



OCT 17 2003

Jennifer Henshaw McBee  
General Counsel, Seminole Nation of Oklahoma  
C/o Andrews Davis Legg Bixler Milsten & Price, P.C.  
500 West Main Street, Suite 500  
Oklahoma City, OK 73102-2275

Re: Seminole Nation Gaming Ordinance

Dear Ms. McBee:

By letter dated July 10, 2003, hand-delivered and received on that date, you submitted amendments to Seminole Nation of Oklahoma Gaming Ordinance, codified as Title 15 of the Seminole Nation Code, for review and approval by the National Indian Gaming Commission (NIGC) Chairman. The Seminole Nation General Council adopted the amendments on December 1, 2001, with Ordinance 2001-12, described as a Law (Ordinance) amending seven sections of the Title 15 (§§ 102, 105, 106 (a-d), 107a, 204a, and 501) and adding one new section (§ 218). You subsequently provided a copy of Ordinance 2001-9, adopted on September 29, 2001, which contained the same amendment to Section 501 adopted with Ordinance 2001-12, and discussed the viability of this amended section with Commission staff on October 3, 2003

IGRA and NIGC regulations require that tribes conducting gaming submit their gaming ordinance and amendments to the ordinance for review and approval by the NIGC Chairman. The Seminole Nation submitted its gaming ordinance, Law No. 94-2, on February 24, 1994. The NIGC Chairman approved the ordinance in a letter to the Seminole Nation dated May 31, 1994. The Nation did not submit any amendments for approval subsequent to that date, before receipt of your letter of July 10, 2003. Under NIGC regulations, amendments to an approved tribal gaming ordinance are to be submitted for approval by the NIGC Chairman within fifteen days following their enactment

The Chairman will approve tribal gaming ordinances and amendments to those ordinances so long as they comport with the requirements of IGRA and NIGC regulations but will disapprove ordinances and amendments that do not. See 25 C.F.R. Parts 522 and 523. Under 25 C.F.R. §§ 522.9 and 523.4, if the Chairman does not take action to disapprove an ordinance or amendment within 90 days of receipt, the Ordinance or amendment shall be considered approved but only to the extent that such amendment is consistent with the provisions of IGRA and NIGC regulations.

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The Chairman did not act within 90 days to disapprove Ordinance 2001-12, and, accordingly, the Nation may treat the Ordinance as approved. However, as discussed with NIGC staff on October 3, 2003, this approval does not extend to revised Section 501 because the revision is not consistent with the requirements of IGRA and NIGC Regulations. The revised Section 501 directs that 70% of gaming revenue be placed in a "Gaming Revenue Account," the uses for which are undefined. Under IGRA and NIGC Regulations, gaming revenue must be used for specific purposes and these purposes must be set forth in the tribe's gaming ordinance. These purposes are to fund tribal government operations, provide for the general welfare of the tribe and its members, promote tribal economic development, be donated to charitable organizations, or used help fund operations of local government agencies. See 25 U.S.C. and § 2710(b)(2)(B) and 25 C.F.R. § 522.4(b). The version of Section 501 included with the submission approved by the NIGC Chairman on May 31, 1994, included these purposes. The revised Section 501 does not.

We encourage the General Council to take action to clarify that original Section 501 is the operative provision.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Penny Coleman". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Penny J. Coleman  
Acting General Counsel

# **SEMINOLE NATION OF OKLAHOMA**

**LAW NO. 2001 - 12**

**A LAW (ORDINANCE) AMENDING §§ 102, 105 (5), 105 (8), 106 (a-d), 107a, 204a, 218(added, 423 and 501 OF TITLE 15 (GAMING) OF THE CODE OF LAWS OF THE SEMINOLE NATION OF OKLAHOMA.**

**BE IT ENACTED BY THE GENERAL COUNCIL OF THE SEMINOLE NATION OF OKLAHOMA THE ATTACHED ORDINANCE WITH AMENDMENTS.**

## TITLE 15

REVISED 11/2001

### GAMING

#### GENERAL PROVISIONS

Section 1. Title. This Act shall be cited as the "Seminole Nation Public Gaming Act."

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 2. Authority. The Nation is empowered to enact this Act pursuant to the Constitution of the Seminole Nation, Art. V, Sec. (a) & (d).

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 3. Findings. The General Council finds that:

- (a) The present needs of the Seminole people include employment and training, health care, educational opportunities, nutrition, mental health, juvenile services, housing, planning and development, legal services, senior citizen programs and social services which are not presently being met in sufficient quantity by United States government agencies.
- (b) The Seminole Nation desires to be self-sufficient in its internal affairs, as reliance upon federal resources has been adverse to the quality of life within this nation in both the recent and far past.
- (c) The regulation of public gaming within the Seminole Nation is in the interest of the Seminole people and their health and welfare;
- (d) Public gaming operations have been introduced to the Seminole Nation, and it is of vital interest to the public health, safety and welfare of the Seminole people that the Nation regulated public gaming in a manner commensurate with the interests of the Seminole people;
- (e) The Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701 et seq., recognizes the authority of the Seminole Nation to regulate gaming within its borders;

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 4. Purpose. The purpose of this Act is to promote the public health, safety and welfare of the Seminole people by regulation of public gaming activities and to generate revenue for self-perpetuation and essential governmental services.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 5. Definitions. For the purpose of this Act--

- (a) Chairman. "Chairman" means the chairman of the National Indian Gaming Commission or his designee.

## GAMING

- (b) Chief. "Chief" means the Principal Chief of the Seminole Nation.
- (c) Gaming. "Gaming" means all forms of Class I, Class II, or Class III, which are defined as follows:
  - (1) Class I Gaming. "Class I Gaming" is:
    - (a) Social games played solely for prizes of minimal value; or
    - (b) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations
  - (2) Class II Gaming. "Class II Gaming" means:
    - (a) Bingo or lotto (whether or not electronic, computer, or other technologic aids are used when players:
      - (i) Play for prizes with cards bearing numbers or other designations;
      - (ii) Play for prizes with cards bearing numbers or other designations;
      - (iii) Cover numbers or designations when object, similarly numbered or designated are drawn or electronically determined; and
      - (iv) Win the game by being the first person to cover a designated pattern on such cards;
    - (b) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo;
    - (c) Non-banking card games that:
      - (i) State law explicitly authorizes, or does not explicitly prohibit, and is played legally anywhere in the state: and
      - (ii) Players play in conformity with state laws and regulations concerning hours, periods of operation and limitations on wagers and pot sizes:
    - (d) Card games played in the states of Michigan, North Dakota, South Dakota, or Washington if:
      - (i) An Indian Nation actually operates the same card games as played on or before May 1, 1988 as determined by the Chairman; and
      - (ii) The pot and wager limits remain the same as on or before May 1, 1988 as Determined by the Chairman;
    - (e) Individually owned class II gaming operations-
      - (i) that is operating on September 1, 1986:
      - (ii) meet the requirements of 25 U.S.C. 2710 (b) (4) (B);

## GAMING

- (iii) Where the nature and scope of the game remains as it was on October 17, 1988; and
  - (iv) Where the ownership interest or interests are the same as on October 17, 1988.
- (3) Class III Gaming. "Class III gaming" means all forms of gaming that are not class I gaming or class II gaming, including but not limited to:
  - (a) Any house banking game, including but not limited to:
    - (i) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games;
    - (ii) Casino games such as roulette, craps, and keno:
  - (b) Any slot machines as defined in 15 U.S.C. 1171 (A) (1) and electronic or electromechanical facsimiles of any game of chance:
  - (c) Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or
  - (d) Lotteries.
- (e) Collateral Agreement. "Collateral agreement" means any contract, whether or not in writing that is related, either directly or indirectly, to a management contract or to any rights, duties or obligations created between a Nation (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).
- (f) Electronic, Computer or Other Technologic Aid. "Electronic, computer or other technologic aid" means a device such as a computer, telephone, cable, television, satellite or bingo blower and that when used:
  - (1) Is not a game of chance but merely assists a player or the playing of a game;
  - (2) Is readily distinguishable from the playing of a game of chance on and electronic or "facsimile;
  - (3) Is operated according to applicable Federal communications law.
- (g) Electronic or Electromechanical Facsimile. "Electronic or facsimile" means any gambling device as defined in 15 U.S.C 1171 (a) (2) or (3).
- (h) Game Similar to Bingo. "Game similar to bingo" means any game that meets the requirements for bingo under §502.3 (a) of this part and that is not a house banking game under §502.11 of this part.

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- (i) Gaming Operation. "Gaming operation" means each economic entity that is licensed by a Nation, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by a Nation directly; by a management contractor or, under certain conditions, by another person or other entity.
- (j) General Council. "**General Council**" means the General Council of the Seminole Nation.
- (k) Hearing De Novo. "Hearing De Novo" means a new hearing or a hearing for the second time contemplating an entire trial in the same manner in which matter was originally heard and a review of previous hearings.
- (l) House Banking Game. "House Banking game" means any game of chance that is played with the house as a participant in the game, where the house takes on all players, collects from all losers, and pays all winners, and the house can win.
- (m) IGRA. "IGRA" means the Federal Indian Gaming Regulatory Act of 1988, 25 U.S.C §2701.
- (n) Indian Lands. "Indian lands" means:
  - (1) Land within the limits of an Indian reservation; or
  - (2) Land over which an Indian Nation exercises governmental power and that is either:
    - (a) Held in trust by the United States for the benefit of any Indian Nation or individual; or
    - (b) Held by an Indian Nation or individual subject to restriction by the United States against alienation.
- (o) Indian Nation. "Indian Nation" means any Indian Nation, band, nation, or other organized group or community of Indians that the Secretary recognizes as:
  - (1) Eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and
  - (2) Having powers of self-government.
- (p) Key Employee. "Key employee" means:
  - (1) A person who performs one or more of the following functions;
    - (a) Bingo caller;
    - (b) Counting room supervisor
    - (c) Chief of security;
    - (d) Custodian of gaming supplies or cash;
    - (e) Floor manager;
    - (f) Pit Boss;
    - (g) Dealer;
    - (h) Croupier;
    - (i) Approver of credit; or
    - (j) Custodian of gambling devices including persons with access to cash and accounting records within such devices:

- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or,
- (3) If not otherwise included, the four most highly compensated persons in the gaming operation.

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## **GAMING**

- (q) License. "License" means the permission by authority of the Seminole Nation to do an act, which without permission could be illegal. It is a permit granted by the SNG Commission for a consideration to a person, group, community, firm or corporation to pursue gaming regulation under the jurisdiction of the Seminole Nation.
- (r) Management Contract. "Management contract" means any contract, subcontract, or collateral agreement between an Indian Nation and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.
- (s) National Indian Gaming Commission. "National Indian Gaming Commission" means the federal Commission established by the National Indian Gaming Regulatory Act.
- (t) National Indian Commission Chairman. "National Indian Gaming Commission Chairman" means the Chairman of the National Indian Gaming Commission.
- (u) Net Revenues. "Net revenues," means gross gaming revenues of an Indian gaming operation less:
  - (1) Amounts paid out as, or paid for, prizes; and
  - (2) Total gaming-related operating expenses, excluding management fees.
- (v) Person Having a Direct or Indirect Financial Interest in a Management Contract. "Person having a direct or indirect financial interest in a management contract" means:
  - (1) When a person is a party to a management contract, any person having a direct financial interest in such management contract;
  - (2) When a trust is a party to a management contract, any beneficiary or trustee;
  - (3) When a partnership is a party to a management contract, any partner;
  - (4) When a corporation is a party to a management contract, any person who is a director or who holds at least 10% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
  - (5) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.
- (w) Person Having Management Responsibility for a Management Contract. "Person having management responsibility for a management contract" means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof.
- (x) Primary Management Official. "Primary management official" means:
  - (1) The person having management responsibility for a management contract;
  - (2) Any person who has authority;

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- (a) To hire and fire employee; or
- (b) To set up working policy for the gaming operation; or
- (3) The chief financial officer or other person who has financial management responsibility.
- (y) Secretary. "Secretary" means the Secretary of the Interior.
- (z) SNG Commission. "SNG Commission" means the Seminole Nation Gaming Commission established pursuant to this Act.
- (zz) SNG Commissioner. "SNG Commissioner" means a member of the Seminole Nation Gaming Commission.
- (yy) Tribal-State Compact. "Tribal-State compact" means an agreement between a Nation and a state about class III gaming less than 25 U.S.C 2710(d).

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 92-1, March 7, 1992; Amended by Law No. 94-2, February 24, 1994.]

**Section 6. Interpretation of Act.** The provisions of this Act, being necessary for the welfare of the Seminole Nation and its inhabitants, shall be liberally construed to affect the purpose and object thereof. Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 7. Severability.** The provisions of this Act are severable and if any part or provision hereof shall be held void by a court of competent jurisdiction, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 8. Repeal of Inconsistent Legislation.** This Act is intended to amend and replace Seminole Nation Ordinance 86-2 in its entirety. All other laws of the Seminole Nation inconsistent with the provisions of this Act and existing as of the effective date of this Act are hereby repealed, including all inconsistent laws, ordinance, and resolution. Repeal by this Code of any law, ordinance, or resolution shall not have the effect of reviving any prior law, ordinance, or resolution theretofore repealed or suspended by such repealed code.

[HISTORY: Ordinance No. 86-2; Ordinance no. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Law 94-2, February 24, 1994 ("Any provision in Title 15 which is inconsistent with this amendment is hereby repealed. This law shall be effective upon date of passage.")]

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Section 9. Codification. At such time as the laws and ordinances of the Seminole Nation Code of Laws, and an appropriate title number and section numbers shall be assigned to the provisions of this Act.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 10. Effective Date of Act. This Act shall become effective as an amendment to Seminole Nation Ordinance 86-2 immediately upon passage of this Act by the General Council of the Seminole Nation.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified By Law 91-12, November 16, 1991]

Section 11. Proprietary Interest. The Seminole Nation shall have sole proprietary interest and responsibility for the conduct of gaming activities conducted in Indian country subject to the jurisdiction of the Seminole Nation, with the exception of tribally licensed gaming operations owned by any person or entity other than the Seminole Nation and conducted in Indian country subject to the jurisdiction of the Seminole Nation.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

## CHAPTER ONE

### SEMINOLE NATION GAMING COMMISSION

Section 101. Establishment of Seminole Nation Gaming Commission; Terms. In order to provide for the orderly development, administration, collection of gaming receipts and regulation of Gaming within the boundaries of the Seminole Nation, there is established the Seminole Nation Gaming Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 102. Appointment and Terms of SNG Commissioners. The Chief shall nominate three members of the Seminole Nation to serve on the SNG Commission, subject to confirmation by resolution duly adopted by the General Council. When the SNG Commission is initially established, one SNG Commissioner shall be seated for a three (3) year term, one SNG Commissioner shall be seated for a two (2) year term, and one SNG Commissioner shall be seated for a one (1) year term. Thereafter, all SNG Commissioner shall serve a three year term commencing on the date of expiration of the preceding term. Each SNG Commissioner may serve a second three year term is appointed for a second term by the Chief, subject to confirmation by resolution duly adopted by the General Council. Gaming Commissioners shall be appointed to full time positions on an as need basis determined by the General Council of the Seminole Nation of Oklahoma.

## **GAMING**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 103. Outside Employment and Activities of SNG Commissioners.** A SNG Commissioner may not hold any other tribal position except temporary duties assigned by Executive Order to be performed without increase in compensation. The SNG Commissioner may be engaged in a business or employment outside the tribe. The SNG Commissioner shall not engage in any business which is subject to provisions of this Code or which has commerce with any licensee under this code.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 104. Removal of SNG Commissioners.** A SNG Commissioner may be removed from office prior to the end of any term only when the General Council by an affirmative vote of nineteen (19) members removes said commissioner for one of the following reasons: (1) failure to carry out his or her responsibilities, (2) conviction in any court of competent jurisdiction of a misdemeanor involving dishonesty, or (3) for any gross neglect of duty or misconduct reflecting on the dignity and integrity of the General Council by General Council Resolution. The SNG Commissioner may be suspended by the Chief if said SNG Commissioner fails to carry out his or her responsibilities, or is found guilty in any court of competent jurisdiction of a misdemeanor involving dishonesty, or for any gross neglect of duty or misconduct reflecting on the dignity and integrity of the General Council for ninety (90) days, and if the SNG Commissioner is so suspended the Chief shall commission a member of the Seminole Nation to serve as Acting SNG Commissioner during the suspension of any SNG Commissioner, and shall provide written notification to the General Council of such measure stating grounds for suspension. An Acting SNG Commissioner shall have all powers of SNG Commissioner.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 105. Duties of the SNG Commission.**

- (a) The SNG Commission shall be charged with the sole responsibilities of administering and enforcing the provisions of this Code.
- (b) The duties of the SNG Commission shall include but not are limited to the following:
  - (1) The SNG Commission shall promulgate regulations necessary to administer the provisions of this Code, provided that in adopting, amending, or repealing any regulations under this code, the SNG Commission shall give prior notice of the proposed action to all licensees and other persons whom the SNG Commission has reason to believe have a legitimate and direct financial interest in such proposed action.
  - (2) The SNG Commission shall print and make available application forms for initial and renewal licenses, as well as any other necessary licenses.
  - (3) The SNG Commission shall supervise the collection of all fees prescribed in this Code.

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- (4) The SNG Commission shall assist the Tax Commission of the Seminole Nation in the supervision of the collection of all taxes pertaining to gaming prescribed by the laws of the Seminole Nation.
- (5) The SNG Commission shall **be provided with reports of** income of any gaming enterprise and the payment of all expenses of operation for such gaming enterprise.
- (6) The SNG Commission shall process all gaming license applications and the issuance of licenses, including:
  - (a) Determine applicable license fees.
  - (b) Review all gaming operation contracts, records and documents and anything else necessary and pertinent to the financial accountability of licensees or enforcement of any provision of gaming operation contracts, agreements, IGRA, this Act, and other applicable laws of the Seminole Nation.
  - (c) Deny any license application, limit, condition, suspend, or restrict any license, make a finding of suitability or approval of a license.
- (7) The SNG Commission shall recommend the budget for its operations to the General Council and take any other steps necessary to fulfill duties and responsibilities under the code.
- (8) **The SNG Commission shall be required to take steps necessary to fulfill its duties and responsibilities under this code. The SNG Commission shall have their own separate account to house the budgeted amount of funds. To fulfill its duties and responsibilities under this code, the SNG Commission shall also have their own check writing authority, requiring two signatures from an Officer of the SNG Commission with a signature from the Seminole Nation Administrative Office.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Sec. 106. Gaming Monitor. The SNG Commission shall hire a Gaming Monitor, pursuant to Seminole Nation hiring policies, who shall be a permanent part-time employee of the Seminole Nation Gaming Commission. The responsibilities of the Gaming Monitor shall be as follows:**

**(a) The Gaming Monitor shall attend gaming sessions of all licensees of the Seminole Nation, including gaming sessions of all gaming enterprises which do not hold licenses but are required by IGRA to be licensed, as frequently as required by SNG Commission regulations.**

**(b) The primary responsibility of the Gaming Monitor will be oversight of the gaming activities of licensees of the Seminole Nation, including all gaming enterprises which do not hold licenses but are required by IGRA to be licensed, to ensure financial accountability and to ensure compliance with IGRA, and this Code. This oversight will be conducted in a manner prescribed by SNG Commission regulations.**

**(c) The Gaming Monitor shall be responsible for obtaining from managers of Seminole Nation gaming Operations all financial reports required by gaming management agreements with the tribe.**

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**(d) The Gaming Monitor shall provide weekly reports to the Treasurer or his authorized representative in a form prescribed by SNG Commission regulations, and shall provide the Treasurer with all other financial reports obtained from managers of tribal gaming operations when obtained. The Treasurer shall have the Monitors weekly reports placed in the form of monthly reports, which shall be provided to the SNG Commission at their monthly meetings, along with any other financial reports obtained by the Monitor. The Treasurer shall have the Monitor's reports and any other financial reports obtained compiled into quarterly financial reports, which shall be provided to the Council on a quarterly basis.**

**(e) A bond in the amount of Fifty Thousand Dollars (\$50,000.00) shall be posted for the Gaming Monitor by the Seminole Nation.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Sec. 107. Authority of the SNG Commission.** The SNG Commission may exercise any proper power and authority necessary to perform the duties assigned by this Code, including but not limited to the following:

- (a) The individual members of the SNG Commission shall have the authority to attend gaming sessions of licensees of the Seminole Nation, including gaming sessions of all gaming enterprises which do not hold licenses but are required by IGRA to be licensed, in order to provide oversight of **all gaming** and to ensure financial accountability and to ensure compliance with IGRA, this Code, and SNG Commission regulations, provided that such attendance occurs in such manner and frequency as shall be prescribed by SNG Commission regulations. The SNG Commission shall assume such responsibilities in a manner consistent with its oversight responsibilities.
- (b) The SNG Commission shall have the authority to hold public hearings, take sworn testimony and do any other legal act in furtherance of its duties.
- (c) The SNG Commission may utilize the legal services of the Attorney General of the Seminole Nation. The SNG Commission may also engage separate legal counsel for any gaming enterprise of the Seminole Nation and may engage separate legal counsel for the SNG Commission, subject to approval of the General Council.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

## LICENSING

Section 201. License required. Any person conducting public gaming operations on property within the Seminole Nation and which is subject to the jurisdiction of the Seminole Nation shall be required to have and display prominently and appropriate, valid and current Public Gaming license issued pursuant to the provisions of this Code. A separate license is required for each place, facility, or location at which gaming operations are conducted. Any other forms of Public Gaming operations being conducted within the jurisdiction of the Seminole Nation without the lawful written approval of the Seminole Nation Gaming Commission are prohibited.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 202. Classes and fees. REPEALED

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994.]

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Section 203. Exemptions. Gaming conducted by churches and ceremonial grounds and "gaming not for gain" are not public gaming operations under the terms of this Code, and therefore do not require a license under this title. "Gaming not for gain" is gaming in which no cash or valuable prizes are won, other than 'points' for cumulative competitive ratings, or 'places' for immediate competitive rankings, and is not subject to the provisions of this Code. However, with the exception of churches and ceremonial ground, gaming for gain which is conducted by a non-profit organization is subject to the requirements of this code if cash or valuable prizes are awarded. "Valuable Prize" means an object or service worth One Hundred Dollars (\$100.00) or more in fair market value.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

### Section 204. Applications for Licenses.

- (a) Facility Class "A" License. The SNG Commission shall issue a separate Class "A" license to each place, facility, or location on Indian lands where class II gaming is conducted under Title 15 of the Code of Laws of the Seminole Nation. The license shall be issued for an annual fee of ***not less than*** Three Hundred Dollars (\$300). The license shall grant the applicant the revocable privilege of conducting gaming operations during the calendar year for which the license was issued. All establishments wherein gaming operations are to be conducted must be certified as safe by the SNG Commission prior to issuance of a license.
- (b) Application and Renewal Deadlines. Applications for Class "A" license shall be submitted at least ninety (90) days prior to the initial conduct of business, and shall be submitted by October 1 of the year preceding the calendar year for which the license is sought.
- (c) Display of License. Every Class "A" licensee shall display in a prominent place a current and valid license for that location.
- (d) Amendment of License. When a Class "A" licensee changes a location of gaming activities within the Seminole Nation, the SNG Commission shall issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.
- (e) Revocation of License. Class "A" licensees may have their right to operate gaming activities within the Seminole Nation and may have their license to game suspended for a period not to exceed one hundred eighty (180) days, if found in violation of any of the requirements of this Act, regulations of this Act, or other applicable laws.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law 92-4 February 24, 1994.]

Section 205. Safety; Issuance of License. REPEALED.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994.]



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### Section 205-A. Key Employee or Primary Management Class "B" License; Application Forms.

- (a) Key Employee or Primary Management Class "B" License. The SNG Commission shall issue a Class "B" License to each key employee or primary management official of a bingo enterprise pursuant to Section 205-A through 205-D herein at no cost. The License shall grant the applicant the revocable privilege of acting as a key employee at a licensed facility during the course of his employment, provided that the SNG Commission may review any key employee license annually pursuant to rules and regulations established by the SNG Commission.
- (b) Application and Licensing Deadlines. When a key employee or primary management official begins work at a gaming operation authorized by Title 15 herein, a completed application for employment and conduct the background investigation and make the determination referred to in Section 205-A (i) herein. 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.
- (c) Privacy Act Notice. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

"In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a investigations or prosecutions or when pursuant to a requirement by a Nation 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 Nation or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the Nation's being unable to hire you in a primary management official or key employee position. The disclosure of you Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing you application."

- (d) Privacy Act Notice Update for Existing Employees. Key employee and primary management officials already employed as of February 24, 1994 shall be notified in writing that they shall either:
- (1) Complete a new application form that contains a Privacy Act Notice; or
  - (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- (e) Notice of Penalties for False Statements. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant. A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)
- (f) Notice of Penalties Update for Existing Employees. The SNG Commission shall notify in writing key employees and primary management officials already employed as of February 24, 1994 that they shall either:

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- (1) Complete a new application form that contains a notice regarding false statements; or
  - (2) Sign a statement that contains the notice regarding false statements.
- (g) **Background Investigation.** A background investigation for each primary management official and key employee is required, provided that if a tribal-state compact provides that a state has exclusive jurisdiction with respect to conducting background investigations and issuing licenses, the background investigation provisions shall not apply to Class III gaming. The SNG Commission shall request from each primary management official and from each key employee all of the following information:
- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
  - (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
  - (3) 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) or this section;
  - (4) Current business and residence telephone numbers;
  - (5) A description of any existing and previous business relationships with Indian Nations, including ownership interests in those businesses;
  - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;
  - (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  - (8) 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;
  - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
  - (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

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- (12) A current photograph;
- (13) Any other information the SNG Commission deems relevant, including but not limited to financial statements of the gaming enterprise manager, assistant manager and cashier; and
- (14) Fingerprints consistent with procedures adopted by the SNG Commission according to 25 C.F.R. § 522.2
  - (h) Conduct of Investigation. The SNG Commission shall conduct an investigation sufficient to make a determination under Section 205-A (i) herein. In conducting a background investigation, the SNG Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
  - (i) Background Review, Decision. The SNG Commission shall review the person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the SNG Commission 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 or methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

[HISTORY: Law 94-2, February 24, 1994]

### Section 205-B. Class "B" Licensing Report to the National Indian Gaming Commission.

- (a) The SNG Commission shall forward an investigative report on each background investigation to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the National Indian Gaming Commission Chairman's approval of Title 15, as amended by the Nation of February 24, 1994. An investigative report shall include all of the following:
  - (1) Steps taken in conducting a background investigation;
  - (2) Results obtained;
  - (3) Conclusions reached; and
  - (4) The basis for those conclusions.
- (b) The SNG Commission shall submit, with the report, a copy of the eligibility determination made under Section 205-A (i) of this section.
- (c) If a license is not issued to an applicant, the SNG Commission:
  - (1) Shall notify the National Indian Gaming Commission; and
  - (2) 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.

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- (d) With respect to key employees and primary management officials, the SNG Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

[HISTORY: Law 94-2, February 24, 1994]

### Section 205-C. Granting a Class "B" Gaming License.

- (a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming notifies the SNG Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the SNG Commission has provided an application and investigative report to the National Indian Gaming Commission, the SNG Commission may issue a license to such applicant.
- (b) The SNG Commission shall respond to a request for additional information from the National Indian Gaming Commission Chairman concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Section 205-c (a) herein until the National Indian Gaming Commission Chairman receives the additional information.
- (c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the SNG Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the SNG Commission has provided an application and investigative report to the National Indian Gaming Commission, the SNG Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The SNG Commission shall make the final decision whether to issue a license to such applicant.

[HISTORY: Law 94-2, February 24, 1994]

### Section 205-D. Class "B" License Suspension.

- (a) If, after the issuance of a Class "B" gaming license, the SNG Commission 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 Section 205-A herein, the SNG shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (b) The SNG Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (c) After a revocation hearing held pursuant to Sections 216, 302, and 303, the SNG Commission shall decide to revoke or to reinstate the Class "B" license. The SNG Commission shall notify the National Indian Gaming Commission of its decision.

[HISTORY: Law 94-2, February 24, 1994]

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**Section 206. Application for Renewal of License. REPEALED.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994]

**Section 207. Display of License. REPEALED.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994.]

**Section 208. Amendment of License. REPEALED.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994.]

**Section 209. Fees.** Each application for an initial or renewal license requiring a fee shall be accompanied by payment of the fee. All license fees shall be paid to the SNG Commission to offset compensation and expenses of the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended Law 94-2, February 24, 1994.]

**Section 210. Duty of Licensee to Keep Informed of Requirements.** Acceptance of a license or renewal thereof, or condition imposed thereon, by a licensee constitutes an agreement on the part of the licensee to be bound by all the regulations and/or conditions of the SNG Commission and by the provisions of this Code as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not excuse the violation.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 211. Licenses Non-transferable.** The license issued pursuant to the provisions of this Code is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 212. Licenses Revocable.** The Public Gaming Operations license is a revocable privilege, and no holder thereof shall be deemed to have a part in any vested rights therein or there under. The burden of proving qualifications to hold any license rests at all times in the licensee. The SNG Commission is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person or persons whose operations are conducted in an unsuitable manner.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

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Section 213. Suspension of Licenses. REPEALED.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed by Law 94-2, February 24, 1994.]

Section 214. SNG Commission Review of Contracts. As a provision of licensing, all contracts or agreements with the Seminole Nation that include gambling or related activities must be reviewed by the SNG Commission. The SNG Commission shall make recommendations to the Council regarding approval or disapproval of said contracts and agreements.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 215. Ground for Denial, Suspension, Revocation or Refusal to Renew License. Violation of any provisions of this Code or any of the SNG Commission's rules by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the Seminole Nation and the inhabitants of the Seminole Nation, and shall be grounds for refusing to grant or renew a license, grounds for suspension or revocation of a license or grounds for the filing of a civil action for forfeiture by the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 216. Denial and Revocation of Licenses; Hearing. The SNG Commission shall afford an applicant for a license an opportunity for a hearing prior to final action denying such application and shall afford a licensee or any other person(s) subject to this Code the opportunity for a hearing prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the SNG Commission deems appropriate; provided, that prior to hearing the SNG Commission may summarily temporarily suspend or extend suspension of license for sixty (60) days in those cases where such action is deemed appropriate by the SNG Commission. In cases where a license is suspended prior to a hearing, an opportunity for a hearing shall be provided. All hearings conducted pursuant to this Section shall be conducted in compliance with Section 301 et. Seq. of this Act.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 217. Implementation of Licensing Requirements. The SNG Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employee and primary management officials employed at any class II gaming enterprise operated on Indian Lands.

[HISTORY: Law 94-2, February 24, 1994.]

**Section 218. Vendor Licensing: The SNG Commission shall also have the responsibility of licensing vendors in all gaming facilities, subject to a flat rate to be determined by Seminole Nation Gaming Commission. All license fees shall be paid to the SNG Commission to offset compensation and expense of the SNG Commission.**

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### CHAPTER THREE

#### ENFORCEMENT PROVISIONS

**Section 301. Certification of Initial Decision.** Whenever upon specific factual finding the SNG Commission determines that sanctions provided in Section 305 herein should be imposed on a person because that person has failed to comply with the provisions of this Code or any regulation promulgated hereunder, or where the SNG Commission takes any action terminating, revoking, suspending, limiting, or denying the issuance of a license, the SNG Commission shall make a determination. After five (5) days notice and within ninety (90) days thereof, the SNG Commission shall hold a hearing at which time the subject shall have an opportunity to be heard and present evidence.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 302. Hearing.** At such hearing it shall be the obligation of the subject of show cause why the determination is incorrect, why the application question shall not be denied, why the license or licenses in question shall not be revoked or suspended, why the period of suspension should not be extended, or to show cause why special conditions or limitations upon a license or permit should not be imposed, or to show cause why any other action regarding any other person or persons subject to any action should not be taken.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 303. Decision.** Following such hearing the SNG Commission shall, within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the license in question should be granted, continued or suspended, revoked, conditioned or limited, and whether or not any other action recommended to or by the SNG Commission should be taken. Within three (3) days following this determination the SNG Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within ninety (90) days thereof, the SNG Commission shall hold a hearing at which time the subject shall have an opportunity to be heard and present evidence.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Amended Law 94-2, February 24, 1994]

**Section 304. Right to appeal.** REPEALED

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991; Repealed Law 94-2, February 24, 1994.]

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**Section 305. Sanction.** Any person who engages in activities on property subject to the provisions of this Code without a license, in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provision of this Code, regulations promulgated under or amendments thereto, shall be subject to SNG Commission action pursuant to the provisions of Section 301 et. Seq. of this Act, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the SNG Commission. All such action shall be taken at the discretion of the SNG Commission subject to the right of appeal to the CFR or the Seminole Nation Court. The SNG Commission may impose the following sanctions and penalties on such persons:

- (a) The SNG Commission shall seize all property used in each and every separate violation of this Code. Such seized property shall become the property of the Seminole Nation.
- (b) The SNG Commission may prohibit persons from trespassing on premises licensed under this Code.
- (c) The SNG Commission shall suspend, revoke, or limit licenses; any may order the forcible closure of gaming establishments found to be in violation of the law.
- (d) The SNG Commission shall require winnings found to have been received in violation of this Code to be forfeited and shall order it to become property of the Seminole Nation.
- (e) The conduct of gaming operations without a license from the Seminole Nation shall subject any such gaming to the control, taxes and/or supervision of the State of Oklahoma.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 306. Criminal Penalties.** Persons found in violation of the provisions of this Act and applicable laws shall be subject to criminal penalties as set forth in applicable law.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 307. Protection of Informant Identity.** The SNG Commission shall refuse to reveal, at any court proceedings, the identity of any informant, if such revelation would subject he informant to bodily harm.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]



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### CHAPTER FOUR

#### RULES OF OPERATION AND GENERAL APPLICABILITY

**Section 401. Records, Returns and Audits.** It shall be the responsibility of the SNG Commission to promulgate regulations establishing proper accounting procedures and methods of operations for all licensees, so that all monies or things of value received and/or paid out may be properly monitored and accounted for. All licensees under this Code shall be required to keep an approved accounting system, which comply with, but not be limited to all applicable provisions of this Code or reflect all business and financial transactions involved or connected in any manner with the operation and conducting of activities authorized by this Code. The SNG Commission shall require by regulation that all accounting procedures and methods be established by the Seminole Nation for any licensed gaming enterprise.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 402. Player Rates.** All Gaming licensees shall charge players for games at rates approved by the SNG Commission. The rate shall be fixed for each licensee and posted conspicuously on the premises. Each person paying for the opportunity to participate in a game shall be given an approved receipt for the game or pack, which shall be numbered and dated, which can be readily identified as belonging to that licensee. Each game or pack issued shall represent a specific amount of money, which has been paid to the licensee. The amount of money represented by each game or pack issued shall be clearly made known to all players prior to anyone paying to participate in the activity.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 403. Licensee Avoidance of Payment of Proceeds.** Any delay, maneuver or action of any kind, which in the opinion of the SNG Commission, is effectuated by any licensee to unlawfully avoid paying the proceeds properly owing to the Seminole Nation shall constitute grounds for taking any disciplinary action deemed necessary by the SNG Commission, including but not limited to revoking, suspending, limiting, or refusing to renew the license of any licensee.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 404. Production of Records; Hearings.** No applicant, licensee, or employee thereof shall neglect or refuse to produce records or evidence under their control, or to give information upon proper and lawful demand by the SNG Commission, or shall otherwise interfere with any proper and lawful efforts by the SNG Commission to produce such information. The SNG Commission may summon any licensee or a licensee's agents, employees, or suppliers to appear to testify with regard to the conduct of any licensee or the agents, employees, or suppliers of any licensee. All such testimony shall be given under oath and may embrace any matters, which the SNG Commission may deem relevant to the discharge of its official duties. Any person so summoned to appear shall have the right to be represented by counsel. Any testimony so taken may be used by the SNG Commission as evidence in any proceeding or matter before the SNG Commission. Failure to appear and testify fully at the time and place designated, unless excused, shall constitute grounds for revocation of suspension of any license held by the person summoned, his principal, or employee, or the loss of the privilege to further supply any person licensed under this Code.

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[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 405. Security Licensees Shall Provide for their Facility Security.** Security plans or amendments shall be approved by the SNG Commission prior to implementation.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 406. Dual Employment.** Unless prior written approval is obtained from the SNG Commission, no person employed in the conduct of Gaming operating under one license shall be employed under any other license authorized to operate under this Code.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 407. Age Limit for Gaming.** No person, who is under the age of eighteen (18), shall be allowed to participate in any manner in the operation of any game with cash prizes. No person(s) under the age of sixteen (16) shall be allowed on the gaming floor while games for cash are being conducted. No person(s) under the age of twelve (12) shall be allowed on the premises unsupervised. It shall be the responsibility of the licensee to enforce the provisions of this section.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 408. On duty operators shall not play.** No operator shall allow a person who manages or receives any compensation, directly or indirectly, for the operation of games conducted by the operator to play a game while on duty. No operator shall allow any person who assists in the operation of any game conducted by the operator to play in any game conducted by the operator within twenty-four (24) hours of the time said person did so assist.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 409. No free games for winners.** No free games or any opportunity to play in a game shall be awarded or given to a person as prize for or conditioned upon winning a game or games.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 410. IGRA Requirements.** No game shall be conducted which does not comport with Class I or Class II requirements of IGRA.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 411. Prize Awards.** Every prize award during the operation authorized shall be awarded only to the person(s) actually winning the prize and displaying the proper admission ticket.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

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**Section 412. Advance Sales.** Gaming opportunities shall be sold and paid for only in advance for use in a specified game or specified numbered games.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 413. Promotional Activities and Remuneration.** Certain licensees may be exempt from Section 409 and engage in promotions and activities that include prizes or the award of gaming opportunities as and incentive to allow certain individuals, who provide a specified service or meet other stated requirements, to participate in games the same as regular participants. Licensees participating in promotional activities must provide to the SNG Commission full details of all such activities and receive advance approval for each such promotional activity. Written approval for such activities must remain on file with the SNG Commission and with the licensee for a period of not less than one (1) year.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 414. Ball Requirements.** Each numbered ball or other device used in a game for the selection of numbers to be called in play shall be the same weight and size as each of the other balls or devices used for that purpose of that game.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 415. Operator Control.** In all cases the gaming operator must have and exercise complete control over that portion of the premises being used for gaming at all times said games are being played. The licensee or permit holder shall be held liable for any violation of the Code.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 416. Location of Games.** Games shall be operated and conducted only on the appropriate licensed premises authorized under this Code.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 417. Price-fixing Prohibited.** No manufacturer, distributor, or operator shall make agreement either express or otherwise with any other manufacturer, distributor, or operator to fix the price at which any device, paraphernalia, machine, equipment, prize or any other items used in connection with any of the activities authorized under this Code shall be sold or which services in connection wherewith shall be rendered. The price of these items in a competitive market place shall be established by each manufacturer, distributor, or operator for the products and services offered by each and shall not be established, directly or indirectly, in concert with another.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

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**Section 418. Licensee Responsibility.** Licensees must supervise and be directly responsible for all activities on the premises authorized by license under this Code, except as specifically outlined in Management Agreement approved by Council Resolution.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 419. Safety and Welfare.** The construction and maintenance of the gaming facility, and the gaming operation must be conducted in a manner which adequately protects the environment, public health, safety, morals, good order, and general welfare of the citizens of the Seminole Nation. All alterations or modifications of the facility must be approved by the SNG Commission. Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee and willful and persistent use or toleration of unsuitable methods of operation will constitute grounds for license revocation or other disciplinary actions.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 420. Receipt required for income and prizes in gaming.** All income from games shall be receipted at the time the income is received from each individual player, and all prizes shall be receipted for by the winner of each prize at the time the prize is distributed to each individual winner. Receipts shall meet the following requirements:

- (1) **Income receipts forms.** Income receipt forms shall be based upon a cash register system. An identification number shall be on the receipt given to the customer, which is one of a series of such numbers printed consecutively, and a corresponding number is recorded together with a record of the transaction being kept inside the cash register. Further, the following information shall appear upon the receipt rolls retained in the machine showing those transactions shall be retained with the records of the licensee for a period not less than two (2) years.
- (2) **Receipt for prizes.** Receipts for prizes shall contain the following information: The name of the licensee operating the activity; the date the transaction took place; the receipt number and the gaming number; the true name and address of the winner of the prize; a description of the prize won and any value of that prize which has been represented to the player by the licensee. It shall be the responsibility of the licensee to see that the prize winners are properly and accurately identified upon the receipt for the prize, and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be upon the receipt for the prize. One duplicate of each prize receipt shall be given to the winner, and the other duplicate of prize receipts shall be retained by the licensee as part of its records for a period of not less than five (5) years.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 421. Inspection of Premises.** Any premises licensed or any premises connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all time be open to inspection by the SNG Commission, Gaming Monitor, or any other authorized representative of the Seminole Nation. At any time during which a licensed gaming or related administrative activity is being conducted on a premises, the SNG Commission, Gaming Monitor, or any other authorized representative of the Seminole Nation may enter upon the premises without advance notice and shall be allowed to:

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- (a) Make an account of all monies on the premises and all monies received during the operation of the licensed activity located on the premises, inspect all receipts for prizes which have been awarded by the licensee;
- (b) Inspect any other records, accounts or other related information of the licensee, or of any member who directly participates in the management, operation, or promotion of a licensed activity; or of any employee of the licensee; or of any operator of the licensed activity;
- (c) Inspect, including the dismantling of all pieces of equipment or parts thereof or devices of any nature, which are being used to conduct the licensed activity.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 422. Removal of Records and Equipment during Inspection.** When the SNG Commission finds cause to believe that there is a reasonable probability that the provisions of this Code, including any amendments thereto or any of the rules passed by the SNG Commission have been or are being violated by the licensee or its employees or operators, they may move to another location or locations for further inspection or investigation of any and all records and any and all equipment, parts thereof, devices, or things(s) which has been removed from the premises. Each such record, piece of equipment, part thereof, or thing(s) so removed shall be returned to the premises or to the address of the licensee with ten (10) days (except Saturdays, Sundays, and days when tribal offices are legally closed) in as good condition as it was when it was removed unless the SNG Commission determines that the record, equipment, devices, or thing(s) so removed are necessary for an ongoing investigation and/or evidence of possible violations of this Code or rules of the SNG Commission by the licensee, by employers of the licensee or by operators of the licensed activity. The SNG Commission shall notify the licensee of the reasons said property or thing(s) are to be so held.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 423. Alcoholic Beverages.** No beverage containing alcohol, including but not limited to beer or liquor, shall be offered or awarded as a prize or in lieu of a prize for winning at any time. **Licenses shall be required in accordance with applicable laws for the sale of liquor on premises where gaming is played.**

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 424. Firearms.** No firearms, air guns which are capable of discharging dangerous projectiles or gases, including but limited to "B.B.'s" or CO2 guns, rifles, shotguns, pistols, or revolvers shall be allowed on the premises, except as permitted by regulation of the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

## **GAMING**

**Section 425. Credit.** No licensee or any of its members or employees, or any operator conducting or in any way participating in the conducting of any of the activities, which are authorized by this Code or by the SNG Commission's rules, shall allow a person to play that activity on credit or shall grant a loan of any kind at any time to a person playing the activity, except that such credit prohibition shall not prohibit the charging of gaming costs on credit cards nationally known and approved by the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29,  
1991; Codified by Law 91-12, November 16, 1991]

**Section 426. Fraud.** No person involved in the operation of any activity authorized by this Code or a rule of the SNG Commission shall, directly or indirectly, in the course of such operation employ any device, scheme, or artifice to defraud; make any untrue statement of a fact, or omit to state a fact necessary in order to make a statement was made; engage in any act, practice, or course of operation as would operate as a fraud of deceit upon any person.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29,  
1991; Codified by Law 91-12, November 16, 1991]

**Section 427. Laws and Regulations on Premises.** Each licensee shall obtain, maintain, and keep current a copy of this Act and all regulations of the SNG Commission and any amendments to either, which shall be located upon the premises used for the conduct of a licensed activity by a licensee during all times the activity is there conducted. The rules shall be licensee may not have a current copy of each of the rules of the SNG Commission shall not in any way diminish the licensee's obligation to abide these rules.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29,  
1991; Codified by Law 91-12, November 16, 1991]

**Section 428. Leases and Agreements.** No licensee shall conduct any activity authorized under this Code upon any premises, if the lease, license, contract, or any other agreement under which right to use said premises is not first fully disclosed to the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29,  
1991; Codified by Law 91-12, November 16, 1991]

**Section 429. No Restrictions on Operations.** No manufacturer or distributor shall make or have an agreement or understanding with any licensee that either of them shall be restricted in the operation and carrying on of business to a specific geographic area or areas, and such a restriction shall not be a condition of any sales between manufacturer, distributor and any other licensee, provided, that this shall not prevent a distributor or manufacturer from assigning sales territories among its bona fide representatives.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29,  
1991; Codified by Law 91-12, November 16, 1991]

## **GAMING**

**Section 430. Manufacturers and Distributors.** All licensees shall be responsible to insure that each manufacturer and each distributor selling or distributing equipment or other things used, directly or indirectly, in said licensee's gambling activities and who is not a Seminole Nation resident or resident corporation shall designate a natural person, who is a resident living in the Seminole Nation and who is eighteen (18) years of age or older, as a resident agent for the purpose of receipt and acceptance of service of process and other communications on behalf of the manufacturer distributor. The name and business address where service of process and delivery of mail can be made, and home address of such designated resident agent shall be filed with the SNG Commission. All said manufacturers of distributors must be listed with the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 431. Exhibition of Ball Numbers to Players.** Immediately before the calling of each number in a game, the caller shall turn the portion of the ball or other device used to determine which number is called, which shows the number and letter to the participants in the game, so that participants may know that the proper number is being called out.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 432. Progressive Payout.** All licensees conducting games with a progressive payout feature will provide to the SNG Commission, for approval, the system for accumulation and account restrictions of funds so designated. The procedure and any amendments thereto must receive prior written approval of the SNG Commission.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

**Section 433. Employee Listings.** All employees must be listed with the SNG Commission. Such lists are to be kept current.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

## **CHAPTER FIVE**

### **REVENUES AND AUDITS**

**Section 501.** A seventy percent (70%) of the Nation's share of net profits (i.e.; gross gaming revenue minus prize payments and vendor payments, which is called net win, minus all expenses including but not limited to salaries, wages, utilities, depreciation expense, purchases of new equipment, insurance, debt payment, miscellaneous purchases of new equipment, insurance, debt payment, miscellaneous expenses, etc.) from the SNDA's gaming operations shall be distributed to the Gaming Revenue Account. Remaining thirty percent (30%) share of the said net profits shall be retained for operations and development by the Seminole Nation Development Authority, its corporations, partnerships, joint ventures or other arrangements or undertakings which is the source of the profits or dividends.

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[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]

Section 502. The Seminole Nation shall provide the Federal Indian Gaming Commission with annual outside audits of gaming, which may be encompassed within existing independent tribal audit systems. All contracts for suppliers, services, or concessions for a contract amount in excess of \$25,000 annually gaming shall be subject to such independent audits.

[HISTORY: Ordinance No. 86-2; Ordinance No. 91-08, August 29, 1991; Codified by Law 91-12, November 16, 1991]