

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

JAN 23 1998

Honorable Corbin Shuckahosee  
Chairman, Sac & Fox Nation of Missouri  
RR, 1 Box 60  
Reserve, Kansas 66434

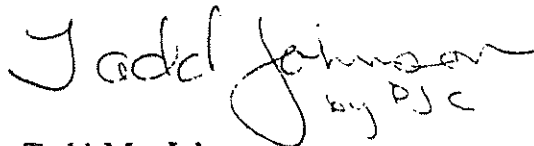
Dear Chairman Shuckahosee:

This letter responds to your request to review and approve the amendment to the Sac and Fox Nation of Missouri's (Nation) Gaming Regulations submitted on October 22, 1997. The amendment to the Regulations was adopted by the Nation by Resolution No. R-38-97 on October 3, 1997. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the permanent Gaming Regulations of the Sac and Fox Nation of Missouri. The NIGC staff and I continue to look forward in working with you and the Nation in implementing the IGRA.

Sincerely yours,

A handwritten signature in cursive script that reads "Tadd M. Johnson". Below the signature, the initials "by PJC" are written in a smaller, less legible script.

Tadd M. Johnson  
Chairman



# Sac & Fox Nation of Missouri

RR 1 Box 60 Reserve, KS 66434

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OCT 28 1997

## R - 38 - 97

WHEREAS: the Sac & Fox Nation of Missouri is duly organized in accordance with the Reorganization Act of June 18, 1934 ( 48 Stat. 984 ) and has a Constitution as approved by the Secretary of the Interior on March 2, 1937, amended and approved November 22, 1982, with a new Tribal Constitution amended and approved by the Secretary of the Interior on July 20, 1990, pursuant to the above statute, and

WHEREAS: the Sac & Fox Nation of Missouri Tribal Council has been given full authority by the Nation to act in all matters of business for the Nation, and

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

WHEREAS: the United States Congress enacted Public Law 199-497, the Indian Gaming Regulatory Act, and

WHEREAS: the Sac & Fox Nation desires to operate a gaming enterprise on Tribal lands, and

WHEREAS: the Sac & Fox Nation and the State of Kansas have negotiated a Class III Gaming Compact, approved by the Kansas Legislature, executed by the Governor and the Chairman of the Nation, and approved and published by the Secretary of the Interior, and

WHEREAS: the Sac & Fox Nation is its own Developer and Manager of its Gaming Casino, and

WHEREAS: the Sac & Fox Nation has an approved Gaming Ordinance and interim Gaming Regulations, and

WHEREAS: given that the Sac & Fox Casino and Gaming Commission have been operational throughout 1997, it is now appropriate to adopt permanent gaming regulations, and

WHEREAS: permanent Regulations have been submitted by the Nation's General Counsel, after consultation with the Gaming Commission and Casino, to the Tribal Council, and

WHEREAS: the Council has reviewed said permanent Regulations.

NOW, THEREFORE, BE IT RESOLVED: that, the permanent Gaming Regulation are approved and adopted to take effect immediately and replace the Interim Regulations;

NOW, BE IT FURTHER RESOLVED: that the Sac and Fox Gaming Commission provide a copy of said Regulations to the State Gaming Agency.

#### CERTIFICATION

The foregoing resolution was adopted subject to any technical modifications at a meeting of the Sac & Fox Nation Tribal Council held on this 5 day of October, 1997, at which 4 members of the Tribal Council were present, constituting a quorum, by a vote of 3 for, 0 against, 1 abstaining.



Diana Robidoux-Weeks  
Secretary  
Sac & Fox Nation of Missouri



Corbin Shuckahosee  
Chairman  
Sac & Fox Nation of Missouri

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

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## I. PREAMBLE

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

(B) Role of the Tribal Council The tribal gaming operation, hereinafter also referred to as the Sac & Fox Casino, is wholly owned by the Sac and Fox Nation. As the duly elected representatives of the Sac and Fox Nation, the Tribal Council serves as the "Board of Directors" for the Sac & Fox Casino and has ultimate responsibility for the management, business decision-making, planning, day-to-day operations, personnel and human resources of the gaming operation, which it may, in its judgment, delegate in whole or in part to the management of the Sac & Fox Casino. The Tribal Council also has responsibility for the regulation of the Sac & Fox Casino except to the extent that it has delegated such regulatory authority to the Tribal Gaming Commission through the Tribal Gaming Ordinance and related regulations. It is the intent of the Tribal Council, subject to the right to make amendments to the Tribal Gaming Ordinance and related regulations, that the Tribal Gaming Commission operate independently with respect to the regulatory, licensing, background investigation and other activities specifically described in the Tribal Gaming Ordinance and related regulations.

(C) Role of the Tribal Gaming Commission

(1) General Role Pursuant to the Tribal Gaming Ordinance, the Tribal Council has created the Tribal Gaming Commission and delegated to it certain responsibilities for the regulation of the Sac & Fox Casino. The Tribal Gaming Commission has no role in the management, business decision-making, planning, day-to-day operations, personnel and human resources of the Sac & Fox Casino. The Tribal Gaming Commission's responsibilities are strictly limited to regulation of the Sac & Fox Casino operation and any powers delegated to the Tribal Gaming Commission by the Tribal Council for regulatory purposes shall not be used for non-regulatory purposes. In carrying out its responsibilities under the Tribal Gaming Ordinance and these gaming regulations, the Tribal Gaming Commission is ultimately accountable to the Tribal Council and the General Council of the Sac and Fox Nation. The Tribal Gaming Commission is an agency of the Sac and Fox Nation and is not an agency of the State of Kansas. In carrying out its functions, it is bound by the laws and regulations of the Sac and Fox Nation, the Tribal-State Compact, applicable Federal law, and Kansas law to the extent adopted by the Sac and Fox Nation. Only the Sac and Fox Nation, operating through its Tribal Council, has

authority to raise and resolve disputes with the United States or the State of Kansas. In the event of any such dispute, the Tribal Gaming Commission is obligated and shall advocate and enforce the position of the Sac and Fox Nation as declared by the Tribal Council or the General Council.

(2) Standard of Review Pursuant to these regulations, the Tribal Gaming Commission is authorized to grant, deny, suspend or revoke gaming licenses. This extraordinary power is to be used judiciously, in the best interests of the Sac and Fox Nation, and with respect for the rights of the individuals or entities involved, providing due process, including notice, a hearing, and the right to be represented by legal counsel, in accordance with the provisions of the Tribal Gaming Ordinance, these regulations and the Tribal-State Compact. The Tribal Gaming Commission is only required to deny a license if the applicant is unable to meet the requirements of Section V(G) of these regulations or if the applicant violates Section 21 of the Tribal-State Compact. The Tribal Gaming Commission is only required to suspend or revoke a license if the applicant violates Section V(D) of these gaming regulations or Section 22 of the Tribal-State Compact which by reference includes violations of the Tribal Gaming Ordinance. All other violations, including violations of these gaming regulations and violations of the Tribal-State Compact appendices do not require denial, suspension or revocation of a license and the Tribal Gaming Commission, without prejudice to its authority to impose such a sanction, should investigate such violations to determine whether a lesser punishment is more appropriate and just.

(3) Conflict of Interest In carrying out his or her duties, a Tribal Gaming Commissioner shall not make or participate in making decisions which involve balancing a substantial personal or financial interest, other than interests held in common by all members of the Sac and Fox Nation, against the best interest of the Nation. It shall be deemed a conflict of interest for a Tribal Gaming Commissioner to make or participate in making a decision which involves an immediate family member or any person living within the Tribal Gaming Commissioners's household. An immediate family member is a spouse, father, mother, brother, sister, son, daughter, or grandchild. In the event of a conflict of interest, as defined in this section, or even the appearance of a conflict of interest, the Tribal Gaming Commissioner shall recuse him or herself from making or participating in making the affected decision. Failure to recuse him or herself shall be grounds for suspension or removal from the Tribal Gaming Commission by the Tribal Council in accordance with Section IX.B of the Tribal Gaming Ordinance.

## II. DEFINITIONS

To the extent not already defined herein, all definitions contained in the Indian Gaming Regulatory Act (IGRA), Tribal Gaming Ordinance, and the Tribal-State Compact are incorporated by reference into these regulations.

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

(B) "Game" or "Gaming Activity" means any activity, operation or game of chance in which any valuable consideration may be wagered upon the outcome determined by chance, skill, and in which any valuable prize is awarded to the player so wagering, and any activity in furtherance thereof, including owning, financing, managing, participating in, conducting or assisting in any way in any such activity which it is being conducted, directly or indirectly, whether at the site in person or off tribal land, but not including (1) social games played solely for prizes of minimal value; or (b) traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

(C) "Gaming Employee" means any natural person 18 years or older employed in the operation or management of each gaming activity or operation, whether employed by or contracted to the Tribe or by any person or enterprise providing on or off-site services to the Tribe within or without the gaming facility regarding any gaming activity or operation, including, but not limited to, gaming operation managers and assistant managers; accounting personnel; surveillance personnel; cashier supervisors; dealers or croupiers; box men; floor men; pit bosses; shift bosses; cage personnel; collection personnel; gaming consultants, management companies and their principals; and any other natural person whose employment duties require or authorize access to restricted areas of each gaming activity or operation not otherwise opened to the public.

(D) "Gaming Facility" means any building, room or rooms in which Class II or Class III gaming is conducted.

(E) "Gaming Operation" means any enterprise owned by the Tribe on its Indian lands located within the boundaries of Kansas for the conduct of Class II or Class III gaming in a gaming facility.

(F) "Key Employee" shall have the same meaning as provided for in the Tribal Gaming Ordinance and includes any employee who is directly or indirectly engaged in the administration or supervision of the gaming operations or physical security activities of such gaming operations. The following classes of employees are presumed to be actively and directly engaged in the administration or supervision of gaming:



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

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

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

(4) All individuals who have custodial responsibility for cash or gaming supplies;

(5) All count room supervisors and personnel;

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

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

(8) Any other individual the Tribal Gaming Commission specifically determines is important or necessary to the operation of the gaming establishment.

(9) Any individual who serves as construction manager for gaming facilities or the gaming operation.

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

(G) "License" means a written approval of the Tribal Gaming Commission authorizing a specific individual to engage in certain gaming or gaming-related activities.

(H) "Manufacturer-Distributor" means any individual, sole proprietorship, partnership or corporation which assembles, produces, makes, prints, or supplies Class II or Class III gaming equipment or supplies for sale, lease, use or distribution to the Tribe or a licensed gaming operation for a Class II or Class III gaming activity.

(I) "Management Contractor" means any individual, sole proprietorship, partnership, corporation or other entity which

manages any Class II or Class III gaming activity or operation on behalf of the Tribe pursuant to a management contract approved by the Chairman of the National Indian Gaming Commission.\_

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

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

(L) "Non-Gaming Employees" means employees of the gaming facility who are not gaming employees but who are employed in ancillary facilities located within the same building as the gaming facility.

(M) "Category III License" means a written approval of the Tribal Gaming Commission authorizing non-gaming employees to engage in certain activities in ancillary facilities located within the same building as the gaming facility.

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

(O) "Primary Management Official" means (i) with respect to any management contractor, the person having management responsibility for a management contract; (ii) any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or (iii) the chief financial officer or other person who has financial management responsibility.

(P) "Principal" means with respect to any management contractor: (i) each of its officers and directors; (ii) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager; (iii) each of its owners or partners, if it is an unincorporated business; (iv) each of its shareholders who owns more than five percent of the shares of the corporation, if a corporation; and (v) each person other than a banking institution who has provided financing for the enterprise constituting more than ten percent of the total financing of the enterprise.

(Q) "Standard Gaming Employee" means any natural person employed in the operation or management of each gaming activity or operation as a gaming employee who is not a primary management official or key employee.

(R) "Tribe" means the Sac and Fox Nation of Missouri.

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

(T) "Tribal Gaming Commission" means the Tribal Gaming Commission established by the Tribal Council in accordance with the Tribal Gaming Ordinance.

### III. TRIBAL GAMING COMMISSION ADMINISTRATION

(A) Staff; Personnel Policies. Subject to the approval of the Tribal Council and the appropriation of funds therefore, the Tribal Gaming Commission may hire, supervise, and discipline such personnel, including Tribal Gaming Inspectors, as the Tribal Gaming Commission may deem necessary to implement the Sac and Fox Gaming Ordinance and related regulations in an efficient and effective manner. The personnel policies of the Sac and Fox Nation of Missouri shall apply to all Tribal Gaming Commission employees unless alternative policies are adopted and approved by the Tribal Council.

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

(C) Budgets. The Tribal Gaming Commission shall each year prepare and submit to the Tribal Council for its review and approval annual operating and capital expenditure budgets.

(D) Decision-making. Decisions of the Tribal Gaming Commission shall be made by majority vote of the Commissioners at a duly called meeting with a quorum of two Commissioners present.

### IV. REGULATORY ENFORCEMENT

(A) Tribal Gaming Commission Delegated Powers and Responsibilities. The Tribal Gaming Commission is delegated Tribal Council powers to: monitor compliance with the Tribal Gaming Ordinance, Tribal-State Compact, and related regulations and to investigate and act to prevent any violations thereof; conduct or oversee necessary personal background and criminal history investigations of license applicants; approve and deny applications for gaming licenses; issue gaming licenses; restrict, suspend, or revoke licenses or impose penalties or other sanctions established by these regulations against the holder of a license; conduct hearings to consider an applicant's appeal of a Tribal Gaming Commission decision to deny, restrict, suspend or revoke any license, or application or to consider a license applicant's

request for a waiver of license standards; impose any lawful sanctions or penalties; and perform other Tribal Council duties as the Tribal Council may decide. The Tribal Gaming Commission is not delegated Tribal Council authority to contract with the State of Kansas or any other third party, without the prior approval of the Tribal Council, for the performance of background and criminal history investigations.

(B) Compact Requirements. Pursuant to the Tribal-State Compact, the Tribal Gaming-Commission shall:

(1) advise the State of any intent to revise the standards set forth in Appendix A of the Compact and the Gaming Rules set forth in Appendix B of the Compact and shall request the concurrence of the State Gaming Agency of such revisions;

(2) establish a list of persons barred from the gaming facility and shall exclude persons engaging in disorderly conduct or other conduct jeopardizing public safety in the gaming facility;

(3) receive consumer complaints within the gaming facility and shall assist in seeking voluntary resolution of such complaints;

(4) require the audit of the gaming activities of the Tribe not less than annually, by an independent certified public accountant, in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants, and the provisions of section 23 of the Tribal-State Compact;

(5) employ tribal gaming inspectors who shall be required to obtain a key employee's gaming license;

(6) have at least one tribal gaming inspector in the gaming facility during all hours of gaming operation, who shall have unfettered access to any and all areas of each gaming activity or operation for the purpose of ensuring compliance with the Tribal Gaming Ordinance, the gaming regulations and the Compact. The tribal gaming inspector shall report immediately all violations of the Compact or applicable laws and regulations to the Tribal Gaming Commission, which shall forward such report to the State Gaming Agency within 72 hours after such violation is discovered;

(7) investigate any reported violation of the Tribal Gaming Ordinance, Tribal-State Compact and regulations promulgated thereto and shall require that any such violation be corrected upon such terms and conditions as the Tribal Gaming Commission determines to be necessary. The Tribal Gaming Commission shall report any suspected violation of the Compact and applicable law to the State Gaming Agency. After the Tribal Gaming Commission has completed its investigation and imposed any fine or other sanction for a violation, the completed investigation report and such disposition

shall be forwarded to the State Gaming Agency immediately.

(C) Security and Surveillance Policy-making Responsibilities; Written Policies Required. The Tribal Gaming Commission shall supervise and establish written policies and procedures for the gaming operation's security and surveillance force. When convened to discuss security and surveillance policies and procedures, the Tribal Gaming Commission membership shall also include the chief executive officer of the gaming operation or his or her designee serving ex officio. Under no circumstances shall the chief executive officer, either directly or indirectly, participate in or influence any decision of the Tribal Gaming Commission concerning a gaming license.

(D) Provision of Security, Surveillance, and Enforcement Services. Physical security and surveillance services for gaming facilities owned by the Sac and Fox Nation of Missouri shall be developed and provided by the Sac & Fox Casino, subject to review and approval by the Tribal Gaming Commission.

## V. LICENSES

### (A) Policy; Revocable Privilege.

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

(2) The following entities shall require a valid gaming license :

- (a) Gaming Facility;
- (b) Management Contractor;
- (c) Primary Management Official;
- (d) Key Employee;
- (e) Standard Gaming Employee;
- (f) Non-Gaming Employees (Category III licenses only required); and
- (g) Manufacturer-Distributor (with contracts with the Tribe in the amount of \$10,000 or more during any one calendar year).

(3) An application for a Sac and Fox tribal gaming license is seeking the granting of a privilege, and the burden of proving his/her qualification to receive any license is at all times on the

applicant. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which may result from action with respect to an application and expressly waive any claim for damages as a result thereof.

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

(5) To protect the public good, the Tribal Gaming Commission shall err on the side of caution when considering any license application.

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

(7) These regulations do not apply to (i) social games played solely for prizes of minimal value; or (ii) traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

(B) License Categories.

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

(2) Management Contractor License. No individual, sole proprietorship, partnership, corporation, or other entity other than the Sac and Fox Nation of Missouri may enter into a valid management contract unless s/he first obtains and maintains in good standing a valid management contractor license issued in accordance with these regulations. Licensing and background investigations shall be conducted on the management contractor, its primary management officials, and its principals.

(3) Primary Management Official License. No person shall be employed by or serve as a primary management official in a gaming operation unless such person first obtains and maintains in good standing a valid primary management official license issued in accordance with these regulations.

(4) Key Employee License. No person shall be employed as a key employee by a gaming operation or by the Tribal Gaming Commission unless such person first obtains and maintains in good standing a valid key employee license issued in accordance with

these regulations. Tribal gaming inspectors are required to obtain a key employee license.

(5) Standard Gaming Employee License. No person shall be employed as a standard gaming employee in a gaming operation unless such person shall first obtain and maintain in good standing a valid standard gaming employee license issued in accordance with these regulations.

(6) Non-gaming Employee Work Licenses. No person shall be employed as a non-gaming employee unless such person shall first obtain and maintain in good standing a valid Category III license issued in accordance with these regulations.

(7) Manufacturer-distributor License. No manufacturer-distributor shall enter into any contract or other agreement with a gaming operation in the amount of \$10,000 or more during any one calendar year unless such manufacturer-distributor first obtains and maintains in good standing a valid manufacturer-distributor license issued in accordance with these regulations.

(8) Duplication. Any person possessing a valid primary management official license need not obtain a key employee, manufacturer-distributor, or Category III license.

(C) License Application Procedures.

(1) General Requirements. Applicants for a gaming license must complete the appropriate application form and submit the form, all necessary additional documents, and the application fee, as may be required, to the Tribal Gaming Commission. The application will not be regarded as complete until the Tribal Gaming Commission receives all requested information from the applicant and application and additional investigation fees, if any.

(2) Application Forms; Contents; Amendments.

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

(b) It is grounds for denial of an application, revocation of license, termination of employment, or disciplinary action for any person to make any untrue statement of material fact in any application or report filed with the Tribal Gaming Commission or to willfully omit any material fact in such application or report.

(c) All information required to be included in an application must be true and complete as of the date of the Tribal Gaming

Commission action sought by such application. An applicant shall promptly supply any factual information occurring after the original application. Failure by an applicant to promptly update his or her application to include all material facts shall be deemed by the Tribal Gaming Commission as a willful omission of information.

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

- (i) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);
- (ii) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (iii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under subsection (2) of this section;
- (iv) Current business and residence telephone numbers;
- (v) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (vii) The name and address of any licensing or regulatory agency with which the person has filed an application for a license related to gaming, whether or not such license was granted;
- (viii) For each felony for which there is ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;



- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (x) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge was within 10 years of the date of the application and is not otherwise listed pursuant to subsection (8) or (9) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;
  - (xi) The name and address of any licensing or regulatory agency with which the person has filed an application for a business or occupational license, whether or not such license was granted;
  - (xii) Two (2) current photographs;
  - (xiii) The applicant's commitment to provide and the provision of any other information the Tribe, Tribal Gaming Commission, National Indian Gaming Commission or, whenever applicable, the State, deems relevant;
  - (xiv) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2 (h);
  - (xv) All requested financial information consistent with IGRA requirements.
- (e) Every application for a facility license shall include, at minimum, the following information:
- (i) The name, address, and telephone number of the gaming operation;
  - (ii) The name, address, and telephone number of the gaming operation's chief executive officer or senior manager;
  - (iii) The name, address, and telephone number of the management company, if any, and the name, address, social security number, birth date, and percentage interest in the management

company of each person possessing a financial interest in the management company;

- (iv) An operating plan detailing all information required in section VI(K) of these regulations, including the annual budget;
- (v) A list of all primary management official and key employee names, including the position and annual salary of each individual listed;—
- (vi) The complete current or proposed house rules of the gaming operation; and
- (vii) The current plan for the protection of public safety as well as for the physical security of patrons at the gaming facility as provided for by Section 10(D) of the Compact.

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

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

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

(3) Fingerprints. An application for any license shall not be complete until the applicant furnishes to the Tribal Gaming Commission his or her fingerprints in duplicate on fingerprint impression cards, in accordance with procedures established by the Tribal Gaming Commission.

(4) Photographs. Each applicant for a license shall be required to submit two identical photographs with their application. The photographs must be satisfactory to the Tribal Gaming Commission and must have been taken not more than 3 months before the application is filed.

(5) Application and Investigation Fees.

(a) Unless provided for otherwise by action of the Tribal Council, each application for a license, or

renewal thereof, must be accompanied by a non-refundable application fee in amounts to be established by the Tribal Gaming Commission, with the approval of the Tribal Council. To the extent that such fees are collected to pay for the State background investigation, the Tribal Gaming Commission shall forward those fees, along with the completed application to the State Gaming Agency.

(b) In addition to any non-refundable application fees paid, the Tribal Gaming Commission may require an applicant to pay such supplementary investigative fees and costs as may be determined necessary by the Tribal Gaming Commission. The Tribal Gaming Commission may estimate the supplementary investigative fees and costs and require the applicant to pay the estimated fees and costs in advance as a condition precedent to beginning or continuing an investigation.

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

(d) The Tribe may enter into an agreement with the Tribal Gaming Commission to guarantee an applicant's payment of all or any part of the required application and investigation fees. The agreement must state that the Tribe will pay on the applicant's behalf any payments not timely made by the applicant regardless of whether or not the applicant continues to be employed by the gaming operation. The Tribal Gaming Commission may take preliminary or final action on an application before the required application and investigation fees are received only if payment of the fees is guaranteed by an agreement with the Tribe.

(D) Background Investigations.

(1) Within 14 calendar days after receipt of a complete application and such supplemental information as the Tribal Gaming Commission may require, except as provided for under the Tribal-State Compact and Section V(D)(4), below, the Tribal Gaming Commission shall begin its investigation of the applicant's background to determine if the applicant meets the minimum license standards. The Tribal Gaming Commission shall investigate the criminal history of each applicant for a license and the personal background and character of each applicant for a license. At its own discretion the Tribal Gaming Commission may also investigate the personal background and character of any applicant for a Category III license. The Tribal Gaming Commission shall perform,

at a minimum, a background investigation which meets the standards set forth in Appendix C of the Tribal-State Compact.

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

(b) Applicant for Any Gaming License - Additional Requirements. In addition to other investigations, the Tribal Gaming Commission shall submit the fingerprints of each license applicant to a responsible agency of the state or federal government and request a Federal Bureau of Investigation report of the applicant's criminal history. If the applicant lived outside the United States for more than six months during the preceding ten years the Tribal Gaming Commission shall also submit the applicant's vital information to INTERPOL and request an international criminal history report for the applicant.

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

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

(4) As provided for in the Tribal-State Compact, the Class III background investigation for primary management officials, key employees, standard gaming employees, management contractors and manufacturers/distributors shall be performed by the State and shall be presumed adequate for the purposes of these regulations unless the Tribal Gaming Commission determines that further investigation is warranted. The Tribal Gaming Commission is responsible for the investigation of misconduct of non-gaming employees and for the background investigations of Class II manufacturers-distributors, primary management officials, key employees, and standard gaming employees. Upon approval of the Tribal Council, the Tribal Gaming Commission may contract with

private, state, and/or federal investigation agencies to perform the required background and/or criminal history investigations.

(5) The background investigation is not identical to a criminal investigation. There is no assumption when undertaking a background investigation that a criminal or illegal act may have been committed by someone. Because the background investigation will provide the Tribal Gaming Commission with confidential and sensitive information about applicants, great care should be taken to protect that information from any inappropriate use.

(E) Applications Review. Within 14 calendar days following completion of the background investigation the Tribal Gaming Commission shall review each application and all background investigation and criminal history reports to determine if the applicant meets the standards for issuance of the requested license.

(F) Standards for Issuance of License. No license shall be granted unless and until the applicant has satisfied the Tribal Gaming Commission that the applicant:

- (1) Is a person of good character, honesty, and integrity;
- (2) Is a person whose background, reputation, and associations will not result in adverse publicity for the Sac and Fox Nation of Missouri;
- (3) Meets the eligibility standard set forth in Section VII.D. of the Tribal Gaming Ordinance; and
- (4) Would not be denied a license for cause in accordance with Section V.G, below, or Section 21 of the Tribal-State Compact.

(G) Denial.

(1) Mandatory Denials. The Tribal Gaming Commission must deny an application for any class of license if, in the Tribal Gaming Commission's opinion, the applicant does not meet the standards required for issuance of the requested license. In addition, the Tribal Gaming Commission shall deny a license to any applicant whenever the applicant or any person with a five percent (5%) or more ownership interest therein:

- (a) Has withheld pertinent information or has made false statements on the gaming license applications;
- (b) Has attempted to bribe a Council member, Tribal Gaming Commission member or any other person in an attempt to avoid or circumvent tribal law or any other applicable law;

(c) Has offered something of value, or a loan, financing or other thing of value to a Tribal Gaming Commission member, a subordinate employee or any person participating in any gaming activity;

(d) Has knowingly promoted, played or participated in any gaming activity operated in violation of tribal law;

(e) Has been knowingly involved in the falsification of books or records which relate to a transaction connected with the operation of gaming activity;

(f) Has been convicted of, or has entered a plea of nolo contendere to, any crime involving gaming or embezzlement;

(g) Has been determined by the Tribal Gaming Commission, the National Indian Gaming Commission or the State Gaming Agency to have present or prior activities, criminal record, if any, or reputation, habits and associations which pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices in the conduct of gaming, provided, that any conviction more than five years before the commencement of employment by the Tribe shall not be considered under this Subsection.

(h) Has denied the Tribe or the State access to any place at which gaming required to be licensed under the Tribal-State Compact is being conducted or who has failed to produce for inspection or audit any book, record, document, or other item required by the Tribal Gaming Ordinance, Tribal-State Compact or any regulations promulgated pursuant to either;

(i) Has failed to pay any tribal taxes and additions to taxes, including penalties and interest;

(j) Has been found guilty of any violation or attempt or conspiracy to violate any law, rule or regulation pertaining to gaming in any jurisdiction for which suspension or termination of employment or a license might be imposed in such jurisdiction; or

(k) Has been suspended from operating any gaming in another jurisdiction or who has had a license to conduct such gaming canceled, revoked, suspended or limited for any reason.

(2) Permissive Denials.

(a) Without limiting the Tribal Gaming Commission's discretion to deny any application, if, in the Tribal Gaming Commission's judgment, such a denial is in the interests of

the Sac and Fox Nation of Missouri or public, the Tribal Gaming Commission may deny an application if the applicant:

- (i) Committed, attempted, or conspired to commit any crime of moral turpitude, larceny, any felony or a gross misdemeanor involving theft, embezzlement, fraud, or violence;
- (ii) Was identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation; or
- (iii) Had a gaming license revoked by this Tribal Gaming Commission or the gaming commission or gaming regulatory body of any federally recognized Indian Tribe, State, or foreign country;
- (iv) Failed to exercise discretion and sound judgment to prevent incidents which might reflect on the reputation of the Sac and Fox Nation of Missouri;
- (v) Permitted persons who are visibly intoxicated to participate in gaming activity;
- (vi) Catered to, assisted, employed, or associated with, either socially or in business affairs, persons of notorious or unsavory reputation or who have extensive police records, or persons who have defied investigative or other bodies acting on behalf of the United States, or the Sac and Fox Nation of Missouri, or employing either directly or through a contract, or any other means, of any firm or individual in any capacity where the reputation of the Sac and Fox Nation of Missouri is liable to be damaged because of the unsuitability or unethical methods of the firm or individual;
- (vii) Employed in any gaming operation any person whom the Tribal Gaming Commission, any other gaming regulatory agency, or any court has found guilty of cheating or using any improper device in connection with any game, whether as a licensee, or player, except that the Tribal Gaming Commission may waive this restriction where the violation occurred in the context of a dispute between a tribe and a state over the scope of permitted games;

(b) In addition to the foregoing, the Tribal Gaming Commission, with the concurrence of the Tribal Council, may deem any activity on the part of a licensee, his agents, or employees that is in any way contrary to the public health,

safety, morals, good order, and general welfare of the Sac and Fox Nation of Missouri, or that would reflect or tend to reflect discredit on the Sac and Fox Nation of Missouri, as an unsuitable method of operation and cause for denial of a license .

(c) The Tribal Gaming Commission may deny an application at any time during the application process, including after granting preliminary approval to the application. To the extent not prohibited by State or Tribal law, the Tribal Gaming Commission shall promptly notify an applicant that his/her application was denied and shall specify the reasons for the denial, including a list of criminal conviction(s), date(s), and location(s), if any, that contributed to the Tribal Gaming Commission's decision to deny the application. If an application was denied as a result of information contained in the applicant's FBI identification record, the applicant shall also be advised of the procedures to change, correct, or update the record as set forth in Title 28 CFR, Section 16.34.

(H) Category III License Approval. If, in the Tribal Gaming Commission's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees are fully paid, the Tribal Gaming Commission may approve the application and issue the license.

(I) License Approvals. If, in the Tribal Gaming Commission's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees, if any, are fully paid, the Tribal Gaming Commission may grant its preliminary approval of the application. At its discretion, the Tribal Gaming Commission may also issue a temporary license. A temporary license shall not be valid for more than 60 days. Upon completion of the background investigation and the review process provided for in these regulations, the Tribal Gaming Commission may issue a regular license.

(J) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(1) When a key employee or primary management official begins work at a gaming operation authorized by the Tribal Gaming Ordinance and these regulations, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in accordance with these regulations.

(2) The Tribal Gaming Commission shall forward the report referred to in Section V (K) of these regulations to the National



Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this Title by the Chairman of the National Indian Gaming Commission.

(3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

(K) Report to the National Indian Gaming Commission

(1) The Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation of a primary management official and key employee. An investigative report shall include all of the following:

- (a) Steps taken in conducting a background investigation;
- (b) Results obtained;
- (c) Conclusions reached; and
- (d) The bases for those conclusions.

(2) The Tribal Gaming Commission shall submit, with the investigative report, a copy of the eligibility determination made under Section VII.D. of the Tribal Gaming Ordinance and Section V(F) of these regulations.

(3) If a license is not issued to an applicant, the Tribal Gaming Commission:

- (a) Shall notify the National Indian Gaming Commission; and
- (b) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

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

(L) Granting a Key Employee or Primary Management Official Gaming License

(1) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license

application filed by a key employee or a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission may issue a license to such applicant.

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

(3) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

(4) The Tribal Gaming Commission may issue a license, subject to the provisions of the Tribal Gaming Ordinance, Tribal-State Compact, and related regulations to all other eligible individuals and entities without submission to the National Indian Gaming Commission.

(5) If, after the issuance of a license, the National Indian Gaming Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under 25 CFR § 558.2, and the National Indian Gaming Commission so notifies the Tribal Gaming Commission, the Tribal Gaming Commission shall (1) suspend such license in accordance with this Title, (2) notify in writing the licensee of the suspension and the proposed revocation, and (3) commence license revocation procedures. The Tribal Gaming Commission shall notify the National Indian Gaming Commission of the Nation's decision whether to revoke or reinstate the license.

(6) If, after the issuance of a license, an event occurs that would have made the licensee ineligible for a license if such event had occurred prior to the issuance of the license, the Tribal Gaming Commission shall (1) suspend the license in accordance with this Title, (2) notify in writing the licensee of the suspension and the proposed revocation, and (3) commence license revocation procedures.

(M) License Limitations and Restrictions. No license shall be

valid unless signed by the Chairperson or designate of the Tribal Gaming Commission. The Tribal Gaming Commission may limit the term of the license or place such conditions thereon as it may deem necessary to protect the Sac and Fox Nation of Missouri or public interest.

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

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

(O) Appeals. Any applicant denied a license following a hearing by the Tribal Gaming Commission may appeal the Tribal Gaming Commission's decision. The appeal must be made in accordance with the hearing and appeal provisions of Section VI of these regulations.

(P) Waivers.

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

(2) The procedures for requesting and considering a waiver are the same as those for hearings before the Tribal Gaming Commission with the following additional requirements:

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

- (i) Any felony conviction involving crimes of violence, dishonesty, theft, or moral turpitude within the last five (5) years; or
- (ii) Any other felony conviction within the last two (2) years.

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

(Q) Expirations.

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

(2) A manufacturer-distributor license shall expire not later than one year from the date it was issued.

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

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

(R) Renewals. Subject to the power of the Tribal Gaming Commission to deny, revoke, suspend, or limit licenses, any gaming license in force may be renewed for the next succeeding period upon proper application for renewal and payment of applicable license and investigation fees as required by law and the regulations of the Tribe or the requirements of the Tribal Gaming Commission. The

Tribal Gaming Commission shall encourage license holders to apply for a license renewal at least 30 days prior to expiration of the current license, but the Tribal Gaming Commission may not accept a renewal application more than 120 days prior to expiration of the current license .

(S) Identification Badges.

(1) The Tribal Gaming Commission shall issue an identification badge to every person granted a license. The identification badge shall include the licensee's photograph, name, license, department and five digit identification number unique to the individual, name of the gaming operation by which they are employed or to which they provide services, expiration date of the license, Sac and Fox Nation of Missouri or Casino or Commission logo, and such other identifying marks deemed necessary by the Tribal Gaming Commission to readily identify legitimate badges from counterfeit badges. The Tribal Gaming Commission shall direct the preparation and issuance of identification badges pursuant to procedures established by the Tribal Gaming Commission. An identification badge may not be issued until after the applicant's application is approved and the license signed by the chairman or designee of the Tribal Gaming Commission. An identification badge may be issued to the holder of an approved temporary license.

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

(3) Every gaming employee shall at all times while on duty wear a identification license badge issued by the Commission. Undercover security personnel performing legitimate security or monitoring functions are not required to wear said badge.

(4) The licensee shall be required to surrender his/her photo identification badge when: the badge expires; when a new license is issued; when the licensee's association with the gaming operation ends, whether or not the termination is voluntary; or when the license is suspended or revoked.

(5) Any person who has lost, damaged or destroyed his/her photo identification badge must report the loss to the Tribal Gaming Commission as soon as possible, but in no case later than within 24 hours after the loss or discovery of the loss. Replacement of the first lost photo identification badge may be made for a fee of \$25. Subsequent lost photo identification badges may be replaced for a fee of \$50.

(6) Renewal of photo identification badges shall be made for a fee of twenty-five dollars (\$25.00).

(T) Employment of Unlicensed Persons Prohibited. A licensee shall not employ any person or enter into any contract or agreement for services with any person in a capacity for which that person is required to obtain a license if that person does not possess the proper and valid license as required by these regulations. The gaming operation shall immediately discharge any employee and cancel any contract or agreement upon notification by the Tribal Gaming Commission that the employee's or contractor's license has been revoked by the Tribal Gaming Commission or that the employee or contractor does not possess the required license.

(U) Facility License Requirements.

(1) License Fee. There shall be no fee for receiving a facility license.

(2) Operating Plan.

(a) Every facility licensee shall at all times maintain on file with the Tribal Gaming Commission a current operating plan, verified by the affidavit of the operation's chief executive officer, including, but not limited to: days and hours of operation; the maximum number and type of gaming tables or devices expected to be uncovered or in use at any time during the year; the number of gaming tables or devices expected to be in actual use during the first month of the report year; and the duly approved operating budget. The approved operating budget shall be submitted to the Tribal Gaming Commission within one week of its approval by the operation's manager but not later than two weeks prior to the beginning of the operation's new fiscal year.

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

(3) Primary Management Official/Key Employee Report.

(a) Each facility licensee shall submit an annual primary management official/key employee report to the Tribal Gaming Commission on a form to be furnished by the Tribal Gaming Commission.

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

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

— (4) Financial Reports.

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

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

(c) The Tribal Council or the Tribal Gaming Commission may, at its sole discretion, inspect or audit the financial records, management procedures, or other aspects of a licensed operation's activities. The Tribal Council or the Tribal Gaming Commission may employ independent auditors or investigators to perform such inspections or audits as the Tribal Council or Tribal Gaming Commission deems necessary.

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

## VI. PENALTIES

### (A) Suspensions.

(1) Emergency Suspensions. The chief executive officer or his/her subordinates may seize an individual's identification badge only, not license, and exclude that individual from the gaming establishment for up to 72 hours if, in the chief executive officer's judgment, the licensee's actions or commissions pose a threat to the integrity of the gaming operation, the safety of the general public, patrons, or other employees, or the image and reputation of the Sac and Fox Nation of Missouri. The chief executive officer shall immediately notify the Tribal Gaming Commission of the emergency suspension. At its discretion, the Tribal Gaming Commission may take formal suspension action against the individual.

### (2) Formal Suspensions.

(a) The Tribal Gaming Commission may issue an order suspending a license if the Tribal Gaming Commission has reasonable cause to believe that:

(i) the suspension is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare of the Sac and Fox Nation of Missouri; or

(ii) the licensee may have violated any condition or requirement imposed on the licensee by the Tribal Gaming Commission or applicable laws or regulations.

(b) The Tribal Gaming Commission shall suspend or revoke a license if it violates Section 22 of the Tribal-State Compact.

(c) The suspension order becomes effective when it is signed by the chairman of the Tribal Gaming Commission and served upon the holder of the license .

(d) The order suspending the license must state the reason for the suspension.

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

(f) By the end of the next business day following the effective suspension date of a license, the Tribal Gaming



Commission shall notify the chief executive officer of the gaming operation employing or contracting services of the suspended licensee of the Tribal Gaming Commission's action. The chief executive officer shall immediately suspend the employee or contract and shall not pay the employee or contractor any wages, benefits, or other compensation except for legitimate services actually rendered prior to the suspension. If the suspension involves the license of the chief executive officer or the facility, the Tribal Gaming Commission shall notify the Tribal Council.

(g) The Tribal Gaming Commission may suspend a license for any period of time up to one year in length.

(h) The Tribal Gaming Commission may reinstate a license only after the licensee resolves to the Tribal Gaming Commission's satisfaction the cause for making the suspension.

(B) Civil Penalties. The Tribal Gaming Commission may impose a civil penalty or penalties against any licensee reasonably determined by the Tribal Gaming Commission to have violated any of these regulations, whether or not the Tribal Gaming Commission has suspended the license. If the Tribal Gaming Commission deems a penalty is appropriate, it shall notify the licensee and the State Gaming Agency of the Tribal Gaming Commission's intent to impose the penalty and set a time and date to hear the licensee's rebuttal of the Tribal Gaming Commission's determination. The licensee shall be required to pay any penalty before the license may be reinstated.

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

(D) Revocations. In addition to any penalty the Tribal Gaming Commission may elect to impose against a licensee, the Tribal Gaming Commission may revoke a suspended gaming license if the Tribal Gaming Commission determines that the licensee:

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

The Tribal Gaming Commission shall suspend or revoke a license if it violates Section 22 of the Tribal-State Compact. Any person or other legal entity who has had a license revoked by the Tribal Gaming Commission shall not be eligible to apply for a new license for one year after the effective date of the revocation.

(E) Hearings.

(1) Any party subject to an action by the Tribal Gaming Commission imposing a penalty or denying, suspending or revoking a license:

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

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

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

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

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

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

(6) The Tribal Gaming Commission may amend its order at any time.

(F) Appeals.

(1) Appeals to the Tribal Council.

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

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

(c) The Tribal Council shall review the Tribal Gaming Commission's written decision and the Tribal Gaming Commission's hearing records and exhibits. The Tribal Council may reverse or modify the Tribal Gaming Commission's decision only if the Tribal Council determines that the decision was arbitrary or capricious or the Tribal Gaming Commission clearly erred in its interpretation or application of these regulations. At its discretion, the Tribal Council may or may not hold a hearing.

(d) The Tribal Council shall issue its determination in writing within ten calendar days following the date of its decision.

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

## VII. GAMING OPERATIONS

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

(B) Wagers with Chips Only. Except as may otherwise be permitted by house rules approved by the Tribal Gaming Commission, a wager may be accepted in any card game only when the wager is made with chips issued by the Sac & Fox Casino within which the wager is made.

(C) House Rules.

—(1) Filing. The Chief Executive Officer (CEO) of the Sac & Fox Casino shall develop and submit to the Tribal Gaming Commission detailed house rules governing all games offered or played in the facility. Any changes or amendments to the rules shall be immediately forwarded to the Tribal Gaming Commission with a written description of the effect of the change or amendment. All rules are subject to approval by the Tribal Gaming Commission and, to the extent required by the Compact, Section 7(B)(3), the State Gaming Agency.

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

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

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

(F) Gambling by Employees.

(1) No employee of the Sac & Fox Casino shall be permitted to participate as a player in any game operated and by the Sac & Fox Casino except as provided for herein.

(a) Casino Personnel required to have a Category 1 background investigation in accordance with Appendix C of the Compact, regardless of their license classification, shall not participate in any gambling within the gaming facility.

(b) Video gaming supervisors and technicians, Reconciliation or Mechanical Information Systems staff may gamble through the use of table games and other gaming equipment, except that they may not gamble through the use of video gaming equipment.

(c) Video gaming attendants and change personnel may gamble through the use of table games, video gaming devices and other gaming equipment.

(d) Table game and security employees may gamble through the use of video gaming and other gaming equipment, except that they may not gamble through the use of table games.

(e) All non-gaming employees may gamble through the use of table games, video gaming equipment and other gaming equipment.

(f) Notwithstanding the foregoing, an employee may only participate as a player in a game not banked by the Sac & Fox Casino as long as the employee is not assigned employment responsibilities which would conflict, or appear to conflict, with his/her participation as a player in that game.

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

(3) Under no circumstances may a Tribal Gaming Commissioner, tribal gaming inspector, or any employee of the Tribal Gaming Commission participate in any game.

(4) This section shall not be construed to allow minors or persons otherwise ineligible to participate in the games as a player from so participating.

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

(H) Employment Restriction. No person who is either an immediate family member or who resides in the household of a Tribal Gaming Commissioner or Tribal Council member shall be eligible for employment in the gaming operation. Upon the appointment of a Tribal Gaming Commissioner or election or appointment of a Tribal Council member, any person who is not eligible for employment

within the gaming operation because of this provision shall receive 30-days notice and then his or her employment shall be terminated.