

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

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GTC Resolution # 7-05-04-A ***Adoption of the Oneida Nation Gaming Ordinance (ONGO)***

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, gaming conducted by the Tribe on the Reservation is currently governed by the Comprehensive Gaming Ordinance, adopted in 1992 by the General Tribal Council; and

WHEREAS, the Comprehensive Gaming Ordinance is outdated and is in need of replacement; and

WHEREAS, the Oneida Nation Gaming Ordinance (ONGO) is intended to update and improve gaming operations conducted by the Tribe; and

WHEREAS, the Indian Gaming Regulatory Act (IGRA) allows the Tribe to conduct and regulate Class II and Class III Gaming; and

WHEREAS, the ONGO delegates specific regulatory functions to the Oneida Gaming Commission; and

WHEREAS, Public Hearings on ONGO were held on July 8, July 15 and December 9, 2003

NOW THEREFORE BE IT RESOLVED, that the Comprehensive Gaming Ordinance is hereby repealed and the attached Oneida Nation Gaming Ordinance (ONGO) is hereby adopted.

BE IT FURTHER RESOLVED, that the Oneida Nation Gaming Ordinance shall go into effect immediately upon adoption.

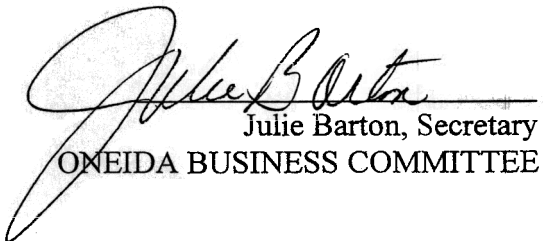


BE IT FINALLY RESOLVED, that from the date of the passage of the Oneida Nation Gaming Ordinance by the General Tribal Council there will be a Transition Period that shall end when the new Gaming Commission, as established under the ONGO, takes the oath of office. During this Transition Period, the following shall occur:

1. All Gaming Commissioners in office on the date ONGO is passed, or who are duly elected or appointed prior to the July, 2005 Tribal election, shall meet the qualifications under the ONGO for Gaming Commissioners.
2. The initial election for the five (5) Gaming Commissioners shall be held no later than July, 2005, and thereafter, in July of each year beginning in the year 2006.
3. The new Gaming Commissioners shall be sworn in and assume their duties as outlined in the ONGO.
4. Immediately after the new Gaming Commissioners are sworn in, the outgoing Gaming Commissioners shall be separated from their positions with the Oneida Gaming Commission and the Transition Period shall expire.
5. All Oneida Gaming Commissioners shall be responsible to fulfill their duties, and responsibilities under applicable Oneida law during the Transition Period. Failure to fulfill the duties and responsibilities of the Oneida Gaming Commission during the Transition Period shall result in immediate separation from the Oneida Gaming Commission.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of 224 members present at a meeting duly called, noticed, and held on the 5th day of July, 2004; that the foregoing resolution was duly adopted at such meeting by a unanimous vote of those present and that said resolution has not been rescinded or amended in any way.


Julie Barton, Secretary
ONEIDA BUSINESS COMMITTEE

Chapter 21
ONEIDA NATION GAMING ORDINANCE

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21.1 Purpose and Policy

21.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Tribe of Indians of Wisconsin, hereinafter to be referred to as the "Tribe," regarding all gaming activities conducted within the jurisdiction of this Ordinance. It is intended to govern the gaming activities of all persons, employees, consultants, business entities, vendors, boards, committees, commissions and hearing bodies. This Ordinance does not authorize the operation of Class II or Class III gaming by a private person or private entity for gain.

21.1-2. *Policy.* The purpose of this Ordinance is to ensure that the Oneida Tribe is the primary beneficiary of its Gaming Operations and shall have sole proprietary interest, and that gaming activities within the jurisdiction of this Ordinance are conducted fairly and honestly, and that all internal departments, enterprises, officials and employees of the Oneida Tribe work cooperatively to advance the best interests of the Oneida Tribe in protecting its gaming resources as well as its patrons.

21.2 Adoption, Amendment, Applicability, Repeal

21.2-1. *Adoption.* This Ordinance is adopted under the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin by Oneida General Tribal Council Resolution # 7-5-04-A.

21.2-2. *Amendment.* This Ordinance may be amended by the Oneida Business Committee in accordance with Tribal law.

21.2-3. *Applicability.* Should a provision of this Ordinance or the application of this Ordinance be held as invalid, the invalidity shall not effect other provisions of this Ordinance.

21.2-4. *Repeal.* This Ordinance shall repeal all previous Oneida gaming ordinances. This Ordinance shall also repeal all other Oneida policies, regulations, rules, motions, memoranda, and other similar acts which are inconsistent with this Ordinance. Specifically, the following resolutions are repealed by this law:

- (a) BC-4-21-89-D
- (b) GTC-03-04-91-A
- (c) GTC-7-6-92-A

- (d) GTC-7-6-92-B
- (e) BC-3-16-94-A
- (f) BC-4-5-95-D

21.2-5. *Name.* This Ordinance shall be known as the Oneida Nation Gaming Ordinance (“ONGO”).

21.3 Jurisdiction

21.3-1. *Territorial Jurisdiction.* This Ordinance extends to all Tribal Land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as defined in the 1838 Treaty with the Oneida, 7 Stat. 566.

21.3-2. *Subject Matter Jurisdiction.* This Ordinance applies to all Class II and Class III gaming activities, gaming operations or gaming facilities within the territorial jurisdiction of the Oneida Tribe as defined in 21.3-1 above.

21.4 Definitions

This section shall govern the definitions of words and phrases used in this Ordinance. All words or phrases not defined in this section are used in their ordinary and everyday sense.

21.4-1. *Background Check* means a standard and thorough investigation conducted by the Oneida Tribe pursuant to applicable laws or regulations. Said checks may be in cooperation with federal, state, or Tribal law enforcement agencies.

21.4-2. *Class I Gaming* means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

21.4-3. *Class II Gaming* means:

- (a) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:
 - (1) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations.
 - (2) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.
 - (3) The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.
- (b) Card games which:
 - (1) Are explicitly authorized by the laws of the State; or
 - (2) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or

electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

21.4-4. *Class III Gaming* means all forms of gaming that are not Class I or Class II.

21.4-5. *Commission* means the Oneida Gaming Commission as established by this Ordinance.

21.4-6. *Commissioner* means a duly elected member of the Oneida Gaming Commission.

21.4-7. *Compact* means the gaming compact between the Tribe and the State of Wisconsin including all subsequent amendments thereto, authorized by the Indian Gaming Regulatory Act or other applicable law.

21.4-8. *Compliance Certificate* means a certificate issued by an agency with the authority and responsibility to enforce applicable environmental, health or safety standards, which states that a gaming facility complies with these standards.

21.4-9. *Contract* or *Contractual Agreement* means any legally binding agreement made between the Tribe and another individual or entity for the purpose of conducting any form of lawful gaming activity or providing goods or services to any lawful gaming activity or establishment.

21.4-10. *Environmental Assessment* means a document prepared and issued in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. §4321 et seq., and all related federal regulations.

21.4-11. *Fraud* means any act of trickery or deceit used to or intended to gain control or possession of the property of another.

21.4-12. *Games, Gaming, or Gaming Activity* means any activity, operation, or game of chance which is considered Class II or Class III Gaming.

21.4-13. *Gaming Employee License* means the official, legal, and revocable permission granted by the Commission to an applicant to conduct licensed gaming activity.

21.4-14. *Gaming Facility* means any location or structure, stationary or movable, wherein gaming is permitted, performed, conducted, or operated. Gaming Facility does not include the site of a fair, carnival, exposition, or similar occasion, or any location or structure outside of the State of Wisconsin.

21.4-15. *Gaming Operation* means Tribally owned or Tribally operated Class II and/or Class III gaming on Tribal land.

21.4-16. *Gaming Personnel* means all individuals employed in a Gaming Operation.

21.4-17. *Immediate Family* means, with respect to the person under consideration, a husband or wife, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and any other individual who resides in the household of the person under consideration.

21.4-18. *Incident* means an accident, event or omission involving any person on the premises of a Gaming Facility which results in injury, damage to property, loss of revenue or any unusual occurrence in the conduct of any game or machine.

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

21.4-20. *NIGC* means the National Indian Gaming Commission.

21.4-21. *Oneida Appeals Commission* means the Appeals Commission of the Oneida Tribe of Indians of Wisconsin.

129 21.4-22. *Oneida Business Committee* or *Business Committee* means the elected governing body
130 of the Tribe exercising authority delegated from the Oneida General Tribal Council of the Oneida
131 Tribe of Indians of Wisconsin under Article IV of the Constitution and By-laws for the Oneida
132 Tribe of Indians of Wisconsin, approved 12-21-36.

133 21.4-23. *Oneida General Tribal Council* means the governing body of the Oneida Tribe of
134 Indians of Wisconsin composed of all the qualified voters of the Oneida Tribe of Indians of
135 Wisconsin as determined by the Tribe's Constitution.

136 21.4-24. *Operator* means an individual or entity who is permitted by this Ordinance to perform,
137 promote, conduct, or operate a Gaming Operation.

138 21.4-25. *Ordinance* means the Oneida Nation Gaming Ordinance ("ONGO") of the Oneida
139 Tribe of Indians of Wisconsin, as it may from time to time be amended.

140 21.4-26. *Remediation* means efforts taken to reduce the source and migration of environmental
141 contaminants at a site.

142 21.4-27. *Senior Gaming Management* means the Gaming General Manager, Assistant Gaming
143 General Managers, gaming Directors and Assistant gaming Directors.

144 21.4-28. *Tribal Land* means all lands within the exterior boundaries of the Oneida Indian
145 Reservation as defined by the 1838 Treaty.

146 21.4-29. *Tribe* means the Oneida Tribe of Indians of Wisconsin.

147 148 149 **21.5 Oneida Business Committee: Powers and Duties**

150 21.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or
151 compacts with the State of Wisconsin under the Indian Gaming Regulatory Act.

152 21.5-2. The Oneida Business Committee retains the power and duty to enter into agreements
153 with local governments and other Tribal governments for services or cooperative ventures for the
154 Tribal Gaming Operations.

155 21.5-3. The Oneida Business Committee has the exclusive power and duty to enter into contracts
156 and agreements affecting the assets of the Tribe, except for those assets which were placed under
157 the responsibility of the Oneida Land Commission under the Real Property Law, Oneida Code of
158 Law, Chapter 67.

159 21.5-4. The Oneida Business Committee delegates certain duties and responsibilities for the
160 Tribal Gaming Operations to the Oneida Gaming Commission under 21.6-16 of this Ordinance.

161 21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all
162 funds generated by the Oneida Tribal Gaming Operations and all other duties and responsibilities
163 not delegated by a specific provision of this Ordinance.

164 21.5-6. The Chairperson of the Tribe shall be the designated and registered agent to receive
165 notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming
166 Regulatory Act and the Compact.

167 168 **21.6 Oneida Gaming Commission**

169 21.6-1. *Establishment and Purpose.* There shall be an Oneida Gaming Commission whose
170 purpose is to exercise the delegated authority and responsibilities enumerated in 21.6-15. The
171 Oneida Gaming Commission shall be referred to throughout this Ordinance as the "Gaming
172 Commission" or "Commission."

175 21.6-2. *Location and Place of Business.* The Commission shall be a resident of and maintain its
176 offices and principal place of business on Tribal Land.

177 21.6-3. *Duration and Attributes.* The Commission shall have perpetual existence and succession
178 in its own name, unless dissolved by Tribal law. Operations of the Commission shall be
179 conducted on behalf of the Tribe for the sole benefit of the Tribe and its members. The Tribe
180 reserves unto itself the right to bring suit against any person or entity in its own right, on behalf
181 of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to
182 protect the sovereignty, rights, and interests of the Tribe or the Commission.

183 21.6-4. *Sovereign Immunity of the Tribe.* All inherent sovereign rights of the Tribe with regard
184 to the existence and activities of the Commission are hereby expressly reserved. Nothing in this
185 Ordinance nor any action of the Commission shall be construed to be a waiver of the sovereign
186 immunity of the Tribe, or consent by the Tribe to the jurisdiction of the United States, any state,
187 or any other tribe, or consent by the Tribe to any suit, cause of action, case or controversy, or the
188 levy of any judgment, lien, or attachment upon any property of the Tribe.

189 21.6-5. *Assets of the Gaming Commission.* The Commission shall have only those assets
190 specifically assigned to it by the Tribe or acquired in its name by the Tribe. No activity of the
191 Commission shall implicate or involve assets of Tribal members or the Tribe which are not
192 assigned to the Commission in writing. Nothing in this Ordinance nor any activity of the
193 Commission shall implicate or in any way involve the credit of the Tribe.

194 21.6-6. *Number of Commissioners, Qualifications, Background Investigation.*

195 (a) Number of Commissioners. The Commission shall be comprised of five (5)
196 elected persons.

197 (b) Qualifications for Appointment:

198 (1) Must be an enrolled member of the Tribe.

199 (2) Must be at least 21 years of age.

200 (3) Must have a minimum of five (5) years of any combination of the
201 following:

202 (A) Post-secondary education.

203 (B) Gaming training.

204 (C) Gaming experience in one or more of the following areas:

205 (i) Gaming regulations.

206 (ii) Gaming Operations.

207 (iii) Gaming Licensing.

208 (iv) Auditing.

209 (v) Gaming laws or Indian law.

210 (vi) Administrative Hearings or Decision making.

211 (vii) Background Investigations.

212 (viii) Surveillance.

213 (ix) Law enforcement.

214 (x) Business Administration or Business Management.

(4) Must meet all other qualifications set forth in this Ordinance or in the By-
laws of the Commission.

(c) The qualifications set forth in Section 21.6-6(b) of this Ordinance may be modified by the Oneida Business Committee if a vacancy persists on the Commission for more than three (3) months due to a lack of qualified applicants.

21.6-7. *Gaming Commission Background Investigation.* All candidates for the office of Oneida Gaming Commissioner shall submit to a thorough background investigation conducted by the Oneida Tribe and completed prior to eligibility for appointment. In addition, prior to eligibility for appointment, all candidates shall disclose all conflicts of interest as required by the Oneida Conflict of Interest Policy. No individual shall be eligible for appointment to, or continue services on, the Commission, if:

- (1) He or she has been convicted of, or entered a plea of guilty or nolo contendere to any of the following offenses and the conviction has not been pardoned by the Tribe or otherwise removed from the record by executive pardon or state court order:
 - (A) A felony.
 - (B) Any offense involving fraud or misrepresentation.
 - (C) Any gaming related offense, including a violation of the provisions of any State gaming law made applicable to the Tribe pursuant to the Compact or a Tribal gaming law.
- (2) His or her prior activities, criminal record, or reputation, habits, or associations pose a threat to the public interest, threaten the effective operation of gaming, or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming; or
- (3) He or she has a present interest in the conduct of any gaming enterprise or in any business which provides goods or services to a Gaming Operation of the Tribe, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or the Tribal Conflict of Interest Policy; or
- (4) He or she has been convicted of a crime involving theft, fraud, or conversion against the Oneida Tribe of Indians of Wisconsin.
- (5) He or she has been removed from office pursuant to the Oneida Removal Law.

21.6-8. *Term of Office.* Following the initial election after passage of this Ordinance, the Commissioners shall serve five (5) year terms and shall serve until a successor takes the oath of office. The initial Commissioners elected after the adoption of this Ordinance shall serve according to the following formula:

- (a) The Commissioner receiving the highest number votes shall serve an initial term of five (5) years.
- (b) The Commissioner receiving the second highest number votes shall serve an initial term of four (4) years.
- (c) The Commissioner receiving the third highest number of votes shall serve an initial term of three (3) years.
- (d) The Commissioner receiving the forth highest number of votes shall serve an initial term of two (2) years.

(e) The Commissioner receiving the fifth highest number of votes shall serve an initial term of one (1) year.

21.6-9. *Official Oath.* Each Commissioner shall take the official oath at a regular or special Oneida Business Committee meeting prior to assuming office. Upon being administered the oath of office, a Commissioner shall assume the duties of office and shall be issued a Tribal gaming security card setting forth his or her title and term of office.

21.6-10. *Full -time or part -time Exclusivity.* The Commission shall identify the appropriate work schedule for its members. Each Gaming Commissioner shall perform his or her duties and responsibilities on a full time/part time basis and will devote his or her entire work and professional time, attention and energies to Commission business, and will not, during his or her tenure in office, be engaged in any other profession or business activity that may impede the Commissioner's ability to perform duties on behalf of the Commission or that competes with the Tribe's interests. This section does not prohibit any Commissioner from contracting with or rendering paid services to any individual or entity, provided that it does not conflict with this section.

21.6-11. *Bylaws.* The Commission shall adopt bylaws approved by the Business Committee consistent with Tribal law.

21.6-12. *Compensation.* The Oneida Business Committee shall review the operating budget of the Commission in the same fashion as all other Tribal budgets. Compensation of Commissioners shall not be subject to the Comprehensive Policy Governing Boards, Committees, and Commissions or any prior compensation paid to Commissioners, but shall be established by the Commission in a manner consistent with the Commission's internal rules and by-laws. The Commission shall adopt internal rules consistent with the existing Oneida accounting practices to verify its budgetary expenditures.

21.6-13. *Removal.* Removal of Commissioners shall be pursuant to the Oneida Removal Law.

21.6-14. *Vacancies.* If any Commissioner shall die, resign, be removed, or otherwise be unable to serve the Oneida Business Committee shall declare his or her position vacant and shall appoint a successor to fill the position. The term of office of any person so appointed shall be for the balance of the unexpired term for such position.

21.6-15. *Authority and Responsibilities.* No Commissioner shall act independently of the Commission. Any such acts may be grounds for removal. Subject to any restrictions contained in this Ordinance or in any other applicable law, the Commission is authorized to exercise, by majority vote, the following responsibilities:

- (a) To draft and implement Internal Commission operating procedures appropriate to implement the provisions of this Ordinance, including operating procedures that identify the method by which the Commission will monitor and investigate compliance with applicable gaming laws.
- (b) To consult with and make recommendations to the Oneida Business Committee regarding changes in Tribal gaming laws and regulations.
- (c) To prepare proposals, including budgetary and monetary proposals, which might enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the same for consideration by the Oneida Business Committee; provided,

however, that no such proposal shall have any force or effect unless it is approved by the Oneida Business Committee.

- (d) To monitor and investigate the place of business, equipment, facilities, tangible personal property, and the books, records, papers, vouchers, accounts, documents, and financial statements of any Gaming Facility operating, or suspected to be, operating on Tribal Land, provided that all monitoring and investigations must be conducted pursuant to policies and procedures adopted in conformance with Oneida law and that all monitoring and investigations are for the purpose of determining compliance with applicable gaming laws.
- (e) To draft and implement licensing procedures for all gaming personnel consistent with applicable federal and Tribal law.
- (f) To approve or disapprove the Gaming Employee License of any applicant consistent with applicable federal and Tribal law.
- (g) To suspend or revoke any Gaming Employee License consistent with applicable federal and Tribal law.
- (h) To conduct administrative reviews relating to the licensure of gaming personnel under sections 21.10-7 and 21.10-8 of this Ordinance.
- (i) To license Gaming Operators under this Ordinance.
- (j) To review all gaming contracts and agreements before execution to verify that the persons or entities providing goods or services under such contracts or agreements are properly licensed to do business with a Gaming Operation.
- (k) To engage professional advisors such as attorneys, law enforcement specialists, examiners, and gaming professionals consistent with Tribal law and practices.
- (l) To arrange for training of Commissioners and staff members.
- (m) To arbitrate, compromise, negotiate, or settle any dispute to which it is a party and which relates to its authorized activities.
- (n) To make application for and to accept grants and other awards from private and governmental sources, consistent with Tribal law and practices, to carry out and further the purposes of the Commission or the Tribe.
- (p) To act as the designated agent to receive all regulatory notices not included in 21.5-6 of this Ordinance.

21.6-16. *Reporting Requirements.* The Commission shall adhere to the following reporting requirements:

- (a) Minutes of all Commission meetings shall be filed with the Secretary of the Oneida Business Committee within thirty (30) days of their approval.
- (b) Summary reports of all matters pertaining to the business of the Commission shall be provided to the Oneida Business Committee.

21.6-17. *Annual Budget.* The Commission shall prepare an annual operating budget for all Commission activities in accordance with Tribal laws and practices.

21.6-18. *Staff of the Gaming Commission.* Staff of the Commission shall be employees of the Tribe, and shall be subject to the personnel policies of the Tribe and shall be supervised by the Commission. Any staff position may only be held by a person who meets the standards and qualifications under 21.10-3.

21.7 Gaming Surveillance: Powers, Duties and Limitations

21.7-1. *Purpose.* The purpose of Surveillance is to observe and report gaming operation compliance to provide the basis for regulation and operation of gaming under this Ordinance.

21.7-2. Surveillance shall be responsible for all gaming surveillance activities including, but not limited to, equipment and maintenance of equipment, observation and reporting of all persons to include employees, customers, consultants, and gaming vendors.

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

21.7-4. Responsibilities.

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

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

21.8 Gaming Personnel

21.8-1. All gaming personnel positions shall be filled in accordance with Oneida Indian preference laws by individuals who are at least 18 years of age.

21.8-2. All gaming personnel are subject to the Oneida personnel policies and procedures and all employment laws, regulations and requirements that are otherwise applicable to Tribal personnel.

21.9 Gaming Security: Powers, Duties and Limitations

Purpose: The purpose of the Gaming Security is to protect gaming assets, patrons and employees.

21.9-2. *Investigations.* Gaming Security shall be responsible for conducting all investigations and reports of gaming security incidents.

21.9-3. *Reports.* Gaming Security shall provide to Senior Gaming Management and the Commission a complete copy of all final investigation reports.

21.9-4. Responsibilities.

(a) Develop, implement and maintain written policies and procedures for the conduct and integrity of Gaming Security.

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

(c) Develop, implement and maintain additional procedures for addressing conflicts of interest.

21.10 Licensing of Gaming Personnel

21.10-1. *Current and Valid Gaming Employee License Required.* All gaming personnel employed at a Class II or Class III Gaming Operation must possess a valid Gaming Employee License or have a Gaming Employee License application pending.

21.10-2. *Application Procedure for License.* Every person seeking employment with a Gaming Operation shall submit an application to the Commission on such form or in such manner as the Commission may require. At a minimum, the application shall contain the following information detailed below. The Gaming Commission shall amend the application procedure for a Gaming Employee License in the event that the Tribe receives notice that the procedure must be modified to conform to any NIGC standard.

- (a) The applicant's name, including all other names used, current home and work addresses and telephone numbers, gender, Social Security Number, place of birth, date of birth, citizenship, driver's license number, and the addresses of his or her residences over the past five (5) years.
- (b) The position for which the applicant is applying.
- (c) The names, current addresses, and telephone numbers of three references who are not related to the applicant and who were acquainted with the applicant when the applicant resided at each of the addresses listed under paragraph (a) above.
- (d) A list of the applicant's current and previous jobs over the preceding five (5) years, including the names, addresses, and telephone numbers of his or her employers, and the positions held.
- (e) The names and addresses and a brief description of all businesses in which the applicant currently holds, or has within the last five (5) years held, an ownership or financial interest.
- (f) A description of any existing and any previous employment relationship with the Oneida Tribe or any other Indian Tribe, including the position held, the name of the Tribe, and the name and address of a person who can attest to the accuracy of the information provided.
- (g) A description of any current or past non-employee business relationship which the applicant has had with the Oneida Tribe or any other Indian Tribe, including the name of the Tribe and the name and address of a person who can attest to the accuracy of the information provided.
- (h) A statement as to whether the applicant has had any past employment with, or ownership interest in, any gaming-related business. If so, the applicant shall provide a written statement describing his or her position, the dates during which the position was held, a description of the applicant's ownership interest (when applicable), job responsibilities, the name, address, and telephone number of the business, and the name and address of a person who can attest to the accuracy of the information provided.
- (i) A list of all gaming-related licenses for which the applicant has applied, whether or not those licenses were granted, and the name, address and telephone number of the regulatory agencies involved.
- (j) A list of all professional and business licenses for which the applicant has applied, whether or not those licenses were granted, and the name, address and telephone number of the regulatory agency involved.
- (k) A statement of all languages which the applicant can write or speak.

- 426 (l) Written permission giving the Tribe the right to investigate the applicant's
428 background, including his or her criminal record, civil and criminal judgments,
429 and credit history.
- 430 (m) A complete disclosure of any pending or anticipated civil or criminal action
431 against the applicant, including the name, and address of the police department
432 and court involved.
- 433 (n) A statement as to whether or not the applicant has ever been charged with a crime,
434 and if so, the charge, the name and address of the court involved, the final
435 disposition of the case, and the date of final disposition.
- 436 (o) A disclosure of any civil or criminal judgments rendered against the applicant,
437 including the case number, a description of the judgment, and the name and
438 address of the court involved.
- 439 (p) Any other information which might bring into question the applicant's fitness to
440 be employed within a Gaming Operation.
- 441 (q) Each application shall be accompanied by a sworn statement that, if employed, the
442 applicant will submit to the jurisdiction of the Tribe, and all boards, agencies, and
443 tribunals of the Tribe.
- 444 (r) Each application shall be accompanied by a sworn statement that the applicant
445 will abide by all applicable Tribal and federal laws, regulations and policies.
- 446 (s) Each application shall be accompanied by a written statement that the applicant
447 has read, understands and approves of notices and NIGC requirements related to:
- 450 (1) The Privacy Act of 1974.
- 451 (2) False Statements.
- 452 (3) Credit Reporting.
- 453 (t) Each application shall be accompanied by a written statement that the applicant
454 has read, understands, and approves of the Oneida Privacy Policy.
- 455 21.10-3. *Qualifications.*
- 456 (a) No person shall be licensed as a gaming employee if:
- 457 (1) He or she is under the age of 18.
- 458 (2) He or she has been convicted of, or entered a plea of guilty or nolo
459 contendere to any of the following offenses and the conviction has not
460 been pardoned by the Tribe or otherwise removed from the record by
461 executive pardon or state court order:
- 462 (A) A felony;
- 463 (B) Any offense involving fraud or misrepresentation; or
- 464 (C) Any gaming related offense, including a violation of the provisions
465 of the State gaming laws made applicable to the Tribe pursuant to
466 the Compact or a Tribal gaming law.
- 467 (3) His or her prior activities, criminal record, or reputation, habits, or
associations pose a threat to the public interest, threaten the effective
operation of gaming, or enhance the dangers of unsuitable, unfair, or
illegal practices, methods, or activities in the conduct of gaming; or

(4) He or she has a present interest in the conduct of any Gaming Operation or in any business which provides goods or services to a Gaming Operation of the Tribe, or he or she has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or the Tribal Conflict of Interest Policy.

(b) Each person licensed as a gaming employee shall have a continuing obligation to inform the Commission immediately upon the occurrence of any circumstance or event which may disqualify him or her from being licensed as a gaming employee. Failure to report any such occurrence may result in suspension or revocation of the employee's gaming license and immediate termination from employment.

21.10-4. *NIGC Review.* When an individual begins employment at a Gaming Operation, the Commission shall:

- (a) Forward to the NIGC a completed application for employment that contains the notices and information listed in 21.10-2.
- (b) Review the background investigation of the applicant. Based upon the results of the background check and the written investigative report, the Commission shall determine the eligibility of the applicant to receive a Gaming Employee License.
- (c) Upon completion of the background investigation and a determination of eligibility for a Gaming Employee License, the Commission shall forward a report to the NIGC within sixty (60) days after the applicant begins employment. A Gaming Operation shall not employ an applicant who does not have a Gaming Employee License after ninety (90) days.
- (d) During a thirty (30) day period, beginning when the NIGC receives a report submitted pursuant to (c) above, the Chairman of the NIGC may request additional information from the Commission concerning the individual who is the subject of a report. Such a request shall suspend the thirty (30) day period until the Chairman receives the additional information.
- (e) If, within the thirty (30) day period described in (d) above, the NIGC notifies the Commission that it has no objection to the issuance of a license, the Commission may grant the license to the applicant.
- (f) If, within the thirty (30) day period described in (d) above, the NIGC provides the Commission with a statement itemizing objections to the issuance of a license, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a license to the applicant.
- (g) All applications, background checks, investigative reports, suitability determinations, findings and decisions of the Commission shall be retained in the Commission's files for a period of at least five (5) years.

21.10-5. *Licensing Issuance.* Any permanent Gaming Employee License issued under this section shall be effective from the date of issuance and shall contain the licensee's photograph, and shall state on its face the name of the employee, and the date that the license became effective.

21.10-6. *Requirement to Produce Gaming Employee License Upon Request.* Any person licensed pursuant to this Ordinance must carry his or her license upon his or her person during all working hours, and must produce that license upon the request of any authorized individual or entity.

21.10-7. *Suspension or Revocation of Gaming Employee License.*

- (a) Grounds for Suspension or Revocation. The Commission may suspend or revoke any Gaming Employee License it has issued, after notice and opportunity for review, for any of the following reasons:
- (1) The licensed individual has withheld pertinent information on his or her application or has made false statements on his or her application.
 - (2) The licensed individual has knowingly promoted, played, or participated in any gaming activity operated in violation of Tribal or federal law or any applicable Tribal-State gaming compact, or has violated any provision of this Ordinance.
 - (3) The licensed individual has bribed or attempted to bribe a Commissioner or any other person in an attempt to avoid or circumvent any applicable law.
 - (4) The licensed individual has offered something of value to, or accepted a loan, financing or other thing of value from a Commissioner, a subordinate employee, or any person participating in any gaming activity.
 - (5) The licensed individual has been knowingly involved in the falsification of books or records which relate to a transaction connected with the operation of gaming activity.
 - (6) The licensed individual has been convicted of, or has entered a plea of guilty or nolo contendere to, any crime involving gaming, fraud, theft, embezzlement or other activity which, if it had been perpetrated at his or her place of employment, would injure or pose a threat to the public interest, the integrity of the gaming activity, or the effective operation of gaming, or would enhance the dangers of unfair, unsuitable, or illegal gaming practices; or
 - (7) The licensed individual has refused to comply with any lawful directive of the Tribe, the federal government, or any court of competent jurisdiction.
 - (8) The licensed individual has been convicted of, or entered a plea of guilty or nolo contendere to, a crime involving the sale of illegal narcotics or controlled substances.
 - (9) The licensed individual has been determined to have present or prior activities, criminal record, or reputation, habits or associations which pose a threat to the public interest or to the effective operation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices or methods or activities in the conduct of gaming.
 - (10) The individual no longer meets the Gaming Employee License qualifications set forth in this Ordinance.

- (11) The Commission receives reliable information from the NIGC that the licensed individual is not eligible for a Gaming Employee License.
- (b) Procedure for Suspension or Revocation. Whenever the Commission shall have cause to believe that any of the provisions under 21.10-7(a) apply to any Gaming Personnel, the Commission shall serve upon the individual an order to show cause why his or her license should not be suspended or revoked. The order shall state with specificity the grounds upon which it is based, including citations to the relevant sections of this Ordinance, the time and place for the administrative review, and notice that the licensed individual shall have the opportunity to present documentation and any other relevant information. The administrative review shall be set for not less than ten (10) days nor more than fourteen (14) days from the date of the order. No license will be suspended or revoked for the reasons set forth in 21.10-7(a) until the Commission administrative review is concluded and a final written decision is rendered by the Commission.
- 21.10-8. *Temporary Suspension of License.* Temporary suspension of any gaming employee's license is appropriate when the individual's continued employment poses a direct and immediate threat to the general public or to the peace, safety, morals, or health and welfare of the Tribe.
- (a) Grounds for Temporary Suspension. The Commission may suspend the license of any individual for not more than thirty (30) days if the Commission has good and reliable cause to believe:
- (1) that any of the grounds for suspension or revocation itemized in section 21.10-7 have occurred; and
- (2) that the individual's continued employment poses a direct and immediate threat to the general public or to the peace, safety, morals, or health and welfare of the Tribe.
- (b) Procedure for Temporary Suspension. The Commission may issue a notice of temporary suspension of an individual's license if the Commission has cause to believe that any of the provisions of (a) above apply to the individual. The Commission shall serve a notice upon the individual that states with specificity the grounds upon which it is based, including citations to the relevant provisions of this Ordinance, and the individual's right to administrative review. The individual shall cease and desist operating in his or her management position or in his or her capacity immediately upon receipt of the order, but shall have the right to file a request for review with the Commission. The Commission shall hold an administrative review on the notice of temporary suspension within fourteen (14) calendar days of its receipt of the notice of request for review. At the administrative review, the individual shall have an opportunity to present documentation and any other information as to why his or her license should not be temporarily suspended. The issuance of a notice of temporary suspension, or the pendency of any proceedings relating thereto, shall not preclude the Commission from suspending or revoking any individual's license as otherwise provided in this Ordinance, and all proceedings relating to any individual's gaming license shall be consolidated.

595 21.10-9. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a
597 license of the Gaming General Manager, the Commission shall provide notice to the Oneida
598 Business Committee 24 hours prior to the issuance of the suspension or revocation.

599 21.10-10. *Record of Proceedings.* The Commission shall maintain a complete and accurate
600 record of all proceedings relating to the issuance, denial, temporary suspension, suspension, or
601 revocation of the license of any individual.

602 21.10-11. *Appeals.*

- 603 (a) Right to Appeal. Any person aggrieved by a final decision of the Commission to
604 grant a license, to deny a license, or to suspend or revoke a license, may appeal the
605 decision to the Oneida Appeals Commission.
- 606 (b) Proceedings before the Appeals Commission shall be governed in all respects by
607 the adopted Rules of Appellate Procedure of the Oneida Appeals Commission
608 and by the Oneida Administrative Procedures Act.
- 609 (c) In the event that an individual's employment is terminated due to the denial,
610 suspension, or revocation of a Gaming Employee License, the individual may
611 appeal the termination pursuant to applicable Oneida personnel/labor policies and
612 procedures.

613 21.11 Gaming Facility License

614 21.11-1. The construction and maintenance of any Gaming Facility, and the operation of gaming
615 activities, shall be conducted in a manner which adequately protects the environment and the
616 public health and safety, and shall comply with requirements of the Gaming Compact and all
617 other applicable health, safety, and environmental standards.

618 21.11-2. The Oneida Business Committee is responsible for licensing all Gaming Facilities
619 located on Tribal land after receiving information regarding the following:

- 620 (a) The Gaming Facility meets all applicable Federal and Tribal health and safety
621 standards.
 - 622 (1) To show compliance with applicable health and safety standards, Senior
623 Gaming Management shall submit certified copies of compliance
624 certificates issued by the agencies responsible for the enforcement of the
625 health and safety standards.
 - 626 (2) If health and safety standards are not met, proof must be submitted by
627 Senior Gaming Management that the Gaming Facility is in the process of
628 improvements which will place the Gaming Facility in compliance with
629 the applicable standards.
- 630 (b) The Gaming Facility meets applicable Federal and Tribal environmental standards.
 - 631 (1) To show compliance with applicable environmental standards, Senior
632 Gaming Management shall submit certified copies of an environmental
633 assessment of the Gaming Facility which were prepared by the agency
634 responsible for the enforcement of applicable environmental standards.
 - 635 (2) If the applicable environmental standards are not met, proof must be
636 submitted by Senior Gaming Management that remediation of the Gaming

Facility is being actively sought which will place the Gaming Facility in compliance with the applicable standards.

21.11-3. The Oneida Business Committee shall submit to the National Indian Gaming Commission a copy of each Gaming Facility license.

21.11-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida Business Committee that a Gaming Facility will be closed by a governmental agency with proper authority due to environmental, health or safety concerns, the Oneida Business Committee shall suspend the license of the Gaming Facility. The Oneida Business Committee shall re-license the Gaming Facility after receiving the information required under 21.11-2.

21.12 Gaming Operator License

21.12-1. *Consent to Jurisdiction.* The application for license and the conduct of gaming within the jurisdiction of the Tribe shall be considered consent to the jurisdiction of the Tribe in all matters arising from the conduct of gaming, and all matters arising under any of the provisions of this Ordinance or other Tribal laws.

21.12-2. *License Required.* No individual or entity shall operate Class II or Class III gaming within the jurisdiction of the Tribe unless licensed by the Commission.

21.12-3. *Types of Licenses.* The Commission may issue each of the following types of gaming licenses:

- (a) Tribally-Owned or Tribally-Operated Class II. This license shall be required of all Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II gaming activities.
- (b) Tribally-Owned or Tribally-Operated Class III. This license shall be required for all Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III gaming activities.

21.12-4. *Threshold Operator Criteria.* The Commission shall issue a Gaming Operator License to any Class II or Class III Gaming Operation as defined under 21.4-15 if:

- (a) The Gaming Operation is to be located on Tribal Land, or if within the territorial jurisdiction of this Ordinance, land taken into trust after October 17, 1988, for gaming purposes or as a settlement of a land claim; and
- (b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or Class III gaming as defined by this Ordinance and IGRA; and
- (c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business Committee.

21.12-5. *Provisions of General Applicability to All Operators.*

- (a) Operator License Required. Each Class II or Class III gaming activity within the jurisdiction of the Tribe shall be conducted only by an individual or entity who possesses a valid Operator License issued under this section.
- (b) Site and Operator Specified. Each Tribal gaming license shall be applicable only to one Gaming Operation and the Operator named on the license.
- (c) License Not Assignable. No Operator License shall be sold, lent, assigned or otherwise transferred.

- 678 (d) Regulations Posted or Available. Each Operator shall have a copy of this
679 Ordinance and any regulations promulgated thereunder available for inspection by
680 any person at each Gaming Facility.
681 (e) Display of Gaming License. Each Operator shall prominently display a current
682 valid Operator License at each Gaming Facility.

683 21.12-6. *Grandfathered Gaming Facilities.* All Gaming Operations operating on the effective
684 date of this Ordinance are hereby granted a license under this section.

685 21.12-7. *License Application Fees and License Taxes.* No application fees or license taxes shall
686 be required by the Tribe for an Operator License.

687 21.12-8. *Closure of a Tribally Licensed Gaming Activity.* If the Commission finds that any
688 Gaming Operation is operating in violation of this Ordinance, or otherwise presents a threat to
689 the public, the Commission shall immediately notify the Oneida Business Committee. The
690 Oneida Business Committee may close any Gaming Operation temporarily or permanently at any
691 time with or without cause, at its sole discretion.

692 21.13 Games

693 21.13-1. Class II and Class III games are hereby authorized by this Ordinance.

694 21.13-2. *Gaming Procedures.* Games operated under this Ordinance shall be consistent with the
695 Compact and any amendments thereto and the Internal Control Standards and Rules of Play of
696 the Gaming Operation.

697 21.13-3. *Who May Not Play.* It is the policy of the Tribe that particular Tribal employees,
698 gaming personnel, governmental officials and independent contractors may not participate in
699 gaming activities conducted at Oneida Gaming Facilities. At a minimum, members of the
700 Oneida Business Committee, the Commission, the Gaming General Manager, Assistant Gaming
701 General Managers, Directors of individual games and Assistant Directors of individual games
702 may not participate in any gaming activity on Tribal Land. Senior Gaming Management shall
703 develop and maintain a standard operating procedure that identifies other positions and any
704 applicable restrictions on gaming activity conducted at Oneida Gaming Facilities on file with the
705 Commission.
706

707 21.14 Allocation of Gaming Funds

708 21.14-1. Net gaming revenues may only be used for the following purposes:

- 709 (a) To fund Tribal government operations, programs, or services.
710 (b) To provide for the general welfare of the Oneida Tribe and its members.
711 (c) To promote Tribal economic development.
712 (d) To contribute to charitable organizations.
713 (e) To assist in funding operations of other local governments.
714 (f) To fund programs designed to provide education, referrals, and treatment of
715 gaming addiction disorders.
716 (g) Any other purpose as determined by the Oneida General Tribal Council or the
717 Oneida Business Committee which is not inconsistent with the Constitution of the
718 Oneida Tribe of Indians of Wisconsin and IGRA.
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721 **21.15 Audits**

722 21.15-1. *Annual Audit.* An annual audit of each Gaming Operation shall be conducted by an
723 independent, certified public accounting firm according to generally accepted accounting
724 principles. Copies of the annual audit will be provided to the Oneida Business Committee, the
725 Oneida Audit Committee, the Commission, and the National Indian Gaming Commission by said
726 certified public accounting firm.

727 (a) All contracts for supplies, services, or concessions for the Gaming Operations in
728 excess of twenty-five thousand dollars (\$25,000) are subject to audit as prescribed in this
729 section. Contracts for legal services and accounting services are exempt from this
730 requirement.

731 21.15-2. *Other Audits.* All audits, other than the annual audit under 21.15-1, shall be conducted
732 pursuant to the Oneida Audit Law or any other applicable law of the Oneida Tribe, and other
733 audits authorized under the Compact.

734 21.15-3. *Request for Audits.* Any audit, except the annual audit which is mandated by IGRA,
735 may be authorized at any time by the Oneida General Tribal Council, the Oneida Business
736 Committee or the Oneida Audit Committee.

737
738 **21.16 Enforcement and Penalties**

739 21.16-1. No individual or entity may own or operate a Class II or Class III Gaming Facility
740 unless specifically authorized to do so pursuant to this Ordinance.

741 21.16-2. *Violations/Prosecutions.* Violators of this Ordinance may be subject to disciplinary
742 action and civil and/or criminal prosecutions.

743 21.16-3. *Remedies:* The Oneida Business Committee may authorize commencement of an
744 action in any court of competent jurisdiction to recover losses, restitution, and forfeitures
745 resulting from violations of this Ordinance.

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