



Notice of

Public Meeting

to be held

July 30, 2015 at 12:15 p.m.

OBC Conference Room—2nd Floor, Norbert Hill Center



Topic: Oneida Nation Gaming Ordinance Amendments

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal that would:

- ◆ Update the Ordinance in order to comply with National Indian Gaming Commission (NIGC) regulations by:
 - * Requiring the identity of a person being interviewed for a background investigation to be kept confidential;
 - * Requiring the Commission to retain all applications, investigative reports and eligibility determinations for at least three years from the date the applicant's employment was terminated;
 - * Requiring the Commission to forward a copy of its decision to suspend, condition or revoke a license to NIGC within forty-five days of receiving NIGC's notification indicating that an employee is not eligible for a license.
 - * Clarifying that the Commission takes fingerprints as required in the Ordinance.
 - * Including the process for determining an applicant's eligibility for a license and notice to NIGC.
 - * Clarifying when an Applicant may be issued a License
 - * Including a section that allows for NIGC review of a License and actions that will or may be taken based on that review.
 - * Requiring the Commission to forward a hearing decision regarding a License to NIGC if the License was suspended, conditioned or revoked based on a notification from NIGC.
 - * Requiring an approved revenue allocation plan before per capita payments are made
- ◆ Clarify how the Rules of Play and Oneida Gaming Minimum Internal Controls are adopted and when they become effective.

All community members are invited to attend this meeting to learn more about this proposal and/or to submit comments concerning this proposal.

Public Comment Period—Open until August 6, 2015

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal; and/or a transcript of any testimony/spoken comments made during the Public Meeting. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person or by U.S. mail, interoffice mail, e-mail or fax.

For more information about the public meeting process, or to obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office, which is located on the second floor of the Norbert Hill Center, Oneida WI.

Mail: **Legislative Reference Office**
PO Box 365
Oneida, WI 54155

Phone: **(920) 869-4376 or (800) 236-2214**
E-Mail: **LOC@oneidanation.org**
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Chapter 21
Oneida Nation Gaming Ordinance
Thatiwi→Stunya=tha Olihwa@ke
Matters of interest to where they make the money

21.1. Purpose and Policy	21.11. Licenses, Generally
21.2. Adoption, Amendment, Applicability , Repeal	21.12. Gaming Employee License
21.3. Jurisdiction	21.13. Gaming Services Licensing and Non-Gaming Services Permitting
21.4. Definitions	21.14. Gaming Facility License
21.5. Oneida Business Committee: Powers and Duties	21.15. Gaming Operator License
21.6. Oneida Gaming Commission	21.16. Games
21.7. Gaming Surveillance: Powers, Duties and Limitations	21.17. Allocation of Gaming Funds
21.8. [Reserved for future use.]	21.18. Audits
21.9. Gaming Security Department	21.19. Enforcement and Penalties
21.10. Background Investigations	

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<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Nation Gaming Ordinance (ONGO)				
Requester	Tamara Vanschyn del (Oneida Gaming Commission)	Drafter	Lynn Franzmeier	Analyst	Tanique l le Thurner
Reason for Request	<p>On June 25, 2014, the Oneida Business Committee (OBC) adopted minor terminology amendments to ONGO, which replaced references to the Oneida Appeals Commission/Tribal Judicial System with the Tribal Judiciary. Those amendments were then submitted to the National Indian Gaming Commission (NIGC) for approval, as required. However, NIGC returned the submission after three discrepancies were found between ONGO and federal law/NIGC regulations. To address those discrepancies, the OBC adopted emergency amendments to ONGO on October 8, 2014, and extended the emergency adoption on April 22, 2015. The emergency amendments are set to expire on November 1st, 2015.</p> <p>Now, this draft is being presented for permanent adoption. The amendments include the changes adopted on an emergency basis, and additional changes made based on a request from the Oneida Gaming Commission.</p>				
Purpose	Governs Oneida Tribal gaming				
Authorized/ Affected Entities	NIGC, Oneida Gaming Commission, the Oneida Tribal Judiciary				
Due Process	The Gaming Commission hears appeals of licensing decisions, then Judiciary				
Related Legislation	Gaming SOPs, an agreement between HRD and the Gaming Commission for conducting background investigations (as required by ONGO 21.10-1)				
Policy Mechanism	Licensing				
Enforcement	Licensing Suspension, Revocation				

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Overview

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The proposed amendments make permanent the changes that were adopted on an emergency basis in 2014 in order to comply with NIGC requirements. Additional changes are made to one of those proposed amendments, and to:

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- Clarify that the Oneida Gaming Commission (the Commission) may issue a Gaming License (hereinafter: license) to new employees after they have notified the National Indian Gaming

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9 Commission (NIGC) of the determination of eligibility, without needing to wait for approval,
10 objections, or any other a response from NIGC.

- 11 • Clarify requirements pertaining to Rules of Play and Oneida Gaming Minimum Internal
- 12 Controls (Minimum Internal Controls), and how they are reviewed and adopted.
- 13 • Add detail, and improve clarity and consistency throughout the Law.

14
15 *Emergency Amendments*

16 The proposed amendments permanently adopt the changes adopted on an emergency basis on
17 October 8, 2014, which were extended on April 22, 2015; which made in order to comply with
18 federal law and NIGC requirements. These changes include:

- 19 1. Clarifying that the identity of any person interviewed in order to conduct a background
20 investigation, is confidential. [21.10-2]
- 21 2. Requiring the Commission to retain various records for three years after a Gaming
22 Employee's (hereinafter: employee) employment is terminated, instead of for seven years
23 after the employee begins employment. [21.12-5(e)]
- 24 3. Adding that when the Commission makes a final decision to suspend, place a condition on or
25 revoke a license based on information from NIGC that the employee is not eligible; the
26 Commission must forward a copy of the decision to NIGC within 45 days. [21.12-9(e)].
27 These proposed permanent amendments also require the Commission to forward a copy of a
28 final decision to suspend, place a condition on, or revoke a license when that action was
29 taken based on information from another source besides NIGC. This additional change to
30 ONGO is being made to reflect the Commission's current practice of doing so. [21.12-9(e)]

31
32 *Eligibility Determinations and Notifying NIGC*

33 When a new employee begins working at a Gaming Operation, his or her employment
34 application, along with specific other information listed in the Law, must be submitted by the
35 employee to the Commission, instead of from the Commission to the NIGC. [21.12-5(a)]

36 Within 60 days after a new employee starts, the Commission is still required to review
37 the employee's background investigation, make a determination of whether the employee is
38 eligible for a license, and to provide this information and determination to NIGC. However, the
39 amendments add more detail - instead of just requiring the Commission to submit a "report" to
40 NIGC, the amended Law requires the Commission to create an Investigative Report based on the
41 employee's background investigation, and then, to submit to NIGC a Notice of Results of
42 Background Investigation (Notice of Results). The amendments also identify the purpose for
43 submitting this notice/information to NIGC: it is submitted for inclusion in the Indian Gaming
44 Individual Record System. [21.12-5(b) and (c)]

45 New language identifies specific information that must be included in the Investigative
46 Report and/or Notice of Results:

- 47 • The Investigative Report must identify the steps taken in conducting the employee's
48 background investigation, the results obtained, the conclusions reached and the basis for
49 those conclusions. It must also identify:
 - 50 ○ License(s) that have previously been denied;
 - 51 ○ Gaming licenses that have been revoked, even if subsequently reinstated;
 - 52 ○ Every known criminal charge brought against the employee within the 10 years
53 before the application;
 - 54 ○ Every felony conviction or any ongoing prosecution. [21.12-5(c) and (d)(3)]

- 55 • The Notice of Results must include a copy of the Commission’s eligibility determination
 56 for that employee, a summary of the Investigative Report, and the employee’s name, date
 57 of birth, social security number, and start date. The amendments also add that additional
 58 or alternate information will be forwarded as directed in NIGC regulations or rules.
 59 [21.12-5(d)]
 60

61 *Issuing a License to New Employees*

62 Amendments clarify that the Commission does not need to wait for a response from
 63 NIGC before issuing a license to the employee – after submitting the Notice of Results to NIGC,
 64 the Commission may issue the license at any time. [21.12-6] To support this, new language is
 65 added to clarify that the Commission not only makes the final decision on whether to issue a
 66 license, but also on whether to suspend or revoke a license, if one has already been issued.
 67 [21.12-8]

68 New requirements are added to reflect this change:

- 69 • Now, whenever the Commission issues or denies the issuance of a license to an employee,
 70 the Commission must notify NIGC within 30 days. [21.12-6]
 71 • Any employee who does not have a license 90 days after the start of employment shall have
 72 his or her employment terminated. [21.12-6]
 73 • If the NIGC notifies the Commission that an employee is not eligible for employment, the
 74 Commission must immediately suspend the employee’s license and provide the employee
 75 with written notice of the suspension and revocation, and notice of a time and place for a
 76 hearing on the proposed revocation. [21.12-8(d).]
 77

78 **Rules of Play and Oneida Gaming Minimum Internal Controls**

79 The amendments change some of the requirements relating to Rules of Play and Oneida
 80 Gaming Minimum Internal Controls (Minimum Internal Controls), as follows:

- 81 • Rules of Play and Oneida Gaming Minimum Internal Controls currently become effective
 82 once they are adopted by the Oneida Business Committee (OBC). Under the
 83 amendments, they would become effective upon adoption by the Commission, but they
 84 are subject to review and ratification by the OBC.
 85 • To clarify responsibilities, the amended Law makes Senior Gaming Management, instead
 86 of Gaming Operations, responsible for reviewing and providing comments on any
 87 proposed Rules of Play or Minimum Internal Controls.
 88 • The amendments change the explanation of what Rules of Play and Minimum Internal
 89 Controls are. Instead of being identified as “adopted and approved industry standards”
 90 they are identified as “minimum standards.” And instead of stating that these standards
 91 are “for Gaming Operations”, the amendments identify them as standards “with which
 92 the Gaming Operations are required to comply and are audited against.” [21.6-14]
 93

94 **Other**

95 Additional changes made to the Law include:

- 96 • Deleting a reference to the Administrative Procedures Act (APA) and replacing it with a
 97 reference to the Tribe’s “administrative procedures law.” This would resolve potential
 98 conflict with future changes to (or repeal of) the APA. [21.12-9(g)]
 99 • Clarifying responsibilities by identifying the Commission as responsible for taking the
 100 fingerprints required for a license application. [21.12-2(m)]

- 101 • Specifically identifying what must be included in the Commission’s written decision
102 when a licensing decision is appealed: a determination of whether to uphold their original
103 licensing decision, including whether to revoke or reinstate a license. [21.12-10]
- 104 • Adding that per capita payments can only be made pursuant to an approved revenue
105 allocation plan. [21.17-1(b)]

Miscellaneous

108 Sections 21.2 and 21.4 were updated to comply with the requirements of the Legislative
109 Procedures Act. Various other minor amendments were made to ensure compliance with tribal
110 drafting and formatting standards. These changes did not affect the content of the Law.

111 A public meeting has not been held.

Considerations

114 1. Although both Federal Law [25 CFR 558.4] and this Law [21.12-9(e)] require certain
115 licensing/hearing decisions to be sent to NIGC within 45 days, 21.12-10 also provides that any
116 person aggrieved by a licensing decision of the Commission may appeal the decision by filing a
117 request for an original hearing before the Commission, within 15 days after receiving the
118 decision. The Commission must certify the record within 30 days, and issue a written decision
119 within 120 days after receiving the request, and then that decision may be appealed to the
120 Judiciary on another timeline. These timelines exceed the 45 day-requirement and the Law does
121 not identify whether any later decision would also need to be submitted to NIGC.

122
123 *Recommendation:* The LOC may want to consider identifying a timeline for notifying NIGC of
124 any later decisions, and/or a requirement for notifying NIGC when any decisions that are
125 submitted to NIGC are appealed.

126
127 2. Now that the Law clarifies that the Commission may issue or suspend a license without
128 waiting for NIGC approval, it’s not clear why the Law still identifies a 30-day period for NIGC
129 to respond after being notified of the Commission’s determination of eligibility (or ineligibility)
130 for an employee to be licensed. Section 21.12-8 identifies that within 30 days after receiving the
131 notice of results from the Commission (which includes a summary of the investigative report and
132 the Commission’s determination about whether the employee is eligible for a license):

- 133 • The NIGC Chairman may request additional information from the Commission
134 concerning the employee, and such a request suspends the 30-day period until the NIGC
135 Chairman receives the additional information.
- 136 • If NIGC notifies the commission that it has no objection to issuing the license, the
137 Commission may grant the license to the employee.
- 138 • If the NIGC objects to issuing a license to the employee, the Commission must
139 reconsider the application, but still makes the final decision.

140 Under the amendments, these provisions are revised to clarify that if NIGC notifies the
141 Commission that it has no objection, the Commission may grant the license if it hasn’t already
142 done so. And if NIGC objects to the issuance of a license to the employee, the Commission still
143 makes the final decision as to whether to issue a license, or if a license has already been issued,
144 whether to suspend/revoke the license.

145 Now that the Commission does not have to wait for a response from NIGC before issuing a
146 license, this 30-day timeline for an NIGC response may do more to confuse than to clarify; as it

147 doesn't appear to serve any purpose. For example, the Chairman of NIGC may request more
148 information about an applicant during that 30 day period – but what happens if they request that
149 information after the 30 day period? As written, this could be interpreted as meaning that the
150 Commission does not need to comply with a request from the NIGC chair for more information,
151 after those 30 days. Also, a request from the Chairman “tolls” (pauses) the 30 day period, and
152 there does not seem to be a reason to toll a 30-day period since the Commission no longer has to
153 wait for a response from NIGC before making a licensing decision.

154
155 *Recommendation:* The LOC may want to consider deleting the 30-day requirement or more
156 clearly identifying when or how it is still necessary.

157
158 3. Section 21.12-8(d) states that if a NIGC notifies the Commission that a licensed Gaming
159 Employee is not eligible for employment, the Commission must immediately suspend the license
160 “in accordance with section 21.12-9.” However, section 21.12-9(c) states that a license may only
161 be immediately suspended if, “in the judgment of the Commission, the public interest, and
162 effective regulation and control of Gaming Activities requires the immediate exclusion of a
163 Licensee.” There may be confusion between these two provisions as to whether the intent is to
164 always require immediate suspension whenever the NIGC notifies the Commission that an
165 employee is ineligible, or if immediate suspension is only required after NIGC notifies the
166 Commission of an employee’s ineligibility if the Commission determines it is necessary for the
167 public interest, and effective regulation and control of Gaming Activities.

- 168 • Also 21.12-8(d) does not clearly create a separate requirement; it states that a license will
169 immediately be suspended *in accordance with 21.12-9*. However, 21.12-9 and 21.12-9(e)
170 both contain references to both 21.12-8(d) and 21.12-9(c) – these are circular references,
171 because 21.12-8(d) refers to 21.12-9.
- 172 • There may also be confusion between 21.12-8(d) and 21.12-9, which refer to each other
173 and it is not clear which provision supersedes the other, or how:
 - 174 ○ 21.12-8(d): the Commission shall immediately suspend the License in accordance
175 with section 21.12-9.
 - 176 ○ 21.12-9. Except as provided in section 21.12-8(d) or 21.12-9(c), no License may
177 be suspended or revoked except after notice and opportunity for hearing.

178
179 *Recommendation:* The LOC may want to consider either deleting 21.12-8(d) or adding
180 clarification regarding how it deviates from 21.12-9, which already addresses what happens if
181 the NIGC provides information that an employee is not eligible for a license.

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183
184 **Chapter 21**
185 **Oneida Nation Gaming Ordinance**
186

187
188 **21.1. Purpose and Policy**

189 21.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Tribe of
190 Indians of Wisconsin regarding all Gaming Activities conducted within the jurisdiction set forth
191 in this Ordinance. It is intended to govern the Gaming Activities of all persons, Gaming
192 Employees, consultants, business entities, vendors, boards, committees, commissions and

193 hearing bodies. This Ordinance does not authorize the operation of Gaming by a private person
 194 or private entity for gain. This Ordinance shall govern all Gaming Activities occurring on lands
 195 under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in
 196 Gaming Activities, including those providing goods or services to any person or entity engaged
 197 in Gaming Activities.

198 21.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Tribe is the primary
 199 beneficiary of its Gaming Operations and has the sole proprietary interest, and that Gaming
 200 Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly,
 201 and that all internal departments, enterprises, officials and employees of the Oneida Tribe work
 202 cooperatively to advance the best interests of the Oneida Tribe to protect the Tribe's gaming
 203 resources, protect the integrity of all ~~g~~Gaming ~~a~~Aactivities operated under the jurisdiction set
 204 forth in this Ordinance and to ensure fairness of all games offered to the Tribe's gaming patrons.
 205

206 **21.2. Adoption, Amendment, ~~Applicability,~~ Repeal**

207 21.2-1. *Adoption.* This Ordinance ~~is was~~ adopted ~~under the authority of the Constitution of by~~ the
 208 Oneida ~~Tribe of Indians of Wisconsin by Oneida~~ General Tribal Council ~~Resolution # 7~~by
 209 ~~resolution GTC-07-05-04-A~~ and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-
 210 ~~23-09-D and~~ BC-06-25-14-B: ~~and~~ _____.

211 21.2-2. *Amendment.* This Ordinance may be amended ~~or repealed~~ by the Oneida Business
 212 Committee or the Oneida General Tribal Council pursuant to the procedures set out in
 213 ~~accordance with Tribal law~~the Legislative Procedures Act.

214 21.2-3. *Severability.* Should a provision of this Ordinance or the application ~~of this Ordinance~~
 215 ~~thereof to any person or circumstances~~ be held as invalid, ~~the~~such invalidity shall not ~~effect~~affect
 216 other provisions of this Ordinance.

217 ~~21.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other~~
 218 ~~similar actions~~ which are considered to have legal force without the invalid portions.

219 ~~21.2-4. inconsistent with~~In the event of a conflict between a provision of this Ordinance and a
 220 provision of another law ~~are hereby repealed unless specifically re-enacted after adoption, the~~
 221 provisions of this law. ~~Specifically,~~Ordinance shall control. Provided that, this Ordinance
 222 repeals the following ~~resolutions are repealed by this law:~~

- 223 (a) BC-~~04~~-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- 224 (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo
 225 standards);
- 226 (c) GTC-~~07-06~~-92-A (Amendments to Gaming SOP Manual);
- 227 (d) GTC-~~7-6~~~~07-06~~-92-B (Adoption of the Comprehensive Gaming Ordinance);
- 228 (e) BC-~~303~~-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- 229 (f) BC-~~404~~-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

230 21.2-5. This Ordinance is adopted under authority of the Constitution of the Oneida Tribe of
 231 Indians of Wisconsin.

232 21.2-6. Name. This Ordinance shall be known as the Oneida Nation Gaming Ordinance or
 233 ONGO.

234 ~~21.2-6~~7. *Preemptive Authority.* The Gaming Commission shall be the original hearing body
 235 authorized to hear licensing decisions as set forth in this Ordinance.
 236

237 **21.3. Jurisdiction**

238 21.3-1. *Territorial Jurisdiction.* This Ordinance extends to all land within the exterior

239 boundaries of the Reservation of the Tribe, as established pursuant to the 1838 Treaty with the
240 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

241 21.3-2. *Subject Matter Jurisdiction*. This Ordinance applies to all Gaming conducted within the
242 territorial jurisdiction of the Oneida Tribe as set forth in section 21.3-1.

243 21.3-3. *Personal Jurisdiction*. This Ordinance shall govern:

244 (a) the Tribe;

245 (b) tribal members; and

246 (c) individuals and businesses leasing, occupying, or otherwise using Tribal ~~f~~Fee ~~L~~Land
247 on the Reservation and all Tribal Trust Lands.

248

249 **21.4. Definitions**

250 21.4-1. This section shall govern the definitions of words and phrases used within this
251 Ordinance. Words and phrases capitalized through-out this document refer to the defined words
252 and phrases in this section. All words or phrases not defined ~~in this section~~ herein shall be
253 ~~interpreted based on~~ used in their ~~plain~~ ordinary and everyday ~~meanings~~ sense.

254 21.4-2. *Applicant* means any person or entity who has applied for a License from the Oneida
255 Gaming Commission or the Oneida Business Committee.

256 21.4-3. *Background Investigation* means a standard and thorough investigation conducted by the
257 Oneida Tribe in compliance with this Ordinance, Commission regulations, Oneida Gaming
258 Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in
259 cooperation with federal, state, or Tribal law enforcement agencies.

260 21.4-4. *Class I Gaming* means social games solely for prizes of minimal value or traditional
261 forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal
262 ceremonies or celebrations.

263 21.4-5. *Class II Gaming* means:

264 (a) The game of chance commonly known as bingo (whether or not electronic, computer
265 or other technologic aids are used in connection therewith) in which:

266 (1) The game is played for prizes, including monetary prizes, with cards bearing
267 numbers or other designations.

268 (2) The holder of the card covers such numbers or designations when objects,
269 similarly numbered or designated, are drawn or electronically determined.

270 (3) The game is won by the first person covering a previously designated
271 arrangement of numbers or designation on such cards, including (if played in the
272 same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other
273 games similar to bingo.

274 (b) Card games that:

275 (1) Are explicitly authorized by the laws of the State; or

276 (2) Are not explicitly prohibited by the laws of the State and are played at any
277 location in the State, but only if such card games are played in conformity with
278 laws and regulations (if any) of the State regarding hours or periods of operation
279 of such card games or limitations on wagers or pot sizes in such card games.
280 Class II Gaming does not include any banking card games, including baccarat,
281 chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical
282 facsimiles of any game of chance or slot machines of any kind.

283 21.4-6. *Class III Gaming* means all forms of Gaming that are not Class I or Class II.

284 21.4-7. *Commission* means the Oneida Gaming Commission as established by this Ordinance.

- 285 21.4-8. *Commissioner* means a duly elected member of the Oneida Gaming Commission.
- 286 21.4-9. *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State
287 of Wisconsin as amended and any future amendments or successor compact entered into by the
288 Tribe and State and approved by the Secretary of the United States Department of Interior.
- 289 21.4-10. *Compliance Certificate* means a certificate issued by an agency with the authority and
290 responsibility to enforce applicable environmental, health or safety standards, which states that a
291 Gaming Facility complies with these standards.
- 292 21.4-11. *Environmental Assessment* means a document prepared and issued in compliance with
293 the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related
294 Federal regulations.
- 295 21.4-12. *Fraud* means any act of trickery or deceit used to or intended to gain control or
296 possession of the property of another.
- 297 21.4-13. *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or
298 game of chance that is considered Class II or Class III Gaming, provided that this definition does
299 not include Class I Gaming.
- 300 21.4-14. *Gaming Employee* means any person employed by a Gaming Operation.
- 301 21.4-15. *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or
302 movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility
303 does not include the site of a fair, carnival, exposition, or similar occasion.
- 304 21.4-16. *Gaming Operation* means the conduct of Gaming Activities and related business
305 activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.
- 306 21.4-17. *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other
307 entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity
308 having full authority and responsibility for the operation and management of Gaming
309 Operations.
- 310 21.4-18. *Gaming Services* means the provision of any goods and services, except legal services
311 and accounting services, to a Gaming Operation, including, but not limited to, equipment,
312 transportation, food, linens, janitorial supplies, maintenance, or security services.
- 313 21.4-19. *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25
314 U.S.C. sec. 2701, et seq., as amended.
- 315 21.4-20. *Judiciary* means the judicial system that was established by Oneida General Tribal
316 Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of
317 the Tribe.
- 318 21.4-21. *License* means a certificate or other document that represents the grant of a revocable
319 | authorization to conduct the licensed activity. A License ~~shall~~must be supported by a physical
320 document, badge, certification or other physical manifestation of the issuance of the revocable
321 authorization to conduct the licensed activity.
- 322 21.4-22. *Licensee* means a person or entity issued a valid License.
- 323 21.4-23. *NIGC* means the National Indian Gaming Commission.
- 324 21.4-24. *Oneida Business Committee* means the elected governing body of the Tribe exercising
325 authority delegated from the Oneida General Tribal Council of the Oneida Tribe of Indians of
326 Wisconsin under Article IV of the Constitution and By-laws for the Oneida Tribe of Indians of
327 Wisconsin, approved December 21, 1936, as thereafter amended.
- 328 21.4-25. *Oneida General Tribal Council* means the governing body of the Oneida Tribe of
329 Indians of Wisconsin as determined by the Tribe's Constitution.
- 330 21.4-26. *Ordinance or ONGO* means the Oneida Nation Gaming Ordinance as it may from time

331 to time be amended.

332 21.4-27. *Regulatory Incident* means the occurrence of any event giving rise to a potential or
333 alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person
334 or Licensee on the premises of a Gaming Facility.

335 21.4-28. *Remediation* means efforts taken to reduce the source and migration of environmental
336 contaminants at a site.

337 21.4-29. *Reservation* means all lands within the exterior boundaries of the Reservation of the
338 Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7
339 Stat. 566, and any lands added thereto pursuant to federal law.

340 21.4-30. *Senior Gaming Management* means the gaming general manager, assistant gaming
341 general managers, gaming directors and assistant gaming directors.

342 21.4-31. *State* means the State of Wisconsin, its authorized officials, agents and representatives.

343 21.4-32. *Tribe* means the Oneida Tribe of Indians of Wisconsin.

344 21.4-33. *Tribal Fee Land* means all land to which the Tribe holds title in fee simple.

345 21.4-34. *Tribal Trust Land* means all land to which the United States holds title for the benefit
346 of the Tribe pursuant to federal law.

347

348 **21.5. Oneida Business Committee: Powers and Duties**

349 21.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or
350 compacts with the State under the Indian Gaming Regulatory Act.

351 21.5-2. The Oneida Business Committee retains the power and duty to enter into agreements
352 with local governments and other Tribal governments for services or cooperative ventures for the
353 Gaming Operations.

354 21.5-3. The Oneida Business Committee has the exclusive power and duty to enter into
355 contracts and agreements affecting the assets of the Tribe, except for those assets that were
356 placed under the responsibility of the Oneida Land Commission under Chapter 67, Real Property
357 Law.

358 21.5-4. The Oneida Business Committee delegates to the Commission, as set out in section 21.6-
359 14, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming
360 Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and
361 enforcement of laws and regulations, as identified in this Ordinance.

362 21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all
363 funds generated by the Gaming Operations and all other authorities and responsibilities not
364 delegated by a specific provision of this Ordinance.

365 21.5-6. The Chairperson of the Tribe shall be the designated and registered agent to receive
366 notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming
367 Regulatory Act and the Compact.

368

369 **21.6. Oneida Gaming Commission**

370 21.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the
371 Oneida Gaming Commission for the purpose of regulating all Gaming Activities. The
372 Commission is an elected body comprised of four (4) members, provided that, the Oneida
373 Business Committee may, upon request of the Commission, increase the number of
374 Commissioners by resolution without requiring amendment of this Ordinance.

375 21.6-2. *Location and Place of Business.* The Commission shall maintain its offices and
376 principal place of business within the Reservation.

377 21.6-3. *Duration and Attributes.* The Commission shall have perpetual existence and succession
378 in its own name, unless dissolved by Tribal law. Operations of the Commission shall be
379 conducted on behalf of the Tribe for the sole benefit of the Tribe and its members. The Tribe
380 reserves unto itself the right to bring suit against any person or entity in its own right, on behalf
381 of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to
382 protect the sovereignty, rights, and interests of the Tribe or the Commission.

383 21.6-4. *Sovereign Immunity of the Tribe.*

384 (a) All inherent sovereign rights of the Tribe with regard to the existence and activities of
385 the Commission are hereby expressly reserved.

386 (b) The Tribe confers upon the Commission sovereign immunity from suit as set forth in
387 the Tribe's Sovereign Immunity Ordinance.

388 (c) Nothing in this Ordinance nor any action of the Commission shall be construed to be
389 a waiver of its sovereign immunity or that of the Tribe, or consent by the Commission or
390 the Tribe to the jurisdiction of the Judiciary, the United States, any state, or any other
391 tribe, or consent by the Tribe to any suit, cause of action, case or controversy, or the levy
392 of any judgment, lien, or attachment upon any property of the Commission or the Tribe.

393 21.6-5. *Requirements of Commission Membership.*

394 (a) *Qualifications.* Candidates for election or appointment to the Commission shall be at
395 least twenty-one (21) years of age on the day of the election or on the day of
396 appointment. In addition, ~~C~~ candidates for election to the Commission shall meet the
397 following qualifications within five (5) business days after a caucus for elected positions
398 on the Commission. Candidates for appointment to the Commission shall meet the
399 following qualifications on the day of appointment to a vacancy on the Commission
400 under section 21.6-13:

401 (1) Be an enrolled member of the Tribe;

402 (2) Have a minimum of three (3) years of education experience, employment
403 experience and/or regulatory experience in Gaming Operations related to Gaming
404 Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of
405 any combination of the foregoing; and

406 (3) Meet all other qualifications set forth in this Ordinance.

407 (b) *Conflict of Interest.* No person shall be considered for election or appointment as a
408 Commissioner until the candidate has disclosed all conflicts of interest as defined by the
409 Oneida Conflict of Interest Policy.

410 (c) *Background Investigation.* No person shall be considered for election or appointment
411 as a Commissioner until a preliminary ~~b~~Background ~~i~~Investigation has been completed
412 and the person has been found to meet all qualifications.

413 (d) Swearing into office is subject to a Background Investigation regarding the
414 qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to
415 office.

416 21.6-6. Unless pardoned for activities under subsection (a) and/or (d) by the Tribe, or pardoned
417 for an activity under subsection (a) and/or (d) by another Federally-recognized Indian Tribe for
418 an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned
419 for an activity under subsection (a) and/or (d) by the State or Federal government, no individual

420 shall be eligible for election or appointment to, or to continue to serve on, the Commission, who:
421 (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the
422 following:¹
423 (1) Any gambling-related offense;
424 (2) Any offense involving Fraud or misrepresentation;
425 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
426 Stats., any rule promulgated by the State of Wisconsin Department of
427 Administration, Division of Gaming or any rule promulgated by the Wisconsin
428 Racing Board;
429 (4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately
430 preceding ten (10) years; or
431 (5) Any offense involving the violation of any provision of Tribal law regulating
432 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
433 thereto.
434 (b) Has been determined by the Tribe to be a person whose prior activities, criminal
435 record if any, or reputation, habits, and associations pose a threat to the public interest or
436 to the effective regulation and control of Gaming, or create or enhance the dangers of
437 unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming
438 or the carrying on of the business and financial arrangements incidental thereto;
439 (c) Possesses a financial interest in or management responsibility for any Gaming
440 Activity or Gaming Services vendor;
441 (d) Has been convicted of a crime involving theft, Fraud, or conversion against the
442 Tribe;
443 (e) Has been removed from any office pursuant to the Oneida Removal Law within the
444 past five (5) years; or
445 (f) Is a sitting Commissioner whose term is not concluded at the time of that election or
446 appointment action.
447 21.6-7. *Term of Office.* Commissioners shall serve five (5) year terms and shall serve until a
448 successor takes the oath of office. Terms of office shall be staggered.
449 21.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special
450 Oneida Business Committee meeting prior to assuming office. Upon being administered the oath
451 of office, a Commissioner shall assume the duties of office and shall be issued a security card
452 setting forth his or her title and term of office.
453 21.6-9. *Full-time Status.* The Commission shall identify the appropriate work schedule for its
454 members. Each Commissioner shall perform his or her duties and responsibilities on a full-time
455 basis and ~~will~~shall devote his or her entire work and professional time, attention and energies to
456 Commission business, and ~~will~~shall not, during his or her tenure in office, be engaged in any
457 other profession or business activity that may impede the Commissioner's ability to perform
458 duties on behalf of the Commission or that competes with the Tribe's interests.
459 21.6-10. *By-laws.* The Commission shall adopt bylaws subject to review and approval by the
460 Oneida Business Committee.

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

461 21.6-11. *Budget and Compensation.* The Commission shall function pursuant to an annual
462 budget. The Oneida Business Committee shall submit the operating budget of the Commission
463 for approval in the same fashion as all other Tribal budgets. Compensation of Commissioners
464 shall not be subject to the Tribe's Comprehensive Policy Governing Boards, Committees, and
465 Commissions, but shall be established by the Commission in a manner consistent with the
466 Commission's internal rules and by-laws. The Commission shall adopt internal rules consistent
467 with the existing Tribal accounting practices to verify its budgetary expenditures.

468 21.6-12. *Removal.* Removal of Commissioners shall be pursuant to the Oneida Removal Law.

469 21.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, shall be
470 filled by appointment by the Oneida Business Committee of a person qualified pursuant to
471 sections 21.6-5 and 21.6-6.

472 21.6-14. *Authority and Responsibilities.* Subject to any restrictions contained in this Ordinance
473 or other applicable law, the Commission is vested with powers including, but not limited to the
474 following:

475 (a) To exercise all power and authority necessary to effectuate the gaming regulatory
476 purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the
477 Compact. Unless otherwise indicated in this Ordinance or Commission regulation, or
478 authorized by majority vote of the Commission, no Commissioner shall act independently
479 of the Commission. Any such action may constitute grounds for removal.

480 (b) To promote and ensure the integrity, security, honesty, and fairness of the regulation
481 and administration of Gaming.

482 (c) To draft, and approve, subject to review and adoption by the Oneida Business
483 Committee, regulations pursuant to this Ordinance for the regulation of all Gaming
484 Activity, including processes for enforcement of such regulations consistent with Tribal
485 law.

486 (d) To draft, and approve, ~~subject to review and adoption by the Oneida Business~~
487 ~~Committee,~~ the Rules of Play and Oneida Gaming Minimum Internal Controls; provided
488 that, Rules of Play and Oneida Gaming Minimum Internal Controls shall require review
489 and comment by ~~the Gaming Operation~~ Senior Gaming Management prior to approval by
490 the Commission, ~~and those comments shall be included in any submission~~ are subject
491 to review and ratification by the Oneida Business Committee. ~~Rules of Play and Oneida~~
492 ~~Gaming Minimum Internal Controls are adopted and approved industry standards for~~
493 ~~Gaming Operations.~~

494 (1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum
495 standards with which the Gaming Operations are required to comply and are
496 audited against.

497 (2) Comments received from Senior Gaming Management shall be included in
498 any submission to the Oneida Business Committee.

499 (3) Rules of Play and Oneida Gaming Minimum Internal Controls shall be
500 effective upon adoption by the Commission.

501 (e) To prepare proposals, including budgetary and monetary proposals, which might
502 enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the
503 same for consideration by the Oneida Business Committee; provided, however, that no
504 such proposal shall have any force or effect unless it is approved by the Oneida Business
505 Committee.

506 (f) To monitor and enforce all laws and regulations governing the operation and conduct

507 of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this
508 Ordinance and/or regulations setting forth hearing or enforcement processes.

509 (g) To monitor and investigate all Gaming Operators for compliance with internal audits,
510 and external audits.

511 (h) To inspect, examine, and photocopy all papers, books, and records of Gaming
512 Activities and any other matters necessary to carry out the duties pursuant hereto,
513 provided that, all photocopies of documents shall be maintained in a confidential manner
514 or in the same manner as the original.

515 (i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming
516 Employees, Gaming Services vendors, and Gaming Operators.

517 (j) To conduct hearings relating to Licenses issued under this Ordinance by the
518 Commission.

519 (k) To review all vendors doing business with the Gaming Operator to verify that such
520 persons or entities hold a valid License, where required, to do business with a Gaming
521 Operator.

522 (l) To retain professional advisors such as attorneys, law enforcement specialists, and
523 Gaming professionals consistent with Tribal law and practices.

524 (m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates
525 to its authorized activities.

526 (n) To act as the designated agent to receive all regulatory notices not included in section
527 21.5-6.

528 (o) To investigate all Regulatory Incidents.

529 (p) To issue warnings or notices of violation, in accordance with regulations, to Gaming
530 Operators and Licensees for non-compliance with the Compact, Oneida Gaming
531 Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.

532 (q) To make determinations regarding suitability for licensing.

533 (r) To establish an administrative structure by regulation to carry out its authority and
534 responsibilities.

535 (s) To establish, where needed, additional processes for conducting licensing hearings by
536 regulation.

537 (t) To establish and collect fees for processing License applications by regulation.

538 (u) To establish and impose a point system for findings of regulatory violations by any
539 Gaming Employee by regulation.

540 (v) To establish and impose a fine system for findings of regulatory violations by any
541 Gaming Services vendor or permittee by regulation.

542 (w) To approve procedures that provide for the fair and impartial resolution of patron
543 complaints.

544 21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting
545 requirements:

546 (a) A true, complete and accurate record of all proceedings of the Commission shall be
547 kept and maintained;

548 (b) Complete and accurate minutes of all Commission meetings shall be filed with the
549 Secretary of the Oneida Business Committee within thirty (30) days of their approval by
550 the Commission;

551 (c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the
552 Commission's activities, including information regarding funding, income and expenses

553 and any other matters to which the parties may agree, shall be submitted to the Oneida
554 Business Committee.

555 21.6-16. *Oneida Gaming Commission Personnel.* The Commission shall hire an Executive
556 Director who shall be responsible for hiring and managing the personnel of the Commission. The
557 Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its
558 responsibilities under this Ordinance, the IGRA, and the Compact, and all regulations including
559 the Oneida Gaming Minimum Internal Controls. The Executive Director and personnel of the
560 Commission shall be hired through the Tribe's regular personnel procedure and shall be subject
561 to its personnel policies and salary schedules. The Executive Director and personnel shall be
562 required to meet the requirements set forth in section 21.12-3 at hiring and during employment.
563

564 **21.7. Gaming Surveillance: Powers, Duties and Limitations**

565 21.7-1. *Purpose.* The purpose of Gaming Surveillance is to observe and report Regulatory
566 Incidents to the Commission and Gaming General Manager to provide for the regulation,
567 operation, and compliance of Gaming Activities under this Ordinance. Gaming Surveillance is a
568 department within the Commission's administrative structure and supervision shall be identified
569 within the organizational chart adopted by the Commission, provided that nothing in the
570 designation of supervisory responsibility shall be deemed to prohibit the responsibility of
571 Gaming Surveillance to provide information and/or video and/or audio records to the parties
572 identified in section 21.7-3.

573 21.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities
574 including, but not limited to, equipment and maintenance of equipment, observation and
575 reporting of all persons to include Gaming Employees, customers, consultants, and Gaming
576 Services vendors.

577 21.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission,
578 or Gaming Security a copy of any time-recorded video and accompanying audio (if available)
579 within twenty-four (24) hours of request.

580 21.7-4. Gaming Surveillance shall:

581 (a) Develop, implement and maintain written policies and procedures for the conduct and
582 integrity of the Surveillance Department.

583 (b) Develop, implement and maintain additional procedures governing the use and
584 release of the surveillance recordings or reports.

585 (c) Work cooperatively with the Gaming Security Department to carry out its official
586 duties and to coordinate its activities in order to effectuate the protection of patrons and
587 the assets of the Gaming Operation.

588 (d) Develop, implement and maintain written policies and procedures for implementation
589 of duties and responsibilities identified with the Oneida Gaming Minimum Internal
590 Controls, subject to approval by the Commission.

591

592 **21.8. [Reserved for future use.]**

593

594 **21.9. Gaming Security Department**

595 21.9-1. *Purpose.* The Gaming Security Department is a department within the Oneida Police
596 Department. The purpose of the Gaming Security Department is to protect Gaming assets,
597 patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which
598 could injure or jeopardize Gaming assets, patrons and Gaming Employees and report these

599 activities to the Oneida Police Department for further review and/or investigation. Provided that,
600 all reports of the Gaming Security Department shall be copied to the Commission.

601 21.9-2. *Reporting.* The Oneida Police Department, Gaming General Manager and the
602 Commission shall enter into an agreement, subject to ratification by the Oneida Business
603 Committee, which describes their responsibilities and reporting requirements under this
604 ~~law~~Ordinance.

605 21.9-3. The Gaming Security Department shall:

606 (a) Develop, implement and maintain written policies and procedures for the conduct and
607 integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal
608 Controls and subject to approval by the Commission.

609 (b) Develop, implement and maintain additional procedures governing the use and
610 release of the investigation reports.

611 (c) Work cooperatively with Gaming Surveillance to carry out its official duties and to
612 coordinate activities between the departments.

613 21.9-4. *Investigations.* This ~~S~~section is intended to authorize report gathering, information
614 gathering, and preliminary review, to be conducted by the Gaming Security Department.

615

616 **21.10. Background Investigations**

617 21.10-1. The Human Resources Department and the Commission shall enter into an agreement,
618 subject to ratification by the Oneida Business Committee, for carrying out Background
619 Investigations for employees as required under this ~~law~~Ordinance.

620 21.10-2. Background Investigations shall be conducted on all persons or entities as specified
621 under this ~~law~~Ordinance. All Background Investigations shall be conducted to ensure that the
622 Tribe in its Gaming Operations shall not employ or contract with persons whose prior activities,
623 or reputation, habits and associations pose a threat to the public interest or to the effective
624 regulation of ~~g~~GGaming, or create or enhance the dangers of unsuitable, unfair or illegal practices
625 and methods in the conduct of such ~~g~~GGaming. The identity of any person interviewed in order to
626 conduct a Background Investigation shall be confidential.

627

628 **21.11. Licenses, Generally**

629 21.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing
630 of all applications for a License. All Gaming Employees, Gaming Services vendors, and
631 Gaming Operators shall apply for a License from the Commission prior to their participation in
632 any Gaming Activity. All Gaming Facilities ~~must~~shall be licensed by the Oneida Business
633 Committee.

634 21.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed
635 application for a License and completion of a preliminary Background Investigation, may
636 receive a temporary license for a ninety (90) day period, unless a Background Investigation of
637 the application demonstrates grounds to disqualify the Applicant. Such temporary license, as
638 defined in this section, shall permit the Licensee to engage in such activities and pursuant to any
639 terms and conditions imposed and specified by the Commission. The temporary license shall be
640 valid until either replaced by a License, the ninety (90) day temporary license period has
641 concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

642 21.11-3. *Revocable.* A License is revocable only in accordance with the procedures set forth in
643 this Ordinance. A Licensee shall have only those rights and protections regarding a License
644 granted in this Ordinance.

645 21.11-4. All Applicants:

646 (a) Consent to the release of any information relevant to the Applicant's Background
647 Investigation by any person or entity in possession of such information.

648 (b) Consent to the jurisdiction of the Tribe and are subject to all applicable Tribal,
649 Federal, and State laws, regulations, and policies.

650 21.11-5. All Licensees are subject to ongoing review at least every two (2) years by the
651 Commission.

652 21.11-6. *Status of Licenses.* The Commission shall notify the Gaming Operation of the status of
653 all Licenses, whether temporary or permanent, including all Commission action to revoke,
654 suspend, or condition a License.

655 21.11-7. *Commission Licensing Actions.* The Commission may grant, deny, revoke, condition,
656 suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this
657 Ordinance. Authority to place conditions on a License may be exercised only upon
658 promulgation of regulations.

659 21.11-8. *Noncompliance.* The Commission may issue a notice of noncompliance when the
660 Commission has developed regulations that identify procedures that notices of noncompliance
661 may be issued to Licensees and permittees which provide an opportunity to correct actions. Such
662 regulations shall include procedures for appeal of such notices. Regulations may include the
663 ability to issue fines not to exceed one thousand dollars (\$1000.00) per violation for Gaming
664 Services vendors and permittees.
665

666 **21.12. Gaming Employee License**

667 21.12-1. *Scope of Section.* This Section applies only to Gaming Employee Licenses and
668 licensing actions.

669 21.12-2. *License Application.* Every Applicant for a License shall file with the Commission a
670 written application in the form prescribed by the Commission, duly executed and verified, which
671 shall certify:

672 (a) Applicant's full name and all other names used (oral or written), Social Security
673 Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or
674 written).

675 (b) Currently, and for the previous five (5) years: business and employment positions
676 held, ownership interests in those businesses, business and residence addresses, and
677 driver's license number(s).

678 (c) The names and current addresses, of at least three (3) personal references, including
679 one (1) personal reference, who were acquainted with the Applicant during each period of
680 residence listed in subsection (b) above.

681 (d) Current business and residence telephone numbers.

682 (e) A description of any existing and previous business relationships with Indian Tribes,
683 including ownership interest in those businesses.

684 (f) A description of any existing and previous business relationship with the Gaming
685 industry generally, including ownership interest in those businesses.

686 (g) The name and address of any licensing or regulatory agency with which the
687 Applicant has filed an application for a license or permit related to Gaming, whether or
688 not such licenses or permit was granted.

689 (h) The name and address of any licensing or regulatory agency with which the
690 Applicant has filed an application for an occupational license or permit, whether or not

- 691 | such licenses or permit was granted.
- 692 | (i) For each felony conviction or ongoing prosecution or conviction, the charge, the
- 693 | name and address of the court involved, and the date and disposition if any.
- 694 | (j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for
- 695 | which jail time is not part of the potential sentence) within ten (10) years of the date of
- 696 | the application, the name and address of the court involved, and the date and disposition.
- 697 | (k) For each criminal charge (excluding charges for which jail time is not part of the
- 698 | potential sentence) whether or not there is a conviction, if such criminal charge is within
- 699 | ten (10) years of the date of the application and is not otherwise listed pursuant to
- 700 | subsections (i) or (j) of this section, the criminal charge, the name and address of the
- 701 | court involved and the date and disposition.
- 702 | (l) A photograph.
- 703 | (m) Fingerprints consistent with procedures adopted by the Commission which meet the
- 704 | criteria set forth in 25 C.F.R. section 522.2(h). The Commission shall be the agency that
- 705 | takes the fingerprints.
- 706 | (n) Any other information the Commission deems relevant for a Gaming Employee
- 707 | License.
- 708 | (o) A statement that each Applicant has read and understands notices and NIGC
- 709 | requirements relating to:
- 710 | (1) The Privacy Act of 1974;
- 711 | (2) Fraud and False Statements Act; and
- 712 | (3) Fair Credit Reporting Act.
- 713 | 21.12-3. *License Qualifications.* No License shall be granted if the Applicant:
- 714 | (a) Is under the age of eighteen (18).
- 715 | (b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for
- 716 | activities under this subsection by another Federally-recognized Indian Tribe for an
- 717 | action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or
- 718 | pardoned for activities under this subsection by the state or Federal government, has been
- 719 | convicted of, or entered a plea of guilty or no contest to, any of the following:
- 720 | (1) Any gambling-related offense;
- 721 | (2) Any offense involving Fraud or misrepresentation;
- 722 | (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
- 723 | Stats., any rule promulgated by the State of Wisconsin Department of
- 724 | Administration, Division of Gaming or any rule promulgated by the Wisconsin
- 725 | Racing Board;
- 726 | (4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately
- 727 | preceding ten (10) years; or
- 728 | (5) Any offense involving the violation of any provision of Tribal law regulating
- 729 | the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
- 730 | thereto.
- 731 | (c) Is determined to be a person whose prior activities, criminal record, reputation,
- 732 | habits, or associations pose a threat to the public interest or to the effective regulation and
- 733 | control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal
- 734 | practices, methods, or activities in the operation of Gaming Activities or the carrying on
- 735 | of the business and financial arrangements incidental thereto.
- 736 | (d) Possesses a financial interest in or management responsibility for any Gaming

737 Activity or Gaming Services vendor, or he or she has any personal, business, or legal
738 relationship which places him or her in a conflict of interest as defined in this Ordinance
739 or the Conflict of Interest Policy.

740 (e) Each person ~~L~~icensed as a Gaming Employee shall have a continuing obligation to
741 inform the Commission immediately upon the existence of any circumstance or the
742 occurrence of any event which may disqualify him or her from being licensed as a
743 Gaming Employee. Failure to report any such occurrence may result in suspension or
744 revocation of the Gaming Employee's License.

745 21.12-4. *Initial Eligibility Determination.*

746 (a) Based on the results of the preliminary Background Investigation, the Commission
747 shall make an initial determination regarding an Applicant's eligibility and either:

- 748 (1) Grant a temporary license, with or without conditions, to the Applicant; or
749 (2) Deny the ~~L~~icense application and provide notice to the Applicant that he or
750 she may request a hearing regarding the decision consistent with subsection (b)
751 below.

752 (b) If the Commission determines that an Applicant is ineligible for a License, the
753 Commission shall notify the Applicant. The Commission shall set forth regulations for
754 an Applicant to review any information discovered during the preliminary Background
755 Investigation prior to scheduling a hearing under section 21.12-~~9~~10. The suspension or
756 revocation hearing provisions set forth at section 21.12-~~8~~9 do not apply to Initial
757 Eligibility Determinations.

758 21.12-5. *Eligibility Determination and Notification to NIGC* ~~Review~~. When a Gaming
759 Employee begins employment at a Gaming Operation, the Commission shall:

760 (a) ~~Forward~~Require the Gaming Employee to the NIGC submit a completed application
761 for employment that contains the notices and information listed in section 21.12-2 ~~and~~
762 ~~any other necessary reports.~~

763 (b) Review the Background Investigation of the ~~Applicant.~~ Based Gaming Employee.
764 Within sixty (60) days after a Gaming Employee begins employment at a Gaming
765 Facility under a temporary license, the Commission shall make an eligibility
766 determination regarding whether the Gaming Employee may receive a License based
767 upon the results of the Background Investigation, the Commission shall determine the
768 eligibility of the Applicant to receive a License.

769 ~~(e) Determine eligibility for a License within sixty (60) days after an Applicant begins~~
770 ~~work at a Gaming Facility under a temporary license.~~

771 ~~(d) Forward, after determination of eligibility, a report to the NIGC~~ (c) Create an
772 investigative report based on each Background Investigation performed. The
773 investigative report shall include the steps in conducting the Background Investigation,
774 results obtained, conclusions reached and the basis for those conclusions.

775 (d) Prior to issuing a License to a Gaming Employee and within sixty (60) days after the
776 ~~Applicant~~Gaming Employee begins employment at a Gaming Facility-

777 ~~(1) During a thirty (30) day period, beginning when the NIGC receives a report~~
778 ~~submitted pursuant to subsection (d) above, the Chairman, submit a notice of results of~~
779 the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual
780 Record System. The notice of the NIGC may request results shall include the following,
781 provided that any additional or alternate information from the Commission concerning
782 the Applicant. Such a request shall suspend the thirty (30) day period until the Chairman

783 ~~receives the additional information.~~

784 (2) ~~If, within the thirty (30) day period described in subsection (1) above, the~~
785 ~~NIGC notifies the Commission that it has no objection to the issuance of a~~
786 ~~License, the Commission may grant the License to the Applicant.~~

787 (3) ~~If, within the thirty (30) day period described in subsection (1) above, the~~
788 ~~NIGC provides the Commission with a statement itemizing objections to the~~
789 ~~issuance of a License, the Commission shall reconsider the application, taking~~
790 ~~into account the objections itemized by the NIGC. The Commission shall make~~
791 ~~the final decision whether to issue a License to the Applicant.~~

792 ~~(4) shall be forwarded as directed in regulations or rules adopted by NIGC:~~

793 ~~(1) The Gaming Employee's name, date of birth and social security number.~~

794 ~~(2) The date on which the Gaming Employee began employment.~~

795 ~~(3) A summary of the information presented in the investigative report,~~
796 ~~including:~~

797 ~~(A) License(s) that have previously been denied;~~

798 ~~(B) Gaming licenses that have been revoked, even if subsequently~~
799 ~~reinstated;~~

800 ~~(C) Every known criminal charge brought against the Gaming Employee~~
801 ~~within the last ten (10) years of the date of the application;~~

802 ~~(D) Every felony of which the Gaming Employee has been convicted or~~
803 ~~any ongoing prosecution.~~

804 ~~(4) a copy of the eligibility determination made under section 21.12-5(b).~~

805 ~~(e) All applications, Background Investigations, investigative reports, suitability~~
806 ~~determinations, findings and decisions of the Commission shall be retained in the~~
807 ~~Commission's files for a period of at least ~~seven (7) years~~ three (3) years from the date the~~
808 ~~Gaming Employee's employment is terminated.~~

809 ~~21.12-6. License Issuance.~~ 21.12-6. License Issuance. The Commission may issue a License to
810 a Gaming Employee at any time after providing NIGC with a notice of results as required under
811 section 21.12-5(d); however, a Gaming Employee who does not have a License ninety (90) days
812 after the start of employment shall have his or her employment terminated. The Commission
813 shall notify the NIGC of the issuance or denial of a License to a Gaming Employee within thirty
814 (30) days after the License is issued or denied.

815 (a) Any Gaming Employee License issued under this section shall be effective from the
816 date of issuance and shall contain the Gaming Employee's photograph, the Gaming
817 Employee's name, and the date that the License became effective. If a Gaming
818 Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming
819 Employee shall notify in writing the Commission, and the Commission shall review the
820 Gaming Employee's License. The Commission retains the right to grant, deny, revoke,
821 condition, suspend, or reinstate Licenses subject to the right to appeal the decision under
822 the processes set forth in this Ordinance.

823 21.12-7. Requirement to Wear License. During working hours, all Licensees shall wear their
824 License in a conspicuous place that is plainly visible by all employees, the Nation's ~~g~~Gaming
825 patrons and surveillance.

826 21.12-8. NIGC Review.

827 (a) During a thirty (30) day period, beginning when the NIGC receives a notice of results
828 submitted pursuant to section 21.12-5(d) above, the Chairman of the NIGC may request

829 additional information from the Commission concerning the Gaming Employee. Such a
830 request shall suspend the thirty (30) day period until the Chairman receives the additional
831 information.

832 (b) If, within the thirty (30) day period after NIGC receives the notice of results, the
833 NIGC notifies the Commission that it has no objection to the issuance of a License, and
834 the Commission has not yet issued a License to the Gaming Employee, the Commission
835 may grant the License to the Gaming Employee.

836 (c) If, within the thirty (30) day period after NIGC receives the notice of results, the
837 NIGC provides the Commission with a statement itemizing objections to the issuance of
838 a License, the Commission shall reconsider the application, taking into account the
839 objections itemized by the NIGC. The Commission shall make the final decision whether
840 to issue a License to the Gaming Employee, or if the Gaming Employee has already been
841 licensed, whether to suspend or revoke the License in accordance with section 21.12-9.

842 (d) Upon receipt of notification from the NIGC that a Gaming Employee who has
843 already been licensed is not eligible for employment, the Commission shall immediately
844 suspend the License in accordance with section 21.12-9.

845 21.12-9. Suspension or Revocation of Licenses. Except as provided in section 21.12-8(d) or
846 21.12-9(c), no License ~~can~~may be suspended or revoked except after notice and opportunity for
847 hearing.

848 (a) *Basis for Licensing Action.* The Commission may suspend, condition, or revoke any
849 License issued under this Ordinance if:

850 (1) After the issuance of a License, the Commission receives from the NIGC or
851 other source reliable information indicating that a Gaming Employee is not
852 eligible for a License under section 21.12-3 or such information would justify the
853 denial of the renewal of any License, the Commission shall issue a written notice
854 of suspension;

855 (2) The Commission issues a written notice of suspension demonstrating that the
856 Licensee:

857 (A) Has knowingly made a materially false or misleading statement in
858 any application for a License, in any amendment thereto, or in response to
859 a request by the Commission for supplemental information or in
860 connection with any investigation of the Commission;

861 (B) Has knowingly promoted, played, or participated in any gaming
862 activity operated in violation of the Compact, Tribal or federal law, and
863 this Ordinance;

864 (C) Has bribed or attempted to bribe, or has received a bribe from, a
865 Commissioner or any other person in an attempt to avoid or circumvent
866 any applicable law;

867 (D) Has falsified any books or records relating to any transaction
868 connected with the operation of Gaming Activity;

869 (E) Has refused to comply with any lawful directive of the Tribe, the
870 Federal government, or any court of competent jurisdiction; or

871 (F) Has been convicted of, or entered a plea of guilty or no contest to, a
872 crime involving the sale of illegal narcotics or controlled substances.

873 (b) *Suspension Notice.* The Commission's notice of suspension shall be in writing and
874 shall, at a minimum, notify the Licensee of the following:

- 875 (1) The Licensee's right to review a file prior to any hearing regarding the notice
 876 of suspension, and to make copies of any documents contained in that file;
- 877 (2) The Licensee's right to request a hearing on the proposed licensing action, to
 878 present documents and witness testimony at that hearing to be represented by
 879 counsel;
- 880 (3) The specific grounds upon which the proposed licensing action is based,
 881 including citations to relevant sections of this Ordinance, the IGRA, any
 882 applicable Regulations and/or the Compact; and
- 883 (4) The time and place set by the Commission for the Licensee's hearing.
- 884 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
 885 and effective regulation and control of Gaming Activities requires the immediate
 886 exclusion of a Licensee, the Commission may immediately suspend a License prior to the
 887 conduct of a hearing on the matter. Such an immediate suspension may take effect upon
 888 service of the notice of immediate suspension.
- 889 (d) Any notice of suspension or notice of immediate suspension shall set forth the times
 890 and dates for when the Licensee may review ~~their~~his or her file ~~review~~ and the date for a
 891 hearing on any proposed licensing action.
- 892 (e) Within fifteen (15) business days after a hearing, the Commission shall issue a final
 893 written licensing decision and decide whether to suspend, uphold an immediate
 894 suspension, revoke, or take other action concerning a License. If the License was
 895 suspended, conditioned or revoked based on information from the NIGC or other source
 896 under section 21.12-8(d) or 21.12-9(a)(1), the Commission shall forward a copy of its
 897 decision to NIGC within forty-five (45) days of receiving NIGC's or the other source's
 898 notification indicating that a Gaming Employee is not eligible for a License.
- 899 (f) If a Licensee fails to appear for his or her hearing before the Commission, that right
 900 shall be deemed to have been waived and the Commission will proceed on the proposed
 901 licensing action by default.
- 902 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
 903 processes set forth in the ~~Oneida Administrative Procedures Act~~Tribe's administrative
 904 procedures law shall apply.
- 905 21.12-~~9~~10. *Original Hearing Body.* Any person aggrieved by a licensing decision of the
 906 Commission may appeal the decision by filing a request for an original hearing before the
 907 Commission. The Licensee ~~must~~shall file any such request with the Commission in writing on
 908 or before the fifteenth (15th) day following receipt of the Commission's decision. The
 909 Commission shall certify the record, developed in section 21.12-4 or 21.12-~~8~~9(a), within thirty
 910 (30) days of the date of the filing of the request for an original hearing. The Commissioners
 911 serving on the original hearing body shall not include the Commissioners who participated in the
 912 licensing decision from which the original hearing is scheduled. The Commission may determine
 913 to review the decision solely on the licensing decision record and briefs filed regarding the
 914 request for reconsideration. The Commission may also, in its sole discretion, grant oral
 915 argument. The Commission shall issue a written decision determining whether to uphold the
 916 Commission's licensing decision, including whether to revoke or reinstate a License, within one
 917 hundred twenty (120) days from receipt of the request for the original hearing. The
 918 Commission's decision shall be considered an original hearing decision and an appeal may be
 919 made to the Judiciary as an appeal of an original hearing body.
- 920 21.12-~~10~~11. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a

921 License of the gaming general manager, the Commission shall provide notice to the Oneida
922 Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.
923 21.12-~~11~~12. *Record of Proceedings*. The Commission shall maintain a complete and accurate
924 record of all ~~L~~Licensure proceedings.
925 21.12-~~12~~13. Revocation of a License is solely limited to the licensing matter. Employment
926 related processes resulting from revocation of a ~~L~~License are determined solely through the
927 personnel processes and procedures of the Tribe and are not licensing matters governed by this
928 Ordinance.

929
930 **21.13. Gaming Services Licensing and Non-Gaming Services Permitting**

931 21.13-1. *Scope of Section*. This section applies to all individuals and entities providing Gaming
932 Services. The requirements of this Section are in addition to, and do not alter or amend any
933 requirements imposed by the Oneida Vendor Licensing Law.²

934 21.13-2. *Gaming Services License or Non-Gaming Services Permit Required*.

935 (a) *Gaming Services License*. Any Gaming Services vendor providing ~~g~~Gaming related
936 contract goods or services as defined under Article VII(A) of the Compact to the Gaming
937 Operation ~~must~~shall possess a valid Gaming Services License.

938 (b) *Non-Gaming Services Permit*. Any vendor providing non-gaming related goods or
939 services to the Gaming Operation ~~must~~shall possess a valid Non-Gaming Services permit.

940 (c) Determinations regarding the issuance of a License or permit under this section shall
941 be made by the Commission which may be subject to requests for reconsideration by the
942 Gaming Services vendor within fourteen (14) business days of receipt by the Gaming
943 Services vendor of the notice of License or permit determination.

944 21.13-3. *Approved Gaming Services Vendor List*. The Commission shall maintain an updated
945 and complete list of all Gaming Services vendors that possess current and valid Gaming Services
946 Licenses or Non-Gaming Services permits from the Commission, which shall be known as the
947 Approved License and Permit List. Gaming Operations may only do business with vendors that
948 possess valid and current Gaming Services Licenses or Non-Gaming Services permits and who
949 appear on the Approved License and Permit List.

950 21.13-4. *Gaming Services License/Permit Application*. Every Applicant for a License or permit
951 shall file with the Commission a written application in the form prescribed by the Commission,
952 duly executed and verified which shall provide and certify the following. Provided that, ~~h~~Non-
953 ~~g~~Gaming ~~s~~Services vendors with less than two thousand five hundred dollars (\$2,500.00) in
954 services for the prior fiscal year shall only be required to file a notice of doing business with the
955 Commission.

- 956 (a) The Applicant's name and mailing address;
957 (b) The names and addresses of each officer or management official of the Applicant;
958 (c) A copy of the Applicant's articles of incorporation and by-laws, or if not a
959 corporation, the Applicant's organizational documents;
960 (d) Identification of an agent of service for the Applicant;
961 (e) The name and address of each person having a direct or indirect financial interest in

² See also Appendix 1. Vendor Licensing/Permit.

- 962 the Applicant;
- 963 (f) The nature of the License or permit applied for, describing the activity to be engaged
964 in under the License or permit;
- 965 (g) Explicit and detailed disclosure of any criminal record, including any delinquent
966 taxes owed to the United States, or any state, of the Applicant, any person involved in the
967 organization, and any person of interest whose name appears or is required to appear on
968 the application;
- 969 (h) Whether the Applicant is or has been licensed by the state of Wisconsin Office of
970 Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;
- 971 (i) Whether the Applicant has been licensed in the state of New Jersey, Nevada, or by
972 any other gaming jurisdiction, including any Indian Tribe or Tribal governmental
973 organization and, if so, proof of such licensure and the status of any such ~~L~~icense;
- 974 (j) Whether the Applicant has been denied a ~~L~~icense by any gaming jurisdiction and, if
975 so, the identity of the jurisdiction, the date of such decision and the circumstances
976 surrounding that decision;
- 977 (k) Whether any ~~L~~icense held by the Applicant has been refused renewal, conditioned,
978 suspended or revoked by an issuing authority and, if so, the circumstances surrounding
979 that action;
- 980 (l) A statement of waiver allowing the Tribe to conduct a Background Investigation of
981 the Applicant and any person whose name appears or is required to appear on the
982 application;
- 983 (m) Whether the Applicant or any person whose name appears or is required to appear
984 on the application has or has had any business with the Tribe or any business or personal
985 relationship with any of the Tribe's officers or employees;
- 986 (n) The name and contact information for all Tribes or Tribal organizations with whom
987 the Applicant or any person whose name appears or is required to appear on the
988 application has done business;
- 989 (o) Whether the Applicant or any person whose name appears or is required to appear on
990 the application maintains any involvement in the business of wholesale distribution of
991 alcoholic beverages;
- 992 (p) A statement that the Applicant has read and understands notices and NIGC
993 requirements relating to:
- 994 (1) The Privacy Act of 1974;
- 995 (2) False statements; and
- 996 (3) The Fair Credit Reporting Act.
- 997 (q) All additional information necessary to allow the Commission to investigate the
998 Applicant and any person whose name appears or is required to appear on the application.
- 999 | 21.13-5. *Signature on Application.* Applications for Licenses or permits ~~must~~shall be signed by
1000 the following person:
- 1001 (a) For companies and corporations (both for profit and non-profit), the highest ranking
1002 official of the corporation, or another person to whom the authority to execute the
1003 Application has been properly delegated.
- 1004 (b) For a sole proprietorship, the principal owner.
- 1005 (c) For a partnership, all partners.
- 1006 (d) For a limited partnership, the general partner or partners.
- 1007 21.13-6. *Incomplete Applications.* Applications that do not contain all information requested,

1008 including proper signatures, will be considered incomplete. Incomplete applications will not be
1009 considered by the Commission. The Commission shall notify an Applicant if an application is
1010 incomplete and what additional information is necessary to complete the application. If an
1011 Applicant who has submitted an incomplete application, and been notified of the deficiency in
1012 that application, fails to provide the information requested by the Commission, the application
1013 will be returned to the Applicant and the file closed.

1014 21.13-7. *Supplemental Information.* The Commission may, in its discretion, request
1015 supplemental information from the Applicant. Supplemental information requested by the
1016 Commission shall be promptly submitted by the Applicant. An Applicant's failure or refusal to
1017 submit supplemental information requested by the Commission may constitute grounds for the
1018 denial of the application.

1019 | 21.13-8. *Continuing Duty to Provide Information.* Applicants, permittees, and Licensees owe a
1020 continuing duty to provide the Commission with information and materials relevant to the
1021 Applicant's, permittee's, or Licensee's character or fitness to be licensed, including but not
1022 limited to any change in the licensing or permitting status of the Applicant, permittee, or
1023 Licensee in any foreign jurisdiction. An Applicant's, permittee's, or Licensee's failure to notify
1024 the Commission promptly of inaccuracies on an application or new information or materials
1025 relevant to the Applicant may constitute grounds to deny, suspend or revoke a License or permit.

1026 21.13-9. *Background Investigations.* Background Investigations for Gaming Services vendors
1027 shall be conducted as follows.

1028 (a) *Gaming Related Equipment Gaming Services Vendors under Fifty Thousand Dollars*
1029 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall conduct the
1030 Background Investigations that are sufficient to determine the eligibility for licensing of
1031 all Gaming Services vendors that provide or anticipate providing under fifty thousand
1032 dollars (\$50,000.00) in goods and services annually.

1033 (b) *Gaming Related Equipment Gaming Services Vendors over Fifty Thousand Dollars*
1034 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall review the
1035 background investigation conducted by the Wisconsin Office of Indian Gaming
1036 Regulation, and shall conduct any necessary additional Background Investigation to
1037 ensure that the state background investigation is complete and current.

1038 (c) *Other Non-Gaming Related Goods and/or Services Gaming Services Vendors.* The
1039 Commission shall conduct Background Investigations on a sufficient number of
1040 randomly selected applications in order to verify the accuracy of all applications. The
1041 random selection process shall be identified by regulation of the Commission.

1042 21.13-10. *Licensing Action in a Foreign Jurisdiction.* If the states of Wisconsin, New Jersey,
1043 Nevada or any other gaming jurisdiction refuses to renew a License or permit or conditions,
1044 suspends, or revokes the License or permit of an Applicant, permittee, or Licensee, such action
1045 may constitute grounds for similar action by the Commission.

1046 21.13-11. *Claim of Privilege.* At any time during the licensing or permitting process, the
1047 Applicant may claim any privilege afforded by law. An Applicant's claim of privilege with
1048 respect to the production of requested information or documents or the provision of required
1049 testimony or evidence may constitute grounds for the denial, suspension or revocation of a
1050 License or permit.

1051 21.13-12. *Withdrawal of an Application.* An Applicant may request to withdraw an application
1052 by submitting a written request to the Commission. The Commission retains the right, in its
1053 exclusive discretion, to grant or deny a request for withdrawal. An Applicant who withdraws an

1054 application shall be precluded from reapplying for a Gaming Services License or Non-Gaming
1055 Services permit for a period of one (1) year from the date the application was withdrawn.

1056 21.13-13. *Suspension or Revocation of Gaming Services Licenses or Permits.* Except as
1057 | provided in section 21.13-13(c), no License or permit ~~can~~may be suspended or revoked except
1058 after notice and opportunity for hearing.

1059 (a) *Basis for Licensing or Permitting Action.* The Commission may suspend, modify, or
1060 revoke any Gaming Services License or Non-Gaming Services permit issued under this
1061 Ordinance if, after issuance of the License or permit, the Commission receives reliable
1062 information that would justify denial of the issuance or renewal of a License or permit, or
1063 | if the Commission determines that the Licensee or permittee has:

1064 (1) Knowingly made a materially false or misleading statement in any application
1065 for a License or permit, in any amendment thereto, or in response to a request by
1066 the Commission for supplemental information or in connection with any
1067 investigation of the Commission;

1068 (2) Knowingly promoted, played, or participated in any Gaming Activity
1069 operated in violation of the Compact, or any Tribal or other applicable law;

1070 (3) Bribed or attempted to bribe a Commissioner or any other person in an
1071 attempt to avoid or circumvent any applicable law;

1072 (4) Falsified any books or records relating to any transaction connected with
1073 operation of Gaming Activity;

1074 (5) Refused to comply with a lawful directive of the Tribe, the federal
1075 government, or any court of competent jurisdiction; or

1076 (6) Been convicted of, or entered a plea of guilty or no contest to, a crime
1077 involving the sale of illegal narcotics or controlled substances.

1078 (b) *Suspension Notice.* The Commission shall provide a Licensee or permittee with
1079 | written notice of suspension, which shall, at a minimum, notify the Licensee or permittee
1080 of the following:

1081 | (1) The Licensee's or permittee's right to conduct a file review prior to any
1082 hearing regarding the notice of suspension, and to make copies of any documents
1083 in that file;

1084 | (2) The Licensee's or permittee's right to present documents and witness
1085 testimony at the hearing and to be represented by counsel;

1086 (3) The specific grounds upon which the suspension is based, including citations
1087 to relevant sections of this Ordinance, the IGRA, any applicable regulations
1088 and/or the Compact; and

1089 | (4) The time and place set by the Commission for the Licensee's or permittee's
1090 file review and hearing.

1091 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
1092 and effective regulation and control of others require the immediate exclusion of a
1093 | Licensee or permittee, the Commission may immediately suspend a License or permit
1094 prior to a hearing on the matter. Such an immediate suspension shall take effect upon
1095 service of the notice of immediate suspension.

1096 (d) *File Review and Hearing.* Any notice of suspension or notice of immediate
1097 | suspension shall set forth the time and date for the Licensee or permittee to conduct a file
1098 review and for a hearing.

1099 (e) *Final Written Decision.* Within fifteen (15) business days after a hearing, the

1100 Commission shall issue a final written decision and decide whether to suspend, uphold an
1101 immediate suspension, revoke, or take other action concerning a License or permit.

1102 | (f) *Default.* If a Licensee or permittee fails to appear for his or her hearing before the
1103 Commission, that right shall be deemed to have been waived and the Commission will
1104 proceed on the proposed licensing action by default.

1105 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
1106 processes set forth in the Oneida Administrative Procedures Act shall apply.

1107 21.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision
1108 of the Commission may appeal the decision by filing a request for an original hearing before the
1109 Commission. The Applicant, Licensee or permittee ~~must~~shall file such request with the
1110 Commission in writing on or before the fifteenth (15th) day following the receipt of the
1111 Commission's decision. The Commission shall certify the record, developed in section 21.13-9
1112 or 21. 13 -13(a), within thirty (30) days of the date of the filing on the request for an original
1113 hearing. The Commissioners participating in the initial licensing or permitting decision shall not
1114 participate in the original hearing. The Commission may determine to review the decision solely
1115 on the licensing or permitting decision record and briefs filed regarding the request for
1116 reconsideration. The Commission may also, in its sole discretion, grant oral argument. The
1117 Commission shall issue a written decision within one hundred twenty (120) days from receipt of
1118 the request for the original hearing. The Commission's decision shall be considered an original
1119 hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing
1120 body.

1121
1122 **21.14. Gaming Facility License**

1123 21.14-1. The construction and maintenance of any Gaming Facility, and the operation of
1124 Gaming Activities, shall be conducted in a manner which adequately protects the environment
1125 and the public health and safety, and shall comply with requirements of the Compact and all
1126 other applicable health, safety, and environmental standards.

1127 21.14-2. The Oneida Business Committee shall receive, review and grant or deny any
1128 application for licensing any Gaming Facilities located within the Reservation. Applicants shall
1129 provide the Oneida Business Committee sufficient information to show the following:

1130 (a) The Gaming Facility meets all applicable Federal and Tribal health and safety
1131 standards.

1132 (1) To show compliance with applicable health and safety standards, Gaming
1133 Operator shall submit certified copies of Compliance Certificates issued by the
1134 agencies responsible for the enforcement of the health and safety standards.

1135 | (2) If health and safety standards are not met, proof ~~must~~shall be submitted by
1136 Gaming Operator that the Gaming Facility is in the process of improvements
1137 which will place the Gaming Facility in compliance with the applicable standards.

1138 (b) The Gaming Facility meets applicable federal and Tribal environmental standards.

1139 (1) To show compliance with applicable environmental standards, Gaming
1140 Operator shall submit certified copies of an Environmental Assessment of the
1141 Gaming Facility which were prepared by the agency responsible for the
1142 enforcement of applicable environmental standards.

1143 | (2) If the applicable environmental standards are not met, proof ~~must~~shall be
1144 submitted by Gaming Operator that ~~R~~Remediation of the Gaming Facility is being
1145 actively sought which will place the Gaming Facility in compliance with the

1146 applicable standards.
1147 21.14-3. Upon receipt and review of the above information, the Oneida Business Committee
1148 shall deliberate and either grant or deny for failure to meet the requirements of protecting the
1149 health and safety of patrons, public and employees of a Gaming Facility License to the
1150 Applicant. The Oneida Business Committee shall submit to the NIGC a copy of each Gaming
1151 Facility License issued.

1152 21.14-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida
1153 Business Committee that a Gaming Facility will be closed by a governmental agency with proper
1154 authority due to environmental, health or safety concerns, the Oneida Business Committee shall
1155 suspend the License of the Gaming Facility. The Oneida Business Committee shall re-License
1156 the Gaming Facility after receiving the information required in section 21.14-2.
1157

1158 **21.15. Gaming Operator License**

1159 21.15-1. *Consent to Jurisdiction.* The application for License and the conduct of Gaming within
1160 the jurisdiction of the Tribe shall be considered consent to the jurisdiction of the Tribe in all
1161 matters arising from the conduct of Gaming, and all matters arising under any of the provisions
1162 of this Ordinance or other Tribal laws.

1163 21.15-2. *License Required.* No Gaming Operator shall conduct Gaming Activity unless such
1164 entity holds a valid and current Gaming Operator License issued by the Commission.

1165 21.15-3. *Types of Licenses.* The Commission may issue each of the following types of Gaming
1166 Operator Licenses:

1167 (a) *Tribally-Owned or Tribally-Operated Class II.* This License shall be required of all
1168 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II
1169 Gaming Activities.

1170 (b) *Tribally-Owned or Tribally-Operated Class III.* This License shall be required for all
1171 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III
1172 Gaming Activities.

1173 21.15-4. *Gaming Operator License Qualifications.* The Commission shall issue a Gaming
1174 Operator License to any Gaming Operation if:

1175 (a) The Gaming Operation is to be located within the Reservation, or land taken into
1176 trust after October 17, 1988, for Gaming purposes;

1177 (b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or
1178 Class III Gaming as defined by this Ordinance and IGRA; and

1179 (c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business
1180 Committee.

1181 21.15-5. *Provisions of General Applicability to All Gaming Operators.*

1182 (a) *Site and Gaming Operator Specified.* Each Gaming Operator License shall be
1183 applicable only to one (1) Gaming Operation and the Gaming Facility named on the
1184 License.

1185 (b) *License Not Assignable.* No Gaming Operator License shall be sold, lent, assigned or
1186 otherwise transferred.

1187 (c) *Regulations Posted or Available.* Each Gaming Operator shall have a copy of this
1188 Ordinance and any regulations promulgated thereunder available for inspection by any
1189 person at each Gaming Facility.

1190 (d) *Display of License.* Each Gaming Operator shall prominently display its License at
1191 each Gaming Facility.

1192 21.15-6. *Grandfathered Gaming Facilities.* All Gaming Operators operating on the effective
1193 date of July 5, 2007, are hereby granted a License under this section.

1194 21.15-7. *License Application Fees and License Taxes.* No application fees or License taxes shall
1195 be required by the Tribe for a Gaming Operator License.

1196 21.15-8. *Closure of a Gaming Operation.* If the Commission finds that any Gaming Operation
1197 is operating in violation of this Ordinance, or otherwise presents a threat to the public, the
1198 Commission shall immediately notify the Oneida Business Committee. The Oneida Business
1199 Committee may close any Gaming Operation temporarily or permanently at any time with or
1200 without cause, at its sole discretion.

1201

1202 **21.16. Games**

1203 21.16-1. Class II and Class III Games are hereby authorized by this Ordinance.

1204 21.16-2. *Gaming Procedures.* Games operated under this Ordinance shall be consistent with the
1205 Compact and any amendments thereto and the Internal Control Standards and Rules of Play of
1206 the Gaming Operation.

1207 21.16-3. *Who May Not Play.* It is the policy of the Tribe that particular Gaming Employees,
1208 employees of the ~~Gaming~~ Commission, particular governmental officials, and consultants who
1209 directly advise the Commission or employees at Gaming Facilities regarding gaming related
1210 activities may not participate in Gaming Activities conducted at Gaming Operations. At a
1211 minimum, members of the Oneida Business Committee, the Commission, the gaming general
1212 manager, assistant gaming general managers, directors of individual Games and assistant
1213 directors of individual Games may not participate in any Gaming Activity within the
1214 Reservation.

1215 (a) The Oneida Business Committee may identify by resolution additional positions
1216 restrictions on Gaming Activity conducted at Gaming Facilities. Such resolution shall be
1217 on file with the Commission.

1218 (b) The Commission and Senior Gaming Management shall each develop and maintain
1219 their own standard operating procedure identifying other positions and any applicable
1220 restrictions on Gaming Activity conducted at Gaming Facilities. The standard operating
1221 procedure and the list of positions shall be on file with the Commission.

1222

1223 **21.17. Allocation of Gaming Funds**

1224 21.17-1. Net Gaming revenues may only be used for the following purposes:

1225 (a) To fund Tribal government operations, programs, or services.

1226 (b) To provide for the general welfare of the Tribe and its members; provided that per
1227 capita payments shall only be made pursuant to an approved revenue allocation plan.

1228 (c) To promote Tribal economic development.

1229 (d) To contribute to charitable organizations.

1230 (e) To assist in funding operations of other local governments.

1231 (f) To fund programs designed to provide education, referrals, and treatment of Gaming
1232 addiction disorders.

1233 (g) Any other purpose as determined by the Oneida General Tribal Council or the
1234 Oneida Business Committee which is not inconsistent with the Constitution of the Tribe
1235 and IGRA.

1236

1237 **21.18. Audits**

1238 21.18-1. *Annual Audit.* An annual audit of each Gaming Operation shall be conducted by an
1239 independent, certified public accounting firm according to generally accepted accounting
1240 principles. Copies of the annual audit ~~will~~shall be provided to the Oneida Business Committee,
1241 the Oneida Audit Committee, the Commission, and the NIGC by said certified public accounting
1242 firm.

1243 (a) All contracts for supplies, services, or concessions for the Gaming Operations in
1244 excess of twenty-five thousand dollars (\$25,000.00) are subject to audit as prescribed in
1245 this section. Contracts for legal services and accounting services are exempt from this
1246 requirement.

1247 21.18-2. *Other Audits.* All audits, other than the annual audit under section 21.18-1, shall be
1248 conducted pursuant to the Oneida Audit Law or any other applicable law of the Tribe, and other
1249 audits authorized under the Compact.

1250 21.18-3. *Request for Audits.* Any audit, except the annual audit which is mandated by IGRA,
1251 may be authorized at any time by the Oneida General Tribal Council, the Oneida Business
1252 Committee or the Oneida Audit Committee.

1253
1254 **21.19. Enforcement and Penalties**

1255 21.19-1. No individual or entity may own or operate a Gaming Facility unless specifically
1256 authorized to do so pursuant to this Ordinance.

1257 21.19-2. *Violations/Prosecutions.* Violators of this Ordinance may be subject to disciplinary
1258 action and civil and/or criminal prosecutions.

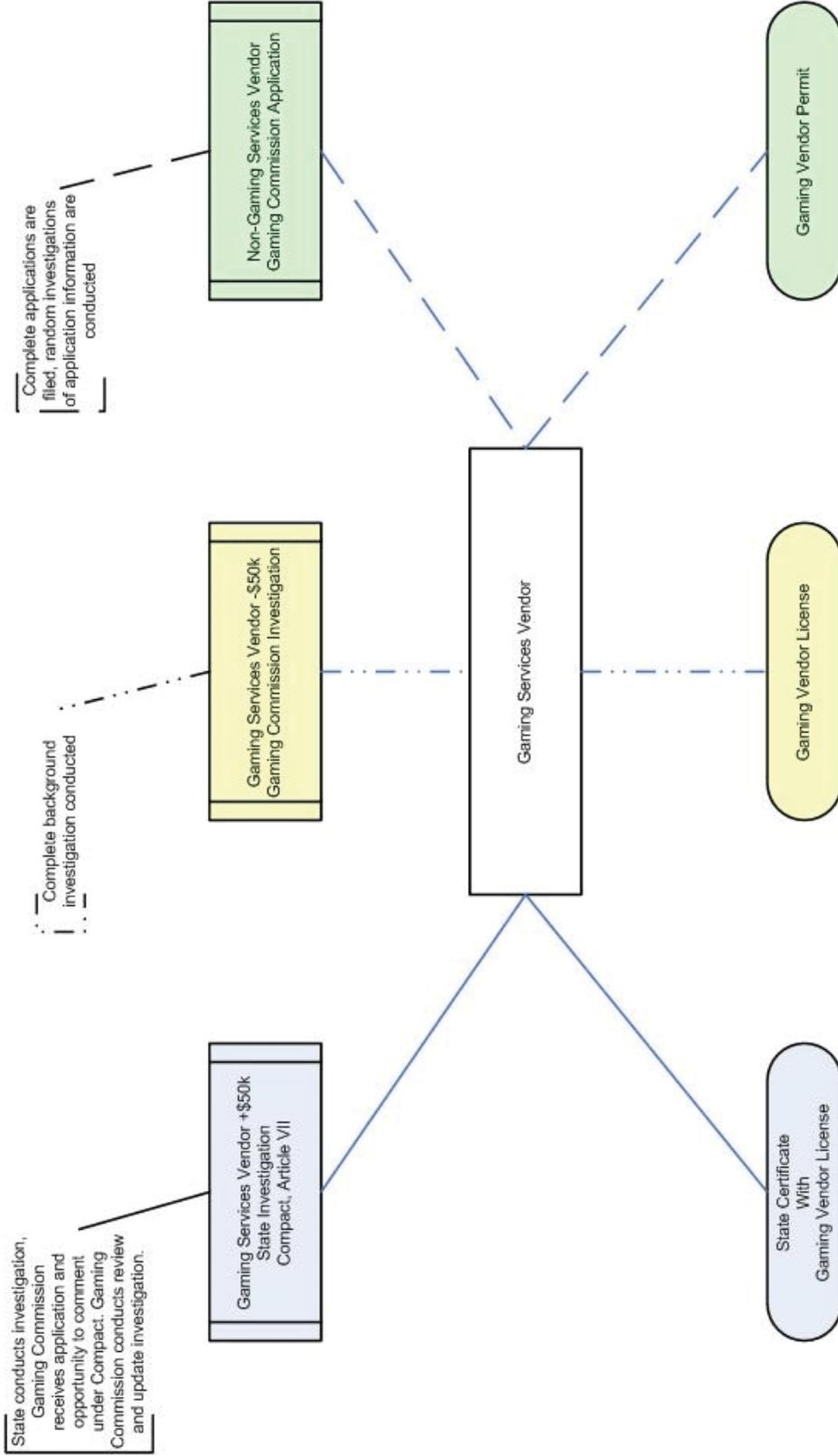
1259 21.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an
1260 action in any court of competent jurisdiction to recover losses, restitution, and forfeitures
1261 resulting from violations of this Ordinance.

1262
1263 *End.*

1264

1266	Adopted	GTC-7-05-04-A
1267	Emergency Amended	BC-7-14-04-A
1268	Amendment	BC-10-06-04-D
1269	Emergency Amended	BC-11-03-04-A
1270	Permanent Adoption	BC-3-23-05-C
1271	Amended	BC-9-23-09-D
1272	Amended	BC-06-25-14- C <u>B</u> (effective 11 01 2014)
1273	Emergency Amended	BC-10-08-14-C (effective 11
1274		01 2014)

Appendix 1. Vendor License/Permit



Chapter 21
Oneida Nation Gaming Ordinance
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Matters of interest to where they make the money

21.1. Purpose and Policy	21.11. Licenses, Generally
21.2. Adoption, Amendment, Repeal	21.12. Gaming Employee License
21.3. Jurisdiction	21.13. Gaming Services Licensing and Non-Gaming Services Permitting
21.4. Definitions	21.14. Gaming Facility License
21.5. Oneida Business Committee: Powers and Duties	21.15. Gaming Operator License
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21.7. Gaming Surveillance: Powers, Duties and Limitations	21.17. Allocation of Gaming Funds
21.8. [Reserved for future use.]	21.18. Audits
21.9. Gaming Security Department	21.19. Enforcement and Penalties
21.10. Background Investigations	

1
2 **21.1. Purpose and Policy**

3 21.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Tribe of
4 Indians of Wisconsin regarding all Gaming Activities conducted within the jurisdiction set forth
5 in this Ordinance. It is intended to govern the Gaming Activities of all persons, Gaming
6 Employees, consultants, business entities, vendors, boards, committees, commissions and
7 hearing bodies. This Ordinance does not authorize the operation of Gaming by a private person
8 or private entity for gain. This Ordinance shall govern all Gaming Activities occurring on lands
9 under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in
10 Gaming Activities, including those providing goods or services to any person or entity engaged
11 in Gaming Activities.

12 21.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Tribe is the primary
13 beneficiary of its Gaming Operations and has the sole proprietary interest, and that Gaming
14 Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly,
15 and that all internal departments, enterprises, officials and employees of the Oneida Tribe work
16 cooperatively to advance the best interests of the Oneida Tribe to protect the Tribe’s gaming
17 resources, protect the integrity of all Gaming Activities operated under the jurisdiction set forth
18 in this Ordinance and to ensure fairness of all games offered to the Tribe’s gaming patrons.
19

20 **21.2. Adoption, Amendment, Repeal**

21 21.2-1. *Adoption.* This Ordinance was adopted by the Oneida General Tribal Council by
22 resolution GTC-07-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-
23 23-09-D, BC-06-25-14-B and _____.

24 21.2-2. *Amendment.* This Ordinance may be amended or repealed by the Oneida Business
25 Committee or the Oneida General Tribal Council pursuant to the procedures set out in the
26 Legislative Procedures Act.

27 21.2-3 *Severability.* Should a provision of this Ordinance or the application thereof to any
28 person or circumstances be held as invalid, such invalidity shall not affect other provisions of
29 this Ordinance which are considered to have legal force without the invalid portions.

30 21.2-4. In the event of a conflict between a provision of this Ordinance and a provision of
31 another law, the provisions of this Ordinance shall control. Provided that, this Ordinance repeals
32 the following:

- 33 (a) BC-04-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- 34 (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo
35 standards);

- 36 (c) GTC-07-06-92-A (Amendments to Gaming SOP Manual);
- 37 (d) GTC-07-06-92-B (Adoption of the Comprehensive Gaming Ordinance);
- 38 (e) BC-03-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- 39 (f) BC-04-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

40 21.2-5. This Ordinance is adopted under authority of the Constitution of the Oneida Tribe of
41 Indians of Wisconsin.

42 21.2-6. *Name.* This Ordinance shall be known as the Oneida Nation Gaming Ordinance or
43 ONGO.

44 21.2-7. *Preemptive Authority.* The Gaming Commission shall be the original hearing body
45 authorized to hear licensing decisions as set forth in this Ordinance.

46

47 **21.3. Jurisdiction**

48 21.3-1. *Territorial Jurisdiction.* This Ordinance extends to all land within the exterior
49 boundaries of the Reservation of the Tribe, as established pursuant to the 1838 Treaty with the
50 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

51 21.3-2. *Subject Matter Jurisdiction.* This Ordinance applies to all Gaming conducted within the
52 territorial jurisdiction of the Oneida Tribe as set forth in section 21.3-1.

53 21.3-3. *Personal Jurisdiction.* This Ordinance shall govern:

- 54 (a) the Tribe;
- 55 (b) tribal members; and
- 56 (c) individuals and businesses leasing, occupying, or otherwise using Tribal Fee Land on
57 the Reservation and all Tribal Trust Land.

58

59 **21.4. Definitions**

60 21.4-1. This section shall govern the definitions of words and phrases used within this
61 Ordinance. Words and phrases capitalized throughout this document refer to the defined words
62 and phrases in this section. All words or phrases not defined herein shall be used in their
63 ordinary and everyday sense.

64 21.4-2. *Applicant* means any person or entity who has applied for a License from the Oneida
65 Gaming Commission or the Oneida Business Committee.

66 21.4-3. *Background Investigation* means a standard and thorough investigation conducted by the
67 Oneida Tribe in compliance with this Ordinance, Commission regulations, Oneida Gaming
68 Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in
69 cooperation with federal, state, or Tribal law enforcement agencies.

70 21.4-4. *Class I Gaming* means social games solely for prizes of minimal value or traditional
71 forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal
72 ceremonies or celebrations.

73 21.4-5. *Class II Gaming* means:

74 (a) The game of chance commonly known as bingo (whether or not electronic, computer
75 or other technologic aids are used in connection therewith) in which:

76 (1) The game is played for prizes, including monetary prizes, with cards bearing
77 numbers or other designations.

78 (2) The holder of the card covers such numbers or designations when objects,
79 similarly numbered or designated, are drawn or electronically determined.

80 (3) The game is won by the first person covering a previously designated
81 arrangement of numbers or designation on such cards, including (if played in the

82 same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other
83 games similar to bingo.

84 (b) Card games that:

85 (1) Are explicitly authorized by the laws of the State; or

86 (2) Are not explicitly prohibited by the laws of the State and are played at any
87 location in the State, but only if such card games are played in conformity with
88 laws and regulations (if any) of the State regarding hours or periods of operation
89 of such card games or limitations on wagers or pot sizes in such card games.
90 Class II Gaming does not include any banking card games, including baccarat,
91 chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical
92 facsimiles of any game of chance or slot machines of any kind.

93 21.4-6. *Class III Gaming* means all forms of Gaming that are not Class I or Class II.

94 21.4-7. *Commission* means the Oneida Gaming Commission as established by this Ordinance.

95 21.4-8. *Commissioner* means a duly elected member of the Oneida Gaming Commission.

96 21.4-9. *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State
97 of Wisconsin as amended and any future amendments or successor compact entered into by the
98 Tribe and State and approved by the Secretary of the United States Department of Interior.

99 21.4-10. *Compliance Certificate* means a certificate issued by an agency with the authority and
100 responsibility to enforce applicable environmental, health or safety standards, which states that a
101 Gaming Facility complies with these standards.

102 21.4-11. *Environmental Assessment* means a document prepared and issued in compliance with
103 the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related
104 Federal regulations.

105 21.4-12. *Fraud* means any act of trickery or deceit used to or intended to gain control or
106 possession of the property of another.

107 21.4-13. *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or
108 game of chance that is considered Class II or Class III Gaming, provided that this definition does
109 not include Class I Gaming.

110 21.4-14. *Gaming Employee* means any person employed by a Gaming Operation.

111 21.4-15. *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or
112 movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility
113 does not include the site of a fair, carnival, exposition, or similar occasion.

114 21.4-16. *Gaming Operation* means the conduct of Gaming Activities and related business
115 activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.

116 21.4-17. *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other
117 entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity
118 having full authority and responsibility for the operation and management of Gaming
119 Operations.

120 21.4-18. *Gaming Services* means the provision of any goods and services, except legal services
121 and accounting services, to a Gaming Operation, including, but not limited to, equipment,
122 transportation, food, linens, janitorial supplies, maintenance, or security services.

123 21.4-19. *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25
124 U.S.C. sec. 2701, et seq., as amended.

125 21.4-20. *Judiciary* means the judicial system that was established by Oneida General Tribal
126 Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of
127 the Tribe.

128 21.4-21. *License* means a certificate or other document that represents the grant of a revocable
129 authorization to conduct the licensed activity. A License shall be supported by a physical
130 document, badge, certification or other physical manifestation of the issuance of the revocable
131 authorization to conduct the licensed activity.

132 21.4-22. *Licensee* means a person or entity issued a valid License.

133 21.4-23. *NIGC* means the National Indian Gaming Commission.

134 21.4-24. *Oneida Business Committee* means the elected governing body of the Tribe exercising
135 authority delegated from the Oneida General Tribal Council of the Oneida Tribe of Indians of
136 Wisconsin under Article IV of the Constitution and By-laws for the Oneida Tribe of Indians of
137 Wisconsin, approved December 21, 1936, as thereafter amended.

138 21.4-25. *Oneida General Tribal Council* means the governing body of the Oneida Tribe of
139 Indians of Wisconsin as determined by the Tribe's Constitution.

140 21.4-26. *Ordinance or ONGO* means the Oneida Nation Gaming Ordinance as it may from time
141 to time be amended.

142 21.4-27. *Regulatory Incident* means the occurrence of any event giving rise to a potential or
143 alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person
144 or Licensee on the premises of a Gaming Facility.

145 21.4-28. *Remediation* means efforts taken to reduce the source and migration of environmental
146 contaminants at a site.

147 21.4-29. *Reservation* means all lands within the exterior boundaries of the Reservation of the
148 Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7
149 Stat. 566, and any lands added thereto pursuant to federal law.

150 21.4-30. *Senior Gaming Management* means the gaming general manager, assistant gaming
151 general managers, gaming directors and assistant gaming directors.

152 21.4-31. *State* means the State of Wisconsin, its authorized officials, agents and representatives.

153 21.4-32. *Tribe* means the Oneida Tribe of Indians of Wisconsin.

154 21.4-33. *Tribal Fee Land* means all land to which the Tribe holds title in fee simple.

155 21.4-34. *Tribal Trust Land* means all land to which the United States holds title for the benefit
156 of the Tribe pursuant to federal law.

157

158 **21.5. Oneida Business Committee: Powers and Duties**

159 21.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or
160 compacts with the State under the Indian Gaming Regulatory Act.

161 21.5-2. The Oneida Business Committee retains the power and duty to enter into agreements
162 with local governments and other Tribal governments for services or cooperative ventures for the
163 Gaming Operations.

164 21.5-3. The Oneida Business Committee has the exclusive power and duty to enter into
165 contracts and agreements affecting the assets of the Tribe, except for those assets that were
166 placed under the responsibility of the Oneida Land Commission under Chapter 67, Real Property
167 Law.

168 21.5-4. The Oneida Business Committee delegates to the Commission, as set out in section 21.6-
169 14, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming
170 Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and
171 enforcement of laws and regulations, as identified in this Ordinance.

172 21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all
173 funds generated by the Gaming Operations and all other authorities and responsibilities not

174 delegated by a specific provision of this Ordinance.

175 21.5-6. The Chairperson of the Tribe shall be the designated and registered agent to receive
176 notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming
177 Regulatory Act and the Compact.

178

179 **21.6. Oneida Gaming Commission**

180 21.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the
181 Oneida Gaming Commission for the purpose of regulating all Gaming Activities. The
182 Commission is an elected body comprised of four (4) members, provided that, the Oneida
183 Business Committee may, upon request of the Commission, increase the number of
184 Commissioners by resolution without requiring amendment of this Ordinance.

185 21.6-2. *Location and Place of Business.* The Commission shall maintain its offices and
186 principal place of business within the Reservation.

187 21.6-3. *Duration and Attributes.* The Commission shall have perpetual existence and succession
188 in its own name, unless dissolved by Tribal law. Operations of the Commission shall be
189 conducted on behalf of the Tribe for the sole benefit of the Tribe and its members. The Tribe
190 reserves unto itself the right to bring suit against any person or entity in its own right, on behalf
191 of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to
192 protect the sovereignty, rights, and interests of the Tribe or the Commission.

193 21.6-4. *Sovereign Immunity of the Tribe.*

194 (a) All inherent sovereign rights of the Tribe with regard to the existence and activities of
195 the Commission are hereby expressly reserved.

196 (b) The Tribe confers upon the Commission sovereign immunity from suit as set forth in
197 the Tribe's Sovereign Immunity Ordinance.

198 (c) Nothing in this Ordinance nor any action of the Commission shall be construed to be
199 a waiver of its sovereign immunity or that of the Tribe, or consent by the Commission or
200 the Tribe to the jurisdiction of the Judiciary, the United States, any state, or any other
201 tribe, or consent by the Tribe to any suit, cause of action, case or controversy, or the levy
202 of any judgment, lien, or attachment upon any property of the Commission or the Tribe.

203 21.6-5. *Requirements of Commission Membership.*

204 (a) *Qualifications.* Candidates for election or appointment to the Commission shall be at
205 least twenty-one (21) years of age on the day of the election or on the day of
206 appointment. In addition, candidates for election to the Commission shall meet the
207 following qualifications within five (5) business days after a caucus for elected positions
208 on the Commission. Candidates for appointment to the Commission shall meet the
209 following qualifications on the day of appointment to a vacancy on the Commission
210 under section 21.6-13:

211 (1) Be an enrolled member of the Tribe;

212 (2) Have a minimum of three (3) years of education experience, employment
213 experience and/or regulatory experience in Gaming Operations related to Gaming
214 Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of
215 any combination of the foregoing; and

216 (3) Meet all other qualifications set forth in this Ordinance.

217 (b) *Conflict of Interest.* No person shall be considered for election or appointment as a
218 Commissioner until the candidate has disclosed all conflicts of interest as defined by the
219 Oneida Conflict of Interest Policy.

220 (c) *Background Investigation.* No person shall be considered for election or appointment
 221 as a Commissioner until a preliminary Background Investigation has been completed and
 222 the person has been found to meet all qualifications.

223 (d) Swearing into office is subject to a Background Investigation regarding the
 224 qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to
 225 office.

226 21.6-6. Unless pardoned for activities under subsection (a) and/or (d) by the Tribe, or pardoned
 227 for an activity under subsection (a) and/or (d) by another Federally-recognized Indian Tribe for
 228 an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned
 229 for an activity under subsection (a) and/or (d) by the State or Federal government, no individual
 230 shall be eligible for election or appointment to, or to continue to serve on, the Commission, who:

231 (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the
 232 following:¹

233 (1) Any gambling-related offense;

234 (2) Any offense involving Fraud or misrepresentation;

235 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
 236 Stats., any rule promulgated by the State of Wisconsin Department of
 237 Administration, Division of Gaming or any rule promulgated by the Wisconsin
 238 Racing Board;

239 (4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately
 240 preceding ten (10) years; or

241 (5) Any offense involving the violation of any provision of Tribal law regulating
 242 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
 243 thereto.

244 (b) Has been determined by the Tribe to be a person whose prior activities, criminal
 245 record if any, or reputation, habits, and associations pose a threat to the public interest or
 246 to the effective regulation and control of Gaming, or create or enhance the dangers of
 247 unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming
 248 or the carrying on of the business and financial arrangements incidental thereto;

249 (c) Possesses a financial interest in or management responsibility for any Gaming
 250 Activity or Gaming Services vendor;

251 (d) Has been convicted of a crime involving theft, Fraud, or conversion against the
 252 Tribe;

253 (e) Has been removed from any office pursuant to the Oneida Removal Law within the
 254 past five (5) years; or

255 (f) Is a sitting Commissioner whose term is not concluded at the time of that election or
 256 appointment action.

257 21.6-7. *Term of Office.* Commissioners shall serve five (5) year terms and shall serve until a
 258 successor takes the oath of office. Terms of office shall be staggered.

259 21.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special
 260 Oneida Business Committee meeting prior to assuming office. Upon being administered the oath

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

261 of office, a Commissioner shall assume the duties of office and shall be issued a security card
262 setting forth his or her title and term of office.

263 21.6-9. *Full-time Status.* The Commission shall identify the appropriate work schedule for its
264 members. Each Commissioner shall perform his or her duties and responsibilities on a full-time
265 basis and shall devote his or her entire work and professional time, attention and energies to
266 Commission business, and shall not, during his or her tenure in office, be engaged in any other
267 profession or business activity that may impede the Commissioner's ability to perform duties on
268 behalf of the Commission or that competes with the Tribe's interests.

269 21.6-10. *Bylaws.* The Commission shall adopt bylaws subject to review and approval by the
270 Oneida Business Committee.

271 21.6-11. *Budget and Compensation.* The Commission shall function pursuant to an annual
272 budget. The Oneida Business Committee shall submit the operating budget of the Commission
273 for approval in the same fashion as all other Tribal budgets. Compensation of Commissioners
274 shall not be subject to the Tribe's Comprehensive Policy Governing Boards, Committees, and
275 Commissions, but shall be established by the Commission in a manner consistent with the
276 Commission's internal rules and bylaws. The Commission shall adopt internal rules consistent
277 with the existing Tribal accounting practices to verify its budgetary expenditures.

278 21.6-12. *Removal.* Removal of Commissioners shall be pursuant to the Oneida Removal Law.

279 21.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, shall be
280 filled by appointment by the Oneida Business Committee of a person qualified pursuant to
281 sections 21.6-5 and 21.6-6.

282 21.6-14. *Authority and Responsibilities.* Subject to any restrictions contained in this Ordinance
283 or other applicable law, the Commission is vested with powers including, but not limited to the
284 following:

285 (a) To exercise all power and authority necessary to effectuate the gaming regulatory
286 purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the
287 Compact. Unless otherwise indicated in this Ordinance or Commission regulation, or
288 authorized by majority vote of the Commission, no Commissioner shall act independently
289 of the Commission. Any such action may constitute grounds for removal.

290 (b) To promote and ensure the integrity, security, honesty, and fairness of the regulation
291 and administration of Gaming.

292 (c) To draft, and approve, subject to review and adoption by the Oneida Business
293 Committee, regulations pursuant to this Ordinance for the regulation of all Gaming
294 Activity, including processes for enforcement of such regulations consistent with Tribal
295 law.

296 (d) To draft and approve the Rules of Play and Oneida Gaming Minimum Internal
297 Controls; provided that, Rules of Play and Oneida Gaming Minimum Internal Controls
298 shall require review and comment by Senior Gaming Management prior to approval by
299 the Commission and are subject to review and ratification by the Oneida Business
300 Committee.

301 (1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum
302 standards with which the Gaming Operations are required to comply and are
303 audited against.

304 (2) Comments received from Senior Gaming Management shall be included in
305 any submission to the Oneida Business Committee.

306 (3) Rules of Play and Oneida Gaming Minimum Internal Controls shall be

- 307 effective upon adoption by the Commission.
- 308 (e) To prepare proposals, including budgetary and monetary proposals, which might
- 309 enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the
- 310 same for consideration by the Oneida Business Committee; provided, however, that no
- 311 such proposal shall have any force or effect unless it is approved by the Oneida Business
- 312 Committee.
- 313 (f) To monitor and enforce all laws and regulations governing the operation and conduct
- 314 of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this
- 315 Ordinance and/or regulations setting forth hearing or enforcement processes.
- 316 (g) To monitor and investigate all Gaming Operators for compliance with internal audits,
- 317 and external audits.
- 318 (h) To inspect, examine, and photocopy all papers, books, and records of Gaming
- 319 Activities and any other matters necessary to carry out the duties pursuant hereto,
- 320 provided that, all photocopies of documents shall be maintained in a confidential manner
- 321 or in the same manner as the original.
- 322 (i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming
- 323 Employees, Gaming Services vendors, and Gaming Operators.
- 324 (j) To conduct hearings relating to Licenses issued under this Ordinance by the
- 325 Commission.
- 326 (k) To review all vendors doing business with the Gaming Operator to verify that such
- 327 persons or entities hold a valid License, where required, to do business with a Gaming
- 328 Operator.
- 329 (l) To retain professional advisors such as attorneys, law enforcement specialists, and
- 330 Gaming professionals consistent with Tribal law and practices.
- 331 (m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates
- 332 to its authorized activities.
- 333 (n) To act as the designated agent to receive all regulatory notices not included in section
- 334 21.5-6.
- 335 (o) To investigate all Regulatory Incidents.
- 336 (p) To issue warnings or notices of violation, in accordance with regulations, to Gaming
- 337 Operators and Licensees for non-compliance with the Compact, Oneida Gaming
- 338 Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.
- 339 (q) To make determinations regarding suitability for licensing.
- 340 (r) To establish an administrative structure by regulation to carry out its authority and
- 341 responsibilities.
- 342 (s) To establish, where needed, additional processes for conducting licensing hearings by
- 343 regulation.
- 344 (t) To establish and collect fees for processing License applications by regulation.
- 345 (u) To establish and impose a point system for findings of regulatory violations by any
- 346 Gaming Employee by regulation.
- 347 (v) To establish and impose a fine system for findings of regulatory violations by any
- 348 Gaming Services vendor or permittee by regulation.
- 349 (w) To approve procedures that provide for the fair and impartial resolution of patron
- 350 complaints.

351 21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting

352 requirements:

- 353 (a) A true, complete and accurate record of all proceedings of the Commission shall be
354 kept and maintained;
- 355 (b) Complete and accurate minutes of all Commission meetings shall be filed with the
356 Secretary of the Oneida Business Committee within thirty (30) days of their approval by
357 the Commission;
- 358 (c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the
359 Commission's activities, including information regarding funding, income and expenses
360 and any other matters to which the parties may agree, shall be submitted to the Oneida
361 Business Committee.

362 21.6-16. *Oneida Gaming Commission Personnel.* The Commission shall hire an Executive
363 Director who shall be responsible for hiring and managing the personnel of the Commission. The
364 Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its
365 responsibilities under this Ordinance, the IGRA, and the Compact, and all regulations including
366 the Oneida Gaming Minimum Internal Controls. The Executive Director and personnel of the
367 Commission shall be hired through the Tribe's regular personnel procedure and shall be subject
368 to its personnel policies and salary schedules. The Executive Director and personnel shall be
369 required to meet the requirements set forth in section 21.12-3 at hiring and during employment.
370

371 **21.7. Gaming Surveillance: Powers, Duties and Limitations**

372 21.7-1. *Purpose.* The purpose of Gaming Surveillance is to observe and report Regulatory
373 Incidents to the Commission and Gaming General Manager to provide for the regulation,
374 operation, and compliance of Gaming Activities under this Ordinance. Gaming Surveillance is a
375 department within the Commission's administrative structure and supervision shall be identified
376 within the organizational chart adopted by the Commission, provided that nothing in the
377 designation of supervisory responsibility shall be deemed to prohibit the responsibility of
378 Gaming Surveillance to provide information and/or video and/or audio records to the parties
379 identified in section 21.7-3.

380 21.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities
381 including, but not limited to, equipment and maintenance of equipment, observation and
382 reporting of all persons to include Gaming Employees, customers, consultants, and Gaming
383 Services vendors.

384 21.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission,
385 or Gaming Security a copy of any time-recorded video and accompanying audio (if available)
386 within twenty-four (24) hours of request.

387 21.7-4. Gaming Surveillance shall:

- 388 (a) Develop, implement and maintain written policies and procedures for the conduct and
389 integrity of the Surveillance Department.
- 390 (b) Develop, implement and maintain additional procedures governing the use and
391 release of the surveillance recordings or reports.
- 392 (c) Work cooperatively with the Gaming Security Department to carry out its official
393 duties and to coordinate its activities in order to effectuate the protection of patrons and
394 the assets of the Gaming Operation.
- 395 (d) Develop, implement and maintain written policies and procedures for implementation
396 of duties and responsibilities identified with the Oneida Gaming Minimum Internal
397 Controls, subject to approval by the Commission.
398

399 **21.8. [Reserved for future use.]**
400

401 **21.9. Gaming Security Department**

402 21.9-1. *Purpose.* The Gaming Security Department is a department within the Oneida Police
403 Department. The purpose of the Gaming Security Department is to protect Gaming assets,
404 patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which
405 could injure or jeopardize Gaming assets, patrons and Gaming Employees and report these
406 activities to the Oneida Police Department for further review and/or investigation. Provided that,
407 all reports of the Gaming Security Department shall be copied to the Commission.

408 21.9-2. *Reporting.* The Oneida Police Department, Gaming General Manager and the
409 Commission shall enter into an agreement, subject to ratification by the Oneida Business
410 Committee, which describes their responsibilities and reporting requirements under this
411 Ordinance.

412 21.9-3. The Gaming Security Department shall:

413 (a) Develop, implement and maintain written policies and procedures for the conduct and
414 integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal
415 Controls and subject to approval by the Commission.

416 (b) Develop, implement and maintain additional procedures governing the use and
417 release of the investigation reports.

418 (c) Work cooperatively with Gaming Surveillance to carry out its official duties and to
419 coordinate activities between the departments.

420 21.9-4. *Investigations.* This section is intended to authorize report gathering, information
421 gathering, and preliminary review, to be conducted by the Gaming Security Department.
422

423 **21.10. Background Investigations**

424 21.10-1. The Human Resources Department and the Commission shall enter into an agreement,
425 subject to ratification by the Oneida Business Committee, for carrying out Background
426 Investigations for employees as required under this Ordinance.

427 21.10-2. Background Investigations shall be conducted on all persons or entities as specified
428 under this Ordinance. All Background Investigations shall be conducted to ensure that the Tribe
429 in its Gaming Operations shall not employ or contract with persons whose prior activities, or
430 reputation, habits and associations pose a threat to the public interest or to the effective
431 regulation of Gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices
432 and methods in the conduct of such Gaming. The identity of any person interviewed in order to
433 conduct a Background Investigation shall be confidential.
434

435 **21.11. Licenses, Generally**

436 21.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing
437 of all applications for a License. All Gaming Employees, Gaming Services vendors, and
438 Gaming Operators shall apply for a License from the Commission prior to their participation in
439 any Gaming Activity. All Gaming Facilities shall be licensed by the Oneida Business
440 Committee.

441 21.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed
442 application for a License and completion of a preliminary Background Investigation, may
443 receive a temporary license for a ninety (90) day period, unless a Background Investigation of
444 the application demonstrates grounds to disqualify the Applicant. Such temporary license, as

445 defined in this section, shall permit the Licensee to engage in such activities and pursuant to any
446 terms and conditions imposed and specified by the Commission. The temporary license shall be
447 valid until either replaced by a License, the ninety (90) day temporary license period has
448 concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

449 21.11-3. *Revocable*. A License is revocable only in accordance with the procedures set forth in
450 this Ordinance. A Licensee shall have only those rights and protections regarding a License
451 granted in this Ordinance.

452 21.11-4. All Applicants:

453 (a) Consent to the release of any information relevant to the Applicant's Background
454 Investigation by any person or entity in possession of such information.

455 (b) Consent to the jurisdiction of the Tribe and are subject to all applicable Tribal,
456 Federal, and State laws, regulations, and policies.

457 21.11-5. All Licensees are subject to ongoing review at least every two (2) years by the
458 Commission.

459 21.11-6. *Status of Licenses*. The Commission shall notify the Gaming Operation of the status of
460 all Licenses, whether temporary or permanent, including all Commission action to revoke,
461 suspend, or condition a License.

462 21.11-7. *Commission Licensing Actions*. The Commission may grant, deny, revoke, condition,
463 suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this
464 Ordinance. Authority to place conditions on a License may be exercised only upon
465 promulgation of regulations.

466 21.11-8. *Noncompliance*. The Commission may issue a notice of noncompliance when the
467 Commission has developed regulations that identify procedures that notices of noncompliance
468 may be issued to Licensees and permittees which provide an opportunity to correct actions. Such
469 regulations shall include procedures for appeal of such notices. Regulations may include the
470 ability to issue fines not to exceed one thousand dollars (\$1000.00) per violation for Gaming
471 Services vendors and permittees.

472

473 **21.12. Gaming Employee License**

474 21.12-1. *Scope of Section*. This section applies only to Gaming Employee Licenses and
475 licensing actions.

476 21.12-2. *License Application*. Every Applicant for a License shall file with the Commission a
477 written application in the form prescribed by the Commission, duly executed and verified, which
478 shall certify:

479 (a) Applicant's full name and all other names used (oral or written), Social Security
480 Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or
481 written).

482 (b) Currently, and for the previous five (5) years: business and employment positions
483 held, ownership interests in those businesses, business and residence addresses, and
484 driver's license number(s).

485 (c) The names and current addresses, of at least three (3) personal references, including
486 one (1) personal reference, who were acquainted with the Applicant during each period of
487 residence listed in subsection (b) above.

488 (d) Current business and residence telephone numbers.

489 (e) A description of any existing and previous business relationships with Indian Tribes,
490 including ownership interest in those businesses.

- 491 (f) A description of any existing and previous business relationship with the Gaming
492 industry generally, including ownership interest in those businesses.
- 493 (g) The name and address of any licensing or regulatory agency with which the
494 Applicant has filed an application for a license or permit related to Gaming, whether or
495 not such license or permit was granted.
- 496 (h) The name and address of any licensing or regulatory agency with which the
497 Applicant has filed an application for an occupational license or permit, whether or not
498 such license or permit was granted.
- 499 (i) For each felony conviction or ongoing prosecution or conviction, the charge, the
500 name and address of the court involved, and the date and disposition if any.
- 501 (j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for
502 which jail time is not part of the potential sentence) within ten (10) years of the date of
503 the application, the name and address of the court involved, and the date and disposition.
- 504 (k) For each criminal charge (excluding charges for which jail time is not part of the
505 potential sentence) whether or not there is a conviction, if such criminal charge is within
506 ten (10) years of the date of the application and is not otherwise listed pursuant to
507 subsections (i) or (j) of this section, the criminal charge, the name and address of the
508 court involved and the date and disposition.
- 509 (l) A photograph.
- 510 (m) Fingerprints consistent with procedures adopted by the Commission which meet the
511 criteria set forth in 25 C.F.R. section 522.2(h). The Commission shall be the agency that
512 takes the fingerprints.
- 513 (n) Any other information the Commission deems relevant for a Gaming Employee
514 License.
- 515 (o) A statement that each Applicant has read and understands notices and NIGC
516 requirements relating to:
- 517 (1) The Privacy Act of 1974;
518 (2) Fraud and False Statements Act; and
519 (3) Fair Credit Reporting Act.
- 520 21.12-3. *License Qualifications.* No License shall be granted if the Applicant:
- 521 (a) Is under the age of eighteen (18).
- 522 (b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for
523 activities under this subsection by another Federally-recognized Indian Tribe for an
524 action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or
525 pardoned for activities under this subsection by the state or Federal government, has been
526 convicted of, or entered a plea of guilty or no contest to, any of the following:
- 527 (1) Any gambling-related offense;
528 (2) Any offense involving Fraud or misrepresentation;
529 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
530 Stats., any rule promulgated by the State of Wisconsin Department of
531 Administration, Division of Gaming or any rule promulgated by the Wisconsin
532 Racing Board;
533 (4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately
534 preceding ten (10) years; or
535 (5) Any offense involving the violation of any provision of Tribal law regulating
536 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant

537 thereto.

538 (c) Is determined to be a person whose prior activities, criminal record, reputation,
539 habits, or associations pose a threat to the public interest or to the effective regulation and
540 control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal
541 practices, methods, or activities in the operation of Gaming Activities or the carrying on
542 of the business and financial arrangements incidental thereto.

543 (d) Possesses a financial interest in or management responsibility for any Gaming
544 Activity or Gaming Services vendor, or he or she has any personal, business, or legal
545 relationship which places him or her in a conflict of interest as defined in this Ordinance
546 or the Conflict of Interest Policy.

547 (e) Each person licensed as a Gaming Employee shall have a continuing obligation to
548 inform the Commission immediately upon the existence of any circumstance or the
549 occurrence of any event which may disqualify him or her from being licensed as a
550 Gaming Employee. Failure to report any such occurrence may result in suspension or
551 revocation of the Gaming Employee's License.

552 21.12-4. *Initial Eligibility Determination.*

553 (a) Based on the results of the preliminary Background Investigation, the Commission
554 shall make an initial determination regarding an Applicant's eligibility and either:

555 (1) Grant a temporary license, with or without conditions, to the Applicant; or

556 (2) Deny the License application and provide notice to the Applicant that he or
557 she may request a hearing regarding the decision consistent with subsection (b)
558 below.

559 (b) If the Commission determines that an Applicant is ineligible for a License, the
560 Commission shall notify the Applicant. The Commission shall set forth regulations for
561 an Applicant to review any information discovered during the preliminary Background
562 Investigation prior to scheduling a hearing under section 21.12-10. The suspension or
563 revocation hearing provisions set forth at section 21.12-9 do not apply to Initial
564 Eligibility Determinations.

565 21.12-5. *Eligibility Determination and Notification to NIGC.* When a Gaming Employee begins
566 employment at a Gaming Operation, the Commission shall:

567 (a) Require the Gaming Employee to submit a completed application for employment
568 that contains the notices and information listed in section 21.12-2;

569 (b) Review the Background Investigation of the Gaming Employee. Within sixty (60)
570 days after a Gaming Employee begins employment at a Gaming Facility under a
571 temporary license, the Commission shall make an eligibility determination regarding
572 whether the Gaming Employee may receive a License based upon the results of the
573 Background Investigation.

574 (c) Create an investigative report based on each Background Investigation performed.
575 The investigative report shall include the steps in conducting the Background
576 Investigation, results obtained, conclusions reached and the basis for those conclusions.

577 (d) Prior to issuing a License to a Gaming Employee and within sixty (60) days after the
578 Gaming Employee begins employment at a Gaming Facility, submit a notice of results of
579 the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual
580 Record System. The notice of results shall include the following, provided that any
581 additional or alternate information shall be forwarded as directed in regulations or rules
582 adopted by NIGC:

- 583 (1) The Gaming Employee's name, date of birth and social security number.
584 (2) The date on which the Gaming Employee began employment.
585 (3) A summary of the information presented in the investigative report,
586 including:
587 (A) License(s) that have previously been denied;
588 (B) Gaming licenses that have been revoked, even if subsequently
589 reinstated;
590 (C) Every known criminal charge brought against the Gaming Employee
591 within the last ten (10) years of the date of the application;
592 (D) Every felony of which the Gaming Employee has been convicted or
593 any ongoing prosecution.
594 (4) a copy of the eligibility determination made under section 21.12-5(b).
595 (e) All applications, Background Investigations, investigative reports, suitability
596 determinations, findings and decisions of the Commission shall be retained in the
597 Commission's files for a period of at least three (3) years from the date the Gaming
598 Employee's employment is terminated.
- 599 21.12-6. *License Issuance.* The Commission may issue a License to a Gaming Employee at any
600 time after providing NIGC with a notice of results as required under section 21.12-5(d);
601 however, a Gaming Employee who does not have a License ninety (90) days after the start of
602 employment shall have his or her employment terminated. The Commission shall notify the
603 NIGC of the issuance or denial of a License to a Gaming Employee within thirty (30) days after
604 the License is issued or denied.
605 (a) Any Gaming Employee License issued under this section shall be effective from the
606 date of issuance and shall contain the Gaming Employee's photograph, the Gaming
607 Employee's name, and the date that the License became effective. If a Gaming
608 Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming
609 Employee shall notify in writing the Commission, and the Commission shall review the
610 Gaming Employee's License. The Commission retains the right to grant, deny, revoke,
611 condition, suspend, or reinstate Licenses subject to the right to appeal the decision under
612 the processes set forth in this Ordinance.
- 613 21.12-7. *Requirement to Wear License.* During working hours, all Licensees shall wear their
614 License in a conspicuous place that is plainly visible by all employees, the Nation's Gaming
615 patrons and surveillance.
- 616 21.12-8. *NIGC Review.*
617 (a) During a thirty (30) day period, beginning when the NIGC receives a notice of results
618 submitted pursuant to section 21.12-5(d) above, the Chairman of the NIGC may request
619 additional information from the Commission concerning the Gaming Employee. Such a
620 request shall suspend the thirty (30) day period until the Chairman receives the additional
621 information.
622 (b) If, within the thirty (30) day period after NIGC receives the notice of results, the
623 NIGC notifies the Commission that it has no objection to the issuance of a License, and
624 the Commission has not yet issued a License to the Gaming Employee, the Commission
625 may grant the License to the Gaming Employee.
626 (c) If, within the thirty (30) day period after NIGC receives the notice of results, the
627 NIGC provides the Commission with a statement itemizing objections to the issuance of
628 a License, the Commission shall reconsider the application, taking into account the

629 objections itemized by the NIGC. The Commission shall make the final decision whether
630 to issue a License to the Gaming Employee, or if the Gaming Employee has already been
631 licensed, whether to suspend or revoke the License in accordance with section 21.12-9.

632 (d) Upon receipt of notification from the NIGC that a Gaming Employee who has
633 already been licensed is not eligible for employment, the Commission shall immediately
634 suspend the License in accordance with section 21.12-9.

635 21.12-9. *Suspension or Revocation of Licenses.* Except as provided in section 21.12-8(d) or
636 21.12-9(c), no License may be suspended or revoked except after notice and opportunity for
637 hearing.

638 (a) *Basis for Licensing Action.* The Commission may suspend, condition, or revoke any
639 License issued under this Ordinance if:

640 (1) After the issuance of a License, the Commission receives from the NIGC or
641 other source reliable information indicating that a Gaming Employee is not
642 eligible for a License under section 21.12-3 or such information would justify the
643 denial of the renewal of any License, the Commission shall issue a written notice
644 of suspension;

645 (2) The Commission issues a written notice of suspension demonstrating that the
646 Licensee:

647 (A) Has knowingly made a materially false or misleading statement in
648 any application for a License, in any amendment thereto, or in response to
649 a request by the Commission for supplemental information or in
650 connection with any investigation of the Commission;

651 (B) Has knowingly promoted, played, or participated in any gaming
652 activity operated in violation of the Compact, Tribal or federal law, and
653 this Ordinance;

654 (C) Has bribed or attempted to bribe, or has received a bribe from, a
655 Commissioner or any other person in an attempt to avoid or circumvent
656 any applicable law;

657 (D) Has falsified any books or records relating to any transaction
658 connected with the operation of Gaming Activity;

659 (E) Has refused to comply with any lawful directive of the Tribe, the
660 Federal government, or any court of competent jurisdiction; or

661 (F) Has been convicted of, or entered a plea of guilty or no contest to, a
662 crime involving the sale of illegal narcotics or controlled substances.

663 (b) *Suspension Notice.* The Commission's notice of suspension shall be in writing and
664 shall, at a minimum, notify the Licensee of the following:

665 (1) The Licensee's right to review a file prior to any hearing regarding the notice
666 of suspension, and to make copies of any documents contained in that file;

667 (2) The Licensee's right to request a hearing on the proposed licensing action, to
668 present documents and witness testimony at that hearing to be represented by
669 counsel;

670 (3) The specific grounds upon which the proposed licensing action is based,
671 including citations to relevant sections of this Ordinance, the IGRA, any
672 applicable Regulations and/or the Compact; and