facility fee not to exceed 10% of the amount which the approved annual budget for that operation establishes as an estimate of the management contractor's compensation, if there is a management contractor; otherwise, the facility fee shall not exceed the lesser of four percent of net profit or the actual cost of regulating the gaming operation in the year for which the facility is to be licensed. The approved annual budget of the operation shall be that budget approved by the operation's management committee. The license fee shall be paid in advance in quarterly installments. The actual license fee shall be based upon the Tribal Council's estimate of the expected costs of regulations for the period in which the license is to be effective.

(b) The facility license shall not become valid until the first quarter's license fee is received the Gaming Security Board. The facility license shall lapse and the Gaming Security Board shall take appropriate enforcement actions if subsequent quarterly payments are not timely made.

(c) License fee payments shall be deemed to be late if not paid in full by the first day of each calendar quarter. The Gaming Security Board shall impose, and the facility licensee shall pay, a late payment penalty equal to 10% of the unpaid license fee for every month or partial month the payment is late. A suspended facility license may not be reinstated until all license fees and penalties are paid by the gaming operation. The imposition or collection of late payment penalties shall not limit the Gaming Security Board from taking other disciplinary actions against the gaming operation or responsible management officials that the Gaming Security Board may deem necessary and appropriate.

(2) Operating Plan.

(a) Every facility licensee shall at all times maintain on file with the Gaming Security Board a current operating plan, verified by the affidavit of the operation's general manager, including, but not limited to: days and hours of

operation; the maximum number and type of gaming tables or devices expected to be uncovered or in use at any time during the year; the number of gaming tables or devices expected to be in actual use during the first month of the report year; and the duly approved operating budget. The approved operating budget shall be submitted to the Gaming Security Board within one week of its approval by the operation's manager but not later than two weeks prior to the beginning of the operation's new fiscal year.

(b) Any significant changes to the operating plan shall be reported to the Gaming Security Board in writing no more than two weeks following the end of the month in which the change occurred. Significant changes include, but are not limited to, a change of 15% or more in the number of gaming tables or devices uncovered or in use; a change of 15% or more in the net profit forecast for the balance of the current year; or a change in the operation's fiscal year or accounting policies.

(c) A facility licensee must submit any plans to increase the number of gaming tables or devices currently authorized for play or to introduce any new game in writing to the Gaming Security Board. The Gaming Security Board shall review the plans in a timely manner and shall approve the plans if the Gaming Security Board finds the changes are not detrimental to the tribal and public interests. The Gaming Security Board may request and the licensee shall provide any additional material, including financial projections and target market demographics, the Gaming Security Board deems necessary to evaluate the impacts of the requested change.

(2) Key employee report.

(a) Each facility licensee shall submit an annual key employee report to the Gaming Security Board on a form to be furnished by the Gaming Security Board.

(b) The annual key employee report shall identify every management official and key employee of the operation and their annual wage or salary compensation. The report shall also include an organization chart for the operation and a description of each management official's and key employee's duties and responsibilities, and the authority delegated to each individual identified in the report.

(c) Any changes, additions, or deletions to any information contained within the annual key employee report which occurs subsequent to the filing of the report and prior to the filing of the next year's report shall be reported to the Gaming Security Board in writing no more than two weeks following the month during which the change, addition, or deletion occurred.

(3) Financial reports.

(a) Annual audited financial report. The operation's general manager shall ensure an annual audit is commenced by an independent CPA within 30 days following the end of the operation's fiscal year. Within two weeks following its receipt by the operation's manager and in no case later than six months after the close of the operation's fiscal year, every facility licensee shall provide the Tribal Council with a complete and audited financial statement of gaming operations for that fiscal year. The financial statement and audit report shall be prepared by an independent certified public accountant.

(b) Monthly financial reports. Before the 25th day of the following month, every facility licensee shall provide the Tribal Council with monthly and year-to-date reports of the gaming operation's financial performance. The reports shall include, at a minimum, detailed income statements and balance sheets.

(c) The Tribal Council may, at its sole discretion, inspect or audit the financial records, management procedures, or other aspects of a licensed operation's activities. The Tribal Council may employ independent auditors or investigators to perform such inspections or audits as the Tribal Council deems necessary. In the absence of an alternative agreement, the expense of such audits or investigations shall be borne by the Tribal Council.

(L) Posting of facility license. A facility license by the Gaming Security Board must be prominently displayed at all times upon the licensed premises in such position as it may be observed by persons participating in the gaming activities.

VI. PENALTIES

(A) Suspensions.

(1) Emergency suspensions. The Tribal Council's gaming security director or his/her subordinates may seize an individual's identification card and exclude that individual from the gaming establishment for up to 72 hours if, in the security director's judgment, the licensee's or permittee's actions or commissions pose a threat to the integrity of the gaming operation, the safety of the general public, patrons, or other employees, or the image and reputation of the Sac and Fox Nation of Missouri. The security director shall immediately notify the gaming operation's general manager of the emergency suspension. At its discretion, the Gaming Security Board may take formal suspension action against the individual.

(2) Formal suspensions.

(a) The Gaming Security Board may issue an order

suspending a license or permit if the Gaming Security Board has reasonable cause to believe that:

- i) the suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare of the Sac and Fox Nation of Missouri; or
- ii) the licensee or permittee may have violated any condition or requirement imposed on the licensee or permittee by the Tribal Council or Gaming Security Board or applicable laws.

(b) The suspension order becomes effective when it is signed by the chairman of the Gaming Security Board and served upon the holder of the license or work permit.

(c) The order suspending the license or work permit must state the reason for the suspension.

(d) The suspension order shall state that the licensee or permittee shall forfeit his/her right to a hearing and any appeal if s/he fails properly to request a hearing before the Gaming Security Board within 30 days following the effective date of the order.

(e) By the end of the next business day following the effective suspension date of a license or permit, the Gaming Security Board shall notify the general manager of the gaming operation employing or contracting services of the suspended licensee or permittee of the Gaming Security Board's action. The gaming operation's general manager shall immediately suspend the employee or contract and shall not pay the employee or contractor any wages, benefits, or other compensation except for legitimate services actually rendered prior to the suspension. If the suspension involves the license of the general manager or the facility, the Gaming Security Board shall notify the management contractor or other representative of the operation's owner.

(f) The Gaming Security Board may suspend a license or permit for any period of time up to one year in length.

- (g) The Gaming Security Board may reinstate a license or work permit only after the licensee or permittee resolves to the Gaming Security Board's satisfaction the cause for making the suspension.

(B) Civil Penalties. The Gaming Security Board may impose a civil penalty or penalties against any licensee or permittee reasonably determined by the Gaming Security Board to have violated any of these regulations, whether or not the Gaming Security Board has suspended the license or permit. If the Gaming Security Board

deems a penalty is appropriate, it shall notify the licensee or permittee of the Gaming Security Board's intent to impose the penalty and set a time and date to hear the licensee's or permittee's rebuttal of the Gaming Security Board's determination. The licensee or permittee shall be required to pay any penalty before the license or permit may be reinstated.

(C) Criminal Prosecution. The Gaming Security Board shall promptly submit any knowledge or evidence of criminal wrongdoing that it may discover to appropriate law enforcement officials for prosecution.

(D) Revocations. In addition to any penalty the Gaming Security Board may elect to impose against a licensee or permittee, the Gaming Security Board may revoke a suspended gaming license or permit if the Gaming Security Board determines that the licensee or permittee:

- a) Does not meet the minimum standards or requirements for issuance of a license or permit;
- b) Failed to disclose, misstated, or otherwise misled the Gaming Security Board about any fact contained within any application for a license or permit;
- c) Violated any of the terms or conditions under which the Gaming Security Board granted the license or permit; or
- d) Failed to request a hearing before the Gaming Security Board to reinstate a suspended license or permit.

Any person or other legal entity who has had a license or permit revoked by the Gaming Security Board shall not be eligible to apply for a new license or permit for one year after the effective date of the revocation.

(E) Hearings.

(1) The license or permittee whose license or permit is suspended or revoked or against whom a penalty was imposed or an applicant denied a license or permit:

- a) Has a right to a hearing before the Gaming Security Board on the Gaming Security Board's decision or order;
- b) Must make a written request to the Gaming Security Board for a hearing within 30 days following the effective date of the Gaming Security Board's decision or order. Failure to properly request a hearing in a timely manner waives the person's right to a hearing or any other appeal of the Gaming Security Board's decision.

(2) After receipt of a written request for a hearing, the Gaming Security Board shall schedule a hearing for not later than fourteen calendar days after the request was received. Following the hearing the Gaming Security Board shall make a decision to uphold, modify, or reverse the order imposing the suspension, revocation, or penalty(s).

(3) Throughout the hearing and any appeals that may follow, the appellant shall have the following rights:

- a) The right to appear personally before the Gaming Security Board;
- b) The right to face and question the appellant's accuser; and
- c) The right to representation by any party of the appellant's choosing.

(4) The Gaming Security Board must determine that the offense or other cause for the suspension, revocation, or penalty more likely than not occurred, or the Gaming Security Board shall withdraw the order or penalty. The Gaming Security Board shall issue its decision in writing.

(5) The licensee or permittee may request and the chairman of the Gaming Security Board shall grant a time extension or extensions of any reasonable period necessary for the licensee or permittee to prepare for the hearing.

(6) The Gaming Security Board may amend its order at any time.

(F) Appeals.

(1) Appeals to the Tribal Council.

(a) The licensee or permittee against whom a penalty was imposed or whose license or permit was suspended or revoked or an applicant denied a license or permit and who, following a hearing before the Gaming Security Board, remains dissatisfied with the Gaming Security Board's decision may appeal that decision to the Tribal Council. The licensee or permittee must file a notice of appeal to the Tribal Council in writing within 30 days after the Gaming Security Board issued its final decision or the right to this and further appeals shall be forfeited.

(b) At the Tribal Chairman's direction, the Tribal Council shall meet within 30 days following receipt of the written appeal and consider the appellant's request.

(c) The Tribal Council shall review the Gaming Security Board's written decision and the Gaming Security Board's hearing records and exhibits. The Tribal Council may reverse or modify the

Gaming Security Board's decision only if the Tribal Council determines that the decision was arbitrary or capricious or the Gaming Security Board clearly erred in its interpretation or application of these regulations.

(d) The Tribal Council shall issue its determination in writing within ten calendar days following the close of the appeal hearing or any extensions thereto.

(e) Tribal Council members appointed to the Gaming Security Board may not vote in the Tribal Council's final hearing decision.

(f) The decision of the Tribal Council shall be final and not otherwise reviewable.

VII. GAMING OPERATIONS

(A) Hours of operation. All games permitted by these regulations and the Sac and Fox Gaming Ordinance may be conducted 24 hours per day, seven days per week throughout the year unless otherwise ordered by the Tribal Council.

(B) Wagers with chips only. Except as may otherwise be permitted by house rules approved by the Tribal Council, a wager may be accepted in any card game only when the wager is made with chips issued by the licensed facility within which the wager is made.

(C) House Rules.

(1) Filing. The manager of a licensed facility shall develop and submit to the Tribal Council detailed house rules governing all games offered or played in the facility. Any changes or amendments to the rules shall be immediately forwarded to the Tribal Council with a written description of the effect of the change or amendment. All rules are subject to approval by the commission.

(2) Posting. A summary of the house rules, including wager limits, and a notice that the complete house rules are available for review upon request, shall at all times be posted by the manager of the licensed facility in a conspicuous and publicly accessible location. At least one copy shall be posted in each room where gaming occurs. Management shall take all steps necessary to promptly comply with any person's request to review the complete house rules.

(D) Tournaments. Tournaments of poker or other card games authorized by the Sac and Fox Gaming Ordinance are permitted. The licensed facility may charge and retain a buy-in fee from all tournament participants. All other entry fees shall be returned to the persons participating as players in the tournament. All tournaments shall be conducted with tournament chips that have no cash value.

(E) Electronic gaming equipment. No electronic, computer or other technologic aid to any Class II game, or any electronic gaming device, may be used or possessed on Sac and Fox tribal lands unless each said device has been authorized, inspected and approved by the Tribal Council or its designee, and any such use or possession is further conditioned upon strict compliance with any requirements imposed by the Tribal Council concerning verification and monitoring of the reliability, integrity and security of each said device and each component thereof prior to the introduction of any such equipment into service.

(F) Gambling by employees.

(1) No employee of a licensed facility shall be permitted to participate as a player in any game operated and banked by the licensed facility, or any game played "against the house".

(2) An employee of a licensed facility may participate as a player in any game not banked by the licensed facility. This section shall not be construed to allow minors or persons otherwise ineligible to participate in the games as a player from so participating.

(3) A persons employed by the licensed establishment to start poker games ("props") may participate as a player while on duty as long as such participation is under the direction of the licensed facility's management, and provided that neither the licensed establishment nor any gaming management employee receives any portion of said person's winnings or reimburses said person for any losses.

(G) Credit Prohibited. No credit shall be extended by a gaming operation to any player. This prohibition shall not be construed, however, to prevent players or customers from utilizing bank cards, credit cards, and other forms of personal credit when the credit is guaranteed by an independent financial institution.