



NCA 18-012

CLASSIFICATION: #21. GAMING

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING NCA 17-081 (A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING MCNCA TITLE 21, ENTITLED "GAMING" AND CREATING A NEW TITLE 21, ENTITLED "GAMING")

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 21 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION TWO. AMENDMENT. NCA 17-081 is hereby amended to read as follows:

SECTION ONE. FINDINGS. The National Council finds that:

A. In 2015, the National Indian Gaming Commission ("NIGC") issued Bulletin No. 2014-2 and offered a revised Model Gaming Ordinance to assist tribes with meeting the ordinance requirements of the Indian Gaming Regulatory Act ("IGRA") and the NIGC's regulations promulgated to implement the provisions of IGRA.

B. To ensure the Nation's compliance and consistency with IGRA and NIGC regulations the repeal of Title 21 is necessary and replacing the law utilizing the NIGC's Model Gaming Ordinance as the foundation for the new law will ensure compliance and consistency.

SECTION TWO. REPEALER. MCNCA Title 21, Entitled "Gaming" is hereby repealed.

SECTION THREE. NEW LAW. The following new law shall be codified in Title 21, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of

the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

TITLE 21. GAMING
CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

§ 1-101. Purpose

The National Council of the Muscogee (Creek) Nation is empowered by Art. VI of the Constitution of the Muscogee (Creek) Nation to enact laws, hereby enacts this law in order to govern and regulate the operation of Class II and Class III gaming operations on the Nation's Indian lands.

§ 1-102. Applicability

Unless specifically indicated otherwise, all provisions of this law shall apply to Class II and Class III gaming on the Nation's Indian lands.

§ 1-103. Definitions

The following terms shall have the same meaning and effect as those same terms are defined in the Indian Gaming Regulatory Act ("IGRA"), 25 U.S.C. §§ 2701 et seq., and the National Indian Gaming Commission ("NIGC") regulations, 25 C.F.R. §§ 500 et seq., if they are defined in IGRA and the NIGC's regulations.

A. "Class I gaming" means those gaming activities as defined as Class I gaming in IGRA at 25 U.S.C. § 2703(6), and the NIGC's regulations at 25 C.F.R. § 502.2.

B. "Class II gaming" means those gaming activities as defined as Class II gaming in IGRA at 25 U.S.C. § 2703(7), and the NIGC's regulations at 25 C.F.R. § 502.3.

C. "Class III gaming" means those gaming activities as defined as Class III gaming in IGRA at 25 U.S.C. § 2703(8), and the NIGC's regulations at 25 C.F.R. § 502.4.

D. "Commission" means the Muscogee (Creek) Nation Public Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state regulations.

E. "Commissioner" means an individual Muscogee (Creek) Nation Public Gaming Commissioner.

F. "Directly related to" means a spouse, child, parent, grandparent, grandchild, aunt, uncle or first cousin.

G. "Facility License" means a separate license issued by the Nation to each place, facility or location on Indian lands where the Nation elects to allow Class II or Class III gaming.

H. "Gaming Employee" means any Key Employee, any Primary Management Official or any other person employed by the Gaming Operation who performs gaming related activities, including those persons whose employment duties require or authorize access to restricted gaming related areas of the gaming facility. Gaming Support Employees are not Gaming Employees.

I. "Gaming Operation" means each economic entity that is licensed by the Nation, operates the games, receives the revenues, issues the prizes and pays the expenses. A gaming operation may be operated by the Nation directly; by a management contractor; or, under certain conditions, by another person or entity.

J. "Gaming Services" means the providing of any amount of services, supplies, or equipment unique to the operation of gaming, in an amount exceeding \$25,000.00 in any year to a Gaming Operation in connection with the operation of Class II or Class III gaming. For purposes of this definition and the definition of Gaming Vendor, "unique to the operation of gaming" means any Gaming Services that are used or provided that are specific of the operation of a gaming facility. Examples of vendors that do not provide Gaming Services under this definition include, but are not limited to, publicly-traded entities, entertainers or entertainment companies, public utilities, entities licensed or regulated by the State of Oklahoma, media entities (television, radio, billboard, etc), and other professional services.

K. "Gaming Support Employee" means any employee or person employed by the Gaming Operation who performs employment duties that are not gaming related activities and do not meet the definition of "Gaming Employee," including employees having access to non-public areas but not restricted related areas of the gaming facility. Gaming Support Employees are not subject to licensure by the Commission.

Page 4 of 34
NCA 18-012

L. "Gaming Vendor" means such entity or supplier that provides any amount of services, supplies, or equipment unique to the operation of Class II or Class III gaming in the gaming facility in an amount exceeding \$25,000 in any year.

M. "Indian lands" means lands eligible for gaming as defined in 25 U.S.C. § 2703(4), and 25 C.F.R. § 502.12.

N. "Key Employee" means:

1. A person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor manager;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
4. Any other person designated by the Nation as a Key Employee.

O. "Licensee" means a tribally owned Class II or Class III gaming operation or a person licensed by the Muscogee (Creek) Nation Public Gaming Commission as a Primary Management Official, Key Employee or other gaming employee under the provisions of this law. ~~Nothing herein shall be construed to require a Muscogee (Creek) Indian Chartered Community, or for tribal entities conducting events, including but not limited to, the Creek Nation Festival or the Creek Nation Rodeo, to get a gaming license from the Commission for conducting charitable bingo typically conducted by those entities.~~

P. "Management Contract" means any contract, subcontract or collateral agreement between the Nation and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a gaming operation.

Page 5 of 34
NCA 18-012

Q. "Nation" means the Muscogee (Creek) Nation.

R. "Net Revenues" means gross gaming revenues of an Indian gaming operation less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

S. "Primary Management Official" means:

1. The person(s) having management responsibility for a management contract.
2. Any person who has authority:
 - a. To hire and fire employees; or
 - b. To set up working policy for the gaming operation; or
 - c. The chief financial officer or other person who has financial management responsibility.
3. Any other person designated by the Nation as a Primary Management Official.

T. "Tribal-State Compact" means an agreement between the Nation and a state about Class III gaming under 25 U.S.C. § 2710(d).

§ 1-104. Gaming Authorized.

Class II and Class III gaming are authorized to be conducted on the Nation's Indian lands, if such gaming is conducted in accordance with this law, IGRA, the NIGC's regulations and any other applicable laws or regulations.

§ 1-105. Ownership of Gaming

A. The Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

B. The Nation shall not allow or authorize individually owned gaming within the jurisdictional boundaries of the Nation.

§ 1-106. Use of Net Gaming Revenues

A. Net revenues from tribal gaming shall be used only for the following purposes:

1. To fund tribal government operations or programs;
2. To provide for the general welfare of the Nation and its members;
3. To promote tribal economic development;
4. To donate to charitable organizations; or
5. To help fund operations of local government agencies.

CHAPTER 2. MUSCOGEE (CREEK) NATION PUBLIC GAMING COMMISSION

§ 2-101. Establishment of the Muscogee (Creek) Public Gaming Commission

A. The Nation hereby establishes the Muscogee (Creek) Nation Public Gaming Commission ("Commission") to regulate the Nation's gaming operations. The Commission shall consist of three (3) members, including a Chair, Vice-Chair and at least one additional Commissioner that will perform functions on a part-time (or as needed) basis. All Commissioners shall be citizens of the Muscogee (Creek) Nation.

B. The Commission shall appoint an Executive Director of the Commission. The Executive shall be responsible for the day-to-day management of the affairs of the Commission. A detailed background investigation shall be conducted on the Director before appointment. The Executive Director shall perform all duties, exercise all powers, and assume and discharge all responsibilities imposed by this Code. The Commission shall maintain oversight of the Director on an ongoing basis. The Executive Director shall not have any personal interest in any gaming operations.

C. The Commission, via the Executive Director, will conduct oversight to ensure compliance with tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The Commission will also have a role in monitoring compliance with the gaming operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted, but reasonable, access to all areas of the gaming operation and to all of its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license, when appropriate.

D. Two of the Commissioner positions shall be filled by nomination by the Principal Chief and consent of the National Council via Tribal Resolution. The National Council via Tribal Resolution shall make the third Commissioner appointment.

E. Terms of office for Commissioners shall be four (4) year terms with no holdovers and shall be staggered so that with the enactment of this Code, one of the Principal Chiefs nominations shall be for a two (2) year initial term.

F. The following persons are not eligible to serve as Commissioners: members of the National Council; current employees of the gaming operation; gaming contractors (including any principal of a management or other contracting company); persons directly related to, or sharing a residence with, any of the above; and persons ineligible to be Key Employees or Primary Management Officials. The Nation shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of Commissioner.

G. The Nation recognizes the importance of an independent gaming regulatory entity in maintaining a well-regulated gaming operation. The Commission shall be independent of, and act independently and autonomously from, the Nation in all matters within its purview. No prior, or subsequent, review by the Nation of any actions of the Commission shall be required or permitted except as otherwise explicitly provided in this ordinance. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Nation requires that, at a minimum:

1. No officials of the Nation or of the Gaming Operations Authority Board ("GOAB") may serve concurrently on the Commission;
2. No member directly related to, or living with, any National Council member or member of the GOAB may serve on the Commission;
3. Members of the Commission are prohibited from gambling in the facility;
4. Commissioners are prohibited from accepting complimentary items from the gaming operation, excepting food and beverages valued under \$50; and
5. Commissioners may only be removed from office, prior to the expiration of their respective terms, as provided in MCNCA Title 31.

H. Nominees for Commissioner positions must satisfy the eligibility standards set forth for Primary Management Officials and Key Employees found in § 4-108 of this Act. All requisite background investigations shall be performed under the direction of the Office of the Attorney General.

I. The Commission, via the Executive Director, shall:

1. Conduct background investigations, or cause such investigations to be conducted, for Primary Management Officials and Key Employees;
2. Review and approve all investigative work conducted in connection with the background investigations of Primary Management Officials and Key Employees;
3. Create and maintain investigative reports based on the background investigations of Primary Management Officials and Key Employees;
4. Obtain and process fingerprints, or designate a law enforcement agency to obtain and process fingerprints;
5. Make licensing eligibility determinations, which shall be signed by the Chair of the Commission;
6. Submit a notice of results to the NIGC of the background investigations done for each Primary Management Official and Key Employee applicant;
7. Issue gaming licenses to Primary Management Officials and Key Employees of the operation, if warranted by the eligibility determination;
8. Establish standards for licensing tribal gaming facilities;
9. Issue gaming licenses to tribal gaming facilities;
10. Inspect, examine and monitor all of the Nation's gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
11. Ensure compliance with all tribal, state and federal laws, rules and regulations regarding Indian gaming;
12. Investigate any suspicion of wrongdoing associated with any gaming activities;
13. Hold hearings on patron complaint appeals in accordance with procedures established in this ordinance and the tribal gaming regulations;
14. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and any Tribal-State Compact to which the Tribe is a party, and any other applicable law;
15. Promulgate and issue regulations necessary to comply with applicable internal control standards;
16. Promulgate and issue regulations on the levying of fees and/or taxes associated with gaming license applications;
17. Promulgate and issue regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this ordinance or any tribal, federal or state gaming regulations, if applicable;

18. Establish a list of persons not allowed to game in the Nation's gaming facilities in order to maintain the integrity of the gaming operation;
19. Establish a list of persons who have voluntarily agreed to be excluded from the tribal gaming facility, and create regulations for enforcing the exclusions;
20. Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of tribal, federal or state statutes, ordinances, regulations, codes or resolutions;
21. Create a list of regulatory authorities that conduct background investigations of, and license, vendors who are recognized as trustworthy;
22. Draft regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority;
23. Perform such other duties the Commission deems appropriate for the proper regulation of the tribal gaming operation; and
24. Promulgate such regulations and guidelines as deemed appropriate to implement the provisions of this ordinance, so long as they are in furtherance of, and not in conflict with, any provisions of this ordinance.

J. Before adopting, amending and repealing regulations, the Commission shall give notice of any such proposed action to the Principal Chief, the National Council, the Office of the Attorney General, the GOAB, and all other persons whom the Commission has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner that comments on the proposed action shall be received by the Commission. All regulations adopted or amended by the Commission shall be approved by Tribal Resolution of the National Council before such regulations become effective.

K. The Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of GOAB management, human resource personnel and/or others employed by the GOAB on a need-to-know basis, for actions taken in their official capacities.

L. The confidentiality requirements in § 2-101(J) of this Chapter, above, do not apply to requests for such records or information from any tribal, federal or state law

enforcement or regulatory agency, or for the use of such records or information by the Commission and staff in the performance of their official duties.

M. A majority of the Commission shall constitute a quorum. The concurrence of a majority of the Commissioners shall be required for any final determination by the Commission. The Commission may act in its official capacity, even if there are vacancies on the Commission.

N. Commissioners shall be compensated at a level determined by the National Council and the Principal Chief and consistent with the Commissioners performing their functions on a part-time (or as needed) basis. In order to ensure the Commission is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.

O. The Commission shall keep a written record of all its meetings.

CHAPTER 3. AUDITS

§ 3-101. Audits

A. The Nation shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC. Annual audits shall conform to generally accepted auditing standards.

B. All Gaming Services pursuant to Section 1-103(J) contracts that exceed \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under subsection (A) of this Chapter.

C. Copies of the annual audit of each licensed gaming operation, and each audit for Gaming Services of each gaming operation, shall be furnished to the NIGC within one hundred twenty (120) days after the end of each fiscal year of the gaming operation.

CHAPTER 4. LICENSING

§ 4-101. Facility Licenses

A. The Commission shall issue a separate license to each place, facility or location on Indian lands where Class II or Class III gaming is conducted under this Act. No gaming shall occur on lands within the jurisdiction of the Muscogee (Creek) Nation unless such license is issued by the Commission. ~~Nothing herein shall be construed to~~

~~require a Muscogee (Creek) Indian Chartered Community, or for tribal entities conducting events, including but not limited to, the Creek Nation Festival or the Creek Nation Rodeo, to get a gaming license from the Commission for conducting charitable bingo typically conducted by these entities.~~

B. The Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.

C. The Commission shall require that a facility license application be completed by the Chief Executive Officer of the GOAB for each gaming place, facility or location.

D. The Commission shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions and content of a facility license application. The application shall include:

1. A legal description of the lands upon which the facility is located, and;
2. A certification that the site constitutes "Indian lands," as defined in IGRA, the NIGC's regulations, NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions and any other applicable law.

E. The Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Nation.

F. The Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the Commission. This notice must be submitted at least one hundred twenty (120) days before the opening of any new place, facility or location on Indian lands where Class II or Class III gaming will occur.

G. The facility license notice shall contain the information and documentation set forth in 25 C.F.R. § 559.2(b).

H. The Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within thirty (30) days of issuance, along with any other required documentation.

I. The Commission shall notify the NIGC Chair within thirty (30) days if a facility license is terminated or expires, or if a gaming place, facility or location closes or reopens.

§ 4-102. License Application Forms

A. The following notice shall be placed on the tribe's license application form for a Key Employee or a Primary Management Official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission 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 being unable to license you for a Primary Management Official or Key Employee position.

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

B. The following additional notice shall be placed on the application form for a Key Employee or a Primary Management Official before it is filled out by an applicant:

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).

§ 4-103. License Fees

The Nation may charge a license fee, to be set by the Commission, to cover its expenses in investigating and licensing Key Employees and Primary Management Officials of the gaming operation.

§ 4-104. Fingerprints

The Commission shall perform a background investigation for each Primary Management Official and Key Employee of the gaming operation. The Nation shall request fingerprints from each Primary Management Official and Key Employee. Fingerprints shall be taken by Commission. Fingerprints will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation ("FBI") and the National Criminal Information Center to determine the applicant's criminal history, if any.

§ 4-105. Background Investigations

A. The Nation shall perform a background investigation for each Primary Management Official and Key Employee in its gaming operation.

B. The Commission is responsible for conducting the background investigations of Primary Management Officials and Key Employees.

C. The Commission shall obtain from each Primary Management Official and Key Employee all of the following information:

1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages spoken and/or written);
2. Currently, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses and driver's license numbers;
3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (C)(2) of this section;
4. Current business and residential telephone numbers and all cell phone numbers;
5. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the businesses;
7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any;
10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, and is not otherwise listed pursuant to paragraphs (C)(8) or (C)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. A current photograph.
13. Any other information the Nation deems relevant; and
14. Fingerprints obtained in accordance with procedures adopted by the Nation pursuant to 25 C.F.R. § 522.2(h).

D. When a Primary Management Official or Key Employee is employed by the Tribe, a complete application file, containing all of the information listed in § 4-105(C), shall be maintained.

§ 4-106. Procedures for Conducting Background Investigations

A. The Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a Primary Management Official or Key Employee position. The investigation must be sufficient to allow the Commission to make an eligibility determination under § 4-108 of this Act. The investigator shall:

1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
2. Contact each personal and business reference provided in the license application, when possible;
3. Conduct a personal credit check;
4. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits and any other information deemed to be relevant;
5. Conduct a criminal history records check by submitting the applicant's fingerprints to the NIGC or to another law enforcement

- agency for forwarding to the FBI to perform a criminal history records check utilizing the FBI's database;
6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past ten (10) years;
 7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
 8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

§ 4-107. Investigative Reports

A. The Tribe shall create and maintain an investigative report for each background investigation of a Primary Management Official or Key Employee.

B. Investigative reports shall include all of the following information:

1. Steps taken in conducting the investigation;
2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

§ 4-108. Eligibility Determinations

A. Before a license is issued to a Primary Management Official or Key Employee, an authorized Commission official shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

B. If the authorized Commission official, in applying the standards adopted in this ordinance, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person in a Key Employee or Primary Management Official position.

C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a Primary Management Official or Key Employee.

§ 4-109. Notice of Results of Background Investigations

A. Before issuing a license to a Primary Management Official or Key Employee, the Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC. The notice of results must be submitted to the NIGC no later than sixty (60) days after the applicant begins working for the Tribe.

B. The notice of results shall include the following information:

1. The applicant's name, date of birth, and social security number;
2. The date on which the applicant began, or will begin, working as a Primary Management Official or Key Employee;
3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last ten (10) years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
4. A copy of the eligibility determination made in accordance with § 4-108.

§ 4-110. Granting Gaming Licenses

A. All Primary Management Officials and Key Employees of the gaming operation must have a gaming license issued by the Nation. Gaming Support Employees are not subject to the licensure provisions of this Act.

B. The Commission is responsible for granting and issuing gaming licenses to Primary Management Officials and Key Employees.

C. The Commission may license a Primary Management Official or Key Employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by this Chapter.

D. The Commission shall notify the NIGC of the issuance of a license to a Primary Management Official or Key Employee within thirty (30) days of issuance.

E. The GOAB shall not employ an individual in a Primary Management Official or Key Employee position who does not have a license after ninety (90) days of beginning work at the gaming operation.

F. The Commission must reconsider a license application for a Primary Management Official or Key Employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within thirty (30) days of the NIGC receiving a notice of results of the applicant's background investigation. The Commission shall take the NIGC's objections into account when reconsidering a license application.

G. The Commission will make the final decision whether to issue a license to an applicant for a Primary Management Official or Key Employee position.

H. If the Commission has issued a license to a Primary Management Official or Key Employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by § 4-111.

§ 4-111. Denying Gaming Licenses

A. The Commission shall not license a Primary Management Official or Key Employee if an authorized Commission official determines, in applying the standards in § 4-108 for making a license eligibility determination, that licensing the person:

1. Poses a threat to the public interest;
2. Poses a threat to the effective regulation of gaming; or
3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.

B. When the Commission does not issue a license to an applicant for a Primary Management Official or Key Employee position, or revokes a previously issued license after reconsideration, it shall:

1. Notify the NIGC; and
2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

§ 4-112. Gaming License Suspensions and Revocations