POKAGON BAND OF POTAWATOMI INDIANS
GAMING REGULATORY ACT

Enacted February 7, 2007

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CHAPTER I
PURPOSE; PUBLIC POLICY; AUTHORIZED GAMING

Section 1.01 Short Title. This Act shall be known and may be cited as the "Pokagon Band Gaming Regulatory Act"

Section 1.02 Purpose and Authority. The Tribal Council of the Pokagon Band of Potawatomi Indians enacts this Act in order to regulate all forms of Gaming within the Tribe's Reservation. Under the authority granted by the Pokagon Band Constitution, the Tribal Council is the governing body of the Tribe and is vested with the sovereign powers of the Tribe not inconsistent with any provisions of the Constitution. Pursuant to the express grant of authority enumerated in Article IX, subsections 1 (a), (c), (d), (e) and (h) and subsections 2 (a), (e), (j), (k) and (l) of the Constitution and the inherent authority of the Tribe as a sovereign tribal nation to provide for the health, safety, and welfare of the Pokagon Band of Potawatomi Indians, the Tribal Council enacts this Pokagon Band Gaming Regulatory Act.

Section 1.03 Public Policy.

(a) The Tribal Council hereby finds, and declares it to be the public policy of the Tribe, that:
  (1) Proper regulation of Gaming is essential in order to ensure that Gaming is conducted honestly and free from unlawful conduct and corruptive elements.
  (2) Strict regulation of all Persons, locations, practices, associations, and activities related to the conduct of Gaming is required in order to maintain public confidence and trust in the honesty and integrity of Gaming.
  (3) The Licensing of Gaming Suppliers, Gaming Employees, Gaming Establishments, and other Persons within the Tribe's jurisdiction is necessary to preserve the integrity of Gaming, to protect the public, and preserve the general welfare of the Tribe.
  (4) The conduct of properly licensed and regulated Gaming by the Tribe fulfills important policy objectives of the Tribe and the federal government by promoting Tribal self-government and economic self-sufficiency.
  (5) The substantial and relatively stable source of revenue offered by Gaming enables the Tribe to fulfill its governmental responsibilities to the Tribal membership.

(b) All Gaming conducted within the Tribe's Reservation and that is otherwise authorized by law shall be regulated and licensed pursuant to the provisions of this Act.

(c) Participation in Class II and Class III gaming as a licensee under this Act shall be deemed a revocable privilege conditioned upon the proper and continued qualification of the individual licensee and upon the discharge of the affirmative responsibility of each licensee to provide the Commission with any assistance and

information necessary to assure that the policies declared by this Act are achieved.

Section 1.04 Adoption; Repealer. This Act is enacted by adoption of Tribal Council by Resolution No. 07-02-07-01, which also repeals the Pokagon Band Gaming Regulatory Act enacted by adoption of Tribal Council Resolution No. 03-05-10-1, as amended by Tribal Council Resolution No. 03-10-11-12 and approved by the NIGC on December 5, 2003 (hereinafter the "Gaming Regulatory Act of 2003") pursuant to the IGRA (25 U.S.C. § 2710.), provided that the repeal of the Gaming Regulatory Act of 2003 shall not have the effect of reviving any other Tribal law repealed by adoption of the Gaming Regulatory Act of 2003 or any amendments thereto. This Act and the repeal of the Gaming Regulatory Act of 2003 shall become effective upon the approval of this Act by the NIGC.

Section 1.05 Severability. If any provision of this Act or its application to any Person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without invalid provision or application. To this end, the provisions of this Act are severable.

Section 1.06 Unauthorized Gaming. All Gaming within the Reservation, whether Class I, Class II, or Class III, is prohibited and unlawful, except as expressly authorized by this Act. Any Indian person who commits any act of unauthorized Gaming on the Reservation shall be guilty of a criminal offense and may be prosecuted in accordance with subsection 13.03 (a). Any Person who commits an act of unauthorized Gaming on the Reservation or any other Tribal land shall also be subject to a civil fine and enforcement action, as provided in subsection 13.03 (b).

Section 1.07 Conduct of Games. All Gaming shall be conducted by Persons duly licensed by the Commission except for Class I Gaming to the extent the Commission determines such Persons do not require licensing. No Person licensed by the Commission shall engage in, conduct or condone any Gaming that is not conducted in accordance with such Regulations governing the conduct of games as may be promulgated by the Commission under this Act.

Section 1.08 Permitted Gaming.

(a) Class I Gaming. Class I traditional games are permitted to the extent consistent with Tribal custom and practice. The Gaming Commission may, at its discretion, consult with the Elders Council to determine which games and practices are consistent with the Tribe's customs and practices. The Gaming Commission may prohibit or regulate the conduct of Class I traditional games if it determines such regulation is necessary to promote the public policies behind this Act.

(b) Class II Gaming Authorized. Class II Gaming is hereby authorized to be conducted on lands within the Tribe's Reservation; provided, however, that such Class II Gaming shall be conducted only in accordance with the provisions of this Act, the Regulations, and the IGRA.

(c) Class III Gaming Authorized. Class III Gaming is hereby authorized on lands

within the Tribe's Reservation; provided, however, that Class III Gaming shall be conducted only in accordance with the provisions of this Act, the Regulations, the IGRA, and the Compacts.

Section 1.09 Location of Gaming. The Commission shall ensure that all Gaming that the Commission authorizes and licenses pursuant to this Act is conducted on lands within the Tribe's Reservation and that such Gaming is not otherwise specifically prohibited by federal law.

Section 1.10 Ownership of Gaming. The Tribe shall have the sole proprietary interest in and responsibility for any Gaming Operation authorized by this Act provided, however, that nothing herein shall interfere with the exercise by any secured party of its rights under any collateral lease or other financing agreement with the Tribe or Tribal entities for the purpose of securing repayment of the debt obligations in accordance with the provisions of such agreements.

Section 1.11 Use of Gaming Revenue. Net Revenues from any form of Gaming authorized under this Act shall be used only for the following public purposes of the Tribe:

(a) To fund Tribal government operations and programs;

(b) To provide for the general welfare of the Tribe and its members;

(c) To promote Tribal economic development;

(d) To make donations to charitable organizations; and

(e) To help fund operations of local government agencies;

The Tribe may only make per capita payments to Tribal members from Net Revenues in accordance with a revenue allocation plan that has been approved by the Tribal Council and the Secretary of the Interior.

Section 1.12 Primacy of Compacts. Solely with regard to Class III Gaming on lands within the Tribe's Reservation located within the respective states of Michigan and Indiana and the applicable compact provisions within each state, the regulatory requirements set forth in this Act are intended to be supplemented by, rather than conflict with the requirements of Section 4 of the Michigan Compact or the Indiana Compact, as applicable. To the extent that any regulatory requirement in this Act is less stringent or less restrictive than a parallel provision in Section 4 of the Compacts, the Compacts shall control.

CHAPTER II
DEFINITIONS

Definitions. Unless a different meaning is set forth below, the terms used in this Act shall have the same meaning as defined in IGRA and any regulations promulgated thereunder.

"Act" means this Gaming Regulatory Act, as amended from time to time.

"Any Offense", shall mean any criminal offense other than a gambling-related offense, Fraud or Misrepresentation, whether committed in Michigan or any other jurisdiction, that is, or would be, a crime under the provisions of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, as amended, being MCL 750.1 to 750.568, or the controlled substance provisions of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being MCL 333.7101 to 333.7545, or any other criminal offense (other than a gambling-related offense, Fraud or Misrepresentation) that involves theft, dishonesty, fraud or misrepresentation arising under the law of Michigan or another state or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from the employee's criminal record by executive pardon, state court order, or operation of law.

"**Any Offense**" shall also mean any criminal offense whether committed in Indiana or any other jurisdiction, that is, or would be, a crime under the provisions of the Title 35 of the Indiana Code, Criminal Law and Procedure, as amended, or any other criminal offense involving gambling, theft, dishonesty, or Fraud or Misrepresentation arising under Indiana law or the law of another state or jurisdiction, that was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from such person's criminal record by executive pardon, state or federal court order, or operation of law.

"Applicant" means any Person, partnership, corporation, joint venture, or other entity applying for, or requesting renewal of, any License required by this Act.

"Application" or **"License Application"** means a request for the issuance or renewal of a License required by this Act.

"Class I Gaming" shall have the definition that term is given in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703 (6).

"Class II Gaming" means Class II Gaming as defined in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703(7), and any regulations promulgated thereunder.

"Class III Gaming" means Class III Gaming as defined in the Indian Gaming Regulatory Act at 25 U.S.C. § 2703(8), and any regulations promulgated thereunder, but excluding any Class III Gaming that is not authorized by the relevant Compacts.

"Commissioner" means an individual member of the Pokagon Band Gaming Commission.

"Compacts" means those compacts with the State of Michigan and the State of Indiana, defined respectively as "Michigan Compact" and the "Indiana Compact".

"Complimentary" shall have the meaning as set forth in 25 C.F.R. §542.2.

"Control Person" means any person who has the power to direct or cause direction of the management and policies of the business operations of a Gaming Supplier or Non-Gaming

Supplier as verified by the Gaming Supplier's or Non-Gaming Supplier's ownership and organization structure described in the documents establishing the existence of the Gaming Supplier or Non-Gaming Supplier and the designation of persons authorized to act on behalf of the Gaming Supplier or Non-Gaming Supplier. A person shall be presumed to have control when such person owns shares of any corporation that is not a publicly traded corporation and such person owns, controls or holds the power to vote ten percent (10%) or more of the voting securities of the corporation. Control Persons include members of the board of directors, chief executive officer, chief operating officer, and any person with the responsibility and authority to manage the contract on behalf of the Gaming Supplier or Non-Gaming Supplier with respect to the goods or services being provided to a Gaming Operation.

"Elders Council" means the Elders Council of the Pokagon Band of Potawatomi Indians established under Article XI for the Pokagon Band Constitution to provide guidance and advise to the Tribal community.

"Emergency Operation Plan" means the plan required by Section 2.05, of the Health and Safety Act, which shall be included with an Application for a Gaming Establishment License under Section 6.03 of this Act.

"Excluded Person" means any Patron or other person whose name has been added to an Exclusion List in accordance with the requirements set forth in Section 10.14 of this Act.

"Exclusion List" means the list of Excluded Persons created and maintained under the requirements set forth in Section 10.14 of this Act.

"Fiscal Year" for the Tribe means the period ending on December (31st) of each year and for the Pokagon Gaming Authority and the Four Winds Casino Resort means the period ending on the last Sunday of each calendar year.

"Fraud or Misrepresentation" shall mean a criminal offense committed in Michigan, Indiana or any other jurisdiction, involving, theft, fraud or misrepresentation, which is a felony or would be a felony if committed in Indiana or Michigan, and which was committed as an adult or prosecuted as an adult offense, and which has not been effectively removed from such person's criminal record by executive pardon, state court order, or operation of law.

"Game" means any game of chance, however conducted, operated, or played, that comes within the definition of Gaming provided in this Section.

"Gaming" means any Class II Gaming or Class III Gaming activity, either individually or collectively and whether authorized or unauthorized.

"Gaming Commission" or **"Commission"** means the Pokagon Band Gaming Commission established pursuant to this Act to regulate Gaming within the jurisdiction of the Tribe.

"Gaming Device" means any mechanical, electromechanical or electronic equipment, contrivance, component, or machine, whether used remotely or directly in connection with any

Gaming that affects the result of a wager by determining or predicting the outcome of a Game or the odds of winning or losing a Game. This term shall be broadly construed to promote the purposes of this Act and shall also include any devices, machines, components, or contrivances which do affect, or are capable of affecting, in any way, the playing of any Game, provided that this term shall not be construed to expand the meaning of "electronic games of chance" set forth in paragraph (5), subsection 3(A) of the Michigan Compact for the purpose of affecting the calculation of net win under Sections 17 and 18 of the Michigan Compact. This term shall also not be construed to expand the meaning of "Electronic Game of Chance" set forth in subsection 2(H) of the Indiana Compact.

"Gaming Enterprise" means the entities through which the Tribe conducts, regulates, and secures Gaming on Indian Lands within the Tribe's jurisdiction pursuant to IGRA.

"Gaming Employee" means any Primary Management Official, Key Employee, any other person employed by a Gaming Operation whose employment requires access to restricted areas of the Gaming Operation, and any other employee of a Gaming Operation deemed by the Gaming Commission to be engaged in gaming related activities in the course of his or her employment.

"Gaming Equipment or Supplies" means:

(a) Any machine, mechanism, device, or implement that may affect the result of a Game by determining win or loss, including without limitation, any of the following:
  (1) Any Gaming Device;
  (2) Software used with any Gaming Device;
  (3) Cards; and
  (4) Dice.

(b) Layouts for live table games and representatives of values, including without limitation, chips, tokens, or electronic debit cards and related hardware or software that affect the result of the game; and

(c) Services to maintain, repair, or renovate any equipment or supplies described in subsections (a) or (b) and any other services that directly relate to the conduct of Gaming, security, or surveillance at a Gaming Establishment, including without limitation casino credit reporting services.

"Gaming Establishment" means any facility or premises where Class II or Class III Gaming is conducted and includes all buildings structures and other appurtenances required for the operation or maintenance of such facility or used in connection with such Gaming.

"Gaming Operation" means any business owned by the Tribe or a Tribal entity, the revenues of which are primarily derived from Gaming or from any Gaming Establishment.

"Gaming Official or Employee" means regarding Class III gaming activities at each Gaming

Operation:

(a) Primary Management Officials;
(b) Key Employees;
(c) All other employees whose regular job duties require access to restricted areas or involvement in Class III gaming activities at a Gaming Operation; and
(d) Consultants providing gaming-related services directly to a Class III Gaming Operation (except legal counsel).

"Gaming Supplier" means any Person who sells, leases, or otherwise supplies any Gaming Equipment or Supplies to a Gaming Operation.

"Gross Revenue" means the total of all of the following, less the total of all cash paid out as winnings to Patrons and any amounts made deductible from Gross Revenues as Patron winnings or otherwise:

(a) Cash received as wagers;

(b) Cash received in payment for credit extended by a Licensee to a Patron for the purposes of Gaming; and

(c) Compensation received for conducting any Game in which the Licensee is not a party to a wager.

For the purposes of this definition, cash or the value of non-cash prizes awarded to Patrons in a contest or tournament are not winnings.

The term "winnings", as used in this definition, does not include:

(a) Counterfeit money, chips, tokens, wagering instruments, or wagering credits,

(b) Coins of other countries that are received in Gaming Equipment or Supplies;

(c) Cash taken in fraudulent acts perpetrated against a Licensee for which the Licensee is not reimbursed; or

(d) Cash received as entry fees for contests or tournaments in which the Patrons compete for prizes.

Calculation of Gross Revenues. Certain expenses not deductible.

(a) In calculating gross revenue, any prizes, premiums, drawings, benefits, or tickets which are redeemable for money or merchandise or other promotional allowance, except money or tokens paid at face value directly to a Patron as the result of a specific wager and the amount of cash paid to purchase an annuity to fund winnings, must not be deducted as Patron winnings.

(b) In calculating gross revenue from Gaming Devices, the actual cost to the Licensee of any personal property distributed to a Patron as the result of a legitimate wager may be deducted as a Patron winning, but not travel expenses, food, refreshments, lodging or services. For the purposes of this Section, "as the result of a legitimate wager" means that the Patron must make a wager prior to receiving the personal property, regardless of whether the receipt of the personal property is dependent on the outcome of the wager.

"Health and Safety Act" means the Tribe's Health and Safety Act (formerly known as the Health, Environmental Protection, and Building Codes Ordinance and the Health, Environmental Protection and Building Codes Act), as may be amended from time-to-time**.**

"Indian Gaming Regulatory Act" or **"IGRA"** means P.L. 100-497, 102 Stat. 2467, enacted on Oct. 17, 1988 and codified at 25 U.S.C. § 2701 *et seq*.

"Indian Lands" shall have the definition that term is given in the Indian Gaming Regulatory Act at 25 U.S.C.§2703 (4) and any regulations promulgated thereunder but, as to Class III Gaming only, such definition shall:

(a) with regard to lands within the Tribe's Reservation located within the State of Michigan, exclude any Indian lands that are not also included within the definition of "Eligible Indian Lands" set forth in the Michigan Compact; and
(b) with regard to lands within the Tribe's Reservation located within the State of Indiana, exclude any Indian lands that are also not included within the definition of "South Bend Site" set forth in the Indiana Compact.

"**Indiana Compac**t" means the Compact dated January 21, 2021 between the Pokagon Band of Potawatomi and the State of Indiana negotiated and entered into pursuant to IGRA § 2710(d)(3) to govern Class III gaming and shall include any renewals and amendments.

"Key Employee" means:

(a) Any person employed by a Gaming Operation who performs one or more of the following functions:
    (1) bingo caller,
    (2) counting room supervisor,
    (3) chief of security,
    (4) floor manager,
    (5) pit boss,
    (6) dealer,
    (7) croupier,
    (8) approver of credit,
    (9) custodian of Class II Gaming systems as defined in 25 C.F.R. §547.2 and similar Class III Gaming systems, Gaming cash or Gaming cash equivalents, Gaming Equipment or Supplies, or Class II Gaming systems

records or Class III Gaming systems records; or

(10) custodian of surveillance systems or surveillance system records.

(b) Any Gaming Employee authorized by the Gaming Operation for unescorted access to secured gaming areas designed as secured gaming areas by the Commission;

(c) If not otherwise licensed as a Key Employee or Primary Management Official, the four most highly compensated persons employed in any Gaming Operation; or

(d) Any other employee of any Gaming Enterprise as documented by the Commission as a Key Employee.

"License" means a limited grant of authority by the Commission, pursuant to this Act, to a specific Person to perform certain acts or engage in certain activities that are regulated under this Act and cannot be performed or engaged in without a License. Neither the filing of an Application nor the Commission's decision to grant or not grant a License to an Applicant shall create a property interest or due process rights in favor of the Applicant except as may be explicitly provided by this Act or other Tribal laws. Licenses shall be structured according to the type of Applicant, as provided in the table below:

License Type	Category	Description	License Term
Gaming Establishment	NA	NA	two (2) years
Employee	Level 1	Primary Management Officials	one (1) year
	Level 2	Key Employees	two (2) years
	Level 3	Reserved	
	Level 4	Non-Gaming Employees	three (3) years
Supplier	Level A	Gaming Supplier	two (2) years
	Level B	Non-Gaming Supplier	three (3) years

"Licensee" means any Person who has been issued a valid and current License pursuant to the provisions of this Act.

"Management Contract" means any contract, agreement or other document, including all collateral agreements, that delegates managerial responsibilities to any Person in or for any Gaming Operation and that requires approval by the NIGC pursuant to the Indian Gaming Regulatory Act.

"Management Contractor' means any Person to whom managerial responsibilities in or for any Gaming Operation have been assigned by a Gaming Operation under a Management Contract.

"Management Fee" means any monies paid by a Gaming Operation from Gaming revenue to any Person pursuant to a Management Contract, but excluding monies permitted under the Management Contract to be paid to the Management Contractor as reimbursement for Operating Expenses, capitol replacement costs, or in fulfillment of other obligations of such Gaming Operation.

"Manager" means the person with management responsibility for a Management Contract, as designated by the Management Contract or the Management Contractor, or the person designated by the Gaming Operation as having management responsibility for a Gaming Operation.

"Michigan Compact" means the Compact dated December 3, 1998, including all renewals, amendments, appendices, exhibits and other attachments thereto, between the Pokagon Band of Potawatomi Indians and the State of Michigan providing for the Conduct of Tribal Class III Gaming by the Pokagon Band of Potawatomi Indians, which was deemed approved by the Secretary of the Interior by operation of law under the IGRA (25 U.S.C. § 2710(d)(8)(C)) and became effective on upon publication in the Federal Register (64 Fed, Reg. 8111, February 18, 1999).

"Net Revenue" means Gross Revenue of any Gaming Operation minus amounts paid for, or paid out as prizes, winnings, and related Operating Expenses, excluding Management Fees.

"NIGC" means the National Indian Gaming Commission.

"Non-Gaming Employee" means any employee of a Gaming Operation who is not a Gaming Employee. For purposes of licensing, Level 4 shall be comprised of all Non-Gaming Employees.

"Non-Gaming Supplier" means any Person who is not a Gaming Supplier and who provides goods or services to a Gaming Operation, the aggregate annual value of which exceeds an amount established by Commission Regulation as determined from all written and oral contracts between the Non-Gaming Supplier and the Gaming Operation to supply such goods or services within any twelve-month period of time. For purposes of licensing, Level B shall be comprised of all Non-Gaming Suppliers.

"Operating Expense" means any expense incurred in the operation of Gaming that is specifically designated as an Operating Expense in any Management Contract or which otherwise is so treated by application of Generally Accepted Accounting Principles.

"Patron" means any person who participates in Gaming as a customer or who is physically present on the premises where Gaming is conducted as a customer of the Gaming Establishment.

"Person" means any business, proprietorship, association, partnership, syndicate, corporation, firm, joint venture, trust or other form of business association or entity, labor organization, state, local government, government instrumentality or entity, as well as a natural person. The term **"person"**, without an initial capital "P", refers exclusively to a natural person.

Person Having a Direct or Indirect Financial Interest in a Management Contract" means:

(a) When a Person is a party to a management contract, any Person having a direct financial interest in such management contract;

(b) When a trust is a party to a management contract, any beneficiary or trustee;

(c) When a partnership is a party to a management contract, any partner;

(d) When a corporation is a party to a management contract, any Person who is a director or who holds at least 5% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or

(e) When an entity, other than a natural person, has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract.

"Primary Management Official" means:

(a) Any person having management responsibility for a Management Contract;

(b) Any person who has authority:
(1) to hire and fire employees of a Gaming Operation; or
(2) to establish policy for a Gaming Operation;

(c) The chief financial officer or a position with duties similar to a chief financial officer;

(d) The Manager, or a position with duties similar to the Manager, or any person having management responsibility over all or any part of any Gaming Operation; or

(e) Any other employed management official of the Gaming Enterprise as documented by the Commission as a Primary Management Official.

"Reservation" means, pursuant to 25 U.S.C. § 1300j-5 or other applicable federal law, (i) all lands, the title to which is held in trust by the United States for the benefit of the Pokagon Band of Potawatomi Indians; and (ii) all lands proclaimed by the Secretary of the Interior to be part of the Tribe's reservation. The term Reservation includes any rights-of-way running through the Reservation.

"Regulations" means any regulations promulgated by the Commission pursuant to this Act.

"Rehabilitation Hearing" means a hearing conducted by and before the Commission under the requirements of Chapter XI and the Regulations concerning any Applicant for a Level 2Gaming Employee License who is a Tribal member and who was convicted of or entered a plea of guilty or no contest to Any Offense within the preceding five (5) years in order to determine whether the Applicant is not eligible for a Level 2 Gaming Employee License under the standards set forth in Section 11.03.

"Secretary" means the Secretary of the United States Department of the Interior.

"Tribal Chairperson" means the duly elected Chairperson of the Band.

"Tribal Council" means the Tribal Council of the Pokagon Band of Potawatomi Indians, established under Article X of the Pokagon Band Constitution as the governing body of the Tribe.

"Tribal Court" means the Pokagon Band Tribal Court and the Pokagon Band Court of Appeals.

"Tribe" means, and **"Tribal"** shall refer to, the Pokagon Band of Potawatomi Indians.

CHAPTER III
ESTABLISHMENT, ADMINISTRATION & POWERS OF COMMISSION

Section 3.01 Establishment of Gaming Commission. The Tribal Council hereby establishes the Pokagon Band Gaming Commission as an independent governmental subdivision of the Tribe.

Section 3.02 Governmental Attributes of the Commission. As a political subdivision of the Tribe, the Commission possesses all the rights, privileges, and immunities of the Tribe, including but not limited to the sovereign immunity of the Tribe from suit absent express consent from Tribal Council. The individual members of the Commission are officers of the Tribal government and shall be immune from suit when acting in their official capacity to the fullest extent permitted by law.

Section 3.03 Delegation of Regulatory Authority. The Tribal Council delegates to the Gaming Commission sole authority and responsibility to regulate all Gaming conducted within the Tribe's Reservation, as expressly provided by this Act, which authority includes without limitation the authority to regulate Gaming Operations, Gaming Establishments, and Management Contractors, and to license Gaming Establishments, Gaming Suppliers, Gaming Employees, and all other Persons subject to the Commission's licensing authority pursuant to this Act. The Commission shall ensure that all Gaming conducted within the Tribe's Reservation is conducted in conformance with this Act, the Regulations, the Compacts, the IGRA, regulations promulgated by the NIGC, and other applicable Tribal and federal laws.

Section 3.04 Independence of Commission. In all matters subject to its regulatory authority, the Commission shall be and shall act independently and autonomously from the Tribal Council. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted, except as may be otherwise explicitly provided in this Act. Notwithstanding the foregoing, the Commission shall be subject to all Tribal law, including generally-applicable Tribal administrative policies and procedures that are not in conflict with this Act, except to the extent that an exception for the Commission is expressly provided. The Commission fiscal year shall be the fiscal year of the Tribe.

Section 3.05 Commission Funding. Commission funding shall be in an amount adequate for the Commission to properly fulfill all of its regulatory responsibilities under this Act. The amount of the Commission funding shall be established annually for the subsequent Fiscal Year through a detailed annual budget to be prepared by the Commission for Tribal Council approval, as provided in subsection 3.15(j) of this Act. The Commission budget shall take into account any unexpended funds retained by the Commission at the end of the prior Fiscal Year, excluding funds that are obligated for costs or expenses incurred during the prior Fiscal Year. The Tribal Council shall not reduce the Commission's annual budget during any Fiscal Year, but may approve requests by the Commission to supplement the budget when necessary. Funding for all costs and expenses of the Commission shall be the sole obligation of the Pokagon Gaming Authority, pursuant to subsection X.F of the Pokagon Gaming Authority Ordinance.

Section 3.06 Composition of Commission. The Commission shall be composed of three (3) persons appointed by the Tribal Council, at least one (1) of whom shall be an enrolled member of the Tribe.

Section 3.07 Qualifications; Appointment of Commissioners.

(a) Qualifications. No person shall serve on the Commission if that person is:
- (1) Under the age of twenty-one (21);
- (2) A member or officer of the Tribal Council;
- (3) A Judge or employee of the Tribal Court;
- (4) Employed by any Gaming Operation;
- (5) Resides in the same household with, a person employed as a Primary Management Official or Key Employee of any Gaming Operation;
- (6) Has a direct or indirect financial interest in the Gaming Operation, including any Management Contractor, or a direct financial interest in any Gaming Supplier. For purposes of this Section, (i) direct financial interest shall not include the right to per capita distributions of Gaming revenues pursuant to the IGRA but shall include direct ownership of stock in a publicly traded company and (ii) indirect financial interest shall not include ownership of any mutual funds that hold such stock.
- (7) Employed or otherwise serves in a position with responsibilities that create a conflict of interest or the appearance of a conflict of interest with the duties and responsibilities of the Commission, as determined by the Tribal Council; or
- (8) Unable to establish and maintain eligibility to serve as a Gaming Commissioner under the requirements set forth in this Section.

(b) Additional Qualifications. In addition to the qualifications prescribed in subsection (a), the experience and training of a Commissioner must be of sufficient scope, depth and relevancy to enable him/her to fulfill his/her duties as shown through at least five (5) years experience in gaming or other regulatory affairs, public accounting or business finance, public or business administration, judicial or dispute resolution services, criminal justice, civil or criminal

investigation, or law. A bachelor's degree in a relevant area of study is required.

(c) Eligibility Determinations; Gaming Commissioner Appointment. Before any person may take office as a member of the Commission, the Tribal Council shall cause a comprehensive background investigation to be conducted by the Tribal Police on each such person. The Tribal Council shall only appoint a person to the Commission after it determines that all of the qualifications set forth in this Section and the applicable licensing standards have been met.

(1) *Consent to Investigation.* All persons, before being appointed to serve on the Commission, shall consent to, and fully cooperate with, a comprehensive background investigation.

(2) *Background Investigation.* Persons selected for appointment to the Commission shall complete a License Application and, in addition to the qualifications set forth in subsection (a), shall be subject to the same background investigation process and licensing standards that apply to Level 1 Licenses under Chapter VII of this Act, provided that the submission of documents and other records or information to the NIGC is not required.

(3) *Investigator's Report.* The investigator shall create an investigative report for the Tribal Council that describes the investigative process and the qualifications and applicable licensing standards. The report shall include factual findings regarding each qualification and licensing standard to the extent that there is clear and convincing evidence to support a finding and a statement of all relevant facts and information regarding any qualification or standard for which a finding cannot be made. The Tribal Police shall keep the identity of each person interviewed in the course of the investigation confidential, except to the extent disclosure is permitted under applicable Tribal law.

(4) *Investigator's File.* The Tribal Police shall create a separate file for each person that was subjected to a background investigation, which shall include all forms, documents, reports and other information related to the investigation that is in the possession of the Tribal Police. The Tribal Police shall retain such files for no less than three (3) years from the date each such person ceased to hold the position of Commissioner.

(5) *Preliminary Determination.* Upon completion of the background investigation, the Tribal Council shall review the report and findings of the investigation in closed session. The Tribal Council shall make a preliminary determination in open session, as provided in subsection (d), to either approve or deny the appointment; provided that, the background investigation report and all information contained therein shall remain confidential and shall not be included in the public record of the Tribal Council session unless the appointee requests that a hearing to contest the preliminary determination be conducted before the Tribal Council in open session pursuant to subsection (e).

(d) Final Determination; Confirmation of Appointment. Following review of the investigative report and findings, and any hearing that may be conducted pursuant to subsection (e), the Tribal Council shall make a final determination as to whether the appointee meets the qualifications and applicable licensing standards for appointment to the Commission. Based on such decision the Tribal Council shall either appoint such person to the Commission or decline to make the appointment.

(e) Notice to Rejected Appointees; Right to Hearing. The Tribal Council shall provide written notice to any person that has been preliminarily determined does not meet the qualifications or applicable licensing standards for appointment to the Commission. The notice shall fully describe the basis upon which the preliminary determination was made and shall inform such person of his/her right to request a hearing before the Tribal Council to contest with new evidence and testimony the Tribal Council's preliminary determination. The hearing under this subsection shall be conducted as provided in Chapter XI of this Act and the person contesting the preliminary determination shall have all of the rights given to a Licensee or Applicant therein, except that such hearing shall be conducted by and before the Tribal Council in closed session, unless the nominee elects, in writing, to have the hearing open to the public.

Section 3.08 Initial Terms of Office. Commissioners shall serve staggered three (3) year terms. To achieve such staggered terms, the initial appointee designated by the Tribal Council to serve as Chairperson shall serve an initial term of approximately three (3) years. The initial appointee designated by the Tribal Council to serve as Vice Chairperson shall serve an initial term of approximately two (2) years. The remaining appointee shall serve an initial term of approximately one (1) year. All subsequent appointments shall be for three (3) year terms. Commissioners may serve successive terms of office without limitation.

Section 3.09 Hold-Over Policy. A Commissioner may, at the discretion of the Tribal Council, continue to serve in his or her position as Commissioner, with full authority, after the completion of his or her term until such time as a replacement is appointed and sworn into office.

Section 3.10 Resignation. Commission members may resign from the Commission by submitting, in writing, a signed and dated letter of resignation to the Commission Secretary or Chairperson and the Tribal Council Secretary or Chairperson. The resignation shall be effective as of the date tendered unless stated in the resignation letter. A copy of the resignation letter will be forwarded to the Tribal Council Secretary.

Section 3.11 Removal. The Commission may, by majority vote, request that the Tribal Council initiate a procedure for the removal of a Commission member and the Tribal Council may, on its own initiative, initiate a removal procedure for any member of the Commission by an affirmative vote of at least eight (8) members of the Tribal Council for any of the following reasons:

(a) Nonfeasance, including the persistent failure to perform the duties of the office,

including failure to attend a significant number of meetings;

(b) Misfeasance, including any substantial or repeated failure to exercise authority or discharge responsibilities in conformity with this Act, Regulations, the IGRA, or the Compacts;

(c) Malfeasance, including (i) a conviction or a plea of guilty or no contest regarding any felony criminal offense or any other criminal offense involving dishonesty or moral turpitude, (ii) a substantial violation of the Pokagon Band Code of Ethics, (iii) a knowing violation of this Act, the Regulations, the Pokagon Band Liquor Control Code, or other applicable Tribal law that assigns duties or responsibilities specifically to the Commission; and (iv) misconduct in office that threatens the integrity or public image of the Commission;

(d) Failure to maintain the necessary qualifications for office prescribed in Section 3.07; or

(e) Physical or mental disability that prevents the performance of duties.

If the Tribal Council has reason to believe that cause for removal of a Commissioner exists, the Tribal Council shall direct that an investigation be conducted by the Tribal Prosecutor. If, in the Tribal Council's determination, the investigation substantiates the existence of cause for removal, the Tribal Council shall notify the Commissioner of the time and place for a hearing before the Tribal Council, which notice shall also fully describe the purpose for the hearing and all claims and allegations to be addressed at the hearing. Any investigation and hearing under this Section shall be conducted in accordance with the procedures prescribed in Chapter XI, except that the hearing shall be conducted by and before the Tribal Council.

Section 3.12 Vacancies; Appointment to Fill Vacancy.

(a) Appointment. Vacancies on the Commission shall be filled by Tribal Council appointment for the balance of the unexpired term.

(b) Notice. The Tribal Council shall provide notice of the vacancy to the Band membership and an opportunity to respond prior to filling the vacancy.

(c) Eligibility. The Tribal Council will make a final determination regarding the eligibility of each prospective nominee to the Commission in accordance with the qualifications and procedures described in Section 3.07.

(d) Time Frame. The Tribal Council will endeavor to fill any vacancy on the Commission within sixty (60) days of the vacancy, or as soon thereafter as possible, in a manner consistent with applicable law, including any written rules of Tribal Council procedure.

Section 3.13 Ethics Requirements for Commissioners. Gaming Commissioners shall

comply with all requirements of the Pokagon Band Code of Ethics and shall be subject to the authority of the Ethics Board established by such Code.

Section 3.14 Compensation of Commissioners. Commissioners shall be compensated at rates that fall within a grid to be established by the Tribal Council. The Tribal Council may, in its discretion, require the Salary Commission to evaluate the Commission positions and recommend a compensation grid to the Tribal Council. The Tribal Council shall endeavor to review the rates of compensation for Commissioners at least every three years and shall make adjustments to such rates as the Tribal Council determines to be appropriate to address increases in the cost of living or wage deflation. The Tribal Council shall not reduce the rate of compensation for any Commissioner during a Commissioner's term of office. Commissioners shall be entitled to reimbursement for actual expenses incurred on Commission business, including necessary travel expenses, subject to any written guidelines the Tribal Council may establish.

Section 3.15 Powers and Duties of the Commission.

(a) General. The Commission shall be responsible for ensuring that all Gaming within the Tribe's Reservation is conducted in compliance with this Act, the Regulations, the IGRA, and the Compacts. In exercising its regulatory authority, the Commission shall avoid unnecessary interference with the authority and discretion of any Gaming Operations or Management Contractor to manage a Gaming Establishment.

(b) Licensing. The Commission shall have the power to conduct investigations and determine the eligibility of Applicants for all Licenses required to operate, manage, conduct business with, or be employed at any Gaming Operation in accordance with the standards and procedures set forth in Chapters VI – VIII of this Act and the Regulations. The Commission shall also have the power to limit, revoke, terminate, condition, suspend, or restrict any License and to reprimand, warn, or fine a Licensee when the same will further the purposes and requirements of this Act.

(c) Regulatory Authority. The Commission shall have the power and duty to develop, propose, and promulgate Regulations regarding:
   (1) the licensing of Gaming Establishments;
   (2) background investigations and licensing of Gaming Employees and Non-Gaming Employees;
   (3) background investigations and licensing of Gaming Suppliers and Non-Gaming Suppliers;
   (4) conducting or causing to be conducted annual independent audits of all Gaming Operations;
   (5) the distribution of complimentary items;
   (6) permitted games and the conduct thereof;
   (7) compliance with applicable standards and procedures for testing Gaming Equipment or Supplies;

(8) audio and video surveillance standards and procedures;
(9) standards and procedures for minimum internal cash, playing cards, and chip and token control;
(10) compliance with the Bank Secrecy Act, 31 U.S.C. § 1051 *et seq.* and applicable provisions of the Internal Revenue Code;
(11) resolution of Gaming-related disputes involving Patrons after all remedies available at the Gaming Establishment are exhausted;
(12) the development and maintenance of a list of excluded persons;
(13) Commission reporting, record-keeping, auditing, investigation, and enforcement procedures;
(14) fines and other penalties for violations of this Act, the Regulations, and other applicable law in order to fulfill the regulatory purposes and to offset administrative costs; and
(15) other activities as required by law or as deemed prudent by the Commission.

(d) Rulemaking Process. The Commission shall give notice of its intent to adopt a Regulation by posting a copy of the notice in locations on Tribal government property where public notices are usually posted and by delivering a copy of the notice by U.S. mail or other appropriate means to the Tribal Council Secretary, the General Counsel, and the Manager of any Gaming Establishment. The notice shall include a copy of the proposed regulation and a description of the nature and effect of the proposed regulation, unless the nature and effect are clear without such description. In addition, the notice shall include the following:

(1) Comment Submission. Comments on the proposed regulation may be submitted no later than sixty (60) days from the date of the notice; and
(2) Comment Review. The Commission shall review all comments received during the comment period and, based on such comments, shall make such changes to the proposed regulation as the Commission deems necessary or appropriate.

The Commission shall fully consider and address all comments recommending changes to the proposed regulation that are based on sound analysis or are supported by reliable data and information. The Commission shall approve the regulation by resolution and shall, by official action, set the effective date of the regulation and publish and post copies of a notice of adoption of the regulation in the same manner as for the notice of intent to adopt the regulation. The notice of adoption shall summarize the final regulation and the changes to the proposed regulation. To the extent practicable, the notice of adoption shall include written responses to all substantive comments, provided that the Commission may offer a single response to substantially similar comments. The notice of adoption shall state the effective date of the regulation and shall announce that copies of the regulation are available from the Commission. Copies of the notice and the final regulation shall be delivered to all Persons who were sent a copy of the notice of intent.

(e) Other Powers of Commission. In addition to and in conjunction with the enumerated regulatory powers set forth above in this Act, the Commission shall also have the power to:

(1) Suspend, restrict, or revoke a License for –
(i) any direct and immediate threat to the health, welfare, or safety of the public; (ii) the failure to make prompt and satisfactory progress to correct a problem that was the basis for a License suspension or other disciplinary measure; (iii) repeated or substantial violations of this Act, the Regulations, the IGRA, or the Compacts; (iv) the failure to maintain eligibility for the License; and (v) the failure to remain eligible for a Gaming License in any other jurisdiction.

(2) Initiate administrative proceedings before the Commission or civil actions in court, at the Commission's discretion, to enforce provision of this Act, the Regulations or the IGRA;

(3) Compromise, negotiate or settle any dispute to which the Commission is a party relating to the Commission's authorized activities;

(4) Enter through its investigators, agents, and the Tribal Police at any time a Gaming Establishment or other places of business of any Licensee in order to gain access to, inspect, examine, copy, and audit all records, equipment, supplies or other items concerning any Gaming conducted within the Reservation;

(5) Investigate, review, decide, adjudicate, enforce, and to undertake such other regulatory activities regarding any matters subject to the Commission's jurisdiction as necessary for the Commission to carry out its express duties and responsibilities under this Act;

(6) Conduct such hearings as the Commission may deem appropriate in carrying out its duties, including administering oaths or affirmations to witnesses and issuing subpoenas to compel the production of records and the appearance of witnesses at such hearings;

(7) Provide information obtained through audits or other investigations that indicates a violation of Tribal, federal or applicable state laws or regulations to the appropriate law enforcement officials and to cooperate with such agencies in the investigation and prosecution of charges brought as a result of violations of law;

(8) Utilize the services of public and private entities, including the Tribal Court and other courts, the Tribal Police and other law enforcement agencies, and the Tribal Prosecutor in exercising its powers and carrying out its responsibilities;

(9) Utilize the services of the General Counsel's Office to assist the Commission with its legal affairs, provided that if the General Counsel's Office is unable to assist, the General Counsel shall make other legal counsel engaged by the Tribe available to the Commission.

(10) Coordinate with the Indiana Gaming Commission or Michigan Gaming Control Board, as applicable, regarding matters of compliance with the express requirements of the Compacts, provided that in exercising such power the Commission shall respect the role and responsibility of the

Tribal Council to represent the Tribe's interests as a party to the Compacts and to engage in government-to-government consultation with the State of Indiana or State of Michigan and their agencies;

(11) Coordinate with the NIGC regarding matters of compliance with the express requirements of the IGRA and the NIGC regulations, provided that in exercising such power the Commission shall respect the role and responsibility of the Tribal Council to engage in government-to-government consultation with the United States and its agencies, including the NIGC.

(f) Monitoring and Investigation. The Commission shall have the power and duty to monitor all Gaming Operations for compliance with this Act and the Regulations, the Pokagon Band Liquor Control Code, any other Tribal law that expressly delegates responsibilities to the Commission, the IGRA, and the Compacts, subject to any limits on the Commission's power set forth in such laws. The Commission shall have the power to require the Executive Director to undertake such investigations and inspections as the Commission deems appropriate, review the results of such related investigations, and initiate enforcement actions as it deems necessary in accordance with Section 4.03.

(g) Access to Records and Information. The Commission, through its Executive Director and other authorized Commission personnel shall have access to all areas of any Gaming Operation and to all records, files, information, and data of any Gaming Operation, wherever located, and may interview any employee, agent or representative of any Gaming Operation with respect to matters relating to the operation of any Gaming Operation. Advance notice to the Gaming Operation or any employee, agent, or representative of the Gaming Operation shall not be required for the Commission to exercise the authority described in this subsection.

(h) Enforcement Authority. When information received by the Commission through inspections, audits or investigations indicates a violation of this Act, the Regulations, the terms or conditions of any License, or any other applicable Tribal or federal laws, the Commission may, as warranted under the circumstances:

(1) Refer the matter to appropriate law enforcement officials or other appropriate governmental agencies;
(2) Pursue further investigation of the matter;
(3) Initiate administrative enforcement proceedings or a civil action in the Tribal Court to fine the Persons responsible for the violation, or to suspend, restrict, or revoke such Person's License, or issue a letter of reprimand or a warning in accordance with the procedures in this Act and the Regulation; or
(4) Consult with representatives of the Gaming Operation to correct the violation, or resolve the matter, without formal proceedings.

Any enforcement action taken by the Commission shall be fair and reasonable under the circumstances, shall be proportionate to the violation, and shall be designed to promote the goals of correction and improvement, unless the nature or

severity of the violation is such that the goals of correction and improvement would be unrealistic. Any enforcement action taken by the Commission must be within its powers, related to its gaming regulatory responsibilities, and shall be conducted in accordance with the Hearing Procedures described in Chapter XI and is subject to appeal pursuant to Chapter XII of this Act.

(i) Conduct of Audit. The Commission shall ensure that each Gaming Operation annually conducts an independent audit of the Gaming Operation and submits the resulting audit report to the NIGC in a timely manner. All Gaming related contracts for the purchase of supplies, services, or concessions in an amount in excess of $25,000.00 annually, except contracts for professional legal or accounting services, and any other matter the Commission deems necessary or appropriate shall be specifically included within the scope of such audit.

(j) Establishment of Budget. The Commission shall establish an annual budget for its operations, which shall reflect the reasonable costs of gaming regulation pursuant to this Act, other applicable law and the Compacts. The Commission shall present its annual budget to the Tribal Council on or before a date established by the Tribal Council each year for the Tribal Council's review and approval. The Commission shall have the authority to expend funds within the approved budget without further authorization from the Tribal Council, subject to generally applicable Tribal accounting and procurement policies.

Section 3.16 Commission Meetings.

(a) Regular Meetings. The Commission shall conduct a Regular meeting once a month at the Commission's main office or at any other designated meeting place. The Commission shall provide by resolution the time and place for Regular meetings. A meeting agenda shall be distributed to all Commission members at least 48 hours in advance of the Regular meeting, which shall be subject to change by a majority vote of the Commission at such meeting.

(b) Special Meetings. Special meetings shall be called by the Commission Chairperson as necessary to carry out the official duties of the Commission. Notice of each Special meeting may be given to each Commission member by hand delivery, telephone, mail, or such other method as the Commission may establish. Notice of the Special meeting and a proposed agenda shall be delivered to Commission members at least forty-eight (48) hours in advance of such meeting and shall include the date, time and place of the meeting. The agenda for the Special meeting shall be limited to the matters stated in the notice of the meeting unless all members are present at the meeting and a majority agrees to the change to the agenda.

(c) Emergency Meetings. An emergency meeting may be called by the Chairperson of the Commission with less than 24 hours notice; provided, that the business proposed to be taken up at the Emergency Meeting cannot reasonably wait for a Special or Regular meeting. The Chairperson of the Commission shall make

every reasonable effort to provide all Commissioners with as much prior notice of the meeting as possible under the circumstances. The agenda for the Emergency meeting shall be limited to the business proposed in the meeting notice.

(d) Waiver of Notice. The notice requirements regarding any Special or Regular meeting may be waived if all members are present at such meeting and consent to the calling of the meeting.

(e) Meetings Open to the Public. All meetings of the Commission shall be open to the public; provided, however, that the Commission may, in its discretion, close any portion of any meeting to the public when discussing any information that the Commission deems confidential pursuant to the provisions of this Act, such as hearings to determine the suitability of an Applicant for a License.

(f) Alternative Meeting Arrangements. Special and Emergency meetings may be conducted by a telephone conference, video conference, web conference or similar means as the Commission Chairperson deems necessary, subject to such requirements as the Commission may establish. Commission members may participate in any meeting by means of speakerphone or telephone conference, video conference, or similar means provided that all members participating in the meeting can hear and be heard by each other. A member's participation in a meeting described in this subsection without objection at the commencement of the meeting shall be deemed consent to the manner in which such meeting is conducted.

(g) Meeting Procedures. The Commission shall prescribe rules of procedure regarding the conduct of its meetings, provided that such rules may not conflict with this Act or other applicable Tribal law. Any question regarding meeting procedure that is not addressed by this Act, other applicable Tribal law, or by rules of procedure established by the Commission, may be resolved by consulting Roberts Rules of Order.

Section 3.17 Quorum. A quorum of the Commission shall consist of two (2) Commissioners. All decisions shall be made by a majority vote of a quorum of the Commission, unless indicated otherwise in this Act.

Section 3.18 Officers.

(a) Upon the conclusion of the first year of the initial terms of office described in Section 3.08, the Commission shall select from among its members, a Chairperson and a Vice-Chairperson. The term of office for officer positions shall be one (1) year and members may serve more than one term in that capacity.

(b) The Vice-Chairperson shall assume the duties of the Chairperson in the Chairperson's absence.

Section 3.19 Commission Offices. The Commission shall maintain a permanent administrative office. Such office shall serve as the Commission's main business office and shall be the site at which Commission records and documents are maintained and stored on a permanent basis. No person except a Commissioner or other authorized employee or agent of the Commission may possess a key to or may enter any Commission office without the permission of the Commission. No person may access such records except a Commissioner, a person duly authorized by the Commission or an attorney for the Commission.

Section 3.20 Commission Record-Keeping.

(a) Records Required to be Maintained. The Commission shall maintain complete records regarding the following:
- (1) Applications, financial statements, fingerprints, contracts, Licenses, suspension and cancellation notices and correspondences of all Applicants;
- (2) Commission Licenses;
- (3) Meeting minutes from all Commission meetings;
- (4) Transcripts or minutes from all hearings conducted by the Commission;
- (5) Compact compliance;
- (6) Reports relating to customer disputes, complaints or other issues that affect the integrity of the Gaming Operation;
- (7) Commission budget and expenditures;
- (8) Communications and correspondence with the Tribal Council, Tribal agencies and officials, and state and federal agencies and officials;
- (9) Gaming Device list pursuant to Section 10.06 of this Act; and
- (10) Any other records or documents the Commission deems necessary or appropriate.

(b) Requirements Regarding Files. The Commission shall create a separate file, which may be in electronic form, for each Applicant that includes all forms, documents, and information submitted by the Applicant and all background information compiled by the Commission, including without limitation the Application required by Section 7.01, the investigative report required by Section 7.03, and the eligibility determination required by Section 7.06. All criminal history record information obtained by the Commission through fingerprints submitted to the NIGC shall be stored, used, and disseminated in compliance with the manner required by the NIGC under applicable federal law, IGRA, this Act, the Regulations, and any memorandum of understanding between the Commission and the NIGC. The Commission shall retain the following, including for inspection by the NIGC, for no less than three (3) years from the last of the date of termination of employment, the date any contract between the Applicant and the Gaming Operation ceased to be valid and in effect, or the date the Applicant ceased to hold a valid License: (1) the information listed under 25 C.F.R. §556.4(a)(1) through (14); (2) investigative reports, as defined in 25 C.F.R. §556.6(b); (3) Eligibility determinations as defined in 25 C.F.R. §556.5; (4) the Privacy Act notice, as defined in 25 C.F.R. §556.2; and (5) the False

Statement notice as defined in 25 C.F.R. §556.3. To the extent required by federal law, the Commission shall make such files available for inspection by the NIGC upon request.

Section 3.21 Reports. The Commission shall make quarterly reports to the Tribal Council within thirty (30) days after the end of each quarter. Such Reports shall contain the following information:

(a) Number and types of Licenses issued during the previous quarter;

(b) Number and types of License denied, suspended, restricted, or revoked during the previous quarter and commentary helpful to explain such actions where appropriate;

(c) Report of any events of non-compliance or violations of this Act, the Regulations, the Compacts, IGRA, the Pokagon Band Liquor Control Code, and Licenses (other than Gaming Employee Licenses); provided, however, that such reports shall not include confidential information concerning any pending regulatory or criminal investigation;

(d) A report of Commission expenditures for the prior quarter;

(e) A summary of any Commission travel and training;

(f) All other information that the Commission deems relevant in order to keep the Tribal Council adequately informed on all current Gaming regulatory matters.

Nothing in this Section shall be construed to authorize the Commission or Commission staff to provide the Tribal Council with any confidential information pertaining to a pending regulatory or criminal investigation.

CHAPTER IV
ORGANIZATION OF THE COMMISSION; EXECUTIVE DIRECTOR

Section 4.01 Commission Divisions. The Commission shall be organized under the Executive Director into the following divisions, which subject to Commission supervision, shall be under the management and supervision of the Executive Director:

(a) Licensing and Investigation Division. The Licensing and Investigation Division shall perform all of the following Commission duties and responsibilities:
  (1) receiving and processing all License Applications;
  (2) conducting background investigation regarding an Applicant for a License and all other investigations on behalf of the Commission that are required or permitted under this Act
  (3) such other matters as the Commission may assign to the Division.

(b) Compliance and Enforcement Division. The Compliance and Enforcement Division shall perform the following Commission duties and responsibilities:

(1) ensuring compliance with all audit and financial oversight requirements regarding Gaming revenues;

(2) monitoring compliance with the Act, the Regulations, Tribal Minimum Internal Controls, the Pokagon Band Liquor Control Code, the IGRA, and the Compacts;

(3) pursuing enforcement activities for the failure of any Licensee or other Person subject to the jurisdiction of the Commission for any failure to comply with the Act, the Regulations, including the Tribal Minimum Internal Controls, the Pokagon Band Liquor Control Code, the IGRA, and the Compacts; and

(4) such other matters as the Commission may assign to the Division.

The Commission may, at its discretion, create and fill a Deputy Director position for each of the Divisions described in this Section and may further organize itself into any functional division, department, section, or office that it deems necessary for the effective and efficient operation of the Commission.

Section 4.02 Executive Director: Appointment; Qualifications; Removal and Suspension.

(a) Appointment of the Executive Director. The first Executive Director appointed under this Act shall be appointed by the Tribal Council. Appointments to fill any vacancy in the position of Executive Director shall be made by nomination of the Commission, subject to the consent of the Tribal Council. The Executive Director shall be under the exclusive supervision and authority of the Commission.

(b) Qualifications. The Executive Director shall possess the following qualifications:

(1) *Prior experience.* The Executive Director's experience and training must be of sufficient scope, depth, and relevancy to enable him/her to direct the work of the Commission, as shown through: (i) at least five (5) years experience at a management level in Gaming regulation, Gaming compliance, or public or business administration in a highly regulated environment, (ii) advanced Human Resources experience, including decision making in hiring, training, discipline, and policy development, and (iii) a bachelor's degree from an accredited college or university in a relevant area of study. Additional experience is preferred in the areas of public accounting or business finance, judicial or dispute resolution services, criminal justice, civil or criminal investigation, and law;

(2) *Commission standards.* Must establish and maintain eligibility to serve as Executive Director under the qualifications that apply to Commission members in Section 3.07;

(3) *Ineligibility of Commissioners*. Must not have served as a Commissioner for two years prior to the date of appointment as Executive Director; and

(4) *Commitment.* Must devote his or her entire time and attention to the duties of the Executive Director and the business of the Commission.

(c) Compensation. The Executive Director shall be entitled to an annual salary and adjustments in amounts determined by the Commission and included in the Commission's annual budget submitted for Tribal Council approval.

(d) Removal, suspension. The Commission may, by majority vote, request that the Tribal Council initiate a procedure for the removal of the Executive Director for any of the reasons stated in Section 3.11 regarding removal of a Commission member provided that if the reason for seeking the removal involves the failure to maintain or remain eligible for a License or for any other reason that threatens the integrity or public image of the Commission, the Commission may suspend the Executive Director, with pay, pending the outcome of the removal proceeding.

(e) Vacancy. If there is a vacancy for any reason in the position of Executive Director, the Tribal Council shall promptly appoint another qualified person to fill the vacancy. The Commission may assign the duties of the Executive Director to a Commission employee on an interim basis until the Tribal Council fills the vacancy in the position of Executive Director.

Section 4.03 Powers and Duties of the Executive Director. The Executive Director shall have the power and the duty, subject to Commission supervision, to carry out on behalf of the Commission the administrative and executive requirements of the Commission under this Act, the Regulations, and the Pokagon Band Liquor Control Code, including without limitation:

(a) Commission Administration. The Executive Director shall provide administrative support to the Commission, including managing and supervising all Commission staff, consultants, and contractors, records management, and the development and oversight of the Commission budget.

(b) Commission Staff. The Executive Director shall work in conjunction with the Tribal Government Human Resources Department regarding human resource and personnel matters, including the recruitment, hiring, supervision, and discipline of Commission staff, whose positions shall be established by written position descriptions subject to the approval of the Commission and all applicable hiring and employment laws and policies of the Tribe. All employee suspensions and terminations may be appealed to the Commission, subject to such standards and procedures as the Commission may establish.

(c) Contracting. The Executive Director may negotiate and enter into contracts for the acquisition of goods and services required by the Commission and may otherwise expend Commission funds as needed for the operation of the Commission, subject to such requirements as the Commission may establish.

(d) Oversight of Commission Operations. The Executive Director shall be responsible for the day-to-day operations of the Commission, including maintaining oversight of the Licensing and Investigation Division, the

Enforcement and Compliance Division, and such other divisions, departments, sections, or offices of the Commission as the Commission shall establish. In overseeing Commission operations, the Executive Director shall ensure that the following activities are performed effectively and in accordance with applicable law:

(1) *All investigations.* Investigations of any matter within the scope of authority of the Commission, including without limitation background investigations necessary to determine the suitability of any Applicant for License are conducted efficiently and professionally;

(2) *Commission challenges*. Assist the Commission as needed, prepare evidence, and cooperate with the Commission's legal counsel in presenting the Commission's case in all challenges to Commission decisions asserted in accordance with the standards and procedures provided in this Act and the Regulations;

(3) *Monitoring and compliance*. Monitor all Gaming Operations and Gaming Establishments to determine compliance with this Act, the Regulations, the Pokagon Band Liquor Control Code, the IGRA, the Compacts, and other applicable law and that, upon receiving any credible report of a violation thereof or at random or periodic intervals, with or without prior notification to the Gaming Operation a timely investigation is conducted with regard to such report;

(4) *Disputes*. Address and, as needed, investigate all disputes between Gaming Patrons and Gaming Operations pursuant to the standards and procedures set forth in this Act and the Regulations;

(5) *Enforce Exclusion List.* Maintain and enforce compliance with an Exclusion List of the names of persons to be excluded from Gaming Establishments; and

(6) *General assistance*. Assist the Commission as needed in enforcing Commission orders and decisions and in pursuing other enforcement actions.

(e) Licensing. The Executive Director may grant Provisional Licenses, Temporary Licenses, and other licenses on behalf of the Commission as expressly provided by the Regulations.

(f) Records Management. The Executive Director shall assist the Commission in developing and maintaining a suitable records management and retention system and shall ensure that all confidential and sensitive records and information are maintained and protected from unauthorized release.

(g) Evaluate the Gaming Regulatory System. Evaluate the effectiveness of the Tribe's Gaming regulatory system and recommend any changes that may be necessary or desirable.

(h) Other Duties. Perform such other duties as the Commission deems necessary.

Section 4.04 Background Investigations of the Executive Director and Commission Staff. Before any person may take office as an Executive Director of the Commission or commence work as an employee of the Commission, the Commission shall cause a background investigation to be conducted by the Tribal Police on each such person. All such persons shall consent to, and fully cooperate with the background investigation as provided hereunder and as required by the Commission. The Commission may, in its discretion and subject to such requirements as the Commission may deem warranted, permit a prospective Commission employee to commence work prior to the completion of a background investigation.

(a) Applicable Standards. Persons selected for appointment as Executive Director shall be subject to the same background investigation process and licensing standards that apply to Level 1 Licenses under Chapter VII of this Act. Commission staff shall be subject to such standards as the Commission may determine. The submission of documents and other records or information to the NIGC is not required for the Executive Director position or for Commission staff positions.

(b) Nature of Background Investigation. Background investigations conducted under this Section are intended to serve the purpose of assisting the Commission in maintaining a high level of integrity among the Commission staff. Such investigations are not intended to fulfill a regulatory purpose and, consequently, persons selected to serve in the position of Executive Director or Commission staff positions shall not be entitled to any of the rights afforded to License Applicants under this Act.

(c) Investigator's Report. The investigator shall create an investigative report for the Commission that describes the investigative process and applicable standards and includes factual findings regarding each standard to the extent that there is clear and convincing evidence to support a finding.

(d) Investigator's File. The Tribal Police shall create a separate file for each person that was subjected to a background investigation, which shall include all forms, documents, reports and other information related to the investigation that is in the possession of the Tribal Police. The Tribal Police shall retain such files for no less than three (3) years from the date each such person ceases to be employed by the Commission.

(e) Final Determination Regarding Executive Director. Following review of the investigative report and findings, the Commission shall, in closed session, make a preliminary determination as to whether or not the person selected for appointment as Executive Director meets the applicable standards. The Commission shall then, in open session, make a final determination as to whether the subject of the investigation meets the applicable standards. Regarding the first appointment to the position of Executive Director, the Commission shall report its final determination to the Tribal Council and, based on the Commission's determination, the Tribal Council shall either appoint such person as Executive

Director or decline to make the appointment.

CHAPTER V
LICENSING; GENERAL PROVISIONS

Section 5.01 Licenses Required. The Commission, consistent with the IGRA, the Compacts, and this Act, shall insure that all Persons required under this Act, the Regulations, the IGRA, or the Compacts to obtain and maintain valid Licenses are at all times in compliance with such requirement.

Section 5.02 Authority to Require Licensing of Other Persons. The Commission may develop Regulations establishing licensing and background investigation standards and requirements for other groups of Persons not expressly required to be licensed under this Act, the IGRA or the Compacts, either by documenting additional employees of Gaming Operations as "Key Employees", by documenting other employed management officials of the Gaming Enterprise as a "Primary Management Official", or by requiring licensing for Non-Gaming Employees, or requiring licensing of Non-Gaming Suppliers.

Section 5.03 Gaming Establishment License. No Person shall conduct Class II Gaming or Class III Gaming at any location within the Reservation unless such Person conducts Gaming at a Gaming Establishment licensed by the Commission as set forth in Chapter VI.

Section 5.04 Gaming Employees. No Person shall be employed as a Gaming Employee at any Gaming Operation within the Reservation unless such Person is licensed by the Commission as set forth in Chapter VII.

Section 5.05 Gaming Supplier. No Person shall sell, lease, or otherwise supply any Gaming Equipment or Supplies to any Gaming Operation within the Reservation unless such Person is licensed by the Commission as set forth in Chapter VIII.

Section 5.06 General Rights and Duties of Applicants.

(a) No Property Interest or Promise of Employment or Contract. Neither the filing of an Application nor the Commission's decision to grant or not grant a License to an Applicant shall create a property interest or due process rights in favor of the Applicant except as may be explicitly provided by this Act or other Tribal laws. The granting of a License by the Commission does not constitute a commitment on behalf of the Commission or any other party to contract with, hire or continue to employ or contract with the Licensee.

(b) Duties of Applicants and Licensees. Applicants are required to provide or perform the following:

(1) *Responsibility to establish qualifications.* An Applicant for any License or License renewal required by this Act has the burden of proving by clear and convincing evidence that all standards and other requirements

applicable to such License are met. No License shall be granted to any Applicant who fails to meet the evidentiary standards and all applicable licensing standards and requirements.

(2) *Duty to disclose and cooperate.* It shall be the responsibility and continuing duty of each Applicant/Licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, or other materials required or requested by the Commission and to cooperate with the Commission in the performance of its duties. Failure to furnish same after receipt of request shall constitute grounds for delaying consideration or denial of the Application.

(3) Applicant/*Licensee's continuing duty to promptly furnish information. Applicants/*Licensees shall promptly notify the Commission of any occurrence or event in their life which constitutes a material change (e.g., arrest, filing of criminal charges, address change, etc.) in any information provided in the Licensee's Application. The failure to promptly report such information or refusal to comply with a request by the Commission for information, evidence, or testimony may be considered grounds for the denial, suspension, restriction, or revocation of a License.

(4) *Authority to seize, revoke and suspend License.* The Commission may seize, revoke, restrict, condition, or suspend any License issued under this Act in accordance with the procedures prescribed in this Act and any applicable Regulations.

(5) *Waiver of liability for disclosure of information.* Applicants/Licensees accept and assume all risks of harm from any public disclosure of information related to the licensing process. Applicants/Licensees expressly waive any claims against the Commission and the Tribe as well as any Person that furnishes information in good faith to the Commission in any matter relating to the licensing process.

(6) C*onsent to examination of accounts and records.* Each Applicant/Licensee shall, in writing, consent to the examination of all bank accounts, other accounts, and other records, whether held in the possession or under the control of the Applicant/Licensee or a third party. Furthermore, the Applicant/Licensee shall authorize and direct all third parties in possession or with control of such accounts or records to allow such examination thereof by the Commission as the Commission deems necessary.

(7) *Consent to Jurisdiction.* Any Person who applies for a License under this Act shall be deemed to have given consent to the personal jurisdiction of the Tribe, the Commission and the Tribal Court and to have waived all available defenses against such jurisdiction. Nothing in this Act shall limit the jurisdiction of the Tribe, the Commission or the Tribal Court under any circumstances, except as explicitly stated herein.

(8) *Non-transferability of License.* All Licenses shall be non-transferable and shall prohibit the Licensee from transferring any rights or duties related to the License, either directly or indirectly, without the express approval of the Commission.

Section 5.07 Withdrawal of License Application. Once filed, an Application for any License may not be withdrawn by an Applicant without the express permission of the Commission. An Applicant may request permission to withdraw an Application by submitting a written request to the Commission. The Commission may grant or deny such a request in its sole discretion.

Section 5.08 Burden of Proof. The burden of proof to establish eligibility to obtain or maintain a License shall be by clear and convincing evidence, which burden shall be upon the Applicant or Licensee, as the case may be.

Section 5.09 Right to Condition and Limit License. Every License issued by the Commission shall be conditioned upon the Licensee continuing to remain eligible to hold such License under the terms and conditions set forth in this Act and any special conditions prescribed by the Commission. The Commission reserves the right to impose additional conditions or limitations on any License, which may require the Applicant to comply with certain conditions or limitations associated with the holding of such License. Such conditions or limitations shall be related to the type of License sought and shall be narrowly tailored to address any specific regulatory concerns associated with the Applicant, as revealed by the background investigation, including the particular job responsibilities or contractual obligations to be performed by the Applicant.

Section 5.10 Terms of Licenses. Except for Provisional Licenses, Temporary Licenses, or Licenses with specific terms imposed by the Commission as limits or restrictions, the terms of the Licenses issued by the Commission shall be as follows:

(a)	Level 1. (Gaming Employee; Primary Management Official)	one (1) year.
(b)	Level 2. (Gaming Employee; Key Employee)	two (2) years.
(c)	Level 3. Reserved	
(d)	Level 4. (Non-Gaming Employee)	three (3) years.
(e)	Level A. (Gaming Supplier)	two (2) years.
(f)	Level B. (Non-Gaming Supplier)	three (3) years.

The term of all Licenses shall commence on the date such License becomes effective, inclusive of the effective date of any Provisional License or Temporary License, and shall expire at the conclusion of the specified License term on the anniversary of the effective date of the License.

Section 5.11 License Fees. The Commission shall establish a schedule of fees for each type of License issued under this Act. The amount of such fees shall be reasonably related to the recovery of the costs of administering the licensing responsibilities under this Act and shall not

be used as a means of generating revenue.

Section 5.12 Time Periods. Except where required to comply with the requirements of applicable federal law, the time periods stated in this Act for the licensing process shall not be construed as establishing rigid requirements on the Gaming Commission. The Commission shall endeavor to faithfully and consistently comply with all required time periods but may avoid compliance with such time periods when required to fulfill the regulatory purposes to be served by the licensing process under this Act.

CHAPTER VI
LICENSING OF GAMING ESTABLISHMENTS

Section 6.01 License Required. No Person shall conduct Class II or Class III Gaming within the Reservation unless such Person conducts Gaming at a Gaming Establishment licensed by the Commission. If any Gaming Operation proposes to conduct Class II Gaming or Class III Gaming in more than one Gaming Establishment, a separate Gaming Establishment License shall be required for each such Gaming Establishment.

Section 6.02 License Application Fees. The License Application and renewal fee shall be as set forth by Regulation.

Section 6.03 Gaming Establishment Application Procedures. In order to obtain a Gaming Establishment License, the Gaming Operation requesting such License shall submit an Application on the form provided by the Commission. The Applicant shall include all of the following information regarding the period for which the License is sought:

(a) Proposed Gaming. A description of the proposed Gaming, including, but not limited to:
  (1) The type of proposed Gaming, along with all instructions, policies, procedures, and other documents related to the proposed Gaming;
  (2) The number and types of Gaming Equipment and Gaming Devices proposed to be in use within the Gaming Establishment; and
  (3) the proposed days and hours of operation.

(b) Layout. A description of the Gaming Establishment, including the layout of the Gaming Equipment and Gaming Devices and the surveillance systems the Gaming Establishment.

(c) Location. Documentation accurately describing the proposed or current location of the Gaming Establishment which verifies that such location is on Indian Lands and, if Class III Gaming is proposed, that the location constitutes Eligible Indian Lands or the South Bend Site, as applicable.

(d) Security. A description of the security, police, fire protection and other public safety services that will be available in the Gaming Establishment.

(e) Internal Controls and Procedures. Copies of the proposed system of internal controls and accounting procedures for the Gaming Operation.

(f) Emergency Operation Plan. The Emergency Operation Plan for the Gaming Establishment required by Section 2.05 of the Health and Safety Act; and

(g) Schedule. Schedule of all permits and approvals required under the Health and Safety Act, including documents verifying the current status of such permits and approvals.

Section 6.04 Threshold Criteria That Must be Met by Gaming Establishments. In order to be eligible for a Gaming Establishment License, the Applicant must submit documentation sufficient to permit the Commission to determine that the following criteria are met:

(a) Location. The Gaming Establishment is or will be located on Indian Lands and, if applicable, Eligible Indian Lands or the South Bend Site;

(b) Authorized. The proposed Gaming Establishment is duly authorized by Tribal law and by the Gaming Operation;

(c) Sole Proprietary Interest. The Tribe or a Tribal entity will have the sole proprietary interest in the Gaming Establishment, notwithstanding the grant to other Persons of any security interests in tangible personal property of the Gaming Establishment;

(d) Infrastructure. The Gaming Establishment's buildings and facilities have adequate, safe, and operational plumbing, electrical, heating, cooling and ventilation systems in place;

(e) Compliance. The Gaming Establishment's buildings and facilities have been inspected and approved for compliance with all applicable law by a qualified and duly authorized building and fire inspector;

(f) Security. The Gaming Establishment is equipped with security and surveillance equipment meeting or exceeding the Tribal Minimum Internal Control Standards established by the Regulations;

(g) TMICS. The system of internal controls and accounting procedures for the Gaming Operation will meet or exceed the requirements of the Tribal Minimum Internal Controls, including requirements to ensure that financial statements and charts of account for Gaming revenues will be preserved and subject to audit;

(h) Emergency Operation Plan. The Emergency Operation Plan meets the requirements of Section 2.05 of the Health and Safety Act, and if the Emergency Operation Plan is for the Gaming Establishment located on the South Bend Site,

the requirements of Subsection 6(D) of the Indiana Compact ;

(i) Meets Legal Requirements. The Gaming Establishment's buildings and facilities meet all other requirements of applicable federal, Tribal and state law; and

(j) Fees and Costs. The Gaming Operation has paid all applicable License fees and costs.

Section 6.05 Gaming Establishment License Application Procedures.

(a) Upon receipt of a complete Application for a Gaming Establishment License, the Commission shall:

(1) *Review application*. Review the proposed Gaming Establishment License Application to ensure that all threshold standards required by this Act are met;

(2) *Review procedures*. Review the system of internal controls and accounting procedures to be used by the Gaming Operation;

(3) *Review layout*. Review the layout of the games and surveillance systems for the Gaming Establishment, including any instructions, policies, procedures, internal controls or other documents related to the layout of games and surveillance systems;

(4) *Review Emergency Operation Plan*. Review the Emergency Operation Plan for compliance with the requirements of Section 2.05, of the Health and Safety Act;

(5) *Review permit schedule*. Review the schedule of permits and approvals required under Section 2.01 of the Health and Safety Act and consult as needed with the Code Enforcement Officer responsible for review and approval of such permits and approvals;

(6) *Review Gaming Establishment*. Review all aspects of the Gaming Establishment to ensure that it will be in compliance with the provisions of federal and Tribal laws and regulations and the Compacts; and

(7) *Additional*. Take any additional steps necessary to ensure the integrity of Gaming at the Gaming Establishment and by the Gaming Operation.

(b) The Commission shall make its best effort to approve the Gaming Establishment License Application within thirty (30) days following the receipt of a complete Application. The Commission shall approve the Gaming Establishment License Application unless the Commission determines that the Gaming Establishment fails to meet the applicable licensing standards under federal or Tribal law or the Compacts or that, based on reasonable grounds, the Gaming Establishment will be operated in violation of federal or Tribal law or the Compacts. The Commission may, in its discretion, hold a public hearing to consider the Application in accordance with the procedures described in Chapter XI; provided that the Commission may close the hearing or portions thereof to the extent permitted by applicable Tribal law.

(c) If the Commission denies an Application for a Gaming Establishment License, the Commission shall promptly notify the Applicant of the specific reasons for such denial, provide a description of any corrective actions that the Commission determines will cure the deficiencies in the Application, and inform the Applicant of its right to appeal the determination in accordance with Chapter XII.

(d) The Commission shall ensure compliance with NIGC regulations regarding notification to the NIGC that a Gaming Establishment License is under consideration for a new place, facility, or location within the Reservation and the submission to the NIGC of a copy of each Gaming Establishment License it issues.

Section 6.06 Conditions Applicable to a Gaming Establishment License. Any Gaming Operation that holds a Gaming Establishment License shall comply with such reasonable conditions as may be prescribed by the Commission, including the following:

(a) The Gaming Operation shall operate and maintain the Gaming Establishment in a manner that meets the requirements set forth under Section 10.11 of this Act;

(b) Prior to initiating any public use of the building or facilities at the Gaming Establishment, the Gaming Operation shall have received all required permits, approvals, and certificate(s) of occupancy under Section 2.01 and Chapter 3 of the Health and Safety Act and other applicable Tribal law and shall comply with all conditions imposed though such permits, approvals, and certificates;

(c) The Gaming Operation shall comply with all Internal Revenue Service reporting and filing requirements;

(d) Prior to initiating of any Gaming at the Gaming Establishment, all Gaming Employees and other employees required under this Act or the Regulations to be licensed shall obtain the appropriate Licenses required in Chapter VII;

(e) The Gaming Establishment shall be subject to patrol by the Gaming Operation's security personnel and shall be accessible to the Tribal Police, and, to the extent expressly authorized by the Tribe, local and state law enforcement agencies to investigate crime and to enforce the law, but not for patrol without the express invitation of the Gaming Operation. The Licensee shall cooperate at all times with all Tribal, state, and federal law enforcement officers;

(f) The Gaming Establishment shall be open to inspection by the Commissioners and other duly authorized Tribal authorities at all times; and

(g) The Gaming Operation may not discriminate by reason of race, color, national origin, sex, age, physical or mental disability, sexual orientation or creed; provided, that nothing herein shall prohibit the Licensee from complying with contracting and employment preference requirements regarding Tribal members

and other Native Americans pursuant to applicable Tribal and federal law.

Section 6.07 Terms of License. A Gaming Establishment License shall be valid for a period of two (2) years from the date of issuance.

Section 6.08 Posting of Licenses. The Gaming Establishment License must be posted in a conspicuous location at all times on the premises of each Gaming Establishment.

Section 6.09 Gaming Establishment License Renewals.

(a) Renewal. Each Gaming Establishment License must be renewed every two (2) years.

(b) Renewal Submission. In order to obtain a renewal of a License, the Gaming Operation shall submit a written renewal Application to the Commission on the form provided by the Commission at least forty-five (45) days prior to the date the current License will expire.

(c) Commission Approval. The Commission shall approve Applications to renew a License within thirty (30) days following the Commission's receipt of a complete Application unless the Commission determines that the Gaming Establishment fails to meet the applicable licensing standards under federal or Tribal law or the Compacts or that, based on reasonable grounds, the Gaming Establishment will be operated in violation of federal or Tribal law or the Compacts. The Commission may, in its discretion, hold a public hearing to consider the Application in accordance with the procedures described in Chapter XI; provided that the Commission may close the hearing or portions thereof to the extent permitted by applicable Tribal law.

(d) Temporary Gaming Establishment License. A Temporary License may be granted where the holder of a Gaming Establishment License has timely sought a License renewal and has paid all required fees and costs but the License renewal has not been approved by the Commission, provided a Temporary License shall not issue if the Commission determines that the Gaming Establishment is not in full compliance with Section 10.11 of this Act.

(e) Notice and Right of Appeal. If the Commission denies an Application to renew a License, the Commission shall, within seven (7) calendar days, notify the Applicant of the specific reasons for such denial, provide a description of any corrective actions that the Commission determines will cure the deficiencies in the Application, and inform the Applicant of its right to appeal the determination in accordance with Chapter XII.

CHAPTER VII
LICENSING OF GAMING EMPLOYEES

Section 7.01 Application for a Gaming Employee License. The Commission shall require each prospective Key Employee, Primary Management Official, and Gaming Employee to submit a sworn Application to the Commission on the forms and in the manner required by the Commission. The Application for Level 1 Licenses or if not Level 1, any Primary Management Official or Key Employee, shall include, at a minimum, the forms, information, other requirements described hereunder.

(a) Application Form. The Application form shall require, at a minimum, the following information:

(1) 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);
(2) Currently and for the previous ten (10) years:
  (i) business and employment positions held,
  (ii) ownership interests in those businesses,
  (iii) business and residence addresses; and
  (iv) drivers license numbers, including issuing state;
(3) The names and current addresses of at least three personal references, including one personal reference that was acquainted with the Applicant during each period of residence listed under subsection (a)(2) of this Section;
(4) Current business and residence telephone numbers; and
(5) If the Applicant is a Tribal member applying for a Level 2 Gaming Employee License and, if so, the Applicant's Tribal membership number.

(b) Application Form Notices. The notices set forth below shall be placed on the front of every Application so that the Applicant will read the notices prior to filing out the Application form.

Privacy Act Notice.

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection

with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

False Statements Notice.

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

(c) Application Form Authorizations and Acknowledgements. Every Application form shall require the Applicant to sign an authorization and an acknowledgement that are substantially similar in substance to the following:

(1) Authorization permitting the Commission to investigate the Applicant's background, including his criminal and civil records, credit and financial history, business relationships and activities, records of all previous license Applications, and tax records; and

(2) A signed acknowledgement that the Applicant consents to the personal jurisdiction of the Tribe, the Commission, and the Tribal Court and that the Applicant waives all available defenses against such jurisdiction.

(d) Personal History Disclosure. The Personal History Disclosure shall require, at a minimum, the following information:

(1) *Relationship with other tribes*. A description of any existing and previous Gaming-related or other business relationships with any Indian tribe, including ownership interests in those businesses;

(2) *Gaming history*. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(3) *Prior Gaming applications*. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, the current status of the application, and whether or not such license or permit was granted.

(4) *Felony charges*. A list of all felony charges and dispositions against the Applicant, if any, and 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, including identification of any conviction, or plea of guilty or no contest, to a gambling related offense, Fraud or Misrepresentation at any time;

(5) *Misdemeanor charges*. A list of all misdemeanor charges and dispositions against the Applicant, if any, (excluding traffic charges for which incarceration was not a possible punishment, referred to hereunder as "minor" traffic charges), and for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic charges), within ten (10) years of the date of the Application, the name and address of the court involved and the date and disposition, including identification of any conviction, or plea of guilty or no contest, to a gambling related offense, Fraud or Misrepresentation at any time;

(6) *Convictions*. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge was within ten (10) years of the date of the Application and is not otherwise listed pursuant to subsections (d)(4) or (d)(5) of this Section, the criminal charge, the name and address of the court involved, and the date and disposition; and

(7) *Prior business applications.* The name and address of any licensing or regulatory agency with which the person has filed an application for a business or occupational license or permit, whether or not such license or permit was granted.

(e) Current Photographs. The Applicant shall provide a current photograph in such form as the Commission may require.

(f) Personal Financial Questionnaire. The Personal Financial Questionnaire shall include a statement of assets and liabilities and shall include, at a minimum, the following information:

(1) Complete financial statement, along with income tax returns for the previous three (3) years, showing all sources of income for the previous three (3) years, and assets, liabilities, and net worth as of the date of the Application; and

(2) A list of all professional or business licenses the Applicant has applied for, whether or not those licenses where granted and the name, address and phone number of the regulatory agency involved.

The Personal Financial Questionnaire shall also include a sworn statement to be signed by the Applicant stating that neither the Applicant nor any member of the Applicant's immediate family has a past or current financial interest, other than a salary interest, in any gaming-related activity or business anywhere. If the Applicant has any relative who has such a relationship, the Applicant shall fully disclose his name and the nature of the relationship.

(g) Fingerprints. All Applicants for a Gaming Employee License shall submit one or more complete sets of original fingerprints to be taken by the Commission in such manner and form as the Commission may require, which shall be processed in accordance with this Act and the Regulations. The Gaming Commission is the Tribal agency that is authorized to take all fingerprints required to be taken under

this Act and the IGRA. The Commission may also require the submission of one or more additional sets of fingerprints, which the Commission may submit to be processed by any governmental agency's criminal history check system as the Commission deems necessary.

(h) Other Information. The Applicant shall complete any other forms and disclose and submit any and all other information required by Regulation or reasonably requested by the Commission.

(i) Application Fees and Costs. The Applicant shall pay all fees and costs required by the Commission to process the Application.

Section 7.02 Provisional License.

(a) Issuance of a Provisional License. Provisional Licenses may only be issued to Applicants for a License and not to Licensees seeking a License renewal. If the Commission verifies that the Applicant has completed all Application requirements set forth in Section 7.01, the Commission shall promptly issue a Provisional License pending the satisfactory completion of a background investigation and eligibility determination, provided that the Commission verifies that based on the Commission's review of information provided in the Application and any other information concerning the Applicant in the Commission's possession that the Applicant:

(1) would meet the licensing standards set forth in Section 7.04 and as otherwise provided under applicable law and the Compacts; and

(2) that granting the Provisional License would not pose a threat to the public interest or to the effective regulation of Gaming and would not create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming.

The Commission may, in its discretion, apply to any Provisional License such conditions as it determines are warranted.

(b) Submission of Fingerprints to NIGC. Upon the issuance of a Provisional License to an Applicant for a Level 1 or a Level 2 License, the Commission shall promptly submit to the NIGC the Applicant's fingerprints and any other materials required by the NIGC under applicable federal law.

(c) Period a Provisional License May Remain Valid. The Provisional License may be valid for such period of time as the Commission may determine in its sole discretion, but in no event shall it be valid for more than ninety (90) days from the date of issuance.

(d) Conditions Applicable to All Provisional Licenses. An Applicant may commence employment under a Provisional License, however, upon the occurrence of any of the following such employment shall terminate immediately and the Provisional

License shall be summarily revoked pending any hearing requested by the Applicant as provided under this Act:

(1) denial of a License by the Commission upon receipt of any information, including when applicable objections and supporting information from the NIGC regarding the issuance of a Level 1 or a Level 2 License, that indicates the Applicant does not meet the standards for a License set forth in Section 7.04; or

(2) a violation of any other conditions the Commission placed on all or certain Provisional Licenses pursuant to this Act or a violation of any condition the Commission placed on a particular Provisional License.

Section 7.03 Background Investigation. The Commission shall conduct, or cause to be conducted, an investigation sufficient to make the determinations required under Sections 7.05 and 7.06. In conducting background investigations, the Commission shall seek to ensure that Gaming Operations shall not employ persons whose prior activities, reputation, habits and associations 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 and methods and activities in the conduct of such Gaming. Such investigations shall be conducted according to requirements at least as stringent as those set forth at 25 C.F.R. Parts 556 and 558, the Compacts, and this Chapter. The Commission shall establish procedures to protect confidential information generated by the investigation or submitted by the Applicants from any unauthorized disclosure. The background investigation shall, at a minimum, consist of at least the following:

(a) Verify Identity. Verify the Applicant's identity through primary sources, such as government-issued identification and other documents, including without limitation social security cards, drivers licenses, birth certificates, or passports;

(b) References. Contact each reference provided in the License Application and, when warranted, contact other references and sources identified in the Application in order to verify and supplement the information submitted by the Applicant/Licensee and to resolve any discrepancies encountered through the background investigation;

(c) Financial Information. Review the Applicant's credit history and, when the Application is for a Level 1 License or when required by the Regulations or otherwise warranted, verify the financial information provided by the Applicant by contacting financial institutions and other sources and investigate the Applicant's financial background based on the Applicant's Personal Financial Questionnaire;

(d) Civil History. Conduct a civil history check;

(e) Criminal History. Conduct a criminal history check.

(1) *Applicant for a Level 1 or a Level 2*. Submit the fingerprints to the NIGC, which will forward the fingerprints to the Federal Bureau of Investigation and the NCIC to search and report on the Applicant's criminal history, if

any, and

(2) *All Applicants for a Gaming Employee License*. Obtain information from law enforcement agencies and courts in the jurisdictions where the Applicant has resided regarding all felony convictions during the Applicant's lifetime and misdemeanor convictions and criminal charges within the last ten years;

(f) Prior Business Relationships. Inquire into the Applicant's previous or existing business relationships;

(g) Agency History. Verify and evaluate the Applicant's history and status with licensing agencies in other jurisdictions; and

(h) Investigative Report. The investigator shall create an investigative report that includes, at a minimum, the following:
(1) Steps taken in conducting a background investigation;
(2) Results obtained;
(3) Conclusions reached; and
(4) The basis for those conclusions.

In the absence of disqualifying information, the investigator shall prepare for Commission purposes in a separate report factual findings regarding each licensing standard to the extent that there is clear and convincing evidence to support a finding. The Gaming Commission shall keep confidential the identity of each person interviewed in the course of the investigation, except to the extent that disclosure is permitted under applicable federal or Tribal law or the Compacts.

Section 7.04 Standards for Issuance of a Gaming Employee License. The Commission shall not grant a Gaming Employee License to any person who does not meet the applicable standards set forth below:

(a) Standards Applicable to All Gaming Employees. The Commission shall not grant a Gaming Employee License to any person who:
(1) Is a member of the Tribal Council, a Tribal Judge, or a Tribal Law Enforcement Officer;
(2) Is under the age of 18;
(3) Has been convicted of or entered a plea of guilty or no contest to a gambling-related offense, Fraud or Misrepresentation;
(4) Is determined by the Commission (i) to have participated in organized crime or unlawful gambling or (ii) whose prior activities, criminal records, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of Gaming, or (iii) create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming or to the carrying on of the business and financial arrangements incidental to the conduct of Gaming;
(5) Lacks good character, honesty, integrity, financial stability, or the ability and experience required for the position being sought;

(6) Has knowingly and willfully provided materially false and misleading statements or information to the Commission or refused to respond to questions material to the suitability determination that have been asked by the Commission; or

(7) Fails to meet the requirements of the applicable Compact.

(b) Additional Standards Applicable Only to Level 1. In addition to the standards set forth in subsection (a), the Commission shall not grant a Gaming Employee License to any person in Level 1 that:

(1) Has been convicted of or entered a plea of guilty or no contest to any felony;

(2) Has been convicted of or entered a plea of guilty or no contest to Any Offense not specified in subsection (3)(a) within the immediately preceding ten (10) years; or

(3) Has shown a lack of financial integrity or stability in personal finances or in business affairs.

(c) Additional Standards Applicable Only to Level 2. In addition to the standards set forth in subsection (a), the Commission shall not grant a Gaming Employee License to any person in Level 2 that has been convicted of or entered a plea of guilty or no contest to Any Offense not specified in subsection (3)(a) within the immediately preceding five (5) years; provided that this provision shall not apply if the applicable Compact states otherwise or, if the Applicant is a Tribal member, the Commission has determined through a Rehabilitation Hearing that such conduct does not require that the Applicant be denied a Gaming Employee License.

Section 7.05 Eligibility Determinations.

(a) Commission Review and Determination. Within fifteen (15) days following the completion of the background investigation described in Section 7.03 but not more than fifty (50) days from the date it issues a Provisional License, the Commission shall review the Application, the investigative reports, and any objections to the issuance of a License and shall make a determination of eligibility under the standards set forth in Section 7.04.

(b) Level 1 or Level 2 License; Preliminary Determination. If the Application is for a Level 1 or a Level 2 License, the Commission shall also consider any information provided by the NIGC before making a determination of eligibility and shall comply with the additional requirements of Section 7.06. Pending the outcome of the process set forth in Section 7.06, the Commission's eligibility determination regarding Applicant's for a Level 1 or a Level 2 License shall be a preliminary determination.

Section 7.06 Approval of a Level 1 or a Level 2 Gaming Employee License.

(a) Preliminary Eligibility Determination. If the Commission makes a preliminary eligibility determination that the Applicant for a Level 1 or a Level 2 Gaming Employee License qualifies for the issuance of a License, the Commission shall, within seven (7) business days of the date such determination is made, but not longer than sixty (60) days from the date the Commission issues a Provisional License, prepare and forward to the NIGC, in such form and to the extent the NIGC may require, a notice of results of the Applicant's background investigation, which notice shall, at a minimum, include the following:

(1) Applicant's name, date of birth, and social security number;

(2) Date on which Applicant began or will begin work as Key Employee or Primary Management Official;

(3) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:

(i) Licenses that have previously been denied;

(ii) Licenses that have been revoked, even if subsequently reinstated;

(iii) every known criminal charge brought against the Applicant within the last ten (10) years of the date of the Application; and

(iv) every felony of which the Applicant has been convicted or any ongoing prosecution.

(4) A copy of the eligibility determination made under Section 7.05.

The Commission shall request that the NIGC issue within thirty (30) days any objections it determines are warranted to the issuance of a License.

(b) Requirements for Final Determination. A final determination regarding the eligibility of an Applicant for a Level 1 or a Level 2 Gaming Employee License may only be made after the Commission provides the NIGC with the Applicant's fingerprints and any other materials required under this Act and by the NIGC under applicable federal law and after one of the following has occurred:

(1) *The NIGC Has No Objections or Thirty Days Have Elapsed*. Notice has been received from the NIGC that it has no objection to the issuance of the License or thirty (30) days have elapsed since the Commission provided the NIGC the required materials and the NIGC has not responded; or

(2) *NIGC Objections Are Resolved*. If, within the thirty (30) day period the NIGC provides the Commission with a statement itemizing objections to the issuance of a License to the Applicant, the Commission shall reconsider the Applicant's eligibility, taking into account the objections itemized by the NIGC. If, within that thirty (30) day period the NIGC requests additional information concerning the Applicant, the Commission shall promptly respond to such request. The receipt of the NIGC's request shall suspend the thirty (30) day period referred to in this Section until the NIGC receives the additional information requested.

(c) Final Determination of Eligibility. Upon compliance with the requirements of

subsection (b), the Commission may proceed with a final determination regarding the Applicant's eligibility. An Applicant may challenge a determination that the Applicant is ineligible for a Level 1 or a Level 2 License, or is only eligible with conditions, in accordance with the procedures and requirements of Chapter XI. If the Commission determines that the Applicant is eligible for a Level 1 or a Level 2 License, the Commission shall promptly notify the Applicant and shall issue the License.

(d) Ninety Day Limit for Final Determination of Eligibility. A Key Employee or Primary Management Official who does not have a License after ninety (90) days from the date the Commission issues a Provisional License shall not be permitted to perform the duties, functions, and/or responsibilities of a Key Employee or Primary Management Official until such person is issued a License (excluding any Provisional License or Temporary License) by the Commission. A Gaming Enterprise shall not employ a Key Employee or Primary Management Official who does not have a License after ninety (90) days from the date the Commission issues a Provisional License.

(e) Notice to NIGC of Final Determination of Eligibility. The Commission shall notify the NIGC of its issuance of a License within thirty (30) days from the date it is issued.

Section 7.07 Denial of a Gaming Employee License. If the Commission issues a final decision denying any Application for a License under this Chapter, the Commission shall, within seven (7) calendar days, notify the Applicant that the Application was denied and shall specify all specific reasons upon which the denial is based. The notice shall also inform the Applicant of the right to appeal the denial, as provided in Chapter XI. If the Commission denies an Application for a Level 1 or a Level 2 License, the Commission shall also notify the NIGC and shall provide the NIGC with copies of its eligibility determination and notice of results, in accordance with Section 7.06 and investigative report (if any) for inclusion in the Indian Gaming Individuals Records System.

Section 7.08 Form of License. The License shall display on its face the Licensee's photograph, the Licensee's name, the Gaming Establishment at which the employee is licensed to work, the level of License, the date that the License became effective, and the date that it expires.

Section 7.09 Renewals. A holder of a Gaming Employee License shall apply to the Commission for a renewal not later than sixty (60) days before the License expires by completing all forms required by the Commission. Each Applicant for a License renewal shall revise and supplement the information provided to the Commission with the Applicant's initial Gaming Employee License Application on such forms and subject to such requirements as may be prescribed by the Commission. A Temporary License may be granted where the holder of a Gaming Employee License has timely sought a License renewal and has paid all required fees and costs but the License renewal has not been approved by the Commission.

Section 7.10 Disclosure of Applicant and Licensee Information and Documents.

(a) The Commission may, consistent with its duties and responsibilities under the law and in an effort to preserve and enhance the integrity of Gaming conducted within the Reservation, disclose Applicant and Licensee information, documents, photographs, records, and other material under the following circumstances:

(1) Pursuant to written authorization from the Applicant or Licensee to whom the information and documents pertain;

(2) Pursuant to a written request from a duly authorized agent of any agency of the United States, a State, or the Tribe, including law enforcement agencies, and regulatory bodies when authorized by law, and in accordance with, the terms and conditions described in any Regulations; and

(3) If ordered to do so by a court of competent jurisdiction.

(b) Disclosure of Applicant or Licensee information and documents by the Gaming Commission is specifically authorized under the following circumstances:

(1) *National Indian Gaming Commission.* The Commission is required, upon the request of the NIGC, to forward to the NIGC, an investigative report on each background investigation. An investigative report shall include: (1) steps taken in conducting a background investigation; (2) results obtained; (3) conclusions reached; and (4) basis for the conclusion. Within thirty (30) days of its decision, the Commission shall disclose to the NIGC the revocation and any subsequent reinstatement of a Gaming License.

(2) *Michigan Gaming Control Board.* Under Section 4(L) of the Michigan Compact, the Commission is required, upon request, to provide representatives of the Michigan Gaming Control Board with access to background investigation information compiled by the Commission on all Michigan Key Employees and Primary Management Officials.

(3) *Indiana Gaming Commission.* Under Subsection 4(O) of the Indiana Compact, the Commission is required, upon request, to provide the State of Indiana copies of its eligibility determination and investigative reports on any and all Indiana Gaming Officials and Employees.

Section 7.11 Suspension or Revocation of a License.

(a) Standard for Suspension of License Following a Hearing. Any License issued under this Chapter may, after notice and hearing, be suspended by the Commission for such period the Commission determines in accordance with the requirements of subsection (c) if the Commission determines that any of the following have occurred:

(1) The Licensee has been formally charged with any offense that may disqualify the Licensee from holding a License under this Act.

(2) The Licensee has engaged in conduct that poses a threat to the integrity of Gaming or to the health, safety or welfare of the general public at any

Gaming Establishment, whether within or outside the jurisdiction of the Tribe.

(3) The Licensee has knowingly made a material false or misleading statement in his License Application.

(4) The Licensee has participated in unauthorized Gaming, whether or not regulated by this Act.

(5) The Licensee has failed or refused to comply with the conditions of the License, with any duty imposed on Licensee under this Act, or with any lawful order of the Commission, the Tribal Court, or the NIGC.

(b) Standard for Summary Suspension of License Pending a Hearing. Any License issued under this Chapter shall be immediately suspended by the Commission for not more than thirty (30) days pending a hearing if, in addition to the standards set forth in subsection (a):

(1) the NIGC notifies the Commission that it has information that a Licensee employed as a Primary Management Official or Key Employee is no longer eligible to be licensed; or

(2) the Commission receives reliable information that the Licensee has engaged in conduct that poses an immediate threat to the integrity of Gaming or to the health, safety or welfare of the general public at any Gaming Establishment, whether within or outside the jurisdiction of the Tribe.

(c) Length of License Suspension. Following a suspension hearing, if the Commission determines that neither lifting the suspension nor initiating a revocation proceeding would serve the purposes and requirements of this Act, the Commission may suspend the License for any additional period of time it determines is needed under the circumstances to allow for further investigation or other appropriate purpose under this Act, provided that no suspension shall exceed a period of ninety (90) days without affording the Licensee the right to a hearing to reconsider the suspension.

(d) Standard for Revocation of a License. Any License issued under this Chapter may, after notice and hearing, be revoked if the Commission determines that the Licensee fails to meet the standards for a Gaming Employee License under Section 7.04 of this Act or under other applicable law or that the Licensee has failed or refused to comply with the conditions of his or her License, with any duty imposed on the Licensee under this Act, or with any lawful order of the Commission, the Tribal Court, or the NIGC.

(e) Investigation of Grounds for Suspending or Revoking a License. Upon receipt by the Commission of information that a License may be suspended or revoked based on the grounds described in subsections (a), (b), or (d) the Commission shall promptly conduct an investigation to substantiate the allegations and to obtain any other relevant information that may prove or disprove grounds for suspension or revocation.

(f) Notice of Intent to Suspend License. If upon completion of the investigation, the Commission determines that grounds exist to suspend the License under the standards set forth in subsection (a), but such grounds do not meet the standards of subsection (b), the Commission shall issue a Notice of Intent to Suspend License, which shall be served on the Licensee and the Manager of the Gaming Establishment.

(g) Notice of Summary Suspension of License Pending a Hearing. If upon completion of the investigation the Commission determines that grounds exist to suspend the License under the standards set forth in subsection (b), the Commission shall issue a Notice of Summary Suspension of License Pending Hearing, which shall be served upon the Licensee and upon the Manager of the Gaming Establishment.

(h) Notice and Hearing Requirements. Any Notice under this Section shall:

(1) inform the Licensee of the right to a hearing upon request;
(2) state in detail the grounds upon which it is issued;
(3) identify any witnesses the Commission intends to call, except witnesses whose identity the Commission determines should not be disclosed in advance of the hearing in order to protection such witnesses and ensure their full cooperation;
(4) summarize the facts and evidence that the Commission intends to present to demonstrate that adequate cause exists to support the action against the employee's License; and
(5) inform the employee that he or she has the right to present evidence to rebut the grounds specified in the notice, including testimony from fact witnesses, or to present evidence of mitigating circumstances demonstrating that the action against his or her License is not warranted.

(i) Time Requirement for Requesting a Hearing. The Commission shall make every reasonable effort to set the date for a hearing before the Commission within fourteen (14) days, but in no event later than thirty (30) days, after the date the Licensee files a written request for a hearing. The Licensee shall file a request for a hearing within three (3) business days from the date the Licensee receives a Notice. The Commission may, on its own, schedule a hearing, notwithstanding the lack of written request for a hearing from the Licensee. The hearing shall be conducted in accordance with the procedures described in Chapter XI.

(j) Conversion of Suspension Hearing to Revocation Hearing. If the results of the investigation described in subsection (e) indicate that there are sufficient grounds to revoke the Licensee's License under the standard set forth in subsection (d), the Commission may, in its discretion, convert the hearing on the suspension of the License to a hearing to show cause why the License should not be revoked. If the Commission converts a suspension hearing to a revocation hearing and has already issued a notice under subsections (f) or (g), it shall provide the Licensee

with a new Notice and a new opportunity to request a hearing under subsection (h), which would also commence a new time period for scheduling the hearing.

(k) Decision Following Hearing. The Commission shall decide at the conclusion of a hearing under this Section whether or not to continue the suspension or to revoke the License, as the case may be, and shall issue findings of fact and conclusions of law to support any such decision. If the hearing involved the revocation of a Level 1 or a Level 2 License, the Commission shall notify the NIGC of its decision, and such notice shall include a copy of such decision.

(l) Time Limit for Issuing a Decision. Notwithstanding the ninety (90) day time limit for suspension of a License pursuant to subsection (c), following a revocation hearing under this Section that is based on notification the Commission receives from the NIGC regarding a Licensee's eligibility pursuant to the standards set forth in Section 7.03, the Commission shall issue a decision and shall notify the NIGC of its decision, which notice shall be provided within forty-five (45) days of the date that the Commission received notification from the NIGC.

Section 7.12 Show Cause Hearing for Primary Management Officials. Notwithstanding the provisions in the foregoing Section 7.11, in the event that the Commission determines that there are grounds to issue a Notice of Suspension or Revocation regarding a Level 1 License and such grounds do not involve criminal conduct, the following procedures shall apply in addition to the requirements of this Chapter that are not inconsistent with this Section:

(a) Prior to issuing a Notice of Suspension or a Notice of Revocation, the Commission shall issue a Notice for Show Cause to the Licensee.

(b) In addition to the notice and hearing requirements set forth in subsection 7.11 (g), the Notice for Show Cause shall suggest satisfactory measures the Licensee may pursue to address the grounds stated in the Notice of Suspension or Revocation.

(c) The Commission shall provide the Licensee with an opportunity for a conference with Commission staff prior to the show cause hearing to address any questions related to the hearing. Such meeting shall, except for good cause or as otherwise agreed to by the Licensee and the Commission, occur within two (2) business days from the date the Licensee receives the Notice for Show Cause.

(d) If the licensing problem is not resolved to the Commission's satisfaction prior to the Show Cause Hearing, the Commission may proceed with the Show Cause Hearing to suspend or revoke the License.

CHAPTER VIII
LICENSING OF GAMING SUPPLIERS

Section 8.01 Licensing of Gaming Suppliers. A Person shall obtain from the Commission a

Gaming Supplier's License before selling, leasing, or otherwise supplying any Gaming Equipment or Supplies o a Gaming Operation.

Section 8.02 Requirements for Gaming Suppliers License. Each Person applying for a Gaming Supplier's License must complete the following forms:

(a) Application for Gaming Supplier's License;

(b) Disclosure Form for Business Entity for each Control Person that is a Business Entity;

(c) Personal History Disclosure Form for each Control Person who is a natural person;

(d) Authorization to Release Information for each Control Person – Business Entity or Natural Person.

(e) The Commission may require additional forms or information from an Applicant as it deems necessary.

Section 8.03 Application for Gaming Supplier's License. Any Applicant for a Gaming Supplier's License shall submit to the Commission an Application on a form issued by the Commission, which shall, at a minimum, include the following information:

(a) Businesses. Name of business, any other names the Applicant has done business under, business address (including main office address if different), telephone number, and federal tax ID number (or SSN if a sole proprietorship or single member LLC);

(b) Proposed Sale of Gaming Equipment or Supplies. Identification of the specific Gaming Equipment or Supplies the Applicant is proposing to sell, lease, or otherwise supply to the Gaming Operation;

(c) All Available Gaming Equipment or Supplies. Identification of all Gaming Equipment or Supplies and any other goods or services available from the Applicant;

(d) Business Affiliates. Trade name(s) used in connection with Gaming Equipment or Supplies, names of any wholly-owned subsidiaries or other businesses owned by the Applicant;

(e) Business Documents. Copies of documents establishing the existence of the Applicant as a business entity, such as a partnership agreement, trust agreement, or articles of incorporation;

(f) Ownership Documents. Copies of documents establishing the ownership and control of the Applicant business affairs sufficient to permit identification of any and all Control Persons of the Applicant;

(g) Authorization. Copies of documents designating the person(s) authorized to act on the Applicant's behalf;

(h) Bylaws. Copies of bylaws or other documents that provide the day-to-day operating rules for the Applicant;

(i) Business History. A description of any existing and previous business relationships involving Indian tribes, particularly those including ownership interests in those businesses;

(j) Gaming Business History. A description of any existing and previous business relationships involving the gaming industry in general, particularly including ownership interests in those businesses;

(k) Prior Gaming Applications. The name and address of any licensing or regulatory agency with which the Applicant or Control Persons have filed an Application for a License or permit relating to gaming, whether or not such License or permit was granted, and whether such License or permit has ever been subject to suspension, revocation or other sanction;

(l) Felonies. For each gaming offense and for each felony for which there is an ongoing prosecution or a conviction involving the Applicant or a Control Person, the name and address of the court involved, the charge, and the dates of the charge and disposition;

(m) Misdemeanors. For each misdemeanor conviction or ongoing misdemeanor prosecution involving the Applicant or a Control Person within ten (10) years of the date of the Application, the name and address of the court involved, and the dates of the prosecution and disposition;

(n) Financial Statements. Complete financial statements or tax returns, with all relevant schedules, for the Applicant for the previous three (3) fiscal years; and

(o) Civil Lawsuits. List of civil lawsuits to which the Applicant or a Control Person has been a defendant within the previous 10 years, including the name and address of the court involved, the date and disposition.

(p) Additional Information. Any additional information the Commission deems relevant.

(q) Notice Requirements. The following notice shall be placed on the Application form for the Applicant and all Control Persons:

The inclusion of false or misleading information in this Application may be grounds for denial or revocation of any License.

Section 8.04 Background Investigation. The Commission shall conduct or cause to be conducted a background investigation of the Applicant and each Control Person. Control Persons who are natural persons shall be subject to the same background investigation as is required for a Level 1 License, except that a criminal history check involving the submission of the fingerprints of Control Persons who are natural persons to the NIGC shall not be required. The background investigation shall consist of at least the following:

(a) Verify Identity. Verify the Applicant's legal identity and standing (if applicable) and Verify the identity of all Control Persons who are natural persons through primary sources, such as government-issued identification and other documents, including without limitation social security cards, drivers licenses, birth certificates, or passports;

(b) References. Contact each reference provided in the License Application and, when warranted, contact other references and sources identified in the Application in order to verify and supplement the information submitted by the Applicant and to resolve any discrepancies encountered through the background investigation;

(c) Financial History. Obtain a credit history report, Dunn & Bradstreet report, if warranted, and, regarding Control Persons who are natural persons, an individual credit history report and verify the accuracy of financial information provided by the Applicant and Control Persons by contacting financial institutions and other sources;

(d) Civil History. Conduct a civil history check;

(e) Criminal History. Conduct a criminal history check regarding all Control Persons who are natural persons by obtaining information from law enforcement agencies and courts in the jurisdictions where such persons resided regarding all arrests, charges, and convictions;

(f) Prior Business Relationships. Inquire into any previous or existing business relationships by contacting the entities or tribes;

(g) Agency History. Verify the Applicant's history and status with any licensing agency; and

(h) Business Practices Review. Review information concerning the Applicant's business practices and identify any history of unethical, unscrupulous, or other business misconduct.

The investigator shall create an investigative report that describes the investigative process,

information gained, potential problem areas, and any disqualifying information. The Commission shall keep confidential the identity of each person interviewed in the course of the investigation, except as permitted under applicable federal or Tribal law or the Compacts.

Section 8.05 Licensing Standards. A Person is ineligible to receive a Gaming Supplier's License if any of the following exist:

(a) The Applicant, or any Control Person who is a natural person, has been convicted of or entered a plea of guilty or no contest to a felony preceding the date of the License Application within the time frame stated in the applicable Compacts;

(b) The Applicant, or any Control Person who is a natural person, has been convicted of or entered a plea of guilty or no contest to any gambling-related offense, or to Fraud or Misrepresentation within the time frame stated in the applicable Compacts;

(c) The Applicant, or any Control Person, employs a person who is directly involved with the management or operations of any Gaming Operation;

(d) The Applicant, or any Control Person, submitted an Application that contains materially false or misleading information;

(e) The Applicant, or any Control Person, is associated with, or has participated in or have involvement with organized crime;

(f) The Applicant, or any Control Person, is determined by the Commission to be an entity or person whose prior activities, reputation, habits and associations, including any conflicts of interest, pose a threat to the public interest or to the effective regulation and control of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming or the business and financial affairs related thereto; or

(g) The Applicant, if a supplier of Gaming Devices, has failed to demonstrate that it will provide devices that meet the technical requirements for such devices as prescribed in subsection 6(A) of the Compacts, Section 10.06 of this Act, and as may be prescribed in the Regulations.

Section 8.06 Action on Applications for Gaming Supplier's License; Preliminary Determinations.

(a) Within fifteen (15) days following the completion of the background investigation(s) described in this Chapter, the Commission shall meet to review the Application and the investigative report to determine if the Applicant qualifies for a Gaming Supplier's License.

(b) If the Commission determines, pursuant to Section 8.05, that the Applicant

qualifies for the issuance of a License without any conditions, the Commission may approve the Application and issue a License.

(c) If the Commission determines, pursuant to Section 8.05, that an Applicant does not, or may not, qualify for the issuance of a License, or may qualify for a License only with certain conditions, because:

(1) The Applicant's criminal history or past associations and/or habits indicate that the Applicant's involvement in supplying Gaming Equipment or Supplies may create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming or to the carrying on of the business and financial arrangements incidental to the conduct of Gaming; or

(2) The Applicant may have knowingly and willfully provided materially false and misleading statements or information to the Commission or refused to respond to questions material to the suitability determination that have been asked by the Commission; the Commission shall notify the Applicant that its Application may be denied and, upon the Applicant's request, shall schedule a hearing in accordance with the procedures described in Chapter XI. If following such hearing, the Commission determines that the Applicant qualifies for the issuance of a License, with or without conditions, the Commission shall approve the Application.

Section 8.07 Denial of License. If, following the hearing conducted under the procedures described in Chapter XI, the Commission denies any Application for a Gaming Supplier's License under this Chapter or issues a License with conditions or restrictions, the Commission shall, within seven (7) calendar days, notify the Applicant that the Application was denied, specify the reasons for the denial under the standards described in Section 8.05, and inform the Applicant of the Applicant's right to appeal as provided in Chapter XII.

Section 8.08 Renewals. A holder of a Gaming Supplier's License shall apply to the Commission for a renewal no later than sixty (60) days before its current License expires by completing all forms required by the Commission. Each Applicant for a License renewal shall revise and supplement the information provided to the Commission with the Licensee's initial Gaming Supplier's License Application on such forms and subject to such requirements as may be prescribed by the Commission. A Temporary Gaming Supplier's License may be granted where the holder of the License has timely sought a License renewal and paid all required fees and costs but the License renewal has not been approved by the Commission.

Section 8.09 Suspension; Summary Suspension; Revocation of Gaming Supplier's Licenses. The Commission may suspend, summarily suspend, or revoke a Gaming Supplier's License in accordance with the procedures described in Section 7.12; provided that any determination to suspend or revoke a Gaming Supplier's License shall be made under the standards set forth in Section 8.05.

Section 8.10 Temporary Licenses. The Commission is authorized to promulgate Regulations establishing the standards and procedures for issuance of Temporary Licenses to Applicants for

Gaming Supplier's Licenses.

Section 8.11 Reciprocity. For purposes of fulfilling the licensing requirements of this Chapter, the Commission may recognize and accept the licensing determinations of gaming regulatory agencies in other jurisdictions regarding any Applicant under this Chapter, provided that the Commission determines that such other jurisdiction applies licensing standards that are as stringent and a background investigation process that is as rigorous as this Act requires. If the Commission determines that it will accept the licensing determinations of another jurisdiction, the Commission shall gather such information from the Gaming Supplier, all Control Persons, and the other jurisdiction as the Commission deems necessary to confirm facts and develop a record regarding the Gaming Supplier and all Control Persons and to support its determination. The Commission may waive the background investigation process and such other requirements of this Chapter as it determines are unnecessary when granting reciprocity to the licensing determinations of another jurisdiction.

CHAPTER IX
REGULATION OF MANAGEMENT CONTRACTORS

Section 9.01 Disclosure Requirements. Every Management Contractor shall, not less than thirty (30) days prior to the date the Management Contractor commences management of any Gaming Operation, submit the following to the Commission:

(a) A copy of a valid Management Contract for the Gaming Operation and proof that such contract was approved by the NIGC;

(b) Copies of documents establishing the existence of the Management Contractor as a legal entity, such as articles of incorporation or articles of organization;

(c) Identify the Manager with management responsibility for the Management Contract; and

(d) Copies of all licenses or permits related to gaming that were issued to the Management Contractor by any other jurisdiction and the name and address of any other licensing or regulatory agency the Management Contractor has applied to for a license or permit relating to gaming that did not, for any reason, issue a license or permit.

Section 9.02 Notice Requirements. Every Management Contractor shall promptly provide written notice to the Commission upon the occurrence of any of the following events:

(a) There is any change in the identity of the Manager;

(b) A proceeding to revoke or suspend the Management Contractor's gaming license or permit, or to take any other regulatory compliance action, in any other jurisdiction is commenced or the Management Contractor's gaming license or

permit is suspended or revoked (the notice shall include the name and address of the licensing or regulatory agency taking such action, the date the action was commenced, and the current status or disposition of the action);

(c) A Person Having a Direct or Indirect Financial Interest in a Management Contract is charged with a crime or is the subject of an ongoing prosecution, excluding minor traffic offenses, whether or not the charge results in a conviction (the notice shall include the name and address of the court involved, the charge, the dates of the charge, and the status or disposition);

(d) Any change to the governing documents of the Management Contractor, such as an amendment to articles of incorporation or the articles of organization (the notice shall include copies of all documents that are changed);

(e) If company is publicly traded, any event of substantial non-compliance with the Securities Act of 1933, the Securities Exchange Act of 1934, the Sarbanes-Oxley Act of 2002, or applicable Securities and Exchange Commission regulations;

(f) The Management Contractor files any report, notice, or other communication with the NIGC, the Indiana Gaming Commission, the Indiana Alcohol and Tobacco Commission, the Michigan Gaming Control Board, or the Michigan Liquor Control Commission in connection with any Gaming Operation (the notice shall include copies of all such communications and related documents);

(g) The Management Contractor receives a notice or other communication from a Gaming Operation that the Management Contractor is in breach of the Management Contract or is not in compliance with legal requirements applicable to the Gaming Operation or the Management Contractor;

(h) There is a change of control of the Management Contractor; and

(i) There is an adverse material change in the Management Contractor's financial condition that may materially and substantially impair the Management Contractor's ability to perform its obligations under the Management Contract, which may include without limitation the refinancing of existing debt, the acquisition of new debt, or other events that may impact the Management Contractor's financial stability.

Section 9.03 Enforcement. The Gaming Commission may initiate any enforcement action against the Management Contractor under this Act that it deems warranted for violations of this Act, including without limitation a failure to fulfill the requirements stated in Sections 9.01 or 9.02 or to comply with any of the following requirements:

(a) Maintain for any Gaming Operation a valid Management Contract approved by the NIGC;

(b) Maintain full and accurate accounting records in accordance with the requirements of this Act and provide accurate financial reports to any Gaming Operation on regular basis, but no less frequently than monthly;

(c) An officer or director of the Management Contractor has been convicted of any felony offense or a misdemeanor offense involving gaming, fraud or moral turpitude and the Management Contractor fails to terminate such person's employment within ten (10) days after receiving notice of the conviction;

(d) The Management Contractor has, or has attempted to, unduly interfere or influence for its gain or advantage any decision or process of any Gaming Operation relating to gaming without lawful purpose;

(e) The Management Contractor fails to make any minimum guaranteed payment to any Gaming Operation in accordance with the requirements of any Management Contract and IGRA;

(f) The Management Contractor knowingly and intentionally acts outside of the authority of any Management Contract in connection with any Gaming Operation;

(g) A representation or warranty made by the Management Contractor in the Management Contract or any related agreement proves to have been untrue in any material respect as of the time it was made; and

(h) The Management Contractor knowingly and willfully provides materially important false statements or information to the Commission, the NIGC, Indiana Gaming Commission, or the Michigan Gaming Control Board.

Section 9.04 Investigation of Management Contractor. The Commission may at any time require the Management Contractor and any Person Having a Direct or Indirect Financial Interest in a Management Contract to submit to an investigation, which may include without limitation criminal history, civil lawsuits, financial history, business conduct, and any other area of information the Commission considers to be necessary or helpful in fulfilling the purposes of this Act.

CHAPTER X
REGULATION OF GAMING-RELATED ACTIVITIES

Section 10.01 Tribal Minimum Internal Control Standards. The Commission shall, within one hundred and twenty (120) days of the date this Act is enacted and in accordance with the procedure described in Section 3.15, develop and adopt Tribal Minimum Internal Control Standards (TMICS) applicable to Gaming Operations. The TMICS shall meet or exceed the Minimum Internal Control Standards (MICS) promulgated by the NIGC, provided that the TMICS may differ from the MICS with respect to standards that the Commission determines impose an excessive burden on the Gaming Operation without fulfilling a valid regulatory

purpose. In adopting any standard under the TMICS that differs from a standard under the MICS, the Commission shall in each such instance establish and maintain full, effective, and reasonable regulatory controls over Gaming. Until such time as the Commission promulgates TMICS through the process prescribed under Section 3.15, the MICS promulgated by the NIGC as of the effective date of this Act, shall be the applicable TMICS.

Section 10.02 System of Internal Control Standards for Gaming Operations. Each Gaming Operation shall be required to develop a System of Internal Control Standards (SICS) designed to assure compliance with the TMICS. Such SICS shall be presented for approval by the Commission. Any changes in the SICS shall be presented to the Commission for approval prior to implementing such amended SICS.

Section 10.03 Minimum Procedures for Control of Internal Fiscal Affairs. The Commission shall promulgate Regulations governing the control of internal fiscal affairs of all Gaming Operations. At a minimum, such Regulations shall require the consistent application of Generally Accepted Accounting Principles, and shall:

(a) Prescribe minimum procedures for the safeguarding of a Gaming Operation's assets and revenues, including the recording of cash receipts and evidence of indebtedness, and mandatory count procedures. Such Regulations shall establish a controlled environment, accounting system, and control procedures that safeguard the assets of the Gaming Operation, assure that operating transactions are properly recorded, promote operational efficiency, and encourage adherence to prescribed policies;

(b) Prescribe minimum reporting requirements to the Commission;

(c) Provide for the adoption and use of internal audits conducted in accordance with generally accepted accounting principles by internal auditors licensed or certified to practice public accounting in the State of Indiana or the State of Michigan, as applicable;

(d) Formulate a uniform code of accounts and accounting classifications to assure the consistency, comparability and effective disclosure of financial information. Such a code shall require that records be retained that reflect statistical drop (amount of cash wagered by Patrons), statistical win (amount of cash won by the Gaming Operation), and the percentage of statistical win to statistical drop, or provide similar information for each type of Game in each Gaming Establishment;

(e) Require Gaming Operations to maintain accounting records which meet the requirements prescribed in subsection 4(H) of the Michigan Compact or subsection 4(K) of the Indiana Compact, as applicable;

(f) Prescribe the intervals and circumstances for the Gaming Operation to furnish

financial and accounting information to the Commission, the NIGC, or other entity entitled to such information under applicable law;

(g) Provide for the maintenance of documentation, (e.g., checklists, programs, reports, etc.), to record all efforts by the Gaming Operation as it relates to the requirements of this Section; and

(h) Provide that all financial statements and documentation referred to in this Section be maintained for a minimum of five (5) years, which may be in electronic form except as otherwise required by law.

Section 10.04 Oversight of Internal Fiscal Affairs. The Commission shall require independent financial audits of all Gaming Operations on an annual basis. Such independent audits must apply and require the consistent application of Generally Accepted Accounting Principles, and shall:

(a) Be conducted by independent accountants, knowledgeable in casino audits and operations and licensed or certified to practice public accounting in the State of Indiana or the State of Michigan, as applicable;

(b) Include an opinion, qualified, or unqualified, or if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by the rules and regulations of the Indiana Board of Accountancy or Michigan Board of Accountancy, as applicable, and the American Institute of Certified Public Accountants;

(c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation conform with this Act, the Regulations, and the Compacts;

(d) Provide a review of the internal financial controls of the audited Gaming Operation to disclose any deviation from the requirements of this Act and the Regulations and report such findings to the Commission and the management of the audited Gaming Operations; and

(e) Provide such other information as the Commission deems necessary or appropriate.

Section 10.05 Complimentary Items.

(a) Each Gaming Operation shall establish and submit to the Commission for approval procedures for the authorization, issuance, and tracking of complimentary services and items, including cash and non-cash gifts. The procedures shall comport with the general principle that the value of the complimentary items provided should be commensurate with a reasonable expectation of benefit to the Gaming Operation.

(b) No Tribal Council member, Commissioner, or any person who shares a residence with or is an Immediate Family Member of such person, shall be given or accept complimentary items from any Gaming Operation, with the following exceptions:
(1) food and beverages with a retail cost of not more than $200.00; or
(2) the free food and beverages offered to the general public at any public event held at a Gaming Establishment.

(c) A line item or category for complimentary items shall be included in the annual budget for the Gaming Operation, with total limits specified.

Section 10.06 Certification of Gaming Devices. All Gaming Devices purchased, leased or otherwise acquired by the Gaming Operation must meet the technical equipment standards set forth in subsection 6(A) of the Compacts and as may be prescribed in the Regulations and other applicable law. The compliance of a Gaming Device with the technical equipment standards applicable to such Gaming Device may be established by a certificate of compliance issued by Gaming Laboratories International or any state or state-authorized testing laboratory. The Commission shall maintain a complete list of all Gaming Devices (whether or not such devices are in use) located at any Gaming Establishment or otherwise in the possession of the Gaming Operation.

Section 10.07 Prohibition Against the Use of Unauthorized Electronic Aids. Except as expressly permitted by the Commission, no person shall possess, with the intent to use in connection with Gaming, either individually, or in concert with others, any calculator, computer, or other electronic or mechanical device to assist in projecting the outcome or odds of any Game, to keep track of or analyze cards, or to change probabilities of any Game or any playing strategies that may be employed with regard to a Game.

Section 10.08 Prohibition Against Embezzlement. Any Licensee who shall, in the opinion of the Commission, having lawful custody of Gaming Operation property, appropriate the same to his or her own use, with intent to deprive the Gaming Operation thereof is effectuated by any Licensee to unlawfully or improperly divert Gaming or other revenue properly belonging to a Gaming Operation, shall constitute grounds for taking disciplinary action against that Licensee. If the Commission finds that an embezzlement was attempted or occurred, it may pursue disciplinary action against the Licensee, report the matter to appropriate law enforcement authorities and other gaming regulatory agencies for further action and take such other action as it deems necessary or appropriate. Disciplinary action against the Licensee may include the imposition of fines, and the revocation, suspension, or limitation of, or refusal to renew, a License issued by the Commission.

Section 10.09 Security and Surveillance. Each Gaming Establishment must provide for full security and surveillance throughout the Gaming Establishment at all times which meet or exceed the requirements for such systems established in the TMICS. All security and surveillance personnel in a Gaming Establishment must be Licensed by the Commission. The security and surveillance sectors of any Gaming Operation shall coordinate their activities and cooperate with each other as necessary to carry out their official duties and to provide ample protection for all Persons and property involved with each Gaming Operation. The TMICS

applicable to security and surveillance activities in any Gaming Operation shall prescribe reporting requirements with regard to the types of conduct and activities that may be observed in a Gaming Establishment, including, at a minimum, requirements that conduct or activities by any Person, including any failure to act when required to do so, that violates or is not in compliance with:

(a) Applicable criminal law shall be promptly reported to the Tribal Police; and

(b) This Act, the Regulations, other applicable law, or the Compacts shall be promptly reported to the Commission.

Section 10.10 Weapons in Gaming Establishments. A person may not carry a firearm or other weapon in a Gaming Establishment, except for the following persons with valid authorization under law:

(a) "law enforcement officers", as that term is defined in Section 1.L of the Pokagon Band Code of Offenses, which shall be limited to:

(i) Pokagon Band police officers;

(ii) Federal "law enforcement officers," as that term is defined at 5 U.S.C. §8331(20); and

(iii) State "law enforcement officers" as that term is defined under Michigan law at MCL § 28.602(f) or under Indiana law at I.C. § 5-2-1-2(1), but only to the extent expressly authorized by an intergovernmental agreement or otherwise authorized by the Tribal Council and only while such law enforcement officers are on duty and acting within the scope of their employment as law enforcement officers;

(b) Armored car personnel picking up or delivering currency at secured areas; and

(c) Security personnel employed by a Gaming Operation may carry handcuffs or similarly restrictive restraint devices and pepper spray, to the extent expressly authorized by the Gaming Operation.

All law enforcement officers shall, to extent practicable, advise the Manager and the Commission, or their agents, prior to conducting any official law enforcement activities within a Gaming Establishment.

Section 10.11 Compliance with Laws to Protect the Environment, Public Health, and Safety. Every Gaming Establishment shall be constructed, maintained, and operated in a manner that adequately protects the environment, public health and safety, and complies with all applicable Tribal laws, including the Health and Safety Act, and applicable federal laws relating to environmental protection and public health and safety. Evidence that a Gaming Establishment is in compliance with this Section shall address the following requirements under applicable law:

(a) Emergency preparedness, including without limitation the availability of medical, fire, and emergency services and evacuation plans for each Gaming Establishment;

(b) Food and water safety;

(c) Building construction and maintenance;

(d) The handling and storing of hazardous and toxic materials; and

(e) Sanitation and waste disposal.

Section 10.12 Unclaimed Winnings.

(a) Known Patron. Any winnings, whether property or cash, which are due and payable to a Patron, and which remain unclaimed, shall be held in safekeeping for the benefit of such Patron if the Patron's identity is known. The Commission shall use, or require the Gaming Operation to use, its best efforts to deliver such winnings to the Patron determined with reasonable certainty by the Commission or the Gaming Operation as entitled to the winnings. Such winnings shall be held for twelve (12) months or such longer period as the Commission deems reasonable in consideration of all relevant facts and circumstances. At the end of the safekeeping period, such winnings shall revert to the Tribe and shall be transferred to the account or place designated by the Tribe.

(b) Unknown Patron. In the event the identity of a Patron entitled to unclaimed winnings in excess of $100.00 is unknown, the Commission shall use, or require the Gaming Operation to use, its best efforts to learn the identity of the Patron. If the identity of the Patron entitled to the winnings can be determined with reasonable certainty, the Commission shall use, or require the Gaming Operation to use, its best efforts to deliver such winnings to the Patron. However, if after three (3) months from the time the winnings were payable, the Commission has been unable to identify the Patron, such winnings shall revert to the Tribe and shall be transferred to the account or place designated by the Tribe.

Section 10.13 Resolution of Disputes Between the Gaming Public and the Gaming Operation. Disputes between a Patron and a Gaming Operation shall be resolved as follows:

(a) Procedures. The Gaming Operation shall develop written procedures and shall designate Key Employees and Primary Management Officials with authority to address and resolve complaints by, or disputes with, Patrons. The Gaming Operation shall provide a copy of the approved procedures to the Commission and shall promptly thereafter provide the Commission with any amendments thereto.

(b) Opportunity to be Heard. At a minimum, such procedures shall provide Patrons with the opportunity to present complaints, in writing, to the person(s) designated

by the Gaming Operation to resolve complaints by Patrons.

(c) Written Complaint. If the complaint involves a dispute regarding at least five hundred dollars ($500) or an equivalent value in goods or services and the dispute could not be resolved under the internal procedures described in subsection (a) to the satisfaction of the Patron, the Patron may file a written complaint with the Commission. The Commission shall provide the Patron with a complaint form to furnish the Commission with sufficient information to conduct an investigation.

(d) Review. The Commission shall have a process in place, through Regulations, to review and, if necessary, hold hearings under the procedures described in Chapter X, to resolve Patron complaints.

(e) Final Decision. The Commission's resolution of a Patron complaint shall be final and shall not be subject to further appeal.

Section 10.14 Exclusion For Cause.

(a) Exclusion List; Creation; Effect. Subject to the requirements of this Section, the Commission shall establish and maintain an Exclusion List. The Exclusion List shall include the names of all persons that the Commission has determined will not under any circumstances be allowed to enter any Gaming Establishment or participate in any Class II or Class III Gaming.

(b) Information to be Included on the Exclusion List. The following information, to the extent known, shall be provided for each Excluded Person:
(1) full name, date of birth, and all aliases;
(2) a physical description;
(3) the effective date the Excluded Person's name was placed on the list;
(4) a photograph, if available;
(5) the Excluded Person's occupation and his current home and business address;
(6) the specific reason for exclusion;
(7) the date, if any, the exclusion will expire; and
(8) such other information as may be deemed necessary by the Commission.

(c) Criteria for Exclusion or Ejection and Placement on an Exclusion List. The Commission may, based upon the recommendation of the Manager or on its own initiative, subject to the hearing procedures described in Chapter X, place a person on the Exclusion List if:
(1) such person has been convicted of, or pled guilty or no contest to, any felony, any gaming-related crime, or any other crime involving dishonesty, including without limitation, theft, robbery, burglary, embezzlement, or a conspiracy to commit or be an accessory to any such crime;

(2) such person has violated or conspired to violate any provisions of this Act, the IGRA, the Compacts, or other applicable law;

(3) such person has a notorious or unsavory reputation that would likely undermine public confidence and trust in the integrity of Gaming. Descriptions or examples of the types of conduct, habits, and associations that would produce such a reputation shall be included in the Regulations;

(4) such person has been recognized by the observation one or more reliable witnesses as a person who counts cards or engages in other forms of cheating or manipulation of Games; or

(5) the person's name appears on any valid and current Exclusion List from another jurisdiction and the reason for such person's exclusion in the other jurisdiction would also be likely to result in exclusion from Gaming Establishments located within the Commission's jurisdiction.

(d) Procedure for Entry of Names.

(1) *Meets Criteria.* It shall be the duty of the Manager of each Gaming Establishment to inform the Commission in writing of the name of each person that the Manager reasonably believes meets the criteria for placement on the Exclusion List, as established by (c) above. The Commission shall notify the Manager in writing, following the investigation and hearing described in this subsection whether or not the Commission concurs with the Manager's recommendation to place a person's name on the Exclusion List.

(2) *Investigation.* Upon receipt of a recommendation from the Manager of the Gaming Establishment, the Executive Director of the Commission shall conduct or cause to be conducted an investigation regarding every person whose name is recommended to be placed on the Exclusion List. Upon a determination by the Executive Director that there are adequate grounds to add a person's name to the Exclusion List under the criteria listed in subsection (c) above, the Executive Director shall prepare and submit to the Commission an investigative report and recommendation regarding whether or not the person's name should be added to the Exclusion List. The investigative report shall include all identifying information concerning the person and shall fully describe the grounds upon which the recommendation is based. Pursuant to Chapter X, written notice of the recommendation shall be given to the person who is the subject of the recommendation and that person must be informed of the opportunity to present evidence and testimony to the Commission concerning the recommendation.

(3) *Determination*. If the Commission determines that the person's name should not be added to the Exclusion List, the person's name shall not be added to the List and such person shall not be denied access to the Gaming Establishment. If the Commission determines that the person's name should be added to the Exclusion List, or such person fails to appear at the hearing or fails to present any relevant evidence or testimony to rebut the investigative report and recommendation from the Executive Director,

such person's name shall be promptly added to the Exclusion List. The Commission shall promptly notify the person in writing of the Commission's determination to add or not to add the person's name to the Exclusion List. The Commission may place a person's name on the Exclusion List either permanently or temporarily. If a person's name is placed on the Exclusion List by the Commission temporarily, the Commission shall inform the person in the notice of the Commission's decision and the period of time that person's name will be on the Exclusion List.

(e) Removal from the Exclusion List. Any Excluded Person may petition the Commission in writing at any time, but not more frequently than annually, to have their name removed from the List.

(f) Duty to Exclude. It shall be the duty of the Commission and the Manager of each Gaming Establishment to exclude or eject from a Gaming Establishment any Excluded Person. Any Primary Management Official or Key Employee of a Gaming Operation who knows or has reason to know that an Excluded Person has entered or is attempting to enter a Gaming Establishment shall be responsible for notifying appropriate security and surveillance staff and taking other action within the scope of the employee's authority and responsibility.

(g) Distribution and Availability of Exclusion Lists. The Exclusion list shall be regularly updated and shall be distributed to each Gaming Establishment. The list shall be made available to law enforcement agencies by subpoena or upon request to the extent the law enforcement agency can establish a legitimate need for the list.

Section 10.15 Voluntary Exclusion. A compulsive gambler or any other person, upon providing the Commission or a Gaming Operation with a written and signed request to be designated an Excluded Person that includes sufficient information to allow positive identification of such person, shall be excluded from all Gaming Establishments and from participation in any Class II or Class III Gaming. Such person's name shall be added to the Exclusion List and the requirements of subsections 10.14(e) and (f) shall apply.

Section 10.16 Issuance of Credit. Gaming Operations may issue credit to patrons, subject to such requirements as the Commission may establish by Regulation.

CHAPTER XI
RULES OF PROCEDURE FOR HEARINGS

Section 11.01 Scope of Rules of Procedure. Except as expressly stated otherwise in this Act, hearings conducted by the Commission pursuant to this Act shall be governed by this Chapter and the Regulations. The Commission shall promulgate Regulations establishing standards and procedures for conducting hearings consistent with this Act. The Commission may, in its discretion, initiate enforcement actions in the Tribal Court, which shall not be subject to the

procedural requirements of this Act.

Section 11.02 Hearings.

(a) Except as provided otherwise in this Act, the Commission shall afford an Applicant an opportunity for a hearing prior to any final action by the Commission on an Application, other than an unconditional grant of a License. For purposes of this requirement, Provisional Licenses and Temporary Licenses shall not be considered to be conditional.

(b) Except as provided otherwise in this Act, the Commission shall afford a Licensee the opportunity for a hearing prior to taking formal action to suspend or revoke a License, not renew a License, to place conditions or restrictions on a License, or the imposition of any penalties that the Commission is authorized to impose pursuant to this Act. Nothing in this Section shall limit the Commission's authority to summarily suspend or revoke a License without a hearing pursuant to Sections 7.11 or 8.09 of this Act.

(c) Except as provided otherwise in this Act, the Commission shall provide an Excluded Person the opportunity for a hearing prior to rendering a decision to add such person's name to an Exclusion List.

(d) Except as provided otherwise in this Act, the Commission shall afford other Persons subject to the Commission's regulatory authority under this Act the opportunity for a hearing prior to issuing a decision, including enforcement actions, as described in Section 11.06 or as otherwise expressly authorized under this Act.

Section 11.03 Tribal Member Rehabilitation Hearing.

(a) Right To A Rehabilitation Hearing. Any Tribal member who is an Applicant for a Level 2 Gaming Employee License and who was convicted of or entered a plea of guilty or no contest to Any Offense within the preceding five (5) years shall be entitled to a Rehabilitation Hearing.

(b) Notice Requirements. The Commission shall notify the Applicant of the Applicant's right to request a Rehabilitation Hearing promptly, but not more than five (5) business days from the date the Commission becomes aware of information concerning an Applicant who is a Tribal member that would prevent the Commission from issuing a Level 2 License to the Applicant under the standards set forth in subsection 11.03(f).

(c) Time to Request a Hearing. The Applicant must request a Rehabilitation Hearing within thirty (30) days of the date of the Commission notice, except for good cause shown, or, if no notice is issued by the Commission, thirty (30) days from the date the Applicant becomes aware of his or her right to a Rehabilitation

Hearing. Upon the Applicant's timely request, the Commission shall conduct a Rehabilitation Hearing.

(d) Hearing Procedures. The Commission shall conduct the Rehabilitation Hearing in accordance with the requirements of this Section, this Chapter, and the Regulations. The requirements of this Section are intended to supplement the requirements of this Chapter. If the requirements of this Section conflict with the requirements of this Chapter or the Regulations, the requirements of this Section shall govern.

(e) Burden of Proof. The Applicant shall have the burden to prove all facts by clear and convincing evidence.

(f) Hearing Standards. The Commission shall make the following determinations:
(1) whether or not the Applicant is likely again to engage in any offensive or criminal course of conduct;
(2) whether the public good requires that the Applicant be denied a Gaming Employee License;
(3) whether the Applicant (i) participated in organized crime or unlawful gambling or (ii) is a person whose prior activities, criminal records, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of Gaming or (iii) create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming or to the carrying on of the business and financial arrangements incidental to the conduct of Gaming.

(g) Unfavorable Finding. The Commission's decision in the Rehabilitation Hearing shall be a final decision subject to appeal. If the Commission does not find in favor of the Applicant on all standards, the Applicant shall be denied a Gaming Employee License and shall have the right to only one appeal for the denial of a License.

(h) Favorable Finding. If the Commission finds in favor of the Applicant on all standards, the Commission shall proceed with the Gaming Employee License process set forth in Chapter VII.

Section 11.04 Subpoenas.

(a) The Commission has the power and discretion to issue subpoenas to compel the production of documents or other tangible things and to compel the appearance of witnesses to give testimony with regard to any Commission investigation or proceeding. The Commission may impose reasonable penalties and take such other appropriate actions as the Commission deems warranted under the circumstances to address noncompliance with a subpoena.

(b) The Commission may seek the assistance of the Tribal Police, the Tribal

Prosecutor, and the General Counsel in exercising its authority under this Section.

Section 11.05 Hearing Requirements.

(a) The Chairperson of the Commission shall preside over all hearings conducted before the full Commission, and shall call the proceedings to order, control the presentation of evidence, the appearance of witnesses, and the order of the proceedings. The Commission may designate one or more of the Commission members or may contract with other qualified persons to serve as hearing officers with regard to hearings the Commission determines can be properly handled by a single hearing officer. Hearing officers shall have authority to render decisions and issue findings of fact and conclusions of law, subject to the requirement that their decisions may only become final upon adoption by the Commission and such other requirements the Commission may establish by Regulation.

(b) The Commission may require any Person, including, but not limited to, any Applicant, Licensee, Excluded Person or any agent, employee or representative of such Person, to appear and testify before it with regard to any matter within its jurisdiction at such time and place as it may designate. Such testimony shall be under oath and may include any matters that the Commission deems relevant to the discharge of the Commission's official duties. Testimony shall be recorded by a duly certified court reporter and may be used by the Commission as evidence in any proceeding or matter before the Commission.

(c) Except as otherwise provided in this Act or other Tribal law, all hearings held under this Act shall be open to the public.

Section 11.06 Commission Decisions.
All decisions to be made by the Commission under this Act or the Regulations shall, when necessary to support the decision, include findings of fact and determinations of law. The Commission may, at its discretion, include with its decision a statement that the Commission's decision is a "final decision subject to appeal". All such decisions, findings, and determinations shall be made on the record in an open meeting, except as may be otherwise authorized by Tribal law. All Commission decisions shall be made by majority vote, except when this Act expressly authorizes the Commission to delegate authority for specific decisions or actions to a single Commissioner, the Executive Director or other Commission personnel.

CHAPTER XII
APPEALS

Section 12.01 Limited Waiver of Sovereign Immunity of the Commission. The Tribe, by enactment of this Act, expressly waives the Commission's sovereign immunity from suit for any action brought against the Commission in the Tribal Court that is explicitly authorized by this Act.

Section 12.02 Right to Appeal Adverse Commission Decisions to the Tribal Court.

(a) Any Person who has received a final adverse decision from the Commission shall have the right to appeal such adverse decision to the Tribal Court. For purposes of this Section, a decision shall not be considered "final" unless the Commission certifies the decision in writing as final and subject to appeal.

(b) An appeal authorized by this Section must be filed within thirty (30) calendar days from the date that the Person entitled to bring the appeal receives notice of the final decision from the Commission.

(c) If the Court concludes that the necessary facts for the Commission's decision were not supported by reasonable evidence, or that the Commission applied the applicable law incorrectly, it shall so declare and return the matter to the Commission for further consideration consistent with such Tribal Court decision. The Tribal Court shall limit its review to the administrative record provided that the Court may consider extra-record evidence to assist the Court in determining the adequacy of the Commission's analysis and decision concerning technical or complex issues. The Tribal Court shall give deference to the reasonable interpretation and application of this Act, the Regulations, the IGRA, and the Compacts by the Commission.

(d) Except as may be permitted under other enacted laws of the Tribe, the relief against the Commission in any such action shall be limited to injunctive or declaratory relief and shall not include any money damages. The Tribal Court may order the Commission to pay court costs and/or attorney's fees to the party bringing an action authorized under this Act only if the Court determines that the Commission acted with willful disregard of a party's rights under the Pokagon Band Constitution, this Act, or other enacted Tribal law.

CHAPTER XIII
PROHIBITED ACTS; SCHEDULE OF OFFENSES; PENALTIES

Section 13.01 Prohibition Against Certain Individuals. It shall be a violation of this Act for any Licensee to knowingly fail to exclude or eject from the Gaming area of a Gaming Establishment any person who is:

(a) Obviously intoxicated or under the influence of a drug or other intoxicating substance;

(b) Under the age of twenty-one (21) years;

(c) Disorderly;

(d) a person known to have committed a gaming related felony;

(e) A person with a reputation for card counting or engaging in other forms of cheating or manipulation of games; or

(f) An Excluded Person, or is a member of any group or type of persons which has been excluded, for cause from Gaming Establishments by Commission order.

Section 13.02 Prohibited Acts. In addition to other civil violations and criminal acts that may be regulated or prohibited by this Act, the Regulations, or other Tribal law or applicable federal law, the prohibited acts described in this Section shall constitute unauthorized Gaming under this Act. Any Person that engages in one of the following prohibited acts shall be subject to Commission enforcement actions, including without limitation the suspension or revocation of a License granted under this Act, other civil penalties, and criminal prosecution:

(a) Altering or misrepresenting the outcome of a Game after the outcome of such Game has been determined but before the outcome is revealed to the players;

(b) Placing or increasing a bet or wager after acquiring knowledge of the outcome of the Game, including past-posting and pressing bets;

(c) Aiding anyone in acquiring such knowledge referred to in subsection (b) of this Section for the purposes of increasing or decreasing any wager, or for the purpose of altering or determining the course of play;

(d) Claiming, collecting, or taking, or attempting to claim, collect, or take, money or anything of value in or from a Game with the intent to defraud or claiming, collecting, or taking an amount greater than the amount actually won in such game;

(e) Knowingly enticing or inducing another to go to any place where Gaming is conducted or operated in violation of this Act with the intent that the other person participate in such Gaming;

(f) Reducing the amount wagered or canceling a wager after acquiring knowledge of the outcome of the Game, including pinching bets;

(g) Manipulating, for the purpose of cheating or defrauding, any component or part of a Game in a manner contrary to the established or intended normal operational purpose for such component or part, with the knowledge or expectation that such manipulation will likely affect the outcome of the game, or with knowledge of any event that would likely affect the outcome of the game;

(h) Defrauding any Licensee, Patron, or other Person involved in any Gaming;

(i) Participating in any Gaming not authorized under this Act and, when applicable, the Compacts;

(j) Knowingly providing false information or making any false or misleading statement with respect to an Application for employment or for any License, certification, approval, or determination provided for in this Act;

(k) Knowingly providing false or misleading information or making any false or misleading statement to a Gaming Operation or the Commission in connection with any contract for Goods or Services to Gaming;

(l) Knowingly making any false or misleading statement in response to any official inquiry by the Commission or its agents;

(m) Offering or attempting to offer any thing of value to a Licensee with the intent to induce the Licensee to disregard the legal duties of the Licensee under this Act, the Regulations, other Tribal law, the IGRA or other federal law;

(n) Acceptance by a Licensee of any thing of value with the understanding that the Licensee's receipt of such thing of value is intended to induce the Licensee to disregard the legal duties of the Licensee under this Act, the Regulations, Tribal law, the IGRA or other federal law;

(o) Falsifying, destroying, erasing or altering any books, computer data, documents, records, or other material containing information relating to a Gaming Operation in ways other than is provided in approved internal control procedures;

(p) Taking any action which interferes with or prevents the Commission or the Tribal Council from fulfilling its duties and responsibilities under this Act, the Regulations, or the IGRA; and

(q) Entering into any contract, or making payment on any contract for the sale, lease, or supply of Gaming Equipment or Supplies to a Gaming Operation, when such contract fails to provide for or result in the sale, lease, or supply of Gaming Equipment or Supplies of fair market value for the payment made or contemplated.

Section 13.03 Enforcement.

(a) Criminal Violations. Any Indian person employed by the Tribe, excluding by a Gaming Operation or a Gaming Establishment, who willfully violates this Act, willfully fails to comply with this Act, or willfully prevents another Person from complying with any provision of this Act shall be guilty of a crime and shall be subject to a maximum fine of $5,000 or one (1) year imprisonment, or both.

(b) Civil Violations. Any Person employed by the Tribe, excluding by a Gaming Operation or a Gaming Establishment, who willfully violates this Act, willfully fails to comply with this Act, or willfully fails to comply with any provision of

this Code, or willfully prevents another Person from complying with any provision of this Code shall be liable for a civil fine not to exceed $5,000. The amount of any such civil fine may be recovered in a civil action brought in the Tribal Court. All civil fines accruing under this Act shall be cumulative and a suit for the recovery of one fine shall not bar or affect the recovery of any other fine, judgment, penalty, forfeiture, or damages, nor bar the power of the Tribal Court to punish for contempt, nor bar any criminal prosecution.

LEGISLATIVE HISTORY

The "Gaming Regulatory Act" was enacted on May 10, 2003 by adoption of Tribal Council Resolution No. 03-05-10-01; On October 11, 2003 by adoption of Tribal Council Resolution No. 03-10-11-12 subsections II.D, II.E, II.G and Section IX were amended; pursuant to 25 U.S.C. § 2710 (b)(1)(B), the National Indian Gaming Commission ("NIGC") approved the amended Gaming Regulatory Act by letter from NIGC Chairman Philip N. Hogen dated December 5, 2003; on February 7, 2007 by adoption of Tribal Council Resolution No. 07-02-07-01 the Gaming Regulatory Act was repealed in its entirety and a completely rewritten Gaming Regulatory Act was enacted, which actions would become effective upon the approval of the Gaming Regulatory Act by the NIGC; on May 12, 2007 by adoption of Tribal Council Resolution No. 07-05-12-04 technical amendments were enacted to Chapter II and Sections 3.07, 3.15, 3.20, 4.02, 5.04, 5.06, 6.03, 7.01, 7.02, 7.03, 7.05, 7.06, 8.06, 10.05, 10.12, and 10.15 and a new Section 4.04 was enacted; pursuant to 25 U.S.C. § 2710 (b)(1)(B), the NIGC approved the Gaming Regulatory Act by letter from NIGC Chairman Philip N. Hogen dated June 1, 2007; on December 17, 2018 by adoption of Tribal Council Resolution No. 18-12-17-02 amendments to Section 10.12, Unclaimed Winnings, were enacted; on February 19, 2019 by adoption of Tribal Council Resolution No. 19-02-19-06 technical amendments were enacted to Chapter VII, Licensing of Gaming Employees, to comply with 25 C.F.R. Parts 556 and 558; and pursuant to 25 U.S.C. § 2710 (b)(1)(B) and 25 U.S.C. § 2710(e), by letter from NIGC General Counsel Michael Hoenig dated June 3, 2019 the NIGC confirmed that the amendments to Section 10.12 and Chapter VII are considered approved to the extent consistent with IGRA; on August 15, 2019, by adoption of Tribal Council Resolution No. 19-08-15-09 amendments were enacted to Sections 4.01, 4.02(b)(1), 4.03(b), and 4.03(c) and on February 4, 2020, by adoption of Tribal Council Resolution No. 20-02-04-08, amendments were enacted to Subsection 7.11(b) and pursuant to 25 U.S.C. § 2710 (b)(1)(B) and 25 U.S.C. § 2710(e), by letter from NIGC Chairman E. Sequoyah Simermeyer dated May 11, 2020, the NIGC confirmed that the amendments to Sections 4.01, 4.02(b)(1), 4.03(b), 4.03(c), and 7.11(b) are considered approved to the extent consistent with IGRA; and on May 6, 2021 by adoption of Tribal Council resolution No. 21-05-06-02, amendments throughout the Act were enacted, including those necessary to implement the requirements of the Indiana Compact between the Pokagon Band and the State of Indiana; and pursuant to 25 U.S.C. § 2710 (b)(1)(B) and 25 U.S.C. § 2710(e), by letter from NIGC Chairman E. Sequoyah Simermeyer dated July 1, 2021, the NIGC confirmed that the amendments are approved as consistent with IGRA and the NIGC's regulations; and on August 14, 2025 by adoption of Tribal Council Resolution No. 25-08-14-01, amendments throughout the Act were enacted; and pursuant to 25 U.S.C. § 2710 (b)(1)(B) and 25 U.S.C. § 2710(e), by letter from NIGC Chairwoman Sharon Avery dated October 21, 2025, the NIGC confirmed that the amendments to the Act are approved as consistent with IGRA and the NIGC's regulations.