

The Peoria Tribe of Indians of Oklahoma



GAMING ORDINANCE

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SECTION 1. DECLARATION OF POLICY

1.1 Declaration of Policy.

It is the declared policy of the Peoria Tribe of Indians of Oklahoma, (hereinafter referred to as the “Tribe”):

- (a) All gaming conducted on Tribal Lands of the Tribe shall be regulated by the Peoria Tribal Gaming Commission to protect the public health, welfare and morals of residents, employees and patrons from the adverse effects which may derive from unregulated gaming;
- (b) It is the objective of the Tribe to achieve and sustain the maximum Tribal revenue from gaming;
- (c) The conduct of gaming activities provided for by this Ordinance on Tribal Lands regulation thereof shall conform with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701 et seq., and the regulations promulgated by the National Indian Gaming Commission.

1.2 Definitions.

As used in this Ordinance, the following definitions shall apply:

- (a) “Act” means the Indian Gaming Regulatory Act (IGRA), 102 Stat. 2467, codified 25 U.S.C. § 2701 et seq.;
- (b) “Bingo” means a game of chance (whether or not electronic, computer, other technologic aids are used in connection therewith):
 - (1) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations;
 - (2) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
 - (3) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pulltabs, lotto, punchboards, tip jars, instant bingo, and other games similar to bingo.

- (c) “Business Committee” means the Tribal Business Committee as described in the Constitution of the Peoria Tribe of Indians of Oklahoma.
- (d) “Chairman” means the Chairman of the National Indian Gaming Commission, or his or her designee.
- (e) “Cheating” means operating or playing a game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for himself/herself or someone in privity with him/her an advantage over and above the chance of the game.
- (f) “Class II gaming” means any gaming as defined in 25 U.S.C. § 2703(7) and 25 CFR § 502.3.
- (g) “Class III gaming” means any gaming as defined in 25 U.S.C. § 2703(8) and 25 CFR § 502.4.
- (h) “Commission” means the National Indian Gaming Commission.
- (i) “Gaming” means risking any money or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gaming apparatus, or the happening or outcome of an event over which the person taking the risk has no control.
- (j) “Gaming operation” means each economic entity that is licensed under this ordinance, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Peoria Tribe of Indians of Oklahoma directly or by a management contractor.
- (k) “Gross revenues” means all monies collected or received by a gaming operation, including admission fees.
- (l) “In privity with” means one who acts jointly with another or as accessory before the fact to an act committed by the other or as a conspirator with the other.
- (m) “Key employee” of a gaming operation means:
- (1) a person who performs one or more of the following functions:
 - (A) bingo caller;
 - (B) counting room supervisor;
 - (C) security personnel;
 - (D) custodian of gaming supplies or cash;
 - (E) floor manager;
 - (F) pit boss;
 - (G) dealer;
 - (H) croupier;

- (I) approver of credit; or
- (J) custodian of gambling devices including persons with access to cash and accounting records within such devices;

(2) if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

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

(n) “Management contract” means any contract, subcontract, or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

(o) “Management contractor” means the person or entity holding a management contract entered into pursuant to 25 U.S.C. § 2710(d)(9) or § 2711.

(p) “Net revenues” means gross gaming revenues of a gaming operation less -

(1) amounts paid out as, or paid for, prizes;

(2) total gaming-related operating expenses, excluding management fee.

(q) “Patron” means a person participating in a game with the hope of winning money or other benefit, but does not include a licensee, or any assistant of a licensee.

(r) “Person” means any individual, firm, partnership, corporation, company, or association.

(s) “Primary management official” means:

(1) the person having management responsibility for a management contract;

(2) any person who has authority:

(A) to hire and fire employees; or

(B) to set up working policy for the gaming operation; or

(3) the chief financial officer or other person who has financial management responsibility;

(t) “Regular meeting” means a meeting called by an authorized person of the Tribal Commission to conduct business of the Tribal Commission.

(u) “Special meeting” means a meeting called by the Chairman of the Tribal

Commission to conduct specific business as stated in the call of such meeting.

(v) “Tribal Commission” means the board known as the Peoria Tribal Gaming Commission.

(w) “Tribal Commissioners” means any member appointed by the Chief, and ratified by a majority vote of the Business Committee, to the board of the Peoria Tribal Gaming Commission.

(x) “Tribal lands” means

(1) all lands within the limits of any Indian reservation; and

(2) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

(y) “Tribal-State Compact” means an agreement between the Tribe and the State of Oklahoma concerning Class III gaming negotiated pursuant to 25 U.S.C. § 2710(d).

(z) “Tribe” means the Peoria Tribe of Indians of Oklahoma.

SECTION 2. TRIBAL GAMING COMMISSION

2.1 Tribal Gaming Commission.

(a) There is hereby established a Tribal Gaming Commission, which shall be called the Peoria Tribal Gaming Commission, hereinafter referred to as “Tribal Commission”. The Tribal Commission shall consist of three (3) members, hereinafter referred to as “Tribal Commissioners”, appointed by the Chief and ratified by a majority vote of the Business Committee. All Tribal Commissioners must be at least 25 years of age.

(b) Tribal Commissioners shall serve for terms of three (3) years and may be removed from office prior to the end of their term only for cause and by unanimous vote of the remainder of the Tribal Commission or by a vote of five Business Committee members at any duly called meeting.

(c) In order to establish staggered terms, the Business Committee shall appoint the first Tribal Commissioners as follows: one shall serve a 1-year term, one shall serve a 2-year term, and one shall serve a 3-year term, (initial terms only). After the initial term, all subsequent terms of appointment shall run for three years. Vacancies shall be filled within 60 days by appointment of the Chief, and ratification of the Business Committee, provided, however, that a Tribal Commissioner whose term has expired shall hold their

seat until it is filled. A vacancy shall be deemed to occur when a Tribal Commissioner is removed, resigns or upon expiration of his or her term without regard to whether the Tribal Commissioner seeks reappointment. When a vacancy occurs, notice of such vacancy shall be posted for at least fifteen (15) days. The notice shall identify the qualifications specific to the vacancy, and request interested parties to file a statement with the Tribal Commission reflecting their qualifications and interest in serving as a Tribal Commissioner.

(d) A Tribal Commissioner's seat shall become immediately vacant upon conviction of any felony or conviction of a misdemeanor related to illegal gambling or bribery. Cause for removal of a Tribal Commissioner shall include but not be limited to: use of a tribal position for personal gain, failure to perform Tribal Commissioner duties adequately or according to this Ordinance, violation of any law of the Peoria Tribe of Indians of Oklahoma, and bringing discredit or disgrace to the Tribal Commission.

2.2 Conflict of Interest.

Tribal Commissioners may hold other non-elective and non-managerial tribal positions and may engage in business and gamble in any gaming operation, provided, however that they may not be employed in or own any interest in or gamble in a gaming operation authorized by this ordinance. No member of the Tribal Commission shall engage in any business which is subject to regulation by the provisions of this Ordinance.

2.3 Compensation.

Tribal Commissioners shall receive a stipend per meeting, in an amount approved by the Business Committee, as well as, reimbursement of reasonable travel expenses for travel related to Tribal Commission business.

2.4 Quorum.

A quorum shall consist of two members.

2.5 Voting.

The Tribal Commission shall act by majority vote of a quorum present and each member of the Tribal Commission shall be entitled to one vote.

2.6 Conduct of Business.

The Tribal Commission shall adopt bylaws for the conduct of business, which shall include the following provisions:

(a) The Tribal Commission shall select annually from its membership a Chair, Vice-Chair and Secretary.

(b) A regular meeting of the Tribal Commission shall occur at least once every two (2) months to hear recommendations and set policy, to hear reports from the Director, to make licensing, suitability and approval determinations, to conduct disciplinary proceedings, to hear player dispute appeals, and to transact other business. Written notice of such meeting shall be posted at the office of the Tribal Commission, not less than twenty-four (24) hours prior to such meeting being held.

(c) The Chair shall have the power to convene special meetings. Written notice of such meetings shall be posted at the office of the Tribal Commission and the Tribal Headquarters. Notice shall be given to the gaming operation.

(d) General sessions of all Tribal Commission meetings shall be open to the public.

(e) Executive sessions of the Tribal Commission meetings shall not be open to the public. The Tribal Commission may not take official action while in executive session, but may discuss Tribal Commission personnel actions, licensing matters and pending litigations.

SECTION 3. TRIBAL GAMING COMMISSION AUTHORITY

3.1 Authority.

The Tribal Commission shall have the authority:

(a) to receive and process all license applications related to the conduct of Class II and Class III gaming activities on lands within the jurisdiction of the Tribe, and issue licenses to all such gaming operations, persons, individuals, and distributors who are required to be licensed by this Ordinance and who qualify for such licensure, and to notify the National Indian Gaming Commission of the issuance of any license when so required by federal law or regulation;

(b) to adopt standards for licensing the occupations within the Tribe's gaming operations;

(c) to investigate gaming and non-gaming employee license applicants for gaming operations, determine the eligibility of applicants for a license, and issue gaming licenses to eligible applicants;

(d) to review all contracts entered into by a gaming operation to:

(1) determine whether the transaction documents are a contract; and

(2) determine whether the contract is or is not related to gaming, and, if related to gaming, whether it is subject to the provisions of this Ordinance; and

- (3) determine whether the non-Tribal party to the contract must be licensed under the provisions of this Ordinance.
- (e) to investigate non-management gaming contractors and approve non-management gaming contractor licenses for any person or entity working in or for the Tribe's gaming operations who requires such a license;
- (f) to license any person, organization or entity selling, leasing, marketing or otherwise distributing gambling devices, equipment, games, or implements of gambling, to the Tribe's gaming operations;
- (g) to investigate and license any management contractors of the Tribe's gaming operations, or any ancillary contractors of any management contractor, who provide supplies, services, concessions or property to the Tribe's gaming operations or to any management contractor in connection therewith;
- (h) to limit, condition, suspend, restrict, or revoke any license it may issue and assess fines for violations of this Ordinance or of any rules or regulations promulgated by the Tribal Commission as provided for in this Chapter;
- (i) to adopt reasonable standards consonant with the size and scope of the gaming operation, including game rules, under which all gambling operations shall be held, including regulations concerning security and surveillance operations, and the prize and wagering structure in accordance with the applicable provisions, if any, of any class III gaming compact between the Tribe and the State of Oklahoma;
- (j) to inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed and to inspect all equipment and supplies in, upon, or about a gaming operation, or inspect any equipment or supplies, wherever located, which may or have been used in the gaming operation;
- (k) to summarily seize and remove from a gaming operation and impound equipment and supplies for the purpose of examination, inspection, evidence, or forfeiture in those instances where the Commission has reasonable cause to believe that a violation of this Ordinance has occurred and hold such property pending any final hearing determination of the appropriate disposition of such property;
- (l) to enter without restriction the offices, facilities, or other places of business of a licensee to determine compliance with this Ordinance provided that the licensee maintains the right to have any member of the Tribal Commission entering such locations accompanied by security personnel for the purpose of facilitating the unrestricted access of such member of the Tribal Commission;
- (m) to ensure that the Tribe will require, and cause to be conducted annually, outside independent audits of all gaming activity as required by the Indian Gaming Regulatory

Act and submitting such audits to the National Indian Gaming Commission pursuant to 25 CFR Section 522.4 (b)(3); require, and cause to be conducted annually, outside audits of all contracts related to the conduct of gaming, with the exception of those contracts for professional legal and accounting services, whether those contracts be for supplies, services, or other subject matter which the Tribal Commission determines to be related to gaming, and which are for a contract amount in excess of \$25,000;

(n) to access upon demand and inspect, examine, copy and audit all papers, books and records of applicants and licensees respecting any revenue or income produced by any gaming operation;

(o) to require verification of the daily gross revenues and income of any class II and class III licensed gaming activity, and verification of all other matters affecting the enforcement of the public policy of or any of the provisions of this Ordinance in order to safeguard the integrity of tribal gaming operations;

(p) to seize and impound any patron's winnings which the Tribal Commission may have reason to believe may have been won or obtained in violation of this Ordinance or any other law pending a civil forfeiture hearing on such seizure and/or a criminal proceeding in connection therewith;

(q) to formally suspend, revoke, and ensure the appropriate disposition of a license held by a licensee for a violation committed by a licensee, or an employee of the licensee, of this Ordinance or a Tribal Commission rule or regulation or for engaging in a fraudulent practice;

(r) to investigate alleged violations of this Ordinance, the Tribal Commission rules, regulations, orders or final decisions, any class III gaming compact entered into between the Tribe and the State of Oklahoma, and any other applicable laws, and to take appropriate disciplinary action, including the imposition of civil fines, against a licensee or any employee of a licensee for the violation, or institute appropriate legal action for enforcement, or both;

(s) for the purpose of enforcing the provisions of this Ordinance, to exercise the powers of a peace officer of the Tribe except that members of the Tribal Commission and Tribal Commission employees have no authority to carry firearms in the performance of their official duties;

(t) to hold hearings, and to require licensees or license applicants to appear and testify under oath regarding matters related to the enforcement of the provisions of this Ordinance and regulations promulgated thereunder, complaints received about matters within the purview of the Tribal Commission to address, actions by the Tribal Commission regarding licenses, or any other matters over which the Tribal Commission has authority;

- (u) to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records and other pertinent documents, and administer oaths and affirmations to the witnesses, when, in the judgment of the Tribal Commission, it is necessary to enforce this Ordinance or the rules and regulations of the Tribal Commission;
- (v) to assure that the payouts from the gambling games authorized under this Ordinance and the payout percentages for all slot machines and video lottery machines are in accordance with any applicable requirements of the compact between the Tribe and the State of Oklahoma governing class III gaming on Indian lands of the Tribe. If there is no such applicable requirement in any compact entered into by the Tribe, the Tribal Commission shall adopt by rule maximum and minimum payout percentages subject to the approval of the Tribal Business Committee;
- (w) to oversee and carry out necessary surveillance of all gambling activities conducted at a tribal gaming operation, consistent with the terms of a valid management contract;
- (x) to consult with the Tribe's legal counsel to advise the Tribal Commission as needed;
- (y) to hear and consider for resolution any dispute between members of the public and the Tribe with regard to gaming activities licensed pursuant to the terms of this Ordinance;
- (z) to defend this Ordinance in any court with proper jurisdiction or before any federal agency, however, any reference herein to defending this Ordinance shall not be deemed a waiver of the Tribe's sovereign immunity from suit;
- (aa) to propose an annual budget to the Business Committee to support Tribal Commission operations undertaken pursuant to the provisions of this Ordinance; remuneration to or salaries for the Tribal Commissioners shall be set by the Business Committee as part of such annual budget;
- (bb) to take any other actions as may be reasonable and appropriate to enforce and administer this Ordinance and the rules and regulations of the Tribal Commission, including the assessment and collection of such fees and fines provided for in this Chapter;
- (cc) to approve or disapprove all documents necessary for the promotion or operation of gaming within the jurisdictional boundaries of the Peoria Tribe of Indians of Oklahoma;
- (dd) to collect fees and interest as provided for in Sections 9 of this Ordinance;

(ee) to issue any such forms as it deems necessary for the regulation of gaming on Peoria Tribe of Indians of Oklahoma lands;

(ff) to maintain a correct and full accounting of all payments, fees, penalties, interest, and civil fines received under authority of this Ordinance.

3.2 Commission Director.

(a) The Tribal Commission shall hire a Director, with the approval of the Business Committee, who shall be responsible for the day-to-day monitoring of gaming activities, including the implementation and enforcement of the rules and regulations promulgated by the Tribal Commission. No one convicted of a felony of any kind or a misdemeanor related to illegal gambling or bribery may serve as director. The Director shall not have any financial interest in gambling.

(b) The Director shall, subject to the approval of the Tribal Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance related to the establishment of all gaming activity. In all decisions, the Director shall act to promote and ensure integrity, security, honesty and fairness of the operation and administration of all gaming activity. The duties of the Director include, but are not limited to, the following:

(1) Confirm management is carrying out its responsibilities as provided for in this Ordinance.

(2) Communicate with the NIGC as necessary to appropriate and ensure compliance with the rules and regulations of that agency;

(3) Review all records, documents and anything else necessary and pertinent to enforcement of any provisions of this Ordinance;

(4) Recommend to the Tribal Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Ordinance;

(5) Perform any duties as delegated by the Tribal Commission.

(c) The Director shall have the authority to supervise and direct all staff of the Tribal Commission, in accordance with the rules and regulations of the Tribe. The Director shall not have the authority to direct the staff to take any action that requires the approval of the Tribal Commission as a whole.

(d) The Director shall have supervisory and administrative authority over the processing of all gaming licenses, monitoring the compliance with the IGRA of each gaming facility owned and operated by the Tribe, and general enforcement of this Ordinance and all regulations issued in relation hereto.

SECTION 4. GAMING AUTHORIZED

4.1 Interest and Responsibility.

The Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming authorized by this Ordinance.

4.2 Authorization.

If the Tribe elects to allow individually owned gaming operations it shall authorize such operations in accordance with the requirements set forth in 25 CFR §§ 522.10 and 522.11.

4.3 Class II Gaming Authorized for Conduct of Gaming.

Class II games, as follows, may be licensed for conduct on Tribal Lands:

- (a) bingo as defined under the Act (whether or not electronic, computer, or other technologic aids are used in connection therewith) including, if played at the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo);
- (b) non-banking card games deemed as Class II gaming under 25 CFR 502.3 (c);
- (c) any game determined to be a Class II game by the Tribal Commission, amendment of the Act, by regulation, or by decision of the National Indian Gaming Commission or the federal courts.

4.4 Class III Gaming Authorized for Conduct of Gaming,

Class III games, as follows, may be licensed for conduct on Tribal Lands:

- such games as may be provided for in a compact between the State of Oklahoma and the Tribe, or such procedures as prescribed by the Secretary of the Interior pursuant to the Act.

SECTION 5. REQUIRED LICENSES

5.1 Tribal Gaming License

A Tribal Gaming License shall be required for:

- (a) each primary management official and each key employee;

- (b) each person or entity having a management contract.

5.2 Tribal Facility License.

A Tribal Facility License shall be required for each place, facility, or location on Tribal Lands at which Class II or Class III gaming is conducted.

SECTION 6. TRIBAL GAMING LICENSE REQUIREMENTS

6.1 Application Forms.

Each person or entity having a management contract, each primary management official and each key employee shall complete an application for an initial license or renewal of an existing gaming license for each gaming establishment on an application form issued by the Tribal Commission. The application shall set forth:

- (a) the name under which the applicant transacts or intends to transact business on Tribal Lands;
- (b) the location of the gaming establishment for which the gaming license is sought; and
- (c) the application shall be signed by the applicant.

6.2 Required Notices.

- (a) The following notice shall be placed on all application forms:

“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 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 SSN may result in errors in processing your application.”

(b) In the event that changes are made to the Privacy Act Notice, existing Key Employees and Primary Management Officials, if any, shall be notified in writing by the Tribal Commission that they shall either:

(1) Complete a new application form that contains a Privacy Act Notice; or

(2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

(c) The following notice shall be placed on the application for a key employee or primary official before that form is filled out by an applicant:

“A false statement on any part of your 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.C. Title 18, § 1001).”

(d) In the event that changes are made to the Notice Regarding False Statements, existing Key Employees and Primary Management Officials, if any, shall be notified in writing by the Tribal Commission that they shall either:

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

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

6.3 Required Information.

(a) The Tribal Commission shall request from each Key Employee and Primary Management Official all of the following information:

(1) full name, other names used (oral and written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(2) currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business addresses, residence addresses, and driver’s license number(s);

(3) the names and current addresses of at least three (3) personal references, and at least one personal reference who was acquainted with the applicant during the most recent period of residence listed under paragraph (2) of this Section;

- (4) current telephone numbers;
 - (5) a description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
 - (6) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - (7) the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted.
 - (8) for each felony for which there is an ongoing prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any;
 - (9) for each misdemeanor for which there is an ongoing prosecution or a conviction (excluding minor traffic violations): the name and address of the court involved and the date and disposition;
 - (10) for each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is not otherwise listed pursuant to paragraph (a)(8) or (a)(9) of this section: the criminal charge, the name and address of the court involved, and the date and disposition;
 - (11) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 - (12) a current photograph;
 - (13) any other information the Tribal Commission deems relevant; and
 - (14) fingerprints consistent with procedures adopted by the Tribal Commission pursuant to 25 CFR § 522.2 (h) of this chapter.
- (b) If, in the course of a background investigation, the Tribal Commission discovers that the applicant has a notice of results on file with the Commission from a prior investigation and the Tribal Commission has access to the earlier investigative materials (either through the Commission or the previous tribal investigative body), the Tribal Commission may rely on those materials and update the investigation and investigative report under 25 CFR § 556.6 (b)(1).

6.4 Management Contractor's Application.

A management contractor's application shall include information required by 25 U.S.C. § 2711 and 25 CFR §537.1, as referenced in Section 6.3 above, and shall include the following:

- (a) The management contractor shall file, along with the application, an organizational chart of its management organization and job descriptions for employees of the gaming operation. The chart shall identify which employees are or will be the Primary Management Officials and the Key Employees of the Gaming Operation.
- (b) Each applicant for a gaming license who has or will have a contract with the Tribe to manage a Tribal Gaming Enterprise shall state whether he/she already has a management contract to operate any Indian or Non-Indian Gaming Operation and, if so, a description of the location of each such operation.

SECTION 7. BACKGROUND INVESTIGATIONS

7.1 General.

The Tribal Commission shall conduct, or cause to be conducted, a background investigation of each applicant for a position who is designated as a Key Employee or Primary Management Official and of the Management Contractor sufficient to make a qualification determination under Section 7.3 below and consistent with the requirements outlined in 25 CFR Sections 556 and 558. The Tribal Commission shall conduct the fingerprinting process. The Tribal Commission shall coordinate its background investigations with the Federal Bureau of Investigation databases. In conducting the investigation, the Tribal Commission shall keep confidential the identity of each person interviewed in the course of the investigation. The Tribal Commission shall use any law enforcement agency or other capable entity with prior consent by the NIGC, to assist in processing background investigations.

7.2 Background Investigations.

The Tribal Commission shall conduct an investigation with the information obtained in Section 6.3 sufficient to make a determination of employee eligibility under Section 7.3

7.3 Eligibility Determination.

- (a) The Tribal Commission shall ensure that any person involved with the conduct of gaming activities is a person of good character, honesty, and integrity.
- (b) The Tribal Commission shall review a person's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility of such person for employment in the gaming operation. If the Tribal Commission

determines that employment of the person poses a threat to the public interest or to the effective regulation and control of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming, neither the management contractor nor the Gaming Operation shall employ that person.

SECTION 8. GRANTING A GAMING LICENSE

8.1 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

(a) When the Gaming Operation employs a Key Employee or Primary Management Official, the Tribal Commission shall maintain a complete application file containing the information listed under § 556.4(a)(1) through (14).

(b) The Gaming Operation shall not employ any person as a Key Employee or Primary Management Official whom does not have a license after ninety (90) days.

8.2 Report to the National Indian Gaming Commission.

(a) Pursuant to the procedures set out in Section 8.1 of this Ordinance, before issuing a gaming license, the Tribal Commission shall:

(1) Create and maintain an investigative report on each background investigation. An investigative report shall include all of the following information:

- (i) the steps taken in conducting the background investigation;
- (ii) the results obtained;
- (iii) the conclusions reached; and
- (iv) the basis for those conclusions.

(2) Submit a Notice of Results (NOR) form of the applicant's background investigation to the Commission no later than sixty (60) days after the applicant begins work. The NOR form shall contain:

- (i) Applicant's name, date of birth, and social security number;
- (ii) Date on which the applicant began or will begin work as a Key Employee or Primary Management Official;
- (iii) A summary of the information presented in the investigative report,

which shall at a minimum include a listing of:

- (A) Licenses that have previously been denied;
- (B) Gaming licenses that have been revoked, even if subsequently reinstated;
- (C) Every known criminal charge brought against the applicant; and
- (D) Every felony of which the applicant has been convicted or any ongoing prosecutions.

(iv) A copy of the eligibility determination (if required) made under Section 7.3, pursuant to 25 CFR § 556.5.

- (c) If a license is not issued to an applicant, the Tribal Commission:
 - (1) shall notify the Commission; and
 - (2) shall forward copies of its eligibility determination and investigative report (if necessary) to the Commission for inclusion in the Indian Gaming Individuals Records System or Tribal Access Portal System (TAPS).
- (d) With respect to Key Employees and Primary Management Officials, the Tribal Commission shall retain applications for employment, gaming license applications, eligibility determinations and reports (if any) of background investigations, for inspection by the Chairman of the Commission or his or her designee for no less than three (3) years from the date of termination of employment.

8.3 NIGC Notification.

- (a) When the Commission notifies the Tribal Commission that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or a Primary Management Official for whom the Tribal Commission has provided a NOR form to the Commission, the Tribal Commission may issue a permanent license to such applicant. The Tribal Commission must notify the Commission within thirty (30) days of the issuance of such license, pursuant to 25 CFR § 558.3(b).
- (b) The Tribal Commission shall respond to a request for additional information from the Chairman of the Commission concerning a Key Employee or a Primary Management Official who is the subject of the report. Such a request shall suspend the 30-day period under Section 8.1, until the Chairman of the Commission receives the additional information.

(c) If, within the thirty (30) day period described above, the Commission provides the Tribal Commission with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official for whom the Tribal Commission has provided a NOR form and investigative report (if necessary) to the Commission, the Tribal Commission shall reconsider the application, taking into account the objections itemized by the Commission. The Tribal Commission shall make the final decision whether to issue a gaming license to such applicant.

(d) The Tribal Commission may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate licensing fee, provided that no license shall be issued to or renewed for an applicant:

(1) who is not a person of good character, honest, and integrity;

(2) who is not found by the Tribal Commission to be eligible for employment under the criteria of Section 7.3;

(3) who has had, or who is in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction;

(4) who is delinquent in the payment of any obligation owed to the Tribe or Tribal Commission pursuant to this Ordinance or a Management Contract; and

(5) who has failed to comply with the Act, regulations of the Commission, this Ordinance or regulation that the Tribal Commission has or may adopt.

8.4 Validity.

(a) Each gaming license for Key Employees and Primary Management Officials shall be valid for a two-year period commencing on the approval of the gaming license.

(b) Each gaming license for Management Contractors shall be valid for a one-year period commencing on the approval of the gaming license.

8.5 Assignment; Transfer; Display.

A gaming license may not be assigned or transferred and is valid only for use by the person in whose name it is issued and at the gaming establishment for which it is issued. The gaming license shall be conspicuously displayed at all times during the shift of each person for whom it was issued to and while at the gaming establishment regulated by the Tribal Commission.

8.6 Class III Gaming License.

Pursuant to the Tribal-State Compact, gaming licenses shall be issued for Class III gaming.

8.7 License Suspension.

(a) If, after the issuance of a gaming license, the Tribal Commission receives from the Commission, or any other source, reliable information indicating that a Key Employee or Primary Management Official is not eligible for employment, the Tribal Commission shall immediately suspend such gaming license and shall notify, in writing, the licensee of the suspension and the proposed revocation. The right to a hearing under 25 CFR § 558.4 shall vest only upon receipt of a license granted under this Ordinance.

(b) The Tribal Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a gaming license.

(c) After the revocation hearing, the Tribal Commission shall decide to revoke or to reinstate the gaming license of the licensee. The Tribal Commission shall notify the Commission of its decision within forty-five (45) days of making such decision, pursuant to 25 CFR 558.4(e).

SECTION 9. LICENSE FEES

9.1 Key Employees and Primary Management Officials.

The initial and bi-annual fee for each gaming license issued pursuant to this Ordinance for each Key Employee and Primary Management Official shall be \$25.00.

9.2 Management Contracts

The initial and annual fee for each gaming license issued pursuant to this Ordinance to the holder of a valid Management Contract shall be \$2,500.00.

9.3 Fee Adjustments

The Tribal Commission may adjust the amount of the license fees, provided that any increase shall take effect only on the ensuing Fiscal Year, beginning on April 1st.

SECTION 10. TRIBAL FACILITY LICENSE REQUIREMENTS

10.1 General.

Any facility on Tribal lands for which Class II and/or Class III gaming is conducted under this Ordinance shall complete an initial Tribal facility license application, which shall be renewed bi-annually, pursuant to § 10.3 of this Ordinance.

10.2 Facility License Application.

The Tribal Commission shall specify the form, conditions, and content for the application for such licenses.

- (a) The initial application shall set forth:
 - (1) the name under which the facility transacts or intends to transact business on tribal lands;
 - (2) the location of the facility for which the license is being sought;
 - (3) a legal description of the lands whereon the facility is located;
 - (4) a certification that said premises constitute “Tribal lands” as specified in IGRA;
 - (5) a certification of compliance with the Environmental, Health, and Public Safety standards;
 - (6) the application shall be signed by the General Manager of such facility.
- (b) The renewal application shall set forth:
 - (1) the name under which the facility transacts business on tribal lands;
 - (2) the location of the facility for which the renewal facility license is being sought;
 - (3) any changes to the legal description of the lands whereon the facility is located;
 - (4) the application shall be signed by the General Manager of such facility.

10.3 Validity.

Each Tribal facility license shall be valid for a two-year period commencing on the approval of the Tribal Facility License.

10.4 Assignment; Transfer; Display.

- (a) A Tribal facility license may not be assigned or transferred and is valid only for the use by the facility for which it is issued.
- (b) A Tribal facility license shall be conspicuously displayed at all times at the facility for which it is issued.

SECTION 11. RECORDS AND REPORTS

11.1 Keep and Maintain.

Each gaming operation shall keep and maintain sufficient books and records to substantiate the receipts, expenses, and uses of revenues relating to the conduct of gaming activities authorized under a license. Included in the records of the activity shall be session summary sheets, operational budgets and projections, and tour-bus attendance and compensation.

11.2 Statement of Gross Revenues and Net Revenues.

No later than the twentieth (20th) day of each month, each gaming operation shall provide, in a report form approved by the Tribal Commission, a statement of gross revenues and net revenues received or collected at each gaming operation during the immediately preceding period.

11.3 Falsification.

No licensee shall falsify any books or records relating to any transaction connected with the conduct of gaming activities authorized under this Ordinance.

11.4 Inspection by Tribal Commission.

All books and records of each gaming operation relating to licensed gaming activities shall be subject to inspection, examination, photocopy and auditing by the Tribal Commission or a person designated by the Tribal Commission at any time during reasonable hours.

11.5 Audit.

The Tribal Commission shall ensure that the Tribe will require and cause to be conducted, at least annually, an outside independent audit of all gaming activity at the gaming operations owned and operated by the Tribe, as required by IGRA; shall require and cause to be conducted, at least annually, an outside independent audit of all contracts related to the conduct of gaming, with the exception of those contracts for supplies, services, or other subject matter which the Tribal Commission determines to be related to gaming, and which are for a contract amount in excess of \$25,000; and shall submit the resulting audit reports to the Commission within one-hundred twenty (120) days after the end of each fiscal year of the gaming operation, pursuant to 25 CFR 522.4 (b)(3) and 25 CFR 571.13(a).

11.6 Insurance Policies

A copy of all insurance policies covering each gaming operation or any part thereof shall be filed with the Tribal Commission.

SECTION 12. GROSS REVENUES

12.1 Expenditures and Disbursements.

Consistent with reasonable gaming industry business practices, the gross revenues derived from operation of a tribal-owned and licensed gaming operation may be expended and dispersed by the management contractor as outlined in the Management Contract.

SECTION 13. MAINTENANCE OF GAMING FACILITY

13.1 General.

Each gaming facility licensed under this Ordinance shall be constructed, maintained, and operated in a manner which adequately protects the environment and public health and safety.

SECTION 14. VIOLATIONS

14.1 Gaming License.

No person shall operate or conduct any gaming activity in a gaming operation with the exterior boundaries of the Tribal Lands without a gaming license issued by the Tribal Commission, as required by this Ordinance.

14.2 Falsifying Information.

No licensee or licensed applicant shall provide false information in connection with any document or proceeding under this Ordinance.

14.3 Accountability and Inspections.

(a) No management contractor shall fail to account fully for all moneys received or collected in connection with gaming activities.

(b) In Compliance with 25 CFR § 571.5 or § 571.6, or in pursuant to this Ordinance or a Resolution approved by the Chairman of the Commission under parts 522 or 523 in Title 25 CFR, a gaming operation shall not refuse to allow an authorized representative of

the Commission or an authorized representative of the Tribal Commission to enter into or inspect the gaming operation.

14.4 Age Limit.

No person under the age of eighteen (18) years shall be permitted to participate in any gaming activity.

14.5 Cheating

No person shall engage in cheating in any gaming activity.

14.6 Possession of a Firearm or Other Weapon.

No person, other than a law enforcement officer or a security officer whom is licensed to carry a firearm, may enter or remain in a gaming operation under this Ordinance while in the possession of a firearm or other weapon.

14.7 Violation of Any Provision, Rule, Regulation or Order.

No person shall intentionally violate any provision of this Ordinance, nor any rule, regulation or order that the Tribal Commission may promulgate or issue.

14.8 In Privity.

Any person who is in privity with a person who violates any provision of this Ordinance shall be deemed to be in violation of this Ordinance to the same extent as the violator, and shall be treated in a similar manner.

14.9 Compliance of Ordinance.

The management contractor is responsible for ensuring that all Key Employees and Primary Management Officials assisting in the operation of any gaming activity on the licensee's behalf comply with this Ordinance. A violation by any such officials or employees shall be deemed a violation by the management contractor and subject the management contractor to civil enforcement action. It shall not be a defense that the management contractor was unaware of the violation.

14.10 Fraudulent Scheme or Technique.

No person, playing in or conducting any gaming activity authorized under this Ordinance, shall:

- (a) use bogus or counterfeit cards, or substitutes or use any game cards that have been tampered with;

- (b) employ or have on one's person any cheating device to facilitate cheating in any gaming activity;
- (c) use any fraudulent scheme or technique, including when an operator or player of games of charitable gaming tickets directly or indirectly solicits, provides, or receives inside information of the status of the game for the benefit of either person; or
- (d) knowingly cause, aid, abet, or conspire with another person or any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.

SECTION 15. CIVIL ENFORCEMENT

15.1 Action to be Taken.

The Tribal Commission may take any one or a combination of the following actions with respect to any person or entity who violates any provision of this Ordinance:

- (a) Impose a civil fine, as outlined in the By-Laws for each violation, and if such violation is a continuing one, for each day of such violation.
- (b) Impose a penalty of fifty dollars (\$50.00) per day for failure to file any report when due and five hundred dollars (\$500.00) per day for failure to file such report after notice and demand.
- (c) Suspend or revoke any gaming license issued by the Tribal Commission.
- (d) Bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions:
 - (1) suspension or termination of the license and further conduct of gaming activities;
 - (2) seizure of any gaming apparatus, proceeds, or other property of a licensee connected with the gaming activities engaged in by the licensee;
 - (3) in the case of any non-member of the Tribe, expulsion of such persons from Tribal Lands;
 - (4) collection of any unpaid fees and/or interest;
 - (5) execution on any nonexempt property of a violator located within the exterior boundaries of the Tribal Lands.

15.2 Jurisdiction.

Any court of competent jurisdiction shall have jurisdiction over any civil action brought by the Tribal Commission under this Ordinance, and any court of competent jurisdiction shall have the authority to impose any and all sanctions imposed by the Tribal Commission pursuant to this Ordinance.

15.3 Notification.

Before taking any enforcement action authorized in this Section, the Tribal Commission shall use its best efforts to notify the alleged violator, in person or by letter delivered to his/her last known address, of the charges against him/her, and allow the alleged violator an opportunity for a prompt hearing. If the alleged violator fails to respond, or cannot be found, the Tribal Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate.

15.4 Acknowledgement.

Every person or entity which applies for a gaming license and accepts such license thereby acknowledges the civil enforcement jurisdiction and authority of the Tribal Commission and a court of competent jurisdiction under this Ordinance to order an execution on his/her nonexempt property, the suspension or termination of his/her further conduct of gaming activities and the seizure of his/her gaming equipment or proceeds or other property, upon a proper finding of the Tribal Commission or the court that the person has violated a provision of the Act, regulations of the Commission, this Ordinance, or regulations promulgated by the Tribal Commission, despite lack of actual notice, provided that the Tribal Commission has used its best efforts to notify the person, in person, or by letter delivered to his/her last known address.

SECTION 16. USE OF NET REVENUES

16.1 Expenditures.

Net revenues from gaming conducted under this Ordinance shall only be expended for the following purposes:

- (a) to fund Tribal government operations or programs;
- (b) to provide for the general welfare of the Tribe and its members;
- (c) to promote Tribal economic development;
- (d) to donate to charitable organizations; or
- (e) to help fund operations of local government agencies.

16.2 Approval of Operating Budget

The operating budget of the Tribal Commission, including necessary payroll and expenses, shall be approved by the Business Committee and shall be funded from revenues of the Tribal General Fund.

SECTION 17. HEARINGS AND APPEALS

17.1 Petition for Payment of Penalty.

Any licensee paying a penalty for late filing or failing to file a report for which there is an acceptable excuse may petition the Tribal Commission for credit. The petition shall be filed within thirty (30) days after the petitioner knew or should have known that payment was excusable, but not more than six (6) months after payment in any case.

17.2 Petition for Hearing and Reconsideration.

Any person or entity aggrieved by a decision made or action taken by the Tribal Commission without notice and opportunity for hearing, may petition the Tribal Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action.

17.3 Petition for Review.

Any person or entity aggrieved by a decision made or action taken by the Tribal Commission after notice and opportunity for hearing may petition any court of competent jurisdiction for review. Such petition shall specifically set forth the reasons for aggrieving, and be filed with the Court no later than thirty (30) days after the Tribal Commission's decision or action.

SECTION 18. APPLICABLE LAW

18.1 Controversies Involving Contract.

All controversies involving contracts relating to gaming entered into under the authority of the Tribe on Tribal Lands shall be resolved, as appropriate, in accordance with:

- (a) the Act;
- (b) regulations promulgated by the Commission;
- (c) the laws, ordinances and regulations of the Tribe and/or Tribal Commission; and

(d) if no Tribal laws exist, the law of the State of Oklahoma.

SECTION 19. SERVICE

19.1 Tribal Commission Service Agent.

The Tribe and the Tribal Commission shall designate, by written notification to the Commission, an agent for service of any official determination, order, or notice of violation.

19.2 Management Service Agent.

Each management contractor shall designate, by written notification to the Tribal Commission and the Commission, an agent for service of any official determination, order, or notice of violation.

SECTION 20. SAVINGS PROVISION

20.1 Invalidity

If any provision of this Ordinance or the application thereof to any entity, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect, and, to this end, the provisions of this Ordinance are severable.

SECTION 21. POLICIES AND PROCEDURES FOR RESOLUTION OF DISPUTES BETWEEN MANAGER AND CUSTOMERS

21.1 Improper Conduct by Customers.

(a) Notice of warning regarding the improper conduct set in paragraph (b) of this section or other gaming rules established and enforced by the gaming operation shall be posted by Manager at the entrance of the gaming operation and/or given to patrons upon entering the premises.

(b) The following improper conduct shall result in ejection of a patron from any gaming operation:

(1) cheating;

(2) possession of weapons in the gaming operation;

- (3) possession of alcohol that has been brought by a patron into the gaming operation;
 - (4) possession of a controlled substance in the gaming operation;
 - (5) disorderly conduct, including the willful, or wanton disregard for the rights of others, and any other act which is disruptive to the gaming operation and other patrons.
- (c) Failure by a patron to provide proof of age when requested by gaming operation personnel shall result in ejection of the patron from the gaming operation premises. Any admission fees shall be refunded in such instance.
- (d) Ejection of a patron shall be accomplished by security personnel, upon approval of the Manager or an alternate.

21.2 Complaints by Customers.

- (a) Either the Manager or an alternate shall be readily available at all times to resolve complaints by patrons involving the gaming operation.
- (b) If the Manager or an alternate are unable to resolve any dispute, the matter may, upon request of the patron, be referred to the Tribal Commission for resolution. Action by the Tribal Commission may be initiated by making a written request.
- (c) Decisions of the Tribal Commission may, at the patron's request, be appealed to the Business Committee. Action by the Business Committee is initiated by making a written request. The decision of the Business Committee on any dispute referred to it for resolution shall be final.

SECTION 22. AMENDMENT OF ORDINANCE

22.1 Amendment by Majority Vote

This Ordinance may be amended by majority vote of the Tribal Business Committee. Within fifteen (15) days after adoption, the Tribal Business Committee shall submit to the Chairman of the National Indian Gaming Commission for approval of any amendment(s) to this Ordinance.

SECTION 23. EFFECTIVE DATE/REPEAL

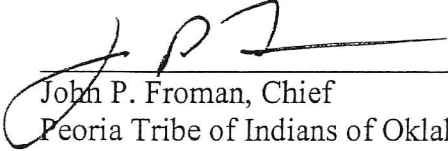
23.1 General.

This Ordinance shall be effective upon approval of the Chairman of the National Indian Gaming Commission. Once effective, this Ordinance shall serve to repeal all previous Gaming Ordinances of the Tribe.

CERTIFICATION

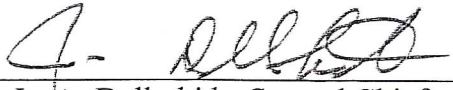
The foregoing Gaming Ordinance of the Peoria Tribe of Indians of Oklahoma was duly enacted and approved by the Business Committee of the Peoria Tribe of Indians of Oklahoma this 3rd day of February, 2015, by a vote of:

4 FOR; _____ AGAINST; _____ ABSTAIN




John P. Froman, Chief
Peoria Tribe of Indians of Oklahoma

ATTEST:



Jason Dollarhide, Second Chief

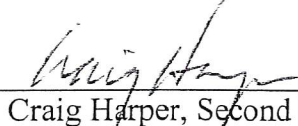
Vacant, Secretary



Aaron Blalock, Treasurer



Carolyn Ritchey, First Councilman



Craig Harper, Second Councilman

Alan Goforth, Third Councilman