TITLE I. GENERAL PROVISIONS

Section 100. SHORT TITLE.

This Ordinance shall be known and may be cited as the Prairie Island Indian Community Gaming Ordinance.

Section 101. PURPOSE AND AUTHORITY.

The Prairie Island Indian Community Council enacts this Ordinance in order to regulate all forms of Gaming on Community Lands. Under the authority granted by the Prairie Island Indian Community Constitution, the Community Council is the governing body of the Community and is vested with the sovereign powers of the Community delegated to it by the Community pursuant to Article V of the Constitution and that are inherent in the Community as a sovereign nation. These powers, and the obligations that they impose on the Community Council, include promoting the peace, safety, morals and general welfare of the Community, protecting and preserving the property of the Community, maintaining law and order on Community Lands and managing the economic affairs of the Community.

Section 102. FINDINGS AND DECLARATION OF POLICY.

The Prairie Island Indian Community Council finds and declares the following to be the public policy of the Community:

A. The Community was organized by the membership to "form a more perfect union, develop our natural resources, insure our domestic tranquility, promote the general welfare, to enjoy certain rights of home rule, to provide education in schools of higher learning including vocational, trade, high schools, and colleges for our people, and to secure the opportunities offered us under the Indian Reorganization Act...." Preamble, Constitution and Bylaws of the Prairie Island Indian Community in Minnesota.

B. By virtue of the treaties between the United States of America and the Prairie Island Mdewakanton Sioux and the statutes and court decisions of the United States, which together have recognized, preserved and fostered Tribal sovereignty, there remains the Federal guarantee of the perpetual integrity of the Prairie Island Indian Community.

C. The Prairie Island Reservation was established to provide a permanent home for the Community's exclusive and undisturbed use and benefit.

D. The Prairie Island Indian Community desires to be self-sufficient and self-determined in its internal affairs, as reliance on non-Tribal resources has been adverse to the quality of life within the Community.

E. Government Gaming Operations have been introduced to the Prairie Island Indian Community and are vital to the public health, safety, and welfare of the people. Instead of prohibiting such operations, they need to be regulated in a manner commensurate with the interests of the Prairie Island Indian Community.

F. The Prairie Island Indian Community requires resources to establish an economic base to generate revenues for self-perpetuation and essential governmental services.

G. The regulation of government gaming within the Prairie Island Indian Community is in the best interest of the Prairie Island Mdewakanton Sioux people.

H. It is the express legislative intention of the Community Council in adopting this Ordinance to:

1. Completely regulate and control gaming on trust lands located within the Prairie Island Indian Community, in compliance with applicable law;

2. Provide, through the revenue generated by government gaming, a source of funding for Tribal government operations and programs, and programs for the general welfare of the Community;

3. Foster a spirit of cooperation with the National Indian Gaming Commission (NIGC) in the regulation of the Community's government gaming;

4. Protect gaming as a means of promoting Tribal economic development;

5. Ensure that the Community's government gaming is conducted fairly and honestly by both the operator and the players as a genuine means of providing both recreation and entertainment; and

6. Ensure that the Community's government gaming is entirely free from organized crime and other corrupting influences by investigating and licensing all Persons having any contact with those activities and by strictly regulating all Gaming Activities.

Section 103. REPEALER.

This Ordinance is enacted by adoption of Community Council Resolution No. 15-01-09-03, which also repeals the Prairie Island Indian Community Gaming Ordinance, adopted, as amended, on July 21, 2010 by Resolution No. 10-07-21-85 (the 2010 Gaming Ordinance) and repeals and replaces all prior gaming ordinance enactments.

Section 104. EFFECTIVE DATE.

This Ordinance and the repeal of the 2010 Gaming Ordinance shall be effective on the date upon which the NIGC approves the Ordinance.

Section 105. SEVERABILITY.

If any provision of this Ordinance or its application to any Person or circumstance is determined to be invalid by an adjudicatory forum with jurisdiction, or by a change in applicable law, the invalidity shall not affect any other provision or application of this Ordinance that can be given effect without reliance on the invalid provision or application. To this end, the provisions of this Ordinance are severable.

Section 106. DEFINITIONS.

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this Section:

A. "Agent" shall mean any person, whether compensated or not, who is authorized or allowed to represent a principal or who undertakes on behalf of a principal to promote, facilitate or otherwise act on behalf of the principal.

B. "Applicant" shall mean any Person having filed with the Commission an application for a License.

C. "Cage" shall mean a secure work area within the Gaming Facility for Cashiers and a storage area for the Gaming Enterprise bankroll.

D. "Cashier" shall mean the custodian of the Gaming Establishment bankroll.

E. "Cash Services" shall mean the Department of the Gaming Enterprise responsible for Soft Count, Hard Count, Cage/Cashier, and Vault functions.

F. "Community" shall mean the Prairie Island Mdewakanton Sioux Indian Community in the State of Minnesota, a Federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476.

G. "Community Lands" or "Indian Lands" shall mean all lands within the limits of the Prairie Island Indian Community Reservation, and all lands over which the Community exercises governmental power that are held either in trust by the United States for the benefit of the Community or a Community member or held by the Community or Community member and subject to restriction by the United States against alienation.

H. "Community Council" or "Council" shall mean the governing body of the Prairie Island Indian Community in Minnesota.

I. "Game" shall mean any game of chance, however conducted, operated, or played, that comes within the definition of Gaming.

J. "Gambling" and "Gaming" shall mean the act of paying for the opportunity and participation in a Game or games of chance for money or something of value, where motor skills play no part or

are of no consequence in determining the outcome of the Game; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a Game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e. foodstuffs, or games played in private homes or residences for prizes or games operated by charitable and educational organizations authorized by the Commission and operated in compliance with State law.

K. "Gaming Commission" or "Commission" shall mean the Prairie Island Indian Community Gaming Commission.

L. "Gaming Device" shall mean 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 Ordinance and shall also include any devices, machines, components, or contrivances that do affect, or are capable of affecting in any way, the playing of any Game.

M. "Gaming Enterprise Employee" shall mean all persons employed by the Gaming Enterprise, whether in a gaming or non-gaming capacity, including but not limited to all positions covered by Compact requirements, all persons considered to be Key Employees, Primary Management Officials.

N. "Gaming Enterprise" shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of Gaming.

O. "Gaming Equipment, Supplies or Services" shall mean:

1. 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:

   a. Any Gaming Device;
   b. Software used with any Gaming Device; and
   c. Cards.

2. Equipment or devices used in Gambling, including but not limited to bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, tipboards, bill acceptors, card readers, electronic bingo machines, black jack table layouts, stacker boxes, cards, chips, card shuffling devices, tokens and related hardware or software that affect the result of the Game; and all equipment or devices associated with such Gaming Equipment.

3. Services and/or Supplies to maintain, repair, or renovate any Equipment described in Subparagraphs 1 or 2 and any other Services that directly relate to Gaming activities or Gaming Operations, security, or surveillance at a Gaming Enterprise.

P. "Gaming Facility" or "Gaming Facilities" shall mean any location or structure, stationary or movable, wherein Gaming is permitted and Gaming Operations are conducted.

Q. "Gaming Inspectors" or "Inspectors" shall mean the employees of the Gaming Commission who assist in the regulation of gaming activities.

R. "Gaming Operations" shall mean the conduct of Gaming and related business activities by a Gaming Enterprise.

S. "Gaming Vendor" shall mean any Vendor who sells, leases, or otherwise supplies any Gaming Equipment, Supplies or Services, excluding legal and accounting services, to the Tribe or the Gaming Enterprise.

T. "Gaming Test Laboratory" shall mean, as contemplated by Section 6.1 of the Tribal-State Compact regarding Video Games of Chance, a laboratory agreed to and designated in writing by the Minnesota State Commissioner of Public Safety and the Tribal Council as competent and qualified to conduct scientific tests and evaluations of Video Games of Chance and related equipment. A laboratory operated by or under contract with the States of Minnesota, Nevada, New Jersey or South Dakota constitutes a designated Gaming Test Laboratory.

U. "Hard Count" shall mean the process of counting coins generated by Gaming Operations.

V. "Hard Count Team" shall mean the Gaming Enterprise Employees responsible for the Hard Count.

W. "IGRA" shall mean the Indian Gaming Regulatory Act of 1988, Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. § 2701 et seq.

X. "Key Employee" shall mean a person who performs one or more of the following functions: Bingo Caller, Counting Room Supervisor, Chief of Security, Custodian of Gaming Supplies or Cash, Floor Manager, Pit Boss, Dealer, Croupier, or Custodian of Gambling equipment; any other person whose total cash compensation is in excess of $50,000.00 per year; and the four most highly compensated persons in the Gaming Operation. It also shall mean any person with the authority to sign checks or create or discharge financial obligations, whether acting alone or with others, as well as all persons with access to secure areas of the Gaming Enterprise or Gaming Facility and persons with direct access to the personal property of patrons of the Gaming Enterprise or Gaming Facility, and any other person designated by the Commission as a Key Employee.

Y. "Labor Organization" shall mean any labor union or other organization or association whose purpose includes, in whole or in part, negotiating or administering on behalf of employees any collective bargaining agreement or labor disputes, adjusting or seeking to adjust grievances, negotiating, bargaining or administering wages, rates of pay, hours of employment, working conditions or other terms or conditions of employment. Labor Organization shall also include an affiliate of any Labor Organization that is chartered by the same parent body, or governed by the same constitution and bylaws of the parent, and Labor Organizations having the relation of parent and subordinate or subsidiary. Labor Organization shall also include any Agent, Officer or Principal Employee acting on behalf of, with the permission of, or at the direction of a Labor Organization and any other person engaging in Organizing Activity.

Z. "Licensee" shall mean any Person who has been issued a license by the Gaming Commission, but shall not mean Persons who have been granted a temporary license while their license applications are under review by the Gaming Commission.

AA. "Non-Gaming Vendor" shall mean any Vendor that does not qualify as a Gaming Vendor, that transfers non-gaming related property and/or goods, or that provides non-gaming services to a Gaming Facility, excluding legal and accounting services.

BB. "Officer" means any person designated as an officer under the organizational documents of any organization; any person authorized to perform the functions of president, vice president, chairman, vice-chairman, secretary, treasurer or other executive function of an organization; and any member of its executive committee or similar governing body.

CC. "Organizing Activity" shall mean any manner of soliciting membership in a Labor Organization directed at an employee of the Tribe or the Gaming Enterprise including without limitation solicitation by direct personal appeal, distributing cards regarding interests or representation, distributing or posting a flyer, poster or advertisement, or any other form of communication with employees of the Tribe or the Gaming Enterprise.

DD. "Other Compacts" shall mean such agreements as may in the future be entered into between the Community and the State of Minnesota governing Class III gaming, as that term is defined by the IGRA, 25 U.S.C. § 2703 (8).

EE. "Other Games of Chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboards, tip jars, gaming tables, tokens, satellite television transmission, but shall not include Video Games of Chance defined herein; or shall have the same meaning as the term Class II gaming as defined by the IGRA, 25 U.S.C. § 2703 (7)(A). Any game of chance that is not prohibited by the criminal laws of the State of Minnesota, or is subject to permissive regulation pursuant to Minnesota Statute Chapter 349 or successor legislation shall be included in this definition.

FF. "Person" shall mean a natural person and legal entities, created by law and given certain legal rights and duties of a human being, and shall include but not be limited to businesses, proprietorships, associations, partnerships, syndicates, corporations, firms, joint ventures, trusts, Labor Organizations, States and local governments. The term "person" used without an initial capital "P" refers exclusively to a natural person.

GG. "Primary Management Official" shall mean any person with a direct financial interest in or management responsibility for the Gaming Operation; any person who has the authority to hire and fire employees and/or to set working policy for the Gaming Operation; or the chief financial officer or other person with financial management responsibility for the Gaming Operation.

HH. "Principal Employee" shall mean any employee of an organization who, by reason of remuneration or of a management supervisory or policy-making position, exercises any authority,

discretion or influence with regard to any matter relating to employees of the entity or of those under the organizational control of the entity.

II. "Soft Count" shall mean the process of counting the non-coin contents of a drop box and the contents of a bill acceptor canister.

JJ. "Soft Count Team" shall mean the Gaming Establishment Employees responsible for the Soft Count.

KK. "Traditional Bingo" shall mean that game in which each player is supplied a card or board containing five adjoining horizontal and vertical rows with five spaces in each row, each containing a number or figure therein and the word "free" marked in the center space thereof, or in which such a card or board is represented on a video screen. Upon announcement by the person conducting the game or the appearance on the video screen of any number or figure appearing on the player's card or board, the space containing said figures or number is covered by the player. When the player has covered all five spaces in any horizontal and vertical row, or covered four spaces and the "free" space in a five space diagonal row, or covered the required combination of spaces in some other preannounced pattern or arrangement, such combination of spaces covered shall constitute "bingo." The player or players to first announce "bingo" are awarded money, merchandise, or some other consideration by the person or persons conducting the game.

LL. "Tribal-State Compacts" and "Compacts" shall mean the agreements between the Community and the State of Minnesota concerning the operation of Video Games of Chance and blackjack, any amendments thereto or any Other Compacts.

MM. "Vault" shall mean the secure area in the Gaming Facility where cash and cash equivalents are stored.

NN. "Vendors" shall mean any Person who transfers property, goods, or provides services to a Gaming Facility, whether gaming or non-gaming related, including Labor Organizations, Labor Organization Agents, Officers, Principal Employees and any Person engaged in Labor Organizing Activities, but excluding legal and accounting services.

OO. "Video Games of Chance" shall mean electronic or electromechanical video devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette, line-up symbols and numbers, or other common Gambling forms, which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens, or replays, and contain a meter or device to record un-played credits or replays, or otherwise shall have the same meaning as the term Class III gaming as defined by the IGRA, 25 U.S.C. § 2703 (8); and all equipment or devices used in association with Video Games of Chance.

Any term not defined by this Ordinance shall be interpreted consistent with its plain and ordinary meaning and in a way that protects and implements the Community's full sovereign authority.

Section 107. AUTHORIZATION OF GAMING ACTIVITIES.

A. The Prairie Island Indian Community hereby authorizes all permitted forms of Class I, Class II and Class III gaming on Prairie Island Indian Community Lands, subject to the provisions of this Ordinance and all regulations promulgated and policies adopted pursuant thereto, the Tribal-State Compacts, the IGRA and the Regulations promulgated pursuant thereto. Any Person who commits an act of unauthorized Gaming on Community Lands shall be subject to the enforcement provisions of this Ordinance and may be referred for criminal prosecution as permitted by State and Federal law.

B. All Gaming permitted by this Ordinance must be licensed and regulated pursuant to the provisions of this Ordinance. No licenses shall be issued to allow the continuing operation of individually-owned gaming establishments, since none were in operation on September 1, 1986 and this Ordinance does not permit individually-owned Gaming Establishments.

Section 108. OWNERSHIP OF GAMING/SOLE PROPRIETARY INTEREST.

The Prairie Island Indian Community shall have the sole proprietary interest in and sole responsibility for the conduct of Gaming on Community Lands.

Section 109. USE OF GAMING NET REVENUES.

Net revenues derived from any government gaming activity, as defined by the IGRA, 25 U.S.C. § 2703, shall be utilized for the purposes and in the amounts defined by a gaming revenue allocation ordinance that has been approved by the Secretary of the United States Department of the Interior, or the Secretary's designee.

TITLE II. DEVELOPMENT, ADMINISTRATION, AND ENFORCEMENT

Section 200. ESTABLISHMENT OF PRAIRIE ISLAND INDIAN COMMUNITY GAMING COMMISSION AND RATIFICATION OF PRIOR ACTIONS.

A. The Community Council hereby establishes the Prairie Island Indian Community Gaming Commission and delegates to it the authority to regulate the conduct of Gaming on Community Lands consistent with this Ordinance and all regulations promulgated pursuant to this Ordinance, the Tribal-State Gaming Compacts, the IGRA and the Regulations promulgated pursuant thereto, all other applicable laws and ordinances of the Community, and all policies adopted by the Gaming Enterprise; to take all actions consistent with this Ordinance and applicable law necessary to ensure the integrity of Gaming on Community Lands; and to protect the Community's Gaming from corrupting influences.

B. The Community Council ratifies all actions taken by the Gaming Commission prior to the effective date of this Ordinance.

Section 201. DELEGATION OF AUTHORITIY TO COMMISSION.

A. The Commission shall have the authority:

1. To create all necessary forms;

2. To collect license fees and costs;

3. To process all license applications;

4. To issue, deny, limit, condition, suspend and revoke all licenses, and to notify the NIGC of such action if required by the IGRA;

5. To issue citations for violations of this Ordinance, any regulations promulgated by the Commission pursuant to this Ordinance, all policies adopted by the Gaming Enterprise, any order of the Commission, any license condition or other limitation;

6. To impose civil penalties, including but not limited to licensing action and/or fines of up to $10,000.00, for violations of this Ordinance, any regulations promulgated by the Commission pursuant to this Ordinance, all policies adopted by the Gaming Enterprise, any order of the Commission, any license condition or other limitation;

7. To conduct or cause to be conducted audits of Gaming activities and Gaming Operations, including but not limited to all contracts for supplies, services, or concessions for a contract amount in excess of Ten Thousand Dollars ($10,000.00) annually, except for contracts for professional legal or accounting services, relating to Class II and Class III gaming, as defined by the IGRA, 25 U.S.C. § 2703;

8. To conduct or cause to be conducted audits to ensure that Gaming is operated in a manner that protects public health, safety and environmental status of the Gaming Operations;

9. To retain legal counsel, subject to the approval of the Community Council;

10. To defend this Ordinance before any Tribal, Federal, State, or local tribunal;

11. To conduct or cause to be conducted all background investigations necessary for the issuance of Commission licenses;

12. To conduct hearings as necessary, to issue decisions relative to those hearings and to impose penalties or sanctions, if necessary;

13. To prepare and submit to the Community Council an annual budget prior to the beginning of each fiscal year for the purpose of allocating funds to the Commission for its operations pursuant to the provisions of this Ordinance. The Commission may, in accordance with any approved budget, employ such staff as it deems necessary to fulfill its responsibilities under this Ordinance;

14. To ensure compliance with this Ordinance, the IGRA, the regulations promulgated pursuant to the IGRA, the Tribal-State Compacts, any regulations promulgated by the Commission pursuant to this Ordinance, policies adopted by the Gaming Enterprise, and any applicable codes adopted by the Community Council;

15. To act as the Community's authorized representative in providing intergovernmental approvals for non-Tribal charitable gaming activities on Community Lands as may be required by the laws, regulations or policies of the State of Minnesota and its agencies of jurisdiction and to provide regulatory oversight of the permitted gaming activity;

16. To recommend to the Community Council policies and guidelines relating to Gaming, including amendments to this Ordinance; and

17. To promulgate regulations and adopt policies to fulfill all of the authorities delegated hereby or that might in the future be delegated to the Commission.

B. The Commission also may exercise any other authority or perform any other duty that might hereafter be delegated to the Commission by the Community Council.

C. In the event that the Commission lacks sufficient members to conduct business or to otherwise fulfill the duties delegated hereby, the Community Council may resume the authority hereby delegated on a temporary, emergency basis or may appoint a Community Council member to serve as a Gaming Commissioner on a *pro tem* basis.

Section 202. INDEPENDENCE OF THE COMMISSION.

In the performance of its gaming regulatory duties, the Commission shall be and shall act independently and autonomously from the Community Council. No prior or subsequent review by the Community Council of any actions of the Commission shall be required or permitted, except as may be otherwise explicitly provided in this Ordinance. Notwithstanding the foregoing, the Commission shall be subject to all Community law, including generally-applicable administrative policies and procedures that are not in conflict with this Ordinance.

Section 203. MEMBERSHIP, OFFICERS AND STAFF.

A. The Prairie Island Indian Community Gaming Commission shall be composed of enrolled members of the Prairie Island Indian Community who have submitted to a background investigation that demonstrates that they are members in good standing, which is defined to be a person who has not been convicted of a felony or a misdemeanor involving a Gaming offense, fraud, embezzlement, theft by swindle, and/or theft by misrepresentations; is current in all financial obligations to the Community; and is duly appointed by the Community Council.

B. The Gaming Commission shall be composed of three (3) members, appointed by a majority vote of a quorum of the Community Council, and shall hold office so long as they remain qualified as defined in paragraph A of this Section.

C. Commissioners may resign at any time, effective immediately or at a specified later date, by giving written notice to the Executive Director of the Commission and the Community Council. Commissioners may be removed for cause by a 3/5 majority vote of a quorum of the Community Council, after a hearing. Cause for removal of a Commissioner includes, but is not limited to, commission of a felony or any Gaming offense in any jurisdiction, a misdemeanor involving fraud, embezzlement, theft by swindle and/or theft by misrepresentation, breach of confidentiality, dereliction of duties, or any other cause as provided by this Ordinance.

D. If a Gaming Commissioner is elected to the Community Council, the Gaming Commissioner shall resign as Commissioner upon taking the oath of office after election to the Community Council.

E. Vacancies on the Gaming Commission caused by death, disability, resignation, removal, or election to the Community Council shall be filled by appointment of the Community Council.

F. Executive Director – Selection and Duties.

1. Every two (2) years, the Gaming Commission shall elect from among the Commissioners an Executive Director by a majority of the full Commission.

2. In addition to his or her duties as a Gaming Commissioner, the Executive Director of the Gaming Commission shall preside at all meetings of the Gaming Commission and perform such duties and exercise such powers as are necessary or incident to the supervision and management of the business and affairs of the Gaming Commission. In the absence of the Executive Director, an acting Executive Director will be appointed by a majority vote of a quorum of the Commission.

G. Staff and Consultants.

1. The Commission may employ staff to assist in the exercise of authority delegated.

2. The Commission may hire professional consultants to assist in the exercise of authority delegated.

3. The hiring of staff and retention of consultants by the Commission is subject to approval by the Community Council. Those hired or retained are governmental employees and consultants.

4. Commission staff is subject to all of the conditions of employment imposed by the Community's Personnel Handbook.

Section 204. MEETINGS.

A. Regular meetings of the Gaming Commission shall be held weekly on Wednesday at 9:00 a.m. in the Gaming Commission offices or such other location agreed upon by the Gaming Commission at the preceding regular meeting. This paragraph A constitutes notice of regular meetings of the Gaming Commission.

B. Any Commission member may call a Special Meeting of the Gaming Commission. A specific agenda delivered to each Commissioner at least twenty-four (24) hours prior to the special meeting shall constitute written notice of the meeting. Objection to proper notice of a meeting may be waived by attendance of a meeting, provided that a member who is present for the sole purpose of objecting to a lack of notice shall not be deemed to have waived notice.

C. All meetings and decisions of all Gaming Commission meetings shall be recorded and minutes distributed to all Gaming Commissioners.

D. A majority of two (2) of three (3) members of the Gaming Commission shall constitute a quorum for the transaction of business at any meeting of the Gaming Commission.

E. Members of the Gaming Commission must attend Commission meetings. If a Commission member is unable to attend a meeting in person, that Commissioner may participate in the meeting by means of telephonic conference or similar communications equipment by which all persons participating in the meeting can simultaneously hear each other, and such participation at a meeting shall constitute presence in person at the meeting.

F. Each member of the Gaming Commission shall have the power to vote on all matters decided by the Commission. The affirmative vote of a majority of two members of the Commission shall constitute an official action of the Commission.

Section 205. CONFLICTS OF INTEREST.

Commissioners and Commission employees may not participate in any Commission decision involving a Gaming business, enterprise, or Vendor in which the Commissioner or Commission employee has a financial interest. Commission members and employees may not accept any gift or thing of value from a Vendor or from the Gaming Enterprise or any of its Officers, employees or Agents. For the purpose of this Section, a Community member's interest in per capita payments made pursuant to the Community's Gaming Revenue Allocation Ordinance shall not constitute a financial interest in a Gaming business or enterprise.

Section 206. FUNDING.

A. The Commission shall be funded by an annual budget to be prepared by the Commission for Community Council approval. 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.

B. Commission funding shall be in an amount adequate for the Commission to fulfill all of its regulatory responsibilities under this Ordinance. The Community Council may approve requests by the Commission for supplemental budgetary appropriations as necessary.

C. Commissioners shall be compensated in accordance with an approved budget. Commissioners shall be reimbursed for expenses they incur in conducting the business of the Commission.

Section 207. COMMISSION STRUCTURE.

A. The Commission shall include a Division for Compliance and Enforcement and a Division for Licensing. One Commissioner shall oversee each Division. The Commission may further organize itself as it deems necessary to fulfill its responsibilities under this Ordinance, including the creation of committees, departments or subdivisions.

B. The Compliance and Enforcement Division shall be responsible for ensuring compliance with this Ordinance, all regulations and policies issued by the Commission pursuant to this Ordinance, the Compacts, the IGRA and all regulations issued by the NIGC pursuant to the IGRA and all other regulatory matters that fall within the Commission's delegated authority. The Compliance and Enforcement Division shall also be responsible for overseeing the surveillance department to ensure the implementation of surveillance activities that detect violations of Gaming regulations, employee conduct rules and other applicable laws; reporting incidences that have been detected by surveillance activities to the full Commission and recommending to the Commission the appropriate response; and ensuring that surveillance activities and equipment are in full compliance with all laws and regulations.

C. The Licensing Division shall consist of an employee licensing department and a vendor licensing department. The employee licensing department shall be responsible for reviewing all employee license applications; completing appropriate background investigations; making recommendations to the full Commission regarding whether to approve, deny, suspend, revoke or condition licenses in order to ensure compliance with suitability standards; and making all necessary reports to the Commission, the Community Council, the State of Minnesota and the NIGC. The vendor licensing department shall be responsible for reviewing all license applications from Vendors; completing appropriate background investigations; making recommendations to the full Commission regarding whether to approve, deny, suspend, revoke or condition licenses to assure compliance with the proscribed suitability standards; and making all necessary reports to the Commission, the Community Council, the State of Minnesota and the NIGC. The vendor licensing department also is responsible for maintaining a current list of approved Gaming and Non-Gaming Vendors. The Community's Gaming Operations are responsible for ensuring that business is conducted only with approved vendors.

Section 208. ADDRESS.

The address of the Prairie Island Indian Community Gaming Commission is:

Prairie Island Indian Community Gaming Commission
5636 Sturgeon Lake Road
Welch, Minnesota 55089

Section 209. AGENT OF SERVICE.

Any notice required by law or regulation to be served on the Commission shall be directed to:

Executive Director
Prairie Island Indian Community Gaming Commission
5636 Sturgeon Lake Road
Welch, Minnesota 55089

TITLE III. LICENSING

Section 300. LICENSE REQUIRED.

Unless otherwise exempted under this Title, any Person employed by the Gaming Enterprise, engaged as a Vendor or otherwise engaged in Gaming on Community Lands must possess a valid License issued by the Commission pursuant to this Ordinance.

Section 301. APPLICATION REQUIRED.

Licenses will be issued by the Commission only upon receipt of a written application using a form that has been approved by the Commission for use.

Section 302. PAYMENT OF FEES AND COSTS.

A. The Gaming Commission shall establish a schedule detailing the fees applicable to all licenses issued by the Commission.

B. Each application for an initial or renewal license shall be accompanied by payment of the applicable fee, unless exempted under Section 305. All fees are non-refundable and shall be made payable to the Prairie Island Indian Community Gaming Commission. An application that is not accompanied by the applicable fee will be deemed incomplete and will not be processed by the Commission until the fee is paid.

C. The Commission also may impose additional fees reasonably related to the cost of enforcement of the Ordinance, including but not limited to cost of conducting background investigations.

Section 303. LICENSE A REVOCABLE PRIVILEGE.

A Commission license is a revocable privilege. A Licensee shall not be deemed to have any vested right in or to a Commission license, and a Commission license does not convey any property or liberty interest to the Licensee.

Section 304. CLASSES OF LICENSES.

A. Upon proper application and approval, the following classes of licenses may be issued by the Commission:

1. Class A license for a Gaming Facility in which Traditional Bingo and Other Games of Chance are operated;

2. Class B license for a Gaming Facility in which Video Games of Chance or Other Class III Gaming are operated;

3. Class C license for Gaming Enterprise Employees;

4. Class D license to Gaming Vendors;

5. Class E license for each Video Game of Chance to be used in a Community Gaming Enterprise;

6. Class F license for Non-Gaming Vendors; and

7. Class G license for Labor Organizations.

B. All Commission licenses, with the exception of Class E licenses, are valid for a period of one year from the date of issuance. Class E licenses are valid until revoked, suspended by or surrendered to the Commission.

Section 305. EXEMPTIONS.

A. The following activities do not require a license under this title:

1. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings or "places" for immediate competitive rankings, is not subject to the provisions of this ordinance.

2. Occasional charitable gaming events lasting not more than a week that are conducted by a non-profit organization qualified under the laws of the State of Minnesota to conduct such activities must be conducted in strict compliance with the laws of the State of Minnesota, including the prior notice and authorization requirements of those laws. The Prairie Island Indian Community Gaming Commission is the Community's authorized representative to receive notice of such proposed activities and to grant any authorization or approval required by law.

3. Traditional Indian gaming activities are not subject to the provisions of this Ordinance. The Commission is hereby authorized to determine on a case-by-case basis, upon request, whether a particular traditional gaming activity qualifies for this exemption.

4. Non-Gaming Vendors providing less than $10,000.00 in goods and services annually to the Tribe or the Gaming Enterprise.

B. The Commission may, in its discretion and subject to criteria established by the Commission, grant an exemption to a Non-Gaming Vendor that does qualify for the statutory exemption established in this Section.

C. The Commission may, in its discretion and subject to criteria established by the Commission, require any Non-Gaming Vendor that otherwise qualifies for an exemption under this Section to submit to background investigation and licensure.

D. Class A, B and E Licenses are exempt from license fees.

Section 306. CLASS A & B LICENSE APPLICATIONS.

A. Community Gaming Facilities must be licensed by the Commission.

B. Applications for Class A and B Licenses must provide sufficient evidence for the Commission to determine whether Gaming Operations are conducted in a manner that adequately protects the environment and public health and safety, and that the Gaming Facility has been constructed and is maintained in compliance with applicable health, safety and environmental standards.

C. Applications for Class A and B licenses and annual renewals of those licenses shall contain the following information:

1. The name and address of the gaming operator.

2. The name(s) and address(es) of all interested parties (including those with direct or indirect financial interests) and their interest and connection with the Applicant.

3. The name and location of the Gaming Facility for which the license is being sought, the number and types of Games to be played, a detailed floor plan, any proposed construction with an environmental impact study, the number of employees, hours of operation and emergency operation plan.

4. Certification that the Gaming Operations and the Gaming Facility meet all applicable Federal and Tribal health and safety standards. To show such compliance, the Gaming Enterprise may submit certified copies of Compliance Certificates issued by the agencies responsible for the enforcement of the applicable health and safety standards. This certification must be made within thirty (30) days of the license application or renewal application. If health and safety standards are not met, proof must be submitted by the Gaming Enterprise that it is in the process of improvements which, when completed, will place the Gaming Facility in compliance with applicable standards. The Commission shall maintain copies of all records related to certification of a Gaming Facility under this paragraph.

5. Certification that the Gaming Operations and the Gaming Facility meet all applicable Federal and Tribal environmental standards. To show compliance with applicable environmental standards, the Gaming Enterprise may submit certified copies of an environmental site audit of the Gaming Facility which was prepared by the agency

responsible for the enforcement of applicable environmental standards. This certification must be made within thirty (30) days of the license application or renewal application. If the applicable environmental standards are not met, proof must be submitted by the Gaming Enterprise that remediation of the Gaming Facility is being actively sought, which, if accomplished, will place the Gaming Facility in compliance with applicable standards. The Commission shall maintain copies of all records related to certification of a Gaming Facility under this paragraph.

D. The Commission may require supplemental disclosures that it determines are material to licensing decisions. A failure or refusal to provide supplemental information requested by the Commission may constitute grounds to deny, suspend or revoke a license.

Section 307. CLASS C LICENSE APPLICATIONS.

A. All Gaming Enterprise Employees must obtain a Class C License from the Commission.

B. The application for Class C licenses shall require:

1. The following statement:

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 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.

2. The following 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).

3. The full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written) and driver's license number or state identification number.

4. Currently and for the previous ten (10) years: Business and employment positions held, ownership interest in those businesses and business addresses.

5. The names and current addresses of at least three personal references, including one personal reference, who was acquainted with the Applicant during each period of residence listed under subparagraph 7 of this Section.

6. Current business address(s) and telephone number(s).

7. All residential addresses from age 16 through to the time of application.

8. A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses.

9. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses.

10. The name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to Gaming, whether or not such license or permit was granted.

11. 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 of expected disposition.

12. For each misdemeanor conviction or ongoing misdemeanor prosecution: the charge, the name and address of the court involved, the date of the incident and the date and manner of disposition.

13. For each criminal charge whether or not there is a conviction, if such criminal charge is not otherwise listed in response to the provisions of this section: the charge, the name and address of the Court in which the charge was filed and the date and form or expected form of the disposition of the charge.

14. The name and address of any license or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted.

15. A photograph.

16. A financial statement.

17. Fingerprints of the Applicant.

C. The Commission may require supplemental disclosures that it determines are material to its licensing decisions. A failure or refusal to provide supplemental information requested by the

Commission may constitute grounds to deny an application or to suspend or revoke a license under this Ordinance.

D. The Commission shall conduct an investigation sufficient to make a determination whether licensing the Person under investigation poses a threat to the public interest or to the effective regulation of or control of Gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods or activities in the conduct of Gaming. In conducting a background investigation, the Commission shall keep confidential the identity of each person interviewed in the course of the investigation. The Commission shall:

1. Conduct the background investigation, which includes, at a minimum, a check of the criminal history records maintained by the Federal Bureau of Investigation, a check of the criminal history information maintained by the Minnesota Department of Public Safety, and a check of criminal history information maintained by other states, counties and localities identified by the Applicant.

2. Review and approve the investigative work done.

3. Verify by written and/or oral communication information submitted by the Applicant.

4. Inquire into the Applicant's prior activities, criminal record, if any, reputation, habits and associations.

5. Interview persons who are familiar with the Applicant, such as former employers, personal references provided by the Applicant and others referred to in the application.

6. Make suitability determinations.

7. Prepare an investigative report that includes the following:

   a. Steps taken in conducting the background investigation.

   b. Results obtained including the documentation of all potential problem areas noted and disqualifying information obtained.

   c. Conclusions reached.

   d. The basis for those conclusions.

8. Report the results of the background investigation to the NIGC.

E. If the NIGC and/or the Commission possess(es) an investigative report for a Licensee or Applicant, the Commission may update that report instead of performing an entirely new investigation.

Section 308. CLASS D LICENSE APPLICATIONS.

A. Any Person who qualifies as a Gaming Vendor must obtain a Class D license from the Commission.

B. The application for a Class D license shall require, at a minimum, the following:

1. The name(s) and mailing address of the person or entity making the application;

2. The names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the Applicant;

3. The nature of the license applied for;

4. The type of activity to be engaged in under the license;

5. Explicit and detailed disclosure of any criminal record of the Applicant, any person involved in the organization, and any party of interest whose name appears on the application;

6. Any additional information necessary to allow the Community or the State of Minnesota to investigate the Applicant or any person included on the application;

7. Proof that the Applicant is properly licensed, permitted, certified or otherwise authorized by the State of Minnesota for the activity proposed to be engaged in where such state authorization is required;

8. If applicable, proof of licensure by the States of Minnesota, New Jersey, Nevada or South Dakota. The Commission shall only issue licenses to manufacturers of Video Games of Chance that are licensed by the States of Minnesota, New Jersey, Nevada, or South Dakota;

9. Whether the Applicant has ever had a distributor or manufacturer license revoked or suspended by the State that issued the license and, if so, the circumstances surrounding the State's action;

10. A schematic depicting the ownership structure of the Applicant that depicts all subsidiaries or wholly owned companies of the Applicant and any ownership if the Applicant is a subsidiary of or is wholly owned by another Person; and

11. A statement of waiver allowing the Community and the State of Minnesota to conduct a background investigation of the Applicant and any person whose name is required to appear on the application.

C. The Commission may require supplemental disclosures that it determines are material to its licensing decisions. A failure or refusal to provide supplemental information requested by the Commission may constitute grounds to deny an application or to suspend or revoke a license under this Ordinance.

D. A Gaming Enterprise may not engage in business with any Person who qualifies as a Gaming Vendor under this Ordinance and who has not been issued a license from the Commission.

E. A Gaming Enterprise may not purchase, lease or otherwise acquire a Video Game of Chance unless the Video Game of Chance, or a prototype thereof, has been tested, approved or certified by a Gaming Test Laboratory as meeting all requirements and standards of the compact on Video Games of Chance or other applicable compacts.

F. In the event that any State or Tribal gaming regulatory authority suspends, revokes, or refuses to issue or renew a license to a Gaming Vendor licensed by the Commission or any interested person who is or ought to have been identified in a Class D application, such action may be considered by the Commission in determining whether a licensing action will be taken by the Commission.

G. Any Gaming activity involving Video Games of Chance shall be conducted in strict compliance with the Compact and any Other Compacts.

Section 309. CLASS E LICENSE APPLICATIONS.

A. Any Person with whom the Community or the Gaming Enterprise enters into a lease or sales agreement regarding Video Games of Chance must obtain from the Commission a non-transferable Class E license for each Video Game of Chance to be placed in a Gaming Enterprise.

B. The Application for Class E licenses shall require the following information:

1. The name and address of the Applicant with proof of a current and valid distributor or manufacturer license issued by a State and the Community;

2. Identification numbers or codes for each Video Game of Chance placed in a Community Gaming Enterprise, including the manufacturer, the serial number and the model number;

3. Proof of approval and certification of the Video Game of Chance by an approved Gaming Test Laboratory and proof that the Video Game of Chance conforms precisely to the exact specifications of the Video Game of Chance prototype tested and approved by the Gaming Test Laboratory;

4. All other information as required by the Tribal-State Compact on Video Games of Chance; and

5. Proof of a current and valid Video Game of Chance license issued by the State of Minnesota pursuant to Minnesota Statute Section 349.162.

C. The Commission may require supplemental disclosures that it determines are material to its licensing decisions. A failure or refusal to provide supplemental information requested by the

Commission may constitute grounds to deny an application or to suspend or revoke a license under this Ordinance.

D. Upon issuance, the Commission shall have attached to each Video Game of Chance licensed under the provisions of this Ordinance evidence of such a license on the exterior cabinet of the device.

Section 310. CLASS F LICENSE APPLICATIONS.

A. Any Person qualifying as a Non-Gaming Vendor must obtain a Class F License from the Commission.

B. The application for a Class F License shall require the following information:

1. The name(s) and mailing address of the person or entity making the application;

2. The names and addresses of all interested parties (including those with direct or indirect financial interests) and their interest and connection to the Applicant;

3. The nature of the license applied for;

4. The type of activity to be engaged in under the license;

5. Explicit and detailed disclosure of any criminal record, any person involved in the organization, and any party of interest whose name appears on the application;

6. Any additional information necessary to allow the Community or the State of Minnesota to investigate the Applicant or any person included on the application;

7. A schematic depicting the ownership structure of the Applicant that depicts all subsidiaries or wholly owned companies of the Applicant and any ownership if the Applicant is a subsidiary of or is wholly owned by another Person;

8. Whether the Applicant has ever held a privileged license that has been revoked or suspended by the jurisdiction that issued the license and, if so, the circumstances surrounding the State's action; and

9. A statement of waiver allowing the Community to conduct a background investigation of the Applicant and any person whose name is required to appear on the application.

C. The Commission may require supplemental disclosures that it determines are material to its licensing decisions. A failure or refusal to provide supplemental information requested by the Commission may constitute grounds to deny an application or to suspend or revoke a license under this Ordinance.

D. A Gaming Enterprise may not engage in business with any Person who qualifies as a Non-Gaming Vendor that has not been issued a Class F license from the Commission.

E. In the event that any State or Tribal gaming regulatory authority suspends, revokes, or refuses to issue or renew a license to a Non-Gaming Vendor licensed by the Commission, or any interested person who is or ought to have been identified in a Class D application, such action may be considered by the Commission in determining whether a licensing action will be taken by the Commission.

Section 311. CLASS G LICENSE APPLICATIONS.

A. Any Person who qualifies as a Labor Organization or is engaged in an Organizing Activity must obtain a Class G License from the Commission.

B. Class G license applications shall include, at a minimum, the same disclosure as Class C license applications, including the following:

1. The name(s) and mailing address of the Applicant;

2. Name and address of any national or international affiliates;

3. A copy of the Applicants constitution, by-laws and written rules;

4. A schematic depicting the full structure of the Applicant from local to parent;

5. A copy of collective bargaining agreements with any employer;

6. All information regarding (i) qualifications for or restrictions on membership; (ii) levying of assessments; (iii) participation in insurance or other benefit plans; (iv) authorization for disbursement of labor organization funds; (v) audit of labor organization financial transactions; (vi) the calling of regular and special meetings; (vii) the selection of officers and stewards and any representatives to other bodies composed of labor organizations' representatives; (viii) a specific statement of the manner in which each current officer was elected, appointed, or otherwise selected; (ix) discipline or removal of officers or agents for breaches of their trust and a specific statement regarding any past disciplinary action of removal of officers or agents for breach of their trust; (x) impositions of fines, suspensions and expulsions of members including the grounds for such action and any provisions made for notice, hearing, judgment on the evidence, and appeal procedures, along with a detailed statement regarding any imposition of fines, suspensions and expulsions of members in the past calendar year;

7. A copy of the three most recent Annual Reports, as reported on the U.S. Department of Labor's Form LM-2, or similar;

8. A description of any legal proceeding involving the Applicant, Agent, Officer or Principal Employee acting on behalf of or with the permission or at the direction of a Labor Organization and any other person engaging in an Organizing Activity;

9. With respect to any Agent, Officer or Principal Employee acting on behalf of or with the permission or at the direction of a Labor Organization and any other person engaging in an Organizing Activity:

a. The individual's home address and telephone number;

b. The individual's date and place of birth;

c. The individual's social security number;

d. The date the individual was hired by or first consulted with or advised the Applicant;

e. A detailed description of the individual's duties and activities;

f. The individual's prior employment with Labor Organizations;

g. The individual's prior employment generally;

h. A copy of the individual's criminal history, describing all charges, convictions, pleas or other dispositions;

i. Whether the individual has ever been denied a business, liquor, gaming or professional license or whether any such license has ever been suspended or revoked;

j. Whether any Tribal, State or Federal tribunal has ever determined the individual to be unsuitable to be affiliated with a Labor Organization, a Gaming Establishment or a Privileged Licensed Profession;

k. Whether the individual has ever been subpoenaed as a witness before a grand jury, legislative committed, administrative body, crime commission or similar tribunal and the details of that subpoena;

l. A photograph of the individual taken within 60 days of the date of the application; and

m. A complete set of the individuals fingerprints.

10. A statement of waiver allowing the Community to conduct a background investigation of the Applicant and any person whose name is required to appear on the application.

C. A Labor Organization application for a Class G license must be verified and executed by the President or Authorized Officer of the Applicant and shall contain a written certification under oath that the information provided in the application is complete and accurate.

D. The background investigation process for Class G license Applicants includes, at a minimum, the same scope as that for Class C licenses. At minimum, the investigation will include the following:

1. Review application for completeness;

2. Verify all information submitted by Applicant;

3. Search law enforcement records for any outstanding warrants and court records for any outstanding judgments or liens;

4. Inquire into the Applicant's prior work record, personal and criminal record, if any, to develop an understanding of the Applicant's reputation, habits and associations. This inquiry may include interviewing, by phone or in person, personal and professional references, former employers and others in order to provide a basis for the development of an eligibility determination, and to assess the Applicant's chance for development of a successful working relationship with the Community's Gaming Enterprise; and

5. Document any potential problem areas and disqualifying information obtained.

E. The Commission may require supplemental disclosures that it determines are material to its licensing decisions. A failure or refusal to provide supplemental information requested by the Commission may constitute grounds to deny an application or to suspend or revoke a license under this Ordinance.

Section 312. LICENSE QUALIFICATIONS.

No License shall be issued to any Person if the Applicant:

A. Seeks a Class C License and is under the age of sixteen (16). The Gaming Commission may require that a parent or legal guardian of any Applicant under the age of 18 execute an authorization for all investigatory and pre-employment activities for which the consent of an adult might be necessary.

B. Unless pardoned for activities under this subsection by the Community, pardoned for activity under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, pardoned for activities under this subsection by the State or Federal government, or to have been found to have been rehabilitated pursuant to the Commission's rehabilitation policy, has been convicted of, or entered a plea of guilty or no contest to, any of the following:

1. Any Gambling-related offense;

2. Any offense involving fraud or misrepresentation;

3. Any offense involving a violation of any provision of Chapters 349 or 349A or any rule promulgated by the State of Minnesota Department of Public Safety, Division of Alcohol and Gambling, or any rule promulgated by the Minnesota Racing Commission;

4. A felony not otherwise covered by paragraphs 1-3 of this Section; or

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

C. Seeks a Class C license and has failed to present proof of United States citizenship or legal United States residence for a minimum of one year prior to the date of the license application.

D. Is determined to be a Person whose prior activities, criminal record, reputation, habits, or associations 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 Activities or the carrying on of the business and financial arrangements incidental thereto.

E. Has any personal, business, or legal relationship which places him or her in a conflict of interest as defined in this Ordinance or any rule, regulation or policy of the Community addressing conflicts of interest.

Section 313. BURDEN OF PROOF.

The burden of proof to establish eligibility to obtain or maintain a License shall be by clear and convincing evidence, and the burden shall be met by the Applicant or Licensee.

Section 314. AUTHORITY TO CONDITION AND LIMIT LICENSE.

A. Every License issued by the Commission shall be conditioned upon the Licensee continuing to remain eligible to hold such License under the requirements of this Ordinance and any special conditions imposed by the Commission.

B. The Commission may impose additional conditions or limitations on any License, such as limitations on access to secure areas, access to patron property, and other appropriate limitations based on the Applicant's or Licensee's position, job responsibilities, and contractual obligations, and regulatory concerns based on the Applicant's or Licensee's background investigation.

Section 315. CLAIM OF PRIVILEGE.

An Applicant may claim any privilege afforded by law at any time during the licensing process. An Applicant's claim of privilege with respect to the production of requested information or documents, or the provision of required information, testimony or evidence, may constitute grounds for the denial, suspension or revocation of a license or permit.

Section 316. FRAUD ON APPLICATION.

Any misrepresentation, including by omission, fraud or falsification of information on a license application, may result in the denial, suspension or revocation of the license and also may result in other sanctions as the Commission deems appropriate in its discretion.

Section 317. INITIAL ELIGIBILITY DETERMINATION.

A. The Commission may make an initial eligibility determination based on the results of a criminal records check in the States identified in the application. Upon making an initial eligibility determination, the Commission may issue a temporary license to the Applicant, which license is valid for no longer than 90 days.

B. The Commission shall make a final eligibility determination after a complete background investigation and, based on that investigation, either:

1. Grant a license, with or without conditions; or

2. Deny the application.

C. If the Commission denies a license based on a final eligibility determination, it will notify the Applicant of the denial in writing, advising the Applicant of the right to review any information that was discovered during the background investigation and relied on by the Commission in reaching its final eligibility determination.

Section 318. CLASS C LICENSE APPLICATION REPORTS TO NATIONAL INDIAN GAMING COMMISSION.

A. The Commission will maintain a copy of completed Class C applications and Commission investigation reports and will make them available to the NIGC for review, upon request and during regular business hours.

B. Within 60 days from the date that a Class C license Applicant was hired, the Commission will submit a report to the NIGC that includes the following information:

1. Applicant information;

2. Synopsis of background investigation conducted; and

3. Eligibility and licensing determination.

C. During a 30-day period beginning when the NIGC receives the report submitted under paragraph B of this Section, the Chairman of the NIGC may request additional information from the Commission concerning the Person who is the subject of the report. Such a request shall suspend the 30-day period until the Chairman receives the additional information.

D. At the conclusion of the 30-day period described under paragraph C, the Commission will submit a report to the NIGC within 30 days from its final eligibility and licensing determination that provides notice of the Commission's final determination and includes the following information:

1. Applicant information; and

2. Final eligibility and licensing determination where no NIGC objection was received; or

3. Final eligibility and licensing determination reflecting the reconsideration of the Commission's proposed action after receipt of, and in light of, a timely objection from the NIGC.

Section 319. NIGC LICENSING OBJECTIONS.

A. If, after an Applicant is issued a Class C license, the NIGC receives reliable information indicating that an employee is not eligible for a license, it will notify the Commission.

B. Upon receipt of notification by the NIGC as set out in paragraph A of this Section, the Commission shall immediately suspend the license and provide the Licensee with written notice of suspension and proposed revocation and the Licensee's right to request a hearing. If a hearing is not timely requested, the Commission shall revoke the license if the Commission determines that the objection is true and demonstrate the Licensee to be ineligible under Section 312.D of this Ordinance.

C. When the Commission has completed its inquiry into the NIGC licensing objection, including a revocation hearing if timely requested, the Commission shall make a final written determination to revoke or reinstate the objected-to license and shall provide written notice of its final decision to the Licensee and the NIGC within 45 days of receiving notification by the NIGC as set out in paragraph A of this Section.

Section 320. CLASS C TEMPORARY LICENSES.

Upon receipt of a complete application for a License and the completion of a preliminary background investigation, a Class C license Applicant may receive a temporary license for a ninety (90) day period, unless the Commission determines in its discretion that a background investigation demonstrates grounds for the potential disqualification of the Applicant. A Class C temporary license permits the license holder to engage in activities permitted by the Commission, subject to limitations that the Commission may impose. A Class C temporary license shall be valid until either replaced by a License, the ninety (90) day temporary license period has expired, or the Commission has determined to deny a License and the temporary license is administratively cancelled, whichever occurs first.

Section 321. LICENSE ISSUANCE.

A. Any License issued under authority of this Ordinance shall be effective from the date of issuance and shall specifically indicate any limitation on the Licensee's access to secure areas of the Gaming Facility and/or access to patron property.

B. If a Class C Licensee is promoted, transferred, reassigned or the Licensee's position is reclassified, the Gaming Enterprise shall notify the Commission in writing. The Commission shall review the Licensee's status to determine whether additional investigation is warranted and whether a change in any condition on access to secure areas or to patron property should be altered.

Section 322. SUPPLEMENTAL INFORMATION & SCOPE OF BACKGROUND INVESTIGATION.

A. The Commission may, in its sole discretion, require that an Applicant provide additional background information and submit to additional investigation as it deems necessary to make a licensing decision consistent with the requirements of this Ordinance. Supplemental information requested by the Commission shall be promptly submitted by an Applicant, and the Applicant's failure or refusal to submit supplemental information may constitute grounds to deny, suspend or revoke a license.

B. Where a Vendor Applicant falls under more than one license Class, the Commission may permit the Applicant to submit a single background disclosure, provided it meets the most stringent disclosure and investigation requirements.

Section 323. CONTINUING DUTY TO PROVIDE INFORMATION.

Applicants and Licensees owe a continuing duty to provide the Commission with information and materials relevant to the Applicant's or Licensee's character or fitness to be licensed, including but not limited to any change in the Licensee's status in any foreign jurisdiction. An Applicant's or Licensee's failure to notify the Commission promptly of inaccuracies on an application or new information or materials that may be relevant to the Applicant or Licensee's status may constitute grounds to deny, suspend or revoke a license.

Section 324. LICENSING ACTION IN A FOREIGN JURISDICTION.

If any State, Tribal or other licensing jurisdiction refuses to renew a license or conditions, suspends or revokes a license or permit of an Applicant or Licensee, or any interested person who was or ought to have been disclosed in a license application, the Commission may consider that action in determining whether to take licensing action.

Section 325. LICENSE SUSPENSIONS AND REVOCATIONS.

A. The Commission may suspend, condition or revoke any license issued under this Ordinance if:

1. After the issuance of a License, the Commission receives reliable information indicating that a Licensee is not eligible for a License or such information would justify the denial of the renewal of any License;

2. The Licensee has made a materially false or misleading statement in the Licensee's application, amendment or renewal application or in any submission made to the Commission in support thereof or has provided false or misleading information or documents in connection with any Commission investigation;

3. The Licensee has bribed or attempted to bribe or has received a bribe;

4. The Licensee has falsified any books or records relating to any transaction connected with the operation of the Gaming Enterprise; or

5. The Licensee has been convicted of, or entered a plea of guilty or no contest to a crime involving the sale or distribution of controlled substances.

B. If the Commission has made a determination under paragraph A of this Section, it shall provide written notice to the Licensee that includes the following information:

1. The grounds upon which the proposed licensing action is based;

2. The Licensee's right to review the file upon which the determination was made and to make copies of any documents contained in that file; and

3. The Licensee's right to request a hearing before the Commission.

C. If, in the judgment of the Commission, the public interest and effective regulation and control of Gaming activities requires the immediate removal of a Licensee from the Gaming Establishment, the Commission may immediately suspend a Licensee prior to the conduct of a hearing on the matter. Such an immediate suspension may take effect upon service of a Notice of Immediate Suspension which contains the information required by paragraph B of this Section.

D. Commission hearings shall be conducted pursuant to the Commission's approved hearing procedures, and the Commission shall maintain a complete and accurate record of all licensing proceedings.

E. If a Licensee fails to appear for his or her hearing before the Commission, that right shall be deemed to have been waived, and the Commission may proceed on the proposed licensing action by default.

Section 326. NON-TRANSFERABILITY.

Any license issued by the Commission is valid only for the person(s), organization(s), or entities at the place of business shown on the face thereof. The license is not assignable or otherwise transferable to any other person or organization or for any other location without the prior written

approval of the Commission. Any request to transfer or assign a license must be made in writing to the Commission for its consideration.

Section 327. RETENTION OF APPLICATIONS.

The Commission shall retain applications for licensure and reports (if any) of background investigations for inspection by the Chairperson of the NIGC or his or her designee for three years from the date of separation of employment by the licensed employee with the Gaming Enterprise and for three years for Gaming and Non-Gaming Vendors.

Section 328. LICENSE DISPLAY.

Every Gaming Facility shall display in a prominent place a current and valid Commission license for that location.

TITLE IV. COMPLIANCE AND ENFORCEMENT

Section 400. COMPLIANCE AND ENFORCEMENT DUTIES.

A. The Compliance and Enforcement Division shall ensure compliance with all audit and financial oversight requirements regarding Gaming revenues; monitor compliance with the IGRA and all regulations promulgated pursuant to the IGRA, this Ordinance and all Commission regulations, including all Community Minimum Internal Control Standards, and the Compacts; pursue enforcement activities for the failure of any Licensee or other Person subject to the jurisdiction of the Commission to comply with those laws and regulations; and perform such other functions as the Commission may assign.

B. Gaming Inspectors shall be assigned to all essential functions of the Gaming Enterprise including, without limit, Gaming Machines, Table Games, Bingo, Pulltabs, Complimentary Services, Player Development, Cash Services, Surveillance, Information Services and Technologies, Food and Beverage, and Shipping and Receiving. Gaming Inspectors shall conduct daily observations and provide daily reports for each of these areas and shall conduct random, periodic audits of these areas. Gaming Inspector reports shall be delivered promptly to the Gaming Commission, which shall be responsible for follow-up on any instances of regulatory non-compliance pursuant to procedures that are established in regulations promulgated by the Commission. Gaming Inspectors also may make recommendations to the Gaming Commission regarding any independent audit needs.

C. The Internal Audit Department shall be within the Commission's organizational structure and shall have reporting responsibility to the Gaming Commission through the Commission's Compliance and Enforcement Division as identified by an organizational chart that will be adopted and approved by the Commission upon adoption of this Ordinance.

Section 401. ENFORCEMENT ACTIONS.

A. Acceptance of a license by a Licensee constitutes agreement on the part of the Licensee to be bound by all the regulations and/or conditions of the Commission and by the provisions of this Ordinance as currently written and as may hereafter be amended or promulgated. It shall be the responsibility of the Licensee to keep informed of the contents of all such regulations, provisions, and conditions; ignorance thereof will not excuse the violation(s).

B. Any Licensee violating any provision of this Ordinance, any regulation promulgated by the Community Council or this Commission, any provision of the IGRA or the regulations promulgated pursuant thereto, or any provision of the Compacts between the Community and the State of Minnesota may be subject to action by the Commission, including but not limited to adverse licensing action and/or the imposition of a civil penalty.

C. When infractions of applicable laws or regulations are detected, the Division will document the infraction on the appropriate multiple-part form and submit the form to management for corrective action. If appropriate corrective action is not taken within the deadline established by the Division, the Commissioner of Compliance and Enforcement will report the non-compliance to the full Commission, which may take enforcement action, including but not limited to imposing fines and suspending or revoking Gaming licenses.

D. If the situation requires immediate action to prevent loss or to maintain the integrity of Gaming, the Commission may take immediate action; it shall notify management and the Community Council and document the incident afterwards.

E. The Commission will implement further its compliance and enforcement activities through promulgated regulations.

TITLE V SURVEILLANCE

Section 500. SURVEILLANCE DUTIES.

A. The Compliance and Enforcement Division's surveillance department shall be responsible for ensuring that all Gaming surveillance activities, including but not limited to equipment maintenance, observation and reporting of all persons including but not limited to Gaming employees, customers, consultants, and Gaming services vendors, observation and reporting of all regulatory incidents to the Commission and Gaming Management, conform to applicable laws, regulations and policies. The Compliance and Enforcement Division also shall coordinate all Commission investigative activities with the Surveillance Department and perform other regulatory functions as the Commission may assign.

B. The surveillance department shall be within the Commission's organizational structure and shall have reporting responsibility to the Gaming Commission through the Commission's Compliance and Enforcement Division as identified by an organizational chart to be adopted and approved by the Commission upon adoption of this Ordinance.

Section 501. OPERATIONAL POLICIES REQUIRED.

A. The surveillance department shall develop, implement and maintain written policies and procedures to:

1. Control the conduct and integrity of the surveillance department, including policies and procedures for implementing the duties and responsibilities identified in the Prairie Island Indian Community Minimum Internal Control Standards, subject to the approval by the Commission;

2. Govern the use and release of Surveillance recordings and/or reports; and

3. Assist the Gaming Security Department to carry out its official duties and to coordinate its activities in order to effectuate the protection of patrons and assets of the Gaming Enterprise.

B. The surveillance department shall submit its written policies and procedures and any amendments that may be adopted hereto to the Commission for review and approval by the Commission.

TITLE VI. RULES OF GENERAL APPLICABILITY

Section 600. NO CREDIT EXTENDED.

All Gaming shall be conducted on a cash basis. Except as herein provided, no Person shall be extended credit for Gaming by any Gaming Enterprise. This restriction shall not apply to credits won by players who activate play on Video Games of Chance after inserting coins or currency into the Game, and it shall not restrict the right of a Gaming Enterprise to offer check cashing or to install or accept bank card or credit card transactions in the same manner as would be normally permitted at any retail business within the State of Minnesota.

Section 601. MINIMUM AGE FOR PLAYERS.

No person below the age of eighteen (18) years on the date of Gaming shall be permitted to participate in the Gaming in any Gaming Enterprise licensed under the provisions of this ordinance. If any person below the age of eighteen (18) years plays and otherwise qualifies to win any prize, the prize shall not be paid, and the estimated amount wagered during the course of the Game shall be returned to the player.

Section 602. PROHIBITION ON FIREARMS.

No firearms or air-guns which are capable of discharging dangerous projectiles or gases including but not limited to "bb's" or CO_2 guns, rifles, shotguns, pistols, or revolvers, shall be allowed on the premises except as permitted for security by an employed security force or other City, State, or Federal law enforcement officers in the course of their official duties.

Section 603. PROHIBITION ON PAWNBROKING.

No Person may engage in pawnbroking or take goods or materials in hock or lend money or engage in similar activity at a Gaming Establishment.

Section 604. RULES OF PLAY DISPLAYED OR MADE AVAILABLE UPON REQUEST.

A. The Gaming Enterprise must either prominently display in writing all rules and regulations pertaining to all Gaming activities, including but not limited to traditional bingo, other Games of chance and Video Games of Chance, near to where the Gaming activity is conducted or make available on request by any Person a written list of all such rules and regulations.

B. The Gaming Enterprise shall utilize Gaming rules and regulations that are in compliance with the laws of the Community, the State of Minnesota, and the United States of America, any compact on Video Games of Chance or Other Compacts, and the IGRA.

Section 605. INSPECTION OF BOOKS AND RECORDS.

The Gaming Enterprise is required, during normal business hours, to maintain the premises open for inspection by the Commission or any other authorized government agency and keep its books and financial records open for similar inspection.

Section 606. NOTICE OF AMENDMENT.

The Community Council will provide notice to the Commission and Community members of its intention to amend, repeal or otherwise alter any provision of this Ordinance.

Section 607. COMPLIANCE WITH THE IGRA.

It shall be the policy of the Community to fully comply with all applicable Federal law, including the IGRA, and the Tribal-State Compact on Video Games of Chance and other Compacts, if any, in the conduct of all Gaming activity within the jurisdiction of the Community including, but not limited to, the requirement in the IGRA and regulations promulgated pursuant thereto that the Community will construct, maintain and operate its Gaming Facilities in a manner that adequately protects the environment and the public health and safety and that the Community will cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.

Section 608. DISPUTE RESOLUTION PROCESS.

A. Disputes between a customer, player or member of the public and the Gaming Facility relating to Gaming activities shall be dealt with initially by the supervisor on duty at the time that the dispute arises.

B. If the dispute is not resolved to the satisfaction of the aggrieved party, s/he can submit a written complaint to the manager of the Gaming Facility who, within ten (10) business days of receipt of the complaint, shall render a decision on the dispute in writing, stating the reasons for the decision.

C. If thereafter the aggrieved party remains unsatisfied, s/he may submit a written statement of the dispute and the reasons for his or her dissatisfaction to the Executive Director of the Gaming Commission. The Executive Director shall refer the dispute to the full Commission, which may, in its sole discretion, request additional information from the aggrieved party, the manager of the Gaming Facility, or other parties and may conduct a hearing on the matter. The Commission shall issue a final written decision on the dispute within ten (10) business days from receipt of the written statement from the aggrieved party or within ten (10) business days from the completion of the hearing, if one is conducted.

D. Decisions of the Gaming Commission are final and non-appealable and may be enforced exclusively through the Prairie Island Indian Community Tribal Court.