



Prairie Island Indian Community Gaming Ordinance¹

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¹ Notes of Adoption and Amendment: The Community Council adopted this Ordinance on February 21, 1989, by Resolution Number 89-17. It restated the Ordinance:

- On February 5, 1991, by Resolution Number 91-20;
- On March 16, 1999, by Resolution Number 99-3-16-23;
- On June 7, 2000, by Resolution Number 00-6-7-74;
- On January 17, 2002, by Resolution Number 02-1-17-8;
- On September 16, 2002, by Resolution Number 02-9-16-72;
- On July 21, 2010, by Resolution Number 10-07-21-85; and
- On January 9, 2015, by Resolution Number 15-01-09-03.

On October 8, 2014, by Resolution Number 14-10-08-124, the Council deleted Section 606: Production of Evidence of Loss. The Community Council again repealed and replaced this Ordinance on March 15, 2023, by Resolution Number 23-3-15-44, to reformat the Ordinance to increase the usability of this Ordinance and of tribal law, to make substantive changes to the Ordinance, and to add Notes of Amendment summarizing the legislative history of this Ordinance. The notes of amendment are for convenience only and should not be relied on as mandatory authority. Among other changes, the 2023 restatement updated the Commission’s responsibilities regarding public health and safety and added a new Class C-2 licensure category. The restatement includes all other notes of its non-technical changes to the Ordinance. The Community Council again repealed and replaced this Ordinance on October 4, 2023, by Resolution Number 23-10-4-180 and on May 15, 2024, by Resolution Number 24-5-15-128, to make additional changes for consistency with federal law. The Community Council affirmed the amendments to this Ordinance on July 24, 2024, by Resolution Number 24-7-24-192. Since its adoption, the Council has also enacted technical amendments to the Ordinance in addition to the amendments otherwise described here.

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Section 1. Short Title. This Ordinance shall be known and may be cited as the Prairie Island Indian Community Gaming Ordinance.

Section 2. Statement of Purpose, Findings, and Authority.

- a. Purpose. The Prairie Island Indian Community Council enacts this Ordinance to regulate all forms of Gaming on Community Lands.
- b. Findings. The Prairie Island Indian Community Council finds and declares the following to be the public policy of the Community:
 1. The Community was organized by the membership to “form a more perfect union, develop our natural resources, ensure 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.
 2. 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.
 3. The Prairie Island Indian Community Reservation was established to provide a permanent home for the Community’s exclusive and undisturbed use and benefit.
 4. 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.
 5. 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.
 6. The Prairie Island Indian Community requires resources to establish an economic base to generate revenues for self-perpetuation and essential governmental services.
 7. The regulation of government gaming within the Prairie Island Indian Community is in the best interest of the Prairie Island Mdewakanton Sioux people.
 8. It is the express legislative intention of the Community Council in adopting this Ordinance to:
 - A. Completely regulate and control gaming on lands located within the Prairie Island Indian Community, in compliance with applicable law;
 - B. 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;
 - C. Foster a spirit of cooperation with the National Indian Gaming Commission (NIGC) in the regulation of the Community’s government gaming;

- D. Protect gaming as a means of promoting Tribal economic development;
 - E. 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
 - F. 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.
- c. Authority. 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 3. Definitions.²

- a. “Agent” means 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” means any Person having filed with the Commission an application for a License.
- c. “Cage” means a secure work area within the Gaming Facility for Cashiers and a storage area for the Gaming Enterprise bankroll.
- d. “Cashier” means the custodian of the Gaming Establishment bankroll.
- e. “Cash Services” means the Department of the Gaming Enterprise responsible for Soft Count, Hard Count, Cage/Cashier, and Vault functions.
- f. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian Tribe.
- g. “Community Lands” or “Indian Lands” means 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

² Note of Amendment: The Community Council on October 13, 1993, by Resolution Number 93-152, “Key Employees” and “Management Officials.” On October 19, 2004, by Resolution Number 04-10-19-140, it amended the definition of “Community Lands.” The Community Council on October 8, 2014, by Resolution Number 14-10-08-124, again amended this section to add definitions of “Cage,” “Cashier,” “Cash Services,” “Hard Count,” “Hard Count Team,” “Soft Count,” “Soft Count Team,” and “Vault;” to update the definitions of “Gaming Enterprise Employee” and “Gaming Equipment, Supplies, or Services,” “Gaming Vendor,” “Gaming Test Laboratory,” “Key Employee,” “Labor Organization,” and “Non-Gaming Vendor;” and to eliminate the definition of “Non-Gaming Employee.” The Community Council reformatted the Ordinance on March 15, 2023, by Resolution Number 23-3-15-44, to update the definition of “Game, Gaming, or Gambling,” “Gaming Device,” “Gaming Equipment, Supplies or Services,” “Key Employee,” and “Traditional Bingo;” and to add “Mobile Gaming” and “National Indian Gaming Commission or NIGC.”

subject to restriction by the United States against alienation.

- h. “Community Council” or “Council” means the constitutionally authorized governing body of the Community, also referred to as “Tribal Council.”
- i. “Game,” “Gaming” or “Gambling” means the act of paying money or something of value for the opportunity to win money or something of value, where the outcome is determined predominantly by chance; or the act of operating, conducting, maintaining, or making available any Game. Gaming includes all Class II and Class III gaming as defined by this Ordinance 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 or educational organizations authorized to operate such games by the Gaming Commission.
- j. “Gaming Commission” or “Commission” means the Prairie Island Indian Community Gaming Commission.
- k. “Gaming Device” means any mechanical, electromechanical or electronic equipment, contrivance, software, 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, contrivances, and any related hardware and/or software, that affect, or are capable of affecting in any way, the outcome of any Game.
- l. “Gaming Enterprise Employee” means 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 and Primary Management Officials.
- m. “Gaming Enterprise”³ means the entities through which the Community conducts, regulates and secures Gaming on Indian lands within the jurisdiction of the Community pursuant to the Indian Gaming Regulatory Act.
- n. “Gaming Equipment, Supplies or Services” means:
 - 1. Any machine, mechanism, device, component, or implement that may affect the result of any Game by including without limitation, any of the following:
 - A. Any Gaming Device;
 - B. Software used with any Gaming Device;
 - C. Any server or hardware or software associated with the processing of wagers, the calculation of odds or to determine the win or loss of any wager;
 - D. Any data base or electronic data storage device used in the operation of any Game authorized under this Ordinance; and
 - E. Cards.
 - 2. Equipment or devices used in Gambling, including but not limited to bingo cards or

³ Note of Amendment: The Community Council amended this definition of “Gaming Enterprise” on May 15, 2024, by Resolution Number 24-5-15-128, to clarify its application.

sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, tipboards, bill acceptors, card readers, electronic bingo machines; black jack table layouts, card table layouts, stacker boxes, chips, card shuffling devices, kiosks, tokens, and/or related hardware or software that affect the result of a 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.
 - o. “Gaming Facility” or “Gaming Facilities” means any location or structure, stationary or movable, wherein Gaming is permitted, and Gaming Operations are conducted.
 - p. “Gaming Inspectors” or “Inspectors” means the employees of the Gaming Commission who assist in the regulation of gaming activities.
 - q. “Gaming Operations” means the conduct of Gaming and related business activities by a Gaming Enterprise.
 - r. “Gaming Vendor” means any Vendor who sells, leases, or otherwise supplies any Gaming Equipment, Supplies or Services, excluding legal and accounting services, to the Community or the Gaming Enterprise.
 - s. “Gaming Test Laboratory” means, 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 Community Council as competent and qualified to conduct scientific tests and evaluations of Video Games of Chance and related equipment. A laboratory approved by or operated by or under contract with the States of Minnesota, Nevada, New Jersey or South Dakota constitutes a designated Gaming Test Laboratory.
 - t. “Hard Count” means the process of counting coins generated by Gaming Operations.
 - u. “Hard Count Team” means the Gaming Enterprise Employees responsible for the Hard Count.
 - v. “IGRA” means the Indian Gaming Regulatory Act of 1988, Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. § 2701 *et seq.*
 - w. “Key Employee”⁴ means any person who performs one or more of the following functions for the Gaming Operation: Bingo Caller, Counting Room Supervisor, Chief of Security, Custodian of Gaming systems as defined in 25 C.F.R. §547.2 and similar Class III systems, gaming supplies or gaming system records; Custodian of Gaming Cash (including a person who watches, protects, handles, uses, transmits or maintains gaming cash, cash equivalents, or revenue or who has access to cash or accounting records), Floor Manager, Pit Boss, Dealer, Croupier, approver of credit, Custodian of surveillance systems or surveillance system records, any Gaming Operation employee authorized by the Gaming Operation for unescorted access to secured gaming areas designated as secured gaming areas by the Gaming Commission; the four

⁴ Note of Amendment: The Community Council amended this definition of “Key Employee” on October 4, 2023, by Resolution Number 23-10-4-180, to include “approver of credit.” The Community Council further amended this definition of “Key Employee” on May 15, 2024, by Resolution Number 24-5-15-128, for consistency with federal law.

most highly compensated persons in the Gaming Operation; and any other employee of the Gaming Enterprise as documented by the Gaming Commission as a Key Employee.

- x. “Labor Organization” means 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.
- y. “Licensee” means 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.
- z. “Mobile Gaming” means the conduct of Gaming through the use of communication devices and/or technology that allows a person to transmit information to a server to assist in the placing of a bet or wager and corresponding information related to the display of the Game, Game outcomes, or similar information. Mobile Gaming includes gaming on a mobile device platform, including Gaming deployed and accessed through the internet or an application installed on a mobile device.
- aa. “National Indian Gaming Commission” or “NIGC” means the United States regulatory agency within the Department of the Interior established pursuant to the Indian Gaming Regulatory Act.
- bb. “Non-Gaming Vendor” means 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.
- cc. “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.
- dd. “Organizing Activity” means 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.
- ee. “Other Compacts” means 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).
- ff. “Other Games of Chance”⁵ means any Class II game similar to Traditional Bingo and played

⁵ Note of Amendment: The Community Council amended this definition of “Other Games of Chance” on May 15,

in the same location as 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, paddlewheels, tipboards, punchboards; tip jars, gaming tables, tokens, satellite television transmission, but shall not include Video Games of Chance defined herein. 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.

- gg. “Person” means 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.
- hh. “Primary Management Official”⁶ means any person having management responsibility for a management contract; any person who has the authority to hire and fire employees or to establish working policy for the Gaming Operation; the chief financial officer or other person with duties similar to a chief financial officer; the general manager or other person with duties similar to a general manager; or any other person employed as a management official of the Gaming Enterprise, as documented by the Gaming Commission, as a primary management official.
- ii. “Principal Employee” means 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.
- jj. “Soft Count” means the process of counting the non-coin contents of a drop box and the contents of a bill acceptor canister.
- kk. “Soft Count Team” means the Gaming Establishment Employees responsible for the Soft Count.
- ll. “Traditional Bingo” means that game in which each player is supplied a paper sheet or card containing adjoining horizontal and vertical rows with spaces in each row, each containing a number or figure therein, or in which such a configuration 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 sheet or card, the space containing said figures or number is covered by the player. When the player has covered all spaces in any horizontal and vertical 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

2024, by Resolution Number 24-5-15-128, to specify that it applies to Class II games similar to Traditional Bingo, and to remove a citation to IGRA.

⁶ Note of Amendment: The Community Council amended this definition of “Primary Management Official” on October 4, 2023, by Resolution Number 23-10-4-180, to include those “having management responsibility for a management contract.” The Community Council further amended this definition of “Primary Management Official” on May 15, 2024, by Resolution Number 24-5-15-128, and on September 25, 2024, by Resolution Number 24-9-25-242, for consistency with federal law.

some other consideration by the person or persons conducting the game.

- mm. “Tribal-State Compact(s)” and “Compact(s)” means 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.
- nn. “Vault” means the secure area in the Gaming Facility where cash and cash equivalents are stored.
- oo. “Vendors” means 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.
- pp. “Video Games of Chance” means 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 4. Applicability. [Reserved.]

Section 5. Authorization of Gaming Activities.⁷

- a. The 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.
- c. Mobile Gaming. No Mobile Gaming shall be permitted on Community Lands unless the Mobile Gaming operator or provider demonstrates to the satisfaction of the Gaming Commission that (1) it maintains one or more mechanisms within its system or on its platform that are designed to reasonably verify that a participant is of legal age, and (2) any Mobile Gaming is limited to transactions that are initiated and received by a participant located within the State of Minnesota or such other more restrictive location as required under Tribal law. Prior to the initiation of any Mobile Gaming on Community Lands, the Gaming Commission

⁷ Note of Amendment: The Community Council amended this Section on March 15, 2023, by Resolution Number 23-03-15-044, to address Mobile Gaming.

shall adopt technical standards, procedures, and requirements for the acceptance of Mobile Gaming wagers.

Section 6. Ownership of Gaming/Sole Proprietary Interest.

- a. The Community shall have the sole proprietary interest in and responsibility for the conduct of Gaming on Community Lands.
- b. All Gaming Facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.⁸
- c. The Community may utilize the services of a management company to assist in the management or operation of the Gaming Enterprise or Gaming Operation. Prior to providing management services for any Class III gaming activities, any management company, including its principals, shall be licensed by the Gaming Commission and shall satisfy all requirements under IGRA and the regulations of the National Indian Gaming Commission.⁹

Section 7. Use of Gaming Net Revenues.¹⁰ Net revenues derived from any government gaming activity, as defined by the IGRA, 25 U.S.C. § 2703, shall be utilized for the following purposes:

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

Net revenues shall be used by the Community 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.

Section 8. Audits.¹¹ The Community shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC as provided in 25 C.F.R. §§522.5(b)(3) and (4) and §§571.12 and 571.13.

Section 9. Development, Administration, and Enforcement.

- a. Establishment of the Prairie Island Indian Community Gaming Commission. The Community Council established 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 Compacts,

⁸ Note of Amendment: The Community Council added this subsection on October 4, 2023, by Resolution Number 23-10-4-180. The Community Council amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, to include an obligation of maintenance.

⁹ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify the role and licensure of management companies.

¹⁰ Note of Amendment: The Community Council amended this Section on March 15, 2023, by Resolution Number 23-3-15-44, to describe the permissible uses of net revenues from gaming.

¹¹ Note of Amendment: The Community Council amended this Ordinance on October 13, 1993, by Resolution Number 93-152, to add the requirement of an annual audit of Community gaming operations. The Community Council moved the audit requirement to this Section on March 15, 2023, by Resolution Number 23-3-15-44. The Community Council further amended this Section on October 4, 2023, by Resolution Number 23-10-4-180, to update a statutory reference.

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. Delegation of Authority to Commission.

1. The Commission shall have the authority to:

- A. Create all necessary forms;
- B. Collect license fees and costs;
- C. Process all license applications;
- D. Issue, deny, limit, condition, suspend and revoke all licenses, and to notify the NIGC of such action if required by the IGRA;
- E. 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;
- F. Impose civil penalties, including but not limited to licensing action and/or fines of up to \$25,000 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;¹²
- G. Conduct or cause to be conducted independent audits of Gaming activities and Gaming Operations, including but not limited to all contracts for supplies, services, or concessions relating to Class II and Class III gaming, for a contract amount in excess of \$25,000 annually, except for contracts for professional legal or accounting services, as defined by the IGRA, 25 U.S.C. § 2703;¹³
- H. Conduct or cause to be conducted audits to ensure that Gaming is operated in a manner that protects the public health, safety and environmental status of the Gaming Operations;
- I. Retain legal counsel, subject to the approval of the Community Council;
- J. Defend this Ordinance before any Tribal, Federal, State, or local tribunal;
- K. Conduct or cause to be conducted all background investigations necessary for the issuance of Commission licenses;
- L. Conduct hearings as necessary to issue decisions relative to those hearings and to impose penalties or sanctions, if necessary;
- M. 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

¹² Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to increase the Commission's civil-penalty authority to \$25,000.

¹³ Note of Amendment: The Community Council amended this subsection on January 11, 1994, by Resolution Number 94-10, to include contracts relating to Class III gaming activity. The Council again amended this subsection on March 15, 2023, by Resolution Number 23-03-15-044, to raise the audit threshold to \$25,000.

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;

- N. 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;
- O. 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;
- P. Recommend to the Community Council policies relating to the Gaming Operation and the Gaming Facility, including amendments to this Ordinance and the Compacts; and¹⁴
- Q. Promulgate regulations and adopt policies, including Internal Control Policies, to fulfill all the authorities delegated hereby or that might in the future be delegated to the Commission.¹⁵

- 2. 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.
- 3. 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.

c. 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.

d. Membership, Officers, and Staff.¹⁶

- 1. The Gaming Commission shall be composed of enrolled members of the 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

¹⁴ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify the recommendation authority of the Commission.

¹⁵ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify the promulgation authority of the Commission.

¹⁶ Note of Amendment: The Community Council amended this Section on October 19, 2004, by Resolution Number 04-10-19-140, to clarify that Commission members are appointed by the Council, and to eliminate term limits for the Commissioners. On November 8, 2007, by Resolution Number 07-11-08-154, the Council reduced the membership of the Commission to three members and allowed the Commission to act in the absence of a quorum caused by vacancies.

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.

2. The Gaming Commission shall be composed of three (3) members, appointed by a majority vote of the Community Council and shall hold office so long as they remain qualified as defined in paragraph 1 of this subsection.¹⁷
3. 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 4/5 majority vote of the Community Council, after a hearing. Cause for removal of a Commissioner includes 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.¹⁸
4. 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.
5. 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. Prior to making an appointment to fill a vacancy, the Community Council will consult with and solicit recommendations from the remaining members of the Gaming Commission.¹⁹
6. Executive Director Selection and Duties.²⁰
 - A. Every two (2) years, the Gaming Commission shall elect from among the Commissioners an Executive Director by a majority vote of the full Commission.
 - B. 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

¹⁷ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to strike “a quorum of” from the vote requirement.

¹⁸ Note of Amendment: The Community Council amended this subsection on October 19, 2004, by Resolution Number 04-10-19-140, to require a hearing before removal for cause. It amended the subsection again on October 8, 2014, by Resolution Number 14-10-08-124, to require a 3/5 vote to remove a Commissioner for cause. The Council amended the subsection again on March 15, 2023, by Resolution Number 23-3-15-44, to increase this requirement to a 4/5 vote and strike “a quorum of” from the vote requirement.

¹⁹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to add a consultation requirement.

²⁰ Note of Amendment: The Community Council amended this subsection on November 8, 2007, by Resolution Number 07-11-08-154, to add duties to the Executive Director.

appointed by a majority vote of the Commission.²¹

7. Staff and Consultants.

- A. The Commission may employ staff to assist in the exercise of its delegated authority.
- B. The Commission may hire professional consultants to assist in the exercise of its delegated authority.
- C. Staff employed by the Commission are governmental employees.
- D. Commission staff is subject to all the conditions of employment imposed by the Community's Personnel Handbook.

e. Meetings.

- 1. Regular meetings of the Gaming Commission shall be held weekly in the Gaming Commission offices or at such other location as agreed upon by the Gaming Commission. This paragraph constitutes notice of the regular meetings of the Gaming Commission.²²
- 2. 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 at 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.²³
- 3. All meetings and decisions of all Gaming Commission meetings shall be recorded, and minutes distributed to all Gaming Commissioners.
- 4. 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.²⁴
- 5. 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.
- 6. Each member of the Gaming Commission shall have the power to vote on all matters decided by the Commission at a meeting. The affirmative vote of a majority of two members of the Commission shall constitute an official action of the Commission.

f. Conflicts of Interest. Commissioners and Commission employees may not participate in any Commission decision involving a Gaming business, enterprise, or Vendor in which the

²¹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to strike "a quorum of" from the vote requirement.

²² Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to afford the Commission independence in setting its regular meetings.

²³ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify the method to call and object to Special Meetings.

²⁴ Note of Amendment: The Community Council amended this subsection on November 8, 2007, by Resolution Number 07-11-08-154, to reduce the quorum to a majority of three members.

Commissioner or Commission employee has a financial interest. Commission members and employees may not accept any gift or thing of more than de minimus value from a Vendor or from the Gaming Enterprise or any of its Officers, employees, or Agents. 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.²⁵

g. Funding.

1. 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.
2. Commission funding shall be in an amount adequate for the Commission to fulfill all its regulatory responsibilities under this Ordinance. The Community Council may approve requests by the Commission for supplemental budgetary appropriations as necessary.
3. 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.

h. Commission Structure.²⁶

1. 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.
2. 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.
3. The Licensing Division shall consist of an employee licensing department and a vendor licensing department. The employee licensing department shall be responsible for

²⁵ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify that de minimus gifts do not create a conflict of interest.

²⁶ Note of Amendment: The Community Council amended this subsection on November 8, 2007, by Resolution Number 07-11-08-154, to combine the Employee Licensing and Vendor Licensing and Surveillance departments into the "Employee and Vendor Licensing" department, and to reconstitute and assign surveillance duties to the "Compliance and Enforcement Department." The Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to restructure departments within the Licensing Division and Compliance and Enforcement Division.

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 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 prescribed suitability standards; and making all necessary reports to the Commission, the Community Council, the State of Minnesota, and the NIGC. The vendor licensing department is also 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.

- i. 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

- j. Agent for Service.²⁷ The Community designates the Executive Director of the Prairie Island Indian Community Gaming Commission as the agent for service of and official determination, order, or notice of violation. Any such determination, order, or 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

Section 10. Licensing.²⁸

- a. 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.
- b. Application Required. Application for a license shall be made on a form that has been approved

²⁷ Note of Amendment: The Community Council amended this subsection on October 19, 2004, by Resolution Number 04-10-19-140, to add an Agent of Service. The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to designate the Executive Director of the Gaming Commission as the Agent for Service.

²⁸ Note of Interpretation and Amendment: The Community Council interpreted sections of the gaming compact concerning licensing on January 29, 1993, by Resolution Number 93-10. On October 13, 1993, by Resolution Number 93-152, the Community Council amended this Section to require additional information on certain license applications, and to add notification procedures for license denials. The Community Council again amended this Section on January 11, 1994, by Resolution Number 94-10, to impose additional licensing requirements, including for Key Employees and Primary Management Officials, and to confirm that the Ordinance does not allow for individually owned gaming operations. On April 22, 1994, by Resolution Number 94-4-22-67, the Community Council further amended this Section to remove an incorrect statutory reference. The Community Council amended this section on November 4, 1996, by Resolution Number 96-11-04-110, to add application fees for certain licenses and to set a one-year validity period for the license.

by the Commission.

c. Payment of Fees and Costs.

1. The Gaming Commission shall establish a schedule detailing the fees applicable to all licenses issued by the Commission.
2. Each application for an initial or renewal license shall be accompanied by payment of the applicable fee. 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.
3. The Commission also may impose additional fees reasonably related to the cost of enforcement of the Ordinance, including but not limited to, the cost of conducting background investigations.

d. License a Revocable Privilege. A license issued by the Gaming Commission 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.

e. Confidentiality of Records. The Commission shall ensure that all records and information obtained as a result of all background investigations shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing and employment processes. Information obtained during a background investigation may be disclosed to Gaming Operation management, human resource personnel or others employed by the Gaming Operation sparingly and on a need-to-know basis for actions taken in their official capacities. The confidentiality requirements contained in this paragraph shall not apply to requests for records or information from any Tribal, Federal, or State law enforcement or regulatory agency, or for the use of such information or records by the Gaming Commission and its staff in the performance of their official duties.

f. Classes of Licenses.

1. Upon proper application and approval, the following classes of licenses may be issued by the Commission:
 - A. Class A license for a Gaming Facility in which Traditional Bingo and Other Games of Chance are operated;
 - B. Class B license for a Gaming Facility in which Video Games of Chance or Other Class III Gaming are operated;
 - C. Class C license for Gaming Enterprise Key Employees and Primary Management Officials;
 - D. Class C-2 license for all Gaming Enterprise Employees who are not Key Employees or Primary Management Officials;
 - E. Class D license to Gaming Vendors;
 - F. Class E license for each Video Game of Chance to be used in a Community Gaming Enterprise;

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

H. Class G license for Labor Organizations.²⁹

2. All Commission licenses, except for 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.

g. Exemptions.³⁰

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

A. Gaming in which no cash or valuable prizes are won, other than “points” for cumulative competitive ratings or “places” for immediate competitive rankings.

B. 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, provided the charitable gaming events are conducted in 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.

C. Traditional Indian gaming activities. The Commission is authorized to determine on a case-by-case basis, upon request, whether a particular traditional gaming activity qualifies for this exemption.

D. Non-Gaming Vendors providing less than \$25,000 in goods and services annually to the Community or the Gaming Enterprise.

2. The Commission may, in its discretion and subject to criteria established by the Commission, grant an exemption to a Non-Gaming Vendor that does not qualify for the statutory exemption established in this subsection.
3. 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 subsection to submit to background investigation and licensure:
4. Class A, B, and E Licenses are exempt from license fees.

h. Class A and B License Applications.

1. Community Gaming Facilities must be licensed by the Commission and the Commission must issue a separate license to each place, facility, or location on the Community’s Indian Lands where Class II or Class III gaming is conducted. A Gaming Facility Class A or B license is valid for period of three (3) years. ³¹

²⁹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to replace “Non-Gaming Employees” with “Labor Organizations.”

³⁰ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to expand the statutory exemptions and afford the Commission discretion in granting additional exemptions.

³¹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to require separate licenses at each facility and set a 3-year licensure term.

2. 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.
3. Applications for initial Class A and B licenses shall contain the following information:³²
 - A. The name and address of the gaming operator.
 - B. 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.
 - C. 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.
 - D. 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. 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.³³
 - E. Certification that the Gaming Operations and the Gaming Facility is constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public and meets 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.³⁴

³² Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to apply its criteria to initial licensing and annual renewals.

³³ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to add the 30-day requirement for certification and record-retention requirement.

³⁴ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to add the 30-day requirement for certification and record-retention requirement.

4. 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.³⁵
 5. Prior to the renewal of a Class A or B license, the Gaming Facility shall certify to the Gaming Commission that the Gaming Facility meets all applicable federal and tribal health and safety standards and all applicable federal and tribal environmental standards. The Gaming Commission may request records of tests, inspections, maintenance reports and other such documentation to verify the accuracy of the certification.³⁶
 6. The Gaming Commission shall submit to the NIGC a copy of each new or renewed Class A or B license, along with all required documentation, within thirty (30) days of issuance. The Gaming Commission shall notify the NIGC Chair within thirty (30) days if a Class A or B license is revoked, cancelled, or expires, or if the Gaming Facility closes, unless the closure is seasonal or temporary and lasts for less than 180 days.³⁷
- i. Class C and C-2 License Applications.
1. All Gaming Enterprise Employees must obtain a Class C or C-2 License from the Commission. A Class C license is required for all Key Employees and Primary Management Officials. A Class C-2 license is required for all other Gaming Enterprise employees.
 2. The application for Class C and C-2 licenses shall require:
 - A. 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 an SSN may result in errors in processing your application.

³⁵ Note of Amendment: The Community Council added this subsection on October 8, 2014, by Resolution Number 14-10-08-124.

³⁶ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44.

³⁷ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44.

B. 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).

- C. The full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender, all languages (spoken or written) and driver's license number or state identification number.
- D. Currently and for the previous ten (10) years: Business and employment positions held, ownership interest in those businesses and business addresses.
- E. 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 G of this subsection.
- F. Current business address(s) and all telephone numbers.
- G. All residential addresses from age 16 through to the time of application.
- H. A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses.
- I. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses.
- J. 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, and whether such license or permit was granted.
- K. For each felony charge for which there is an ongoing prosecution or a conviction (including a plea of guilty or a plea of no contest), the charge, the name and address of the court involved, and the date or expected date of disposition;³⁸
- L. For each misdemeanor charge for which there is a conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the charge, the name and address of the court involved, the date of the incident and the date or expected date of disposition.³⁹
- M. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is not otherwise listed in response to the provisions of this subsection: the charge, the name and address of the Court in which the charge was filed and the date or expected date and manner of disposition of the charge.⁴⁰

³⁸ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify information required concerning felony charges.

³⁹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify information required concerning misdemeanor charges.

⁴⁰ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to exclude minor traffic charges.

- N. The name and address of any license or regulatory agency with which the person has filed an application for an occupational license or permit, and whether such license or permit was granted.
 - O. A current photograph.⁴¹
 - P. A financial statement.
 - Q. For all Class C licenses, the Commission shall obtain fingerprints of the Applicant consistent with the procedures adopted by the Community according to 25 C.F.R. §522.2(g), which shall be submitted to check the criminal history records information maintained by the Federal Bureau of Investigation.⁴²
3. 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.⁴³
 4. The Commission shall conduct a background investigation sufficient to make a determination whether licensing the Person under investigation poses a threat to the public interest, public health or safety, 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 during the investigation. The Commission shall:
 - A. Conduct the background investigation. For Class C License Applicants, the background investigation must include check of the criminal history records maintained by the Federal Bureau of Investigation. In addition, and for all Applicants, the background investigation must include 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.⁴⁴
 - B. Review and approve the investigative work.
 - C. Verify by written and/or oral communication information submitted by the Applicant.
 - D. Inquire into the Applicant's prior activities, criminal record, if any, reputation, habits,

⁴¹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to specify that photographs must be current.

⁴² Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify the fingerprinting procedure for Class C licenses. It further amended this subsection on October 4, 2023, by Resolution Number 23-10-4-180, to update a statutory reference and clarify the obligations of the Commission.

⁴³ Note of Amendment: The Community Council added this subsection on October 8, 2014, by Resolution Number 14-10-08-124.

⁴⁴ Note of Amendment: The Community Council amended this subsection on October 19, 2004, by Resolution Number 04-10-19-140, to include minimum investigation standards. The Community Council further amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to describe the requirements for Class C and other license applicants.

and associations.

E. 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.

F. Make suitability determinations.

G. Prepare and maintain an investigative report for each background investigation that includes the following:⁴⁵

i. Steps taken in conducting the background investigation.

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

iii. Conclusions reached.

iv. The basis for those conclusions.

H. For Class C Applicants, report the results of the background investigation to the NIGC prior to making a final eligibility determination and pursuant to the process detailed in subsection (t) of this Section.⁴⁶

5. 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.

6. When a Class C or C-2 Applicant is licensed by the Community, the Commission shall keep and maintain a complete application file, which includes all the information listed in this subsection.⁴⁷

j. Class D License Applications.⁴⁸

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

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

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

B. The names and addresses of all interested parties (including owners, directors, officers, or principal employees and those with direct or indirect financial interests)

⁴⁵ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to require the Commission to maintain investigative reports.

⁴⁶ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to limit the reporting requirement to Class C applicants. The Community Council further amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, to clarify the timing and process for reporting.

⁴⁷ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44. The Community Council amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, to remove the condition that the Applicant be employed by the Community.

⁴⁸ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to revise and restructure Class D licensing.

and their interest and connection to the Applicant;⁴⁹

- C. The nature of the license applied for;
 - D. The type of activity to be engaged in under the license;
 - E. 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;
 - F. Any additional information necessary to allow the Community or the State of Minnesota to investigate the Applicant or any person included on the application;
 - G. 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;
 - H. 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;
 - I. 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;
 - J. A Certificate of Good Standing, dated within sixty (60) days of the date the application was submitted to the Gaming Commission, from the State where the Applicant is located for the purpose of providing goods or services to the Gaming Enterprise.⁵⁰
 - K. 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
 - L. 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.
3. 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.
 4. 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.
 5. 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,

⁴⁹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to include examples of interested parties.

⁵⁰ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44.

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.

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

k. Class E License Applications.⁵¹

1. 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.
2. The Application for Class E licenses shall require the following information:
 - A. 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;
 - B. 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;
 - C. 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;
 - D. All other information as required by the Tribal-State Compact on Video Games of Chance; and
 - E. Proof of a current and valid Video Game of Chance license issued by the State of Minnesota pursuant to Minnesota Statute Section 349.162.
3. 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.
4. 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.

l. Class F License Applications.⁵²

⁵¹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to revise and restructure Class E licensing.

⁵² Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number

1. Any Person qualifying as a Non-Gaming Vendor must obtain a Class F License from the Commission.
2. The application for a Class F License shall require the following information:
 - A. The name(s) and mailing address of the person or entity making the application;
 - B. The names and addresses of all interested parties (including owners, directors, officers, or principal employees and those with direct or indirect financial interests) and their interest and connection to the Applicant;⁵³
 - C. The nature of the license applied for;
 - D. The type of activity to be engaged in under the license;
 - E. 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;
 - F. Any additional information necessary to allow the Community or the State of Minnesota to investigate the Applicant or any person included on the application;
 - G. 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
 - H. 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.
 - I. A Certificate of Good Standing, dated within sixty (60) days of the date the application was submitted to the Gaming Commission, from the State where the Applicant is located for the purpose of providing goods or services to the Gaming Enterprise.⁵⁴
3. 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,
4. 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.
5. If 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.

14-10-08-124, to revise and restructure Class F licensing. On March 15, 2023, by Resolution Number 23-03-15-044, the Council deleted the requirement to submit a schematic of the ownership structure.

⁵³ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to include examples of interested parties.

⁵⁴ Note of Amendment: The Community Council added this subsection on March 15, 2023, by Resolution Number 23-3-15-44.

m. Class G License Applications.⁵⁵

1. Any Person who qualifies as a Labor Organization or is engaged in an Organizing Activity must obtain a Class G License from the Commission.
2. Class G license applications shall include, at a minimum, the same disclosures as Class C-2 license applications, including the following:
 - A. The name(s) and mailing address of the Applicant;
 - B. Name and address of any national or international affiliates;
 - C. A copy of the Applicants constitution, by-laws and written rules;
 - D. A schematic depicting the full structure of the Applicant from local to parent;
 - E. A copy of collective bargaining agreements with any employer;
 - F. 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; and
 - G. A copy of the three most recent Annual Reports, as reported on the U.S. Department of Labor's Form LM-2, or similar;
 - H. 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;
 - I. With respect to any Agent, Officer or Principal Employee acting on behalf of or with

⁵⁵ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to revise and restructure Class G licensing.

the permission or at the direction of a Labor Organization and any other person engaging in an Organizing Activity:⁵⁶

- i. The individual's home address and telephone number;
 - ii. The individual's date and place of birth;
 - iii. The individual's social security number;
 - iv. The date the individual was hired by or first consulted with or advised the Applicant;
 - v. A detailed description of the individual's duties and activities;
 - vi. The individual's prior employment with Labor Organizations;
 - vii. The individual's prior employment generally;
 - viii. A copy of the individual's criminal history, describing all charges, convictions, pleas or other dispositions;
 - ix. 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;
 - x. 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;
 - xi. Whether the individual has ever been subpoenaed as a witness before a grand jury, legislative committee, administrative body, crime commission or similar tribunal and the details of that subpoena; and
 - xii. A photograph of the individual taken within 60 days of the date of the application; and
- J. 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.
3. 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.
4. The background investigation process for Class G license Applicants includes, at a minimum, the same scope as that for Class C-2 licenses. At minimum, the investigation will include the following:⁵⁷
- A. Review application for completeness;
 - B. Verify all information submitted by Applicant;

⁵⁶ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to delete the fingerprint requirement.

⁵⁷ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to state that backgrounding of Class G applicants will have, at a minimum, the same scope as Class C-2 applicants.

- C. Search law enforcement records for any outstanding warrants and court records for any outstanding judgments or liens;
 - D. Inquire into the Applicant's prior work record, personal record, 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
 - E. Document any potential problem areas and disqualifying information obtained.
5. 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.
- n. License Qualifications. No License shall be issued to any Person if the Applicant:
- 1. Seeks a Class C or C-2 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.⁵⁸
 - 2. 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 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:⁵⁹
 - A. Any Gambling-related offense;
 - B. Any offense involving fraud or misrepresentation;
 - C. Any offense involving a violation of any provision of Chapters 349, 349A, 299L or 240, any rule promulgated by the State of Minnesota Department of Public Safety, Division of Alcohol and Gambling Enforcement, or any rule promulgated by the Minnesota Racing Commission;
 - D. Any felony not otherwise covered by paragraphs A-C of this subsection; or
 - E. Any offense involving a violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.
 - 3. Seeks a Class C or C-2 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

⁵⁸ Note of Amendment: The Community Council added this subsection on October 8, 2014, by Resolution Number 14-10-08-124.

⁵⁹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to add rehabilitation under the Commission's rehabilitation policy. On March 15, 2023, by Resolution Number 23-3-15-44, the Council amended this subsection to update statutory references.

application.

4. 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.
 5. 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.
- o. 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.
- p. Authority to Condition and Limit License.
1. 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.
 2. 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.
- q. Failure to Provide Information. Failure of an Applicant to provide any required information, testimony, or evidence, may constitute grounds for the denial, suspension, or revocation of a license or permit.
- r. 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 may result in other sanctions as the Commission deems appropriate in its discretion.
- s. Initial Eligibility Determination.⁶⁰
1. Before issuing a license, 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 temporary license is valid for no longer than 90 days.
 2. The Commission shall make a final eligibility determination after a complete background investigation, and for a Class C Applicant, after Notice of Results of that background investigation have been submitted to NIGC, and either:⁶¹
 - A. Grant a license, with or without conditions; or

⁶⁰ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify the terms and circumstances of an initial eligibility determination.

⁶¹ Note of Amendment: The Community Council amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, to provide that the final eligibility determination for a Class C Applicant is made after Notice of Results of the background investigation are submitted to NIGC.

- B. Deny the application.
3. 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. The Commission shall also notify the NIGC of the denial and forward copies of the eligibility determination and Notice of Results to the NIGC for inclusion in the Indian Gaming Record System.⁶²
 4. If the Commission grants the license, it will notify NIGC within thirty (30) days.⁶³
- t. Class C License Application Reports to the National Indian Gaming Commission.⁶⁴
1. 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.⁶⁵
 2. Within 60 days of the date the Applicant begins employment, the Commission will submit a Notice of Results to the NIGC which must include the following information:⁶⁶
 - A. Applicant information (name, date of birth and social security number);
 - B. The date Applicant began or will begin employment;
 - C. Synopsis of background investigation conducted, including:
 - i. any licenses that have been previously denied;
 - ii. any gaming licenses that have been revoked, even if reinstated;
 - iii. every known criminal charge brought against the applicant within the last ten (10) years from the date of application;
 - iv. every felony offense of which the Applicant has been convicted or any ongoing prosecution; and
- D. The Eligibility and Licensing determination.
- u. The Chairman of the NIGC may request additional information from the Commission concerning the person who is the subject of the report in accordance with 25 C.F.R. Part 558.⁶⁷

⁶² Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to add the notification requirement.

⁶³ Note of Amendment: The Community Council added this subsection on October 4, 2023, by Resolution Number 23-10-4-180.

⁶⁴ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to delete an inconsistent reporting requirement.

⁶⁵ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify reporting and record-keeping requirements.

⁶⁶ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to clarify report timing and add information to the reporting requirement. The Community Council further amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, and on September 25, 2024, by Resolution Number 24-9-25-242, for consistency with federal law.

⁶⁷ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to reference the Code of Federal Regulations.

- v. The Commission will notify NIGC within thirty (30) days of the granting of a license.⁶⁸
- w. NIGC Licensing Objections.⁶⁹
 - 1. If, after a Class C license is issued, the NIGC receives reliable information indicating that the employee is not eligible for a license, it will notify the Commission by providing itemized objections to the issuance of the license.
 - 2. Upon receipt of the objections of the NIGC as set out in paragraph 1 of this subsection, 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 a hearing. The notice shall include the date, time, and place for the revocation hearing.⁷⁰
 - 3. A right to a revocation hearing under this subsection shall vest only upon receipt of a license granted by this Ordinance.⁷¹
 - 4. When the Commission has completed its inquiry into and consideration of the NIGC licensing objection, including a revocation hearing, the Commission shall make a final written determination to revoke or reinstate the objected-to license. The Commission shall revoke the license if the Commission determines that the objection is true and demonstrates the Licensee to be ineligible under subsection 10(o) of this Ordinance. The Commission 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 1 of this subsection.
- x. Class C and C-2 Temporary Licenses.⁷² Upon receipt of a complete application for a License and the completion of a preliminary background investigation, a Class C or C-2 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 or C-2 temporary license permits the temporary Licensee to engage in activities permitted by the Commission, subject to limitations that the Commission may impose. A Class C or C-2 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. In no event shall a person be employed by the Gaming Facility or perform the duties, functions or responsibilities

⁶⁸ Note of Amendment: The Community Council added this subsection on October 4, 2023, by Resolution Number 23-10-4-180.

⁶⁹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify the sequencing and effect of objections. The Community Council further amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to request itemized objections from the NIGC and key follow-up action to the objections. The Community Council further amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, to move language regarding when the Commission shall revoke a license from paragraph 2 to paragraph 4 of this subsection.

⁷⁰ Note of Amendment: The Community Council amended this subsection on October 4, 2023, by Resolution Number 23-10-4-180, to include notice-content requirements.

⁷¹ Note of Amendment: The Community Council added this subsection on October 4, 2023, by Resolution Number 23-10-4-180 and deleted parallel timeliness clauses in subsections 10(w)(2) and (4).

⁷² Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to restrict this section to Class C license applicants and limit the duration of a temporary license to a maximum of 90 days.

of a Class C or Class C-2 licensee beyond the term of a temporary license unless a Class C or Class C-2 license has been issued.⁷³

y. License Issuance.⁷⁴

1. 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.
2. If a Class C or C-2 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 the license class or any condition for access to secure areas or to patron property is required.

z. Supplemental Information and Scope of Background Investigation.⁷⁵

1. 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.
2. 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.

aa. 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.

bb. 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.

cc. License Suspension and Revocations.

⁷³ Note of Amendment: The Community Council amended this subsection on October 4, 2023, by Resolution Number 23-10-4-180, to confirm that no person may be employed by the Gaming Facility without a current license. The Community Council further amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, for consistency with federal law.

⁷⁴ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify license limitations and reclassification.

⁷⁵ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to clarify the Commission's discretion to require additional background information and to accept combined vendor applications.

1. The Commission may suspend, condition, or revoke any license issued under this Ordinance:
 - A. 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;
 - B. 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;
 - C. The Licensee has bribed or attempted to bribe or has received a bribe;
 - D. The Licensee has falsified any books or records relating to any transaction connected with the operation of the Gaming Enterprise; or
 - E. 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.
2. If the Commission has made a determination under paragraph 1 of this subsection, it shall provide written notice to the Licensee that includes the following information:
 - A. The grounds upon which the proposed licensing action is based;⁷⁶
 - B. 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, except a credit report prepared on the licensee; and⁷⁷
 - C. The Licensee's right to request a hearing before the Commission.
3. If, in the judgment of the Commission, the public interest, or the effective regulation and control of Gaming requires the immediate removal of a Licensee from the Gaming Facility, 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 2 of this subsection.
4. 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.
5. 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.
6. If a Class C license is revoked, the Commission must notify the NIGC and must forward copies of the revocation decision to the Indian Gaming Individuals Record System.⁷⁸

⁷⁶ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to delete specific factual identification and legal citation.

⁷⁷ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to exempt credit reports from review.

⁷⁸ Note of Amendment: The Community Council added this subsection on May 15, 2024, by Resolution Number 24-5-15-128, for consistency with federal law.

- dd. 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.
- ee. Retention of Applications. The Commission shall retain applications for licensure, including the Privacy Act Notice and False Statement Notice, investigative reports (if any) of background investigations and eligibility determinations for three (3) 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.⁷⁹
- ff. License Display. Every Gaming Facility shall display in a prominent place a current and valid Commission license for that location.

Section 11. Compliance and Enforcement.

- a. Compliance and Enforcement Duties.
 1. 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 policies and procedures applicable to the Gaming Operation, 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.⁸⁰
 2. Gaming Inspectors shall be assigned to monitor 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, Shipping and Receiving, and public health and safety. Gaming Inspectors shall conduct daily observations and provide daily reports for each of these areas and may 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.
 3. The Internal Audit Department shall be within the Commission's organizational structure and shall have reporting responsibility to the Gaming Commission through the

⁷⁹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to require retention of investigative reports and eligibility determinations, and to delete NIGC inspection references. The Community Council further amended this subsection on May 15, 2024, by Resolution Number 24-5-15-128, for consistency with federal law.

⁸⁰ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to add policies and procedures to the Division's compliance duties.

Commission's Compliance and Enforcement Division as identified by an organizational chart adopted and approved by the Commission.⁸¹

b. Enforcement Actions.

1. 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).
2. Any Licensee violating any provision of this Ordinance, any regulation promulgated by the 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.
3. When infractions of applicable laws or regulations are detected, the Division will document the infraction to management and may require corrective action. If the required corrective action is not taken within the deadline established by the Division, or if the corrective action taken is insufficient, 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.⁸²
4. If the situation requires immediate action to prevent financial or other loss or to maintain the integrity of Gaming, the Commission may take immediate action and document the incident afterwards.⁸³
5. The Commission may further its compliance and enforcement activities through promulgated regulations.

⁸¹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to add the Internal Audit Department.

⁸² Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to add reporting powers when a corrective action is insufficient.

⁸³ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to allow immediate action to prevent financial or other loss.

Section 12. Surveillance.

a. Surveillance Duties.

1. 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.
2. 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 adopted and approved by the Commission.

b. Operational Policies.

1. The surveillance department shall develop, implement, and maintain written policies and procedures to:
 - A. 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;
 - B. Govern the use and release of Surveillance recordings and/or reports; and
 - C. Assist the Gaming Security Department to carry out its official duties and to coordinate its activities to effectuate the protection of patrons and assets of the Gaming Enterprise:
2. The surveillance department shall submit its written policies and procedures and any amendments that may be adopted thereto to the Commission for review and approval by the Commission.

Section 13. Rules of General Applicability.⁸⁴

- a. No Credit Extended. All Gaming shall be conducted on a cash basis, except as otherwise permitted by a valid Tribal-State Compact. 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.
- b. Minimum Age for Players. No person below the age of eighteen (18) years, or the legal age required by a Tribal-State Compact, on the date of Gaming shall be permitted to participate in the

⁸⁴ Note of Amendment: The Community Council amended this Section on March 15, 2023, by Resolution Number 23-3-15-44, to harmonize it with any applicable Tribal-State Compact(s).

Gaming in any Gaming Enterprise licensed under the provisions of this Ordinance. If any person below the age of eighteen (18) years, or the legal age required by a Tribal-State Compact, 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.

- c. Prohibition on Firearms.⁸⁵ No firearms or air guns which are capable of discharging dangerous projectiles or gases, including but not limited to, “bb’s” or CO2 guns, rifles, shotguns, pistols, or revolvers or ammunition of any kind; 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.
- d. 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.
- e. Rules of Play Displayed or Made Available Upon Request.
 - 1. The Gaming Enterprise must either prominently display in writing all rules and regulations pertaining to all Gaming activities 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.⁸⁶
 - 2. The Gaming Enterprise shall adhere to all Gaming rules and regulations that are in compliance with the laws of the Community, any compact, and the IGRA.⁸⁷

Section 14. Dispute Resolution Process.⁸⁸

- a. Disputes between a customer, player, or member of the public and the Gaming Facility relating to Gaming 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. If the Executive Director is unable to resolve the dispute, 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 forty-five (45) 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.⁸⁹

⁸⁵ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to add ammunition to the firearm prohibition.

⁸⁶ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to delete superfluous language.

⁸⁷ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to delete superfluous language and reference to the laws of the State of Minnesota.

⁸⁸ Note of Amendment: The Community Council added this Section on October 19, 2004, by Resolution Number 04-10-19-140.

⁸⁹ Note of Amendment: The Community Council amended this subsection on March 15, 2023, by Resolution Number 23-3-15-44, to increase the deadline for a written decision from 10 to 45 days.

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

Section 15. 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 16. Miscellaneous Provisions.⁹⁰

- a. 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.
- b. 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.
- c. Compliance with the Law. All Gaming will comply with IGRA, the Compacts, this Ordinance, and all other applicable regulations.⁹¹
- d. Repealer. This Ordinance is enacted by adoption of Community Council Resolution No. 24-09-xx-xxx, and also repeals the Prairie Island Indian Community Gaming Ordinance, adopted, as amended, on January 9, 2015, by Resolution No. 15-01-09-03 (the 2015 Gaming Ordinance), and repeals and replaces all prior Gaming Ordinance enactments.
- e. Effective Date. This Ordinance and the repeal of the 2015 Gaming Ordinance shall be effective on the date upon which the Ordinance is approved by the National Indian Gaming Commission.

⁹⁰ Note of Amendment: The Community Council added this Section on March 15, 2023, by Resolution Number 23-03-15-044, to centralize miscellaneous provisions.

⁹¹ Note of Amendment: The Community Council amended this subsection on October 8, 2014, by Resolution Number 14-10-08-124, to add an audit requirement within the Compliance with The IGRA subsection. On March 15, 2023, by Resolution Number 23-3-15-44, the Community Council moved that subsection to this requirement and deleted the audit language as duplicative of other requirements in this Ordinance.