

NATIONAL
INDIAN
GAMING
COMMISSION

MAR 23 1995

Lewis Taylor, Tribal Chairman
St. Croix Chippewa Indians of Wisconsin
P.O. Box 287
Hertel, Wisconsin 54845

Dear Chairman Taylor:


This letter responds to your request to review and approve the tribal gaming ordinance adopted on January 9, 1995, by the St. Croix Chippewa Indians of Wisconsin (Tribe), by Resolution No. 1-9-95-1. 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 St. Croix Chippewa Indians of Wisconsin 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

St. Croix Tribal Council

TRIBAL COUNCIL

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RESOLUTION #1-9-95-1

WHEREAS, the St. Croix Tribal Council is the governing body of the St. Croix Chippewa Indians of Wisconsin; and,

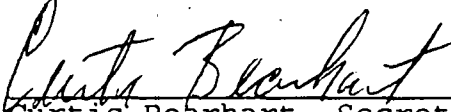
WHEREAS, the Tribal Council has the responsibility for insuring and maintaining the integrity of Class II and III gaming on the St. Croix Indian Reservation and,

WHEREAS, the Tribal Council has reviewed the attached ordinance.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council for the St. Croix Chippewa Indians of Wisconsin hereby approves the attached ordinance titled the Gaming Control Ordinance of the St. Croix Chippewa Indians of Wisconsin.

CERTIFICATION

I, the undersigned as Secretary of the St. Croix Tribal Council, do hereby certify that the Council is composed of five(5) members of whom three(3) were present, constituting a quorum, at a meeting duly called, convened and held this 9th day of January 1995, and that the foregoing resolution was adopted at said meeting by an affirmative vote of three(3) members for, zero(0) against, and zero(0) members abstaining from the vote and that said resolution has not been rescinded or amended in anyway.


Curtis Bearhart, Secretary/Treasurer
St. Croix Tribal Council

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN GAMING CONTROL ORDINANCE

SECTION 1 - PURPOSE

The Tribal Council of the St. Croix Chippewa Indians of Wisconsin (hereinafter "Tribe"), empowered by the Tribe's constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for Class II and III gaming.

SECTION 2 - GAMING AUTHORIZED

Class II and III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) and (8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. sections 502.3 and 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized.

SECTION 3 - OWNERSHIP OF GAMING

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation on the Tribe's Reservation or lands owned by the Tribe or authorized by this ordinance.

SECTION 4 - USE OF GAMING REVENUE

(a) Net revenues, as defined at 25 C.F.R. 502.16, from Class II and III gaming shall be used only for the following purposes: to fund tribal government operations and programs, provide for the general welfare of the Tribe and its members, promote tribal economic development, donate to charitable organizations, or help fund operations of local government agencies.

(b) If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. subsection 2710(b)(3).

SECTION 5 - AUDIT

(a) The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

(b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional, legal and accounting services shall be subjected to the audit that is described in subsection (a) above.

SECTION 6 - PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY

Class II and III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

SECTION 7 - LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

The Tribe 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 or Class III gaming enterprise operated on Indian lands:

(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:

(i) Bingo Caller

(ii) Counting room supervisor

(iii) Custodian of gaming supplies or cash

(iv) Chief of Security

(v) Pit Boss

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- (vi) Blackjack Dealer
- (vii) Croupier
- (viii) Any person who has authority to approve credit
- (ix) Floor manager
- (x) Any person who is a custodian of any gaming device, including any person with access to cash and accounting records within gaming devices

(B) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000.00 per year; or

(C) If not otherwise included, the four most highly compensated persons in the gaming operation.

(2) Primary management official means

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(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 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

St. Croix Gaming Control Ordinance

gaming operation. The information will be used by Tribal government and staff and National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with a 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 the Tribe's being unable to hire you in 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) Key employees and primary management officials employed on the date of enactment of this ordinance shall be notified in writing that they shall either:

(A) Complete a new application 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 management 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 forfeiture, fine or imprisonment under both tribal and federal law. (U.S. Code, title 18, section 1001.)

(4) Key employees and primary management officials employed on the date of enactment of this ordinance shall be notified in writing that they shall either:

(A) Complete a new application that contains a notice regarding false statements; or

(B) Sign a statement that contains the notice regarding false statements.

St. Croix Gaming Control Ordinance

(5) 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.

If you are hired, you may be hired conditionally, pending the completion of a background investigation and eligibility for licensure determination. If for any reason you do not receive a favorable background investigation report or eligibility determination by the completion of your 90th day of employment, your employment will be terminated.

(6) Key employee and management officials employed on the date of enactment of this ordinance shall be notified in writing that they shall either:

(A) Complete a new application that contains the notice required by subparagraph (5), above; or

(B) Sign a statement that contains the notice required by subparagraph (5), above.

(c) *Background Investigations*

(1) The Tribe 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: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

(C) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(B) of this section;

(D) Current business and residence telephone numbers;

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(E) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(F) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those businesses;

(G) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(H) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(I) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violation), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(J) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(H) or (1)(I) of this section the criminal charge, the name and address of the court involved and the date and disposition;

(K) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(L) A current photograph;

(M) Any other information the Tribe deems relevant; and

(N) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. subsection 522.2(h).

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(2) The Tribe shall conduct an investigation sufficient to make a determination under subsection (d) below. The investigation may be conducted prior to any hiring of the person for a key employee or primary management official position. In conducting a background investigation the Tribe or its agent shall promise to keep confidential the identify of each person interviewed in the course of the investigation.

(d) Eligibility Determination

(1) The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position. This determination may be made prior to any hiring of the person for a key employee or primary management official position.

(2) Under no circumstances shall any individual be employed in the Class III gaming operation who has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person has been pardoned:

(A) A felony, other than a felony conviction for an offense under subdiv. (B), (C), or (D), during the immediately preceding 10 years.

(B) Any gambling-related offense.

(C) Fraud or misrepresentation in any connection.

(D) A violation of any provision of chapters. 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board or Wisconsin Racing Board (or the Wisconsin Gaming Commission), or a Tribal ordinance regulating or prohibiting gaming.

(3) The prohibition contained in the preceding paragraph may be waived by the Tribal Council, by resolution, if the applicant or employee demonstrates to

St. Croix Gaming Control Ordinance

the satisfaction of the Tribal Council evidence of sufficient rehabilitation and present fitness.

(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 Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection (d) of this section, unless already completed.

(2) The Tribe 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 50 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 receive a license within 90 days of hiring.

(f) Report to the National Indian Gaming Commission

(1) Pursuant to the procedures set out in subsection (e) of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- (A) Steps taken in conducting a background investigation;
- (B) Results obtained;
- (C) Conclusions reached; and
- (D) The bases for those conclusions.

(2) The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection D of this section.

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(3) If a license is not issued to an applicant, the Tribe shall:

(A) Notify the National Indian Gaming Commission; and

(B) Forward copies of its eligibility determination and investigation report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

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

(g) Granting a Gaming License

(1) The Tribal Council shall issue all gaming licenses.

(2) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Council may issue a license to such applicant.

(3) The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph (g)(2) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

(4) If, within the thirty (30) day period described above the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the tribe has provided an application, the Tribe shall reconsider the application taking into

St. Croix Gaming Control Ordinance

account the objections itemized by the National Indian Gaming Commission prior to council action on the license. The Tribal Council 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 Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection (d) above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(2) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license, which shall be conducted before the Tribal Council under rules as it may prescribe.

(3) After a revocation hearing, the Tribal Council shall decide to revoke or to reinstate a gaming license. The decision of the Tribal Council shall be final. The Tribe shall notify the National Indian Gaming Commission of its decision.

SECTION 8 - LICENSE LOCATIONS

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

SECTION 9 - REPEAL

To the extent that any section of any prior tribal ordinance is inconsistent with any section of this chapter, the section of the prior ordinance is repealed.

St. Croix Tribal Council

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St. Croix Ojibwa Construction Co.

January 9, 1995

Mr. Harold A. Monteau, Chairman
National Indian Gaming Commission
1850 M Street, N.W. Suite 250
Washington, DC 20036

Dear Mr. Monteau:

The St. Croix Tribal Council hereby designates the individual listed below as agent for service of any official determination, order or notice of violation pursuant to 25 C.F.R. 519.1:

Lewis Taylor, Tribal Chairman
St. Croix Chippewa Indians of Wisconsin
P.O. Box 287
Hertel, WI 54845

Sincerely,



Curtis Bearhart, Secretary/Treasurer
St. Croix Chippewa of Wisconsin

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

DESCRIPTION OF PROCEDURES

**1. BACKGROUND INVESTIGATIONS OF
KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS
25 C.F.R. 522.2(b)**

**2. ISSUANCE OF TRIBAL LICENSES TO
KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS
25 C.F.R. 522.2(c)**

**3. CRIMINAL HISTORY CHECKS FOR
KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS
25 C.F.R. 522.2(h)**

A. The St. Croix Tribe is responsible for the conduct of background investigations and suitability determinations for all key employees and primary management officials. This Description of Procedures sets forth how this responsibility is exercised.

B. All applicants for key and primary management positions are supplied Privacy Act, False Statement, and Background Investigation notices on their applications, as provided in the St. Croix Gaming Control Ordinance, section 7(b). Applicants are then required to complete an application that requests all of the information required in section 7(c).

C. The Casino Risk Manager obtains fingerprints from all applicants, and sends these to the Criminal Investigation Bureau of the Wisconsin Department of Justice. Fingerprints are taken in accordance with standards and practices acceptable to the Wisconsin Department of Justice. The CIB performs federal and Wisconsin checks on each set of fingerprints, and reports the results back to the Risk Manager.

D. Any individual showing a conviction which prohibits hiring, pursuant to section 7(d)(2) of the Ordinance, is either informed that he or she cannot be hired or is discharged (employees of the Casino on date ordinance is enacted).

E. If questions are raised by the criminal background check, the Risk Manager performs a further investigation in order to ascertain an accurate criminal history.

F. The Risk Manager completes the background investigation pursuant to section 7(c) of the Ordinance. The identity of any individual interviewed in the course of such an investigation is kept confidential.

Investigation, licensing, criminal check procedures
St. Croix Tribe

- G. The results of the investigation, and the risk manager's preliminary suitability determination are reported to the Human Resources Director, who is responsible for reviewing and approving the investigative work done.
- H. The Human Resources Director make a final suitability determination and decides whether or not to recommend an individual to the Tribal Council for licensure.
- I. The Tribal Council makes a tentative decision to license, pending notification of NIGC. The Risk Manager forwards to NIGC an investigative report on the applicant, pursuant to section 7(f) of the Ordinance. If no objection is received from NIGC, or if no request for additional information is received from NIGC, the Tribal Council licensing decision takes effect 30 days after the report on an applicant is received by NIGC.
- J. An objection, or a request for additional information will suspend the 30 day period, and the license will not be issued until questions raised by NIGC are resolved. The Tribal Council will take into account each objection itemized by NIGC. The Tribal Council will make the final decision whether to issue a license to an applicant.
- K. If after the issuance of a license, the Tribe receives from NIGC reliable information indicating that a licensee is ineligible to hold a license, the Human Resources Director shall suspend the license and notify in writing the licensee of the suspension and of the proposed revocation. The notice shall include the grounds for suspension and revocation and shall set a time and place for a hearing before the Tribal Council on the revocation.
- L. The Tribal Council shall conduct the revocation hearing. The Tribal Council shall make its decision based on the evidence presented to it at the hearing. The formal rules of evidence will not apply at the hearing, provided that evidence that is received shall be sufficiently reliable to consider.
- M. After the revocation hearing the Tribal Council shall decide to reinstate or revoke the license. The decision shall be presented orally or in writing to the licensee. A written notice of decision shall be sent to NIGC, with a copy to the licensee. The decision of the Tribal Council is final and nonreviewable.

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

DESCRIPTION OF PROCEDURES

DISPUTE RESOLUTION

25 C.F.R. 522.2(F)

- A. This Description of Procedures sets forth the procedure for resolving disputes between the gaming public and the S. Croix Tribe.
- B. Any dispute which cannot be immediately resolved to the patron's satisfaction by the first employee contacted by the patron regarding the dispute is referred to the shift manager. It is the first employee's obligation to notify the shift manager (or to cause another employee to notify the shift manager) that a patron has a dispute.
- C. The shift manager attempts to resolve the dispute.
- D. If the patron is not satisfied, the patron is given a preprinted card with the name, address, phone number, and telefacsimile number of the Tribe's Economic Development Committee (EDC). The patron is instructed to contact the EDC for final resolution of the dispute.
- E. The EDC receives the patron's complaint and decides the appropriate response. The decision of the EDC is final and nonreviewable.