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CHAPTER 1. CHOCTAW GAMING COMMISSION

§15-1-1 Gaming Commission

(1) There is hereby established the Choctaw Gaming Commission (Commission), which shall regulate all activities under this Title XV (Title). The Commission shall consist of three members composed of a Chairman and two Associate Commissioners. Commissioners may or may not be members of the Tribe. The Chairman and Associate Commissioners shall be appointed by the Tribal Chief and confirmed by the Tribal Council. Within sixty (60) days of passage of this Restated Title XV, the Tribal Chief shall appoint the initial Chairman to a four (4) year term ending in December of 1996, and the remaining members to an initial three-year term ending in December of 1995. Thereafter, the Tribal Chief shall appoint the Chairman and the Associate Commissioners to terms of four years, subject to approval by the Tribal Council.

(2) The Tribal Chief shall conduct or cause to be conducted an inquiry into each appointee's financial stability, integrity and good reputation prior to appointing a member to the Commission. No individual who has been convicted of a felony or gaming offense or who has a conflict of interest prohibited by tribal law shall be eligible for appointment to or service on the Commission.

(3) The Chairman shall serve as the Executive Director of the Commission. The Chairman may assign each Associate Commissioner an area of responsibility for Commission day-to-day operations..

(4) The Commission, within funding or budgets approved by the Tribal Council, shall have the following powers and duties:

(a) To hire, supervise, train, discipline and dismiss, and to pay such employees, whether full or part-time, temporary or permanent, as the Commission shall determine are needed for the fulfillment of its purposes.

(b) To contract for outside professional and other services as deemed necessary by the Commission to discharge its duties provided, that the Commission shall not use or retain attorneys who are not on the Tribal Council's "list of attorneys authorized to perform legal services for the Tribe," as that list may be amended from time to time; purchase or lease office furniture, supplies, equipment and space as needed to fulfill its purposes; establish and maintain such systems and programs as it deems necessary for the proper administration of and accounting for its activities; and to carry out necessary and appropriate functions in furtherance of the Commission's responsibilities. With the approval of the Commission, the signature of the Commission Chairman shall constitute valid authorization of the Commission to enter into contracts.

(c) To monitor, oversee and regulate the operation and conduct of all gaming and games of chance within tribal lands, and to do such things as it deems necessary to ensure that such gaming is conducted in full compliance with this Title, the Tribal-State Compact, the IGRA, and Commission regulations.

(d) To grant, suspend, or revoke licenses and work permits of persons or entities required to be licensed or permitted under the provisions of this Title, the Tribal-State Compact, or IGRA, and, consistent with such provisions, to establish and administer standards and procedures with respect to such licensing and permitting as needed to ensure the reasonable and effective regulation of gaming.

(e) In connection with its licensing and permitting processes, to conduct or cause to be conducted background investigations of applicants for licenses and permits to determine their suitability for such.

(f) To inspect, examine, photocopy, and audit all papers, books and records respecting gaming activities operated or conducted within tribal lands as necessary to carry out the duties of the Commission.

(g) To initiate suits in tribal, state or federal courts for such relief as the Commission deems necessary to carry out its duties and enforce its orders and decisions.

(h) To establish and collect reasonable fees for applications and renewals of licenses and permits and for other Commission actions.

§15-1-2 No Waiver of Immunity

In the exercise of its powers and duties, neither the Commission nor any of its members shall waive the immunity of the Commission or the Mississippi Band of Choctaw Indians from suit without the expressed consent of the Tribal Council of the Mississippi Band of Choctaw Indians.

§15-1-3 Bonding

Commission members and commission personnel, if any, must be bonded in an amount of at least $10,000, which cost shall be borne from the Commission budget.

§15-1-4 [RESERVED]

§15-1-5 Removal of Commissioners

Commission members may be removed from their position by a majority vote of the

Tribal Council at a meeting at which a quorum is present only for neglect of duty, malfeasance in office or other just cause, and only upon recommendation to the Tribal Council through the Tribal Chief by majority of the remaining Commissioners; provided, however, that the Tribal Council may remove any member without recommendation from the other Commissioners in cases of criminal violation of Tribal, federal or state statutes or regulations.

§15-1-6 Vacancies

In the event of a vacancy occurring on the Commission for any reason, the vacancy shall be filled for the remainder of the term by appointment of the Tribal Chief approved by the Tribal Council. Upon expiration of the term of the vacated Commissioner position, the procedure set forth in §15-1- 1 shall apply.

§15-1-7 Meetings

Due to the need for ongoing oversight of gaming operations, management and key employees, and the Commission shall hold meetings at a minimum of once every sixty (60) days. Full minutes are to be kept and filed of all Commission meetings, subject to §15-1-13 qualifications on confidential and proprietary information. Special meetings may be called by the Chairman or by any two Commissioners, provided formal notification in writing is given to all Commission members at least three (3) days in advance of the meeting date. Formal notification may be waived in emergency situations provided all members of the Commission are contacted by the Chairman and such contact and waiver are duly recorded.

§15-1-8 Quorum

Two members of the Board shall constitute a quorum, with all matters governed by a majority vote of the quorum.

§15-1-9 Compensation

(1) Subject to receiving funding pursuant to §15-1-11, the Commission shall pay members of the Commission salaries in accordance with this section for their services in oversight and regulation of gaming enterprises on the Choctaw Indian Reservation. The Commission shall also reimburse Commissioners for expenses on behalf of the Commission's activities. All reimbursable expenses shall conform to prevailing Tribal Government administrative procedures.

(2) The Chairman of the Commission shall be paid at a rate equal to or greater than the grade TS 30 of the Tribal wage scale, as it may be adjusted from time to time. The associate members of the Commission shall be paid at a rate equal to or greater than grade TS 25 of the Tribal wage scale, as it may be adjusted from time to time.

§15-1-10 Reports

The Commission shall submit an annual report to the Tribal Council through the Tribal Chief and provide any other interim reports and information as requested by the Tribal Chief and in such form as may be specified certifying conformance of each gaming enterprise to applicable Tribal and federal law and licensing requirements, applicable Tribal-State Compact provisions and to the Commission's regulations in the conduct of their gaming activities. The annual report shall also summarize any notices of violation issued by the Commission during the immediately preceding year. Notwithstanding the foregoing, in making such reports available to the Tribal Chief or the Tribal Council, the Commission shall adhere to all applicable Tribal and federal law regarding the disclosure of confidential information.

§15-1-11 Funding

(1) The Commission shall annually adopt and assess a fee upon the gross revenue of all licensed gaming entities not to exceed two percent (2%) for the purpose of paying costs incurred in carrying out is specific investigative oversight and operational responsibilities. Assessments must be duly recorded and filed for audit purposes. The fee assessed pursuant to this section shall be payable monthly and shall be in addition to any fee(s) required to be paid by licensees to the National Indian Gaming Commission.

(2) No monies may be expended by the Commission until a budget has been submitted for review and approval by the Tribal Council. All Commission operating revenues and expenditures must be reviewed by the Tribal Chief or his designee for conformance with standard Tribal administrative financial procedures.

(3) Any Commission funding needs and expenditures beyond two percent (2%) of gross revenues of gaming activities licensed by the Commission must be submitted to the Tribal Chief for Tribal Council review, approval and appropriation in amounts necessary for the operation of the Commission. Residual funds collected in excess of expenditures shall be returned to the Tribal Council to be deposited into the Tribal general fund at the end of the Tribe's fiscal yea.

(4) For purposes of this section, "gross revenues" means total amount of money wagered, less amounts paid out as prizes or paid for prizes awarded.

§15-1-12 Financial Records and Audit

The Commission shall maintain accurate and complete records of the financial affairs of the Commission, and the Chairman of the Commission shall cause an annual audit of the Commission's financial affairs to be conducted by a certified public accountant in

accordance with generally accepted accounting principles, consistently applied and shall furnish an annual budget, an annual balance sheet and complete financial report of the Commission to the Tribal Council through the Tribal Chief within three (3) months of the close of the Tribe's fiscal year.

§15-1-13 Confidential Records

(1) The Commission shall maintain a file listing all applications for licenses and work permits under this title and a record of all Commission actions on such applications, and such records shall not be confidential.

(2) Confidential information shall include

(aa) records and financial data acquired by the Commission in carrying out its background investigations of potential gaming entities, managers and key employees and

(bb) proprietary financial data. Except as otherwise provided herein, confidential information is prohibited from public disclosure either by the Commission or by individual Commissioners. Confidential or proprietary records, in whole or in part, shall not be included as sections of or attachments to Commission budget documents, annual reports, minutes or audit findings. Copies of confidential or proprietary records may be forwarded to the NIGC or other applicable regulatory agency upon the written request of that agency or in compliance with the appropriate reporting requirements of this Title, the IGRA and any Tribal-State Compact.

(c) Any other category of information deemed confidential by regulations adopted by the Commission pursuant to this Title or by order of the Commission.

§15-1-14 Licenses and Work Permits Required

(1) No entity or person shall enter into a binding management contract for operation and management of gaming activity with the Tribe or shall be hired as a primary management official or key employee of a gaming enterprise operated pursuant to this Title, unless such entity or person is the holder of gaming license issued by the Commission. The Commission shall provide prompt notification to the Tribal Council through the Tribal Chief and to the NIGC of any such gaming licenses issued pursuant to this Title. Separate licenses will be required for each place or location where gaming is conducted.

(2) Persons not required to be licensed as primary management officials or key employees shall not be employed to work in a gaming enterprise operated pursuant to this Title, unless such person is the holder of a gaming license or work permit issued by the Commission.

(3) For purposes of this Title, a "key employee" means an employee of the Tribe or a Tribal gaming licensee:

(a) Who performs one or more of the following functions:

(i) Bingo Caller;

(ii) Counting room supervisor;

(iii) Chief of security;

(iv) Custodian of gaming supplies or cash;

(v) Floor manager;

(vi) Pit boss;

(vii) Dealer;

(viii) Croupier;

(ix) Approver of credit; or

(x) Custodian of gambling devices including persons with access to cash and accounting records within such device.

(b) If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year, or

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

(4) For purposes of this Title, a "primary management official", means an employee of the Tribe or a Tribal gaming licensee who performs the following functions:

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(i) to hire and fire employees; or

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

(c) The chief financial officer or other person who has financial management responsibility.

(5) All licensed primary management officials, key employees, and permitted employees shall wear identification badges. Security and surveillance personnel may be exempted from this requirement in performance of special functions.

§15-1-15 Application Process for Gaming Licenses; Background Investigations

(1) The Commission shall require all applicants for gaming licenses (entities proposing to enter into gaming management contracts and primary management officials and key employees) to pay a non-refundable application fee in an amount determined by order of the Commission and to complete an application form containing sufficient information to allow a background investigation of the applicant in conformance with requirements of federal regulations and the Tribal-State Compact.

(2) The Tribe shall create and maintain an investigative report for each background investigation of a primary management official or key employee. Investigative reports shall include all of the following information:
(a) Steps taken in conducting the investigation;
(b) Results obtained;
(c) Conclusions reached; and
(d) The basis for those conclusions.

(3) 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.

(4) 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.

(5) The notice of results of the investigation shall include verification of compliance with all provisions of 25 C.F.R. 556 and shall at minimum include the following information:

(a) The applicant's name, date of birth, and social security number;
(b) The date on which the applicant began, or will begin, working as a primary management official or key employee;
(b) A summary of the information presented in the investigative report, including:

(i) licenses that have previously been denied;
(ii) gaming licenses that have been revoked, even if subsequently reinstated;
(iii) every known criminal charge brought against the applicant prior to

the date of the application; and

(iv) every felony offense of which the applicant has been convicted or any ongoing prosecutions; and

(d) A copy of the eligibility determination made in accordance with subsection (3).

(6) If the Commission determines that investigative costs shall exceed amounts set by order of the Commission for any type of license or permit issued by the Commission, the Commission shall notify the applicant in writing of the estimated or actual costs to be incurred by the Commission in performing or causing to be performed a background investigation, and require the applicant to pay such estimated costs to the Commission prior to final decision on the application.

(7) The Commission shall keep confidential the identity of every person interviewed for background investigations.

(8) The following notice shall be placed on the Commission'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 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 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 the 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.

(9) 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).

(10) The Commission shall ensure that background investigations are conducted on all applicants for Tribal gaming licenses and permits and that continuing oversight of primary management officials and key employees is conducted. The Commission shall notify the Tribal Chief and the NIGC of the results of background checks on any applicants prior to issuance of any Tribal gaming license, and shall provide other notifications or reports as may be required by any applicable Tribal-State Compact. All criminal history checks shall be conducted pursuant to the rules and regulations of the NIGC and shall include a check through the Federal Bureau of Investigation, National Criminal Information Center. The Commission shall issue to NIGC a notice of the results of all background investigations no later than 60 days after an applicant begins work.

(11) Fingerprint impressions shall be obtained from all applicants for a license. All fingerprint impressions shall be accompanied by a "Fingerprint Certification Card Verification" form to be provided by the Commission. Copies of all fingerprint impressions shall be sent directly to the NIGC. The Commission shall be the law enforcement agency responsible for this process.

(12) The Commission shall retain, for no less than three (3) years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:

1. Applications for licensing;

2. Investigative Reports; and

3. Eligibility Determinations

(13) The Commission shall obtain from each primary management official and key employee all of the following information:

(a) 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);

(b) 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;

(c) 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;

(d) Current business and residential telephone numbers, and all cell phone numbers;

(e) A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;

(f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in the businesses;

(g) 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;

(h) 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;

(i) For each misdemeanor conviction or ongoing misdemeanor prosecution prior to the date of the application, the name and address of the court involved and the date of disposition, if any;

(j) For each criminal charge, whether or not there is a conviction, if such criminal charge is prior to 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;

(k) 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;

(l) A photograph

(m) Any other information the Tribe deems relevant; and

(n) Fingerprints obtained in accordance with procedures adopted by the Tribe pursuant to 25 C.F.R. § 522.2(h).

(14) When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in subsection 14 shall be maintained.

(15) 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. The Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.

(16) The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license prior to beginning work at the gaming operation.

(17) 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 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. The Commission will make the final decision whether to issue a license to an applicant for a primary management official or key employee position. 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.

(18) 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:
(a) Notify the NIGC; and
(b) 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.

(19) If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the Commission shall do the following:
(a) Immediately suspend the license;
(b) Provide the licensee with written notice of the suspension and proposed revocation; and
(c) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
(d) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair. Following a revocation hearing, the Commission shall decide whether to revoke or reinstate the license at issue. The Tribe shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

§15-1-16 Application for Work Permit; Procedure

(1) Fingerprint impressions shall be obtained from all applicants for work permits. All fingerprint impressions shall be accompanied by a "Fingerprint Certification Card Verification" form to be provided by the Commission. Copies of all

fingerprint impressions shall be sent directly to the NIGC.

(2) An applicant for a work permit shall pay the application fee established by the Commission, by regulation or order, which shall be sufficient to cover the costs of processing the application.

(3) The Commission may either grant or deny the work permit based upon its investigation and review of the application.

§15-1-17 Automatic Disqualification for License or Work Permit

The Commission shall deny or revoke gaming licenses or work permits to persons or entities whose prior activities, criminal record or records, habit and associations pose a threat to the public interest or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices and activities in connection with gaming activities. All gaming licenses and work permits shall be reviewed and, if appropriate, renewed on an annual basis, except that the Commission may allow, by order of the Commission, that some or all gaming licenses and work permits may be renewed every two (2) years, after the first two (2) annual renewals. The Commission shall promptly provide notification to the National Indian Gaming Commission of renewals of license and other notifications as may be required by an applicable Tribal-State Compact. Without limiting the foregoing, the Commission must automatically deny or revoke gaming licenses or permits to persons:

(1) who have been convicted of a felony in any jurisdiction of any crime of moral turpitude;

(2) who have been convicted of a violation or conspiracy to violate the provisions of this Title or the Indian Gaming Regulatory Act or other federal laws relating to involvement in gaming without required licenses or willful evasion of gaming fees or taxes;

(3) having a notorious or unsavory reputation or association with such individuals which adversely affect public confidence and trust in gaming;

(4) whose license or work permit would violate applicable conflict of interest rules;

(5) who are individual applicants under the age of twenty-one (21).

§15-1-18 Licenses for Vendors

(1) Vendors of gaming services or supplies, with a value of $25,000 or more annually, must have a vendor license from the Tribal Gaming Commission in order to transact

business with the Tribal gaming operation. Contracts for professional legal and accounting services are excluded from this Section.

(2) In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

(3) Applications for gaming vendor licenses must include the following:

(a). Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;

(b). Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;

(c). If the applicant is a corporation or limited liability company, the state of incorporation or formation, and if such is not the State of Mississippi, the qualification to do business in the State of Mississippi;

(d). Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;

(e). General description of the business and its activities;

(f). Whether the applicant will be investing in, or loaning money to, the gaming operation, and, if so, how much;

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

(h). A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;

(i). Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;

(j). The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(k). If the business has ever had a license revoked for any reason, the circumstances involved;

(l). A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;

(m). A list of the business' funding sources and any liabilities of $50,000 or more;

(n). A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and

(o). Any further information the Tribe deems relevant.

(4) The following notice shall be placed on the application for a vendor and its principals: Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.

(5) A vendor may submit to the Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information requested by the Tribe not contained in the other application.

§15-1-19 Indemnity

The Commission shall indemnify, where Commission funds are available, any past, present, or future Commissioner for actual losses, expenses, costs of defense or liabilities incurred in connection with any claim or suit brought against the Commissioner for alleged negligence of wrongful conduct while providing service to the Commission; provided, however, that no Commissioner shall be indemnified in connection with any claim or liability arising out of the Commissioner's own willful misconduct, bad faith or conduct outside the scope of his authorized powers or duties set forth in this title, and provided further that this indemnity shall be limited to the extent that insurance coverage does not adequately indemnify or make the Commissioner whole.

§15-1-20 Commission Staffing

(1) The Commission shall adhere to standardized Tribal personnel and administrative practices in regard to any staff recruitment, employment, reduction in force, promotion, training and related employment actions to a

publicly announced policy and practice of extending preferential treatment to Indians living on or near the Choctaw IndianReservation. The Commission is empowered to employ non-Indians when no qualified Indian living on or near the Choctaw Indian Reservation can be recruited, trained or upgraded to fill the given hiring need of the Commission.

(2) The Commission shall authorize the establishment, abolishment, hiring and termination, of any and all staff positions, and shall compensate persons in all positions at amounts within funding or budgets approved by the Tribal Council. Further, the Commission may hire a General Counsel and other persons as necessary for purposes of consultation, investigations, or operational support of the Commission and shall compensate such persons at amounts within funding or budgets approved by the Tribal Council..

§15-1-21 Amendments

Amendments to this Title may be proposed by the Commissioners in the form of a revised ordinance, a copy of which must be served by mail to the Tribal Chief at least two (2) weeks in advance of the Tribal Council meeting at which it is to be introduced. An amended ordinance thereafter adopted by the Tribal Council shall become effective upon passage, subject to approval by the NIGC chair.

§15-1-22 Complaints

Any gaming participant wishing to contest an action of a licensed gaming entity or gaming official or employee must submit a complaint in writing to the Choctaw Gaming Commission within ten (10) days of the contested action. The Commission, by majority vote, may determine to hold hearings, conduct an investigation, dismiss or affirm the complaint and order appropriate remedial actions or decide to pursue civil or criminal penalties against the gaming entity or gaming official or employee.

§15-1-23 Authority with Respect to Licenses and Permits; Enforcement Powers

(1) The Commission shall exercise its continuing gaming oversight and shall issue, renew or disapprove any application or limit, suspend or revoke gaming licenses and work permits consistent with the provisions of this Title. Any license or work permit granted under this Title is a revocable privilege, and no licensee or permittee holds any vested right to such license.

(2) The Commission is authorized to carry out investigations of all prospective and existing gaming licensees, to initiate hearings and to conduct or cause to be conducted announced or unannounced inspections of all gaming premises in order to ensure compliance with Tribal and federal law and applicable requirements or any Tribal-State Compact. All licensees are obligated to comply immediately to such Commission requests for information and review of all licensee papers, books and records, or inspection of premises on an announced or

unannounced basis.

(3) The Commission may hold hearings, take testimony, receive evidence and administer oaths or affirmations to witnesses appearing before the Commission in accordance with procedural rules to be adopted by the Commission.

(4) The Commission, within three (3) months from the effective date of this Title, shall submit to the Tribal Council through the Tribal Chief proposed regulations setting forth civil fines, penalties, license or work permit suspensions or revocations that may be imposed by the Commission against a licensee or other gaming employee for any violation of this Title or regulations adopted pursuant to this Title. Without limiting the foregoing, such regulations shall not restrict the Tribal Council or the Tribal Chief from exercising contractual rights to terminate any gaming management contract or exercise other contractual remedies due to default or breach of the management contract by the management contractor.

(5) The Commission may, when its investigations of gaming indicate a violation of federal or Tribal criminal law, provide information of indicated violations to appropriate law enforcement officials. It is hereby recognized that theft from gaming establishments on Indian lands and thefts by officers or employees of such gaming establishments are punishable by substantial fines and imprisonments pursuant to 25 U.S.C. §§1167-1168, and that Tribal operators and management contractors may be separately fined up to$25,000 per violation of this Title or the Indian Gaming Regulatory Act by the Chairman of the National Indian Gaming Commission.

§15-1-24 Jurisdiction

The Mississippi Band of Choctaw Indians' Courts shall have jurisdiction over all violations of this Title and over all persons who are parties to a management contract entered pursuant hereto, except where otherwise provided by federal statute or applicable Tribal-State Compact, or where arbitration is provided for as an exclusive remedy by contract, and may grant relief as is necessary and proper for the enforcement of this Title and of the provisions of any management contract entered pursuant thereto, including but not limited to injunctive relief against acts in violation thereof. Nothing, however, in this title shall be construed to authorize or require the criminal trial and punishment in Tribal courts of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decisions.

§15-1-25 Designation of Tribal Agent under 25 CFR 519

Pursuant to 25 CFR 519, the Tribal Chief is hereby designated as the agent for the service for the Mississippi Band of Choctaw Indians of any official determination, order or notice of violation of the National Indian Gaming Commission and the official address for such notification shall be:

STREET ADDRESS	POST OFFICE ADDRESS
The Office of the Chief of Choctaw Indians (Tribal Administration Building) 101 Industrial Rd. Philadelphia, MS 39350	The Office of the Chief Mississippi Band P.O. Box 6010 Choctaw Station Philadelphia, MS 39350

TELEPHONE

Office: (601) 656-5251
Fax: (601) 656-1992

This official designation of an agent and address shall remain in force and effect until changed in writing with acknowledgment of receipt by the National Indian Gaming Commission.

§15-1-26 Sole Proprietary Interest

The MBCI shall have the sole proprietary interest in and responsibility for the conduct of all the (1) Tribe's gaming operations, both for Class II and Class III gaming.

§15-1-27 Authority to Adopt, Amend, Repeal Regulations

The Commission shall, from time to time, adopt, amend or repeal such regulations consistent with this Title as it may deem necessary or desirable, subject to review and approval by the Tribal Council.

§15-1-28 Future Amendments

Should any provision or definition of this Title be found to be incomplete or in variance with applicable Federal or Tribal Law or with regulations promulgated by the National Indian Gaming Commission, now in existence or as may be from time to time amended, then the terms of this Title shall be deemed to be conformed to said laws or regulations and the same shall be considered to be incorporated herein without further action of the Tribal Council.

CHAPTER 2. CLASS II GAMING

§15-2-1 Games of Chance

This Part shall govern all Class II gaming activities on Tribal lands within the Tribe's jurisdiction as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467, including and as may be amended by any amendments to Public Law 100-497, and as defined and interpreted by the National Indian Gaming Commission in

regulations promulgated pursuant to Public Law 100-497:

Class II gaming means:

(1) Bingo or lotto [whether or not electronic, computer or other technologic aids are used] when players:

(a) play for prizes with cards bearing numbers or other designations;

(b) cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and

(c) win the game by being the first person to cover a designated pattern on such cards.

(2) If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo; and

(3) Non-banking card games that:

(a) state law explicitly authorizes, or does not explicitly prohibit and are played legally anywhere in the state; and

(b) players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes. [Per Ordinance 16-V (1993)]

§15-2-2 Commission's Powers and Duties for Class II

The Choctaw Gaming Commission will have the following powers and duties with respect to Class II gaming on Tribal trust lands:

(1) to act in accordance with §§15-1-14-15-1-17 to issue, re-issue or decline to issue, suspend or revoke Class II licenses and work permits to management contractors, primary gaming entities, primary officials, key employees and work permittees with a separate license required for each place or facility at which Class II gaming is conducted;

(2) to conduct background investigations and continuing oversight of any or all of the primary management officials, key employees and work permittees of the gaming entity or contractor, and to make known the results of those investigations to the Tribal Chief and the National Indian Gaming Commission prior to the issuance of any Class II license;

(3) to preclude employment by Class II gaming enterprises of any person meeting the standards established in §15-1-17;

(4) to cause to be held annual audits of Class II gaming operations and to submit those audits to the National Indian Gaming Commission and to submit those audits, with any recommendations, to the Tribal Council through the Tribal Chief;

(5) to inspect Class II gaming activities at any time with or without notice to the entity holding the management contract or other licensee;

(6) to monitor compliance of the Tribe and any management contractor and licensees and permittees with provisions of any applicable management contract, Class II regulations promulgated by the Commission, and any other applicable federal and Tribal laws;

(7) to collect or cause to be collected and paid to the National Indian Gaming Commission fees levied on gross Class II gaming revenues pursuant to the Indian Gaming Regulatory Act; and

(8) to exercise such other powers and responsibilities as are delegated to it by the Tribal Council.

§15-2-3 Tribal Gaming Only

The Mississippi Band of Choctaw Indians shall have sole proprietary interest in and responsibility for any Class II gaming on designated Tribal trust lands, and the Tribal Chief of the Mississippi Band of Choctaw Indians may enter into a contract, subject to approval by the Tribal Council and the Chairman of the National Indian Gaming Commission, with an entity, public or private, to manage Class II operations. No person may hold, operate or conduct any Class II game or games on Tribal trust lands except Tribal Class II games conducted by the Mississippi Band of Choctaw Indians in accordance with the provisions of this Title and the Indian Gaming Regulatory Act.

§15-2-4 Location/Gaming Facility License

No Class II gaming shall take place within the jurisdiction of the Mississippi Band of Choctaw Indians unless the location has been approved by the Tribal Council and the gaming facility at that location has been duly licensed by the Choctaw Gaming Commission in conformity with Choctaw Tribal Council Resolution CHO 10-102 and the applicable NIGC regulations.

§15-2-5 Hours and Rules

The Choctaw Gaming Commission shall regulate compliance with the hours and rules specified in regulations to be issued by the Commission for Class II gaming activities; but shall not restrict gaming hours to less than the specified time frame in any gaming management contract. Each Class II gaming facility must conspicuously display notice

of hours and rules of play.

§15-2-6 Minors Prohibited

No one under the age of twenty-one (21) years may be permitted on the premises of Tribal Class II gaming facility.

§15-2-7 Class II Net Revenues

(1) Net revenues to the Tribe from Class II operations shall be used to fund Tribal government operations or programs, to provide for the general welfare of the members of the Tribe, to promote economic development, to donate to charitable organizations or to help fund the operations of local government agencies, and shall be expended only in accordance with budgets adopted by resolutions of the Tribal Council.

(2) Class II revenues shall not be used to make per capita payments except pursuant to a BIA-approved allocation plan and where such payments are otherwise authorized by the IGRA and in the Tribe's State-Tribal Gaming Compact.

§15-2-8 Audits

Tribal Class II operations shall be subject to special, outside independent annual audits, which the Choctaw Gaming Commission shall cause to be held. In addition, all contracts or subcontracts for supplies, services or concessions for a contract amount in excess of $25,000 annually relating to Class II gaming shall be subject to audits which the Choctaw Gaming Commission shall cause to be held. The Choctaw Gaming Commission shall present the audit reports, with its own written findings and recommendations, if any, to the Tribal Council at least annually through the Tribal Chief. Copies of all audits shall be forwarded to the National Indian Gaming Commission by the Choctaw Gaming Commission.

§15-2-9 Environment; Public Health and Safety

The construction and maintenance of Tribal Class II gaming facilities, and the operation of the gaming, shall be conducted in a manner which adequately protects the environment and the public health and safety and shall be subject to all applicable building, fire and safety codes and regulations.

§15-2-10 Management Contract

(1) Tribal Class II gaming may be operated through a management contract with a private or public entity which shall be adopted by the Tribal Council through resolution, conform with the Indian Gaming Regulatory Act and any regulations of the National Indian Gaming Commission, and shall also be approved by the

Chairman of the National Indian Gaming Commission, or current official of the Department of the Interior exercising the Commission's authority under 25 U.S.C. §2711.

(2) The Choctaw Gaming Commission shall require any proposed applicant for a Class II management contract with the Tribe to submit in duplicate the following information and any additional information as may be required by applicable laws or regulations:

(a) the name, address and other additional pertinent background information on each person or entity (including individuals comprising such entity) having a direct financial interest in or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) five percent (5%) or more of its issued and outstanding stock;

(b) a description of any previous experience that each person listed pursuant to subparagraph (2)(a) has had with other gaming contracts with Indian Tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming; and

(c) a complete financial statement of each person listed pursuant to subparagraph (2)(a).

The Choctaw Gaming Commission shall retain one set of such submitted information and forward the other set of information to the National Indian Gaming Commission.

(3) Should the Choctaw Gaming Commission find that any Class II management contractor, primary management official, owner or key employee whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or the Tribal interest, or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, the Commission shall find such person not eligible for employment or continued employment or association with the management contractor, and shall notify the holder of the management contract of such findings, a copy of said notification to be sent to the Tribal Chief. Failure of the management contractor to disassociate and remove such person with seventy-two (72) hours of notification by the Commission from Class II gaming conducted pursuant to this Title shall result in cancellation of the management contract and possible prosecution.

(4) The Choctaw Gaming Commission shall consult with the Chairman of the National Indian Gaming Commission or current official of the Department of

Interior exercising the Commission's authority under 25 U.S.C. § 2711 as to the scope and cost of the background investigation to be conducted by the National Indian Gaming Commission as a precondition to approval of a proposed management contract. In order to avoid duplicative efforts and costs of background investigations, the Choctaw Gaming Commission may, in its discretion, elect to use the results of the background investigations conducted by the National Indian Gaming Commission to satisfy the Choctaw Gaming Commission's duties to conduct preliminary background investigations of entities proposing to enter into Class II management contracts pursuant to §15-1-15 of this Code. However, the Choctaw Gaming Commission shall retain the right and duty to update the initial investigations at least yearly. The results of such updated annual investigations shall be forwarded to the National Indian Gaming Commission.

§15-2-11 Violations

Violations of this Ordinance may give rise to tribal criminal prosecutions as provided in the Tribe's Criminal Code.

CHAPTER 3. CLASS III (CASINO-TYPE) GAMING

§15-3-1 Tribal-State Compact

The conduct of all Class III gaming activities as defined in the Indian Gaming Regulatory Act ("IGRA") on Tribal lands within the Tribe's jurisdiction shall be governed by a tribal-state compact duly executed by authorized Tribal and state officials or procedures adopted by the United States Secretary of Interior or other authorized official in lieu of such Tribal-State Compact in accordance with the IGRA. Class III gaming operations shall be conducted in conformity with the Tribal-State Compact, this Ordinance, the IGRA and otherwise applicable law not inconsistent with the Compact or this Ordinance.

§15-3-2 Class III Gaming

For purposes of this Title Class III gaming means all forms of gaming that are not class I gaming or Class II gaming, including but not limited to:

(1) any house banking game, including but not limited to:

(a) card games such as baccarat, chemin de fer, blackjack (21) and pai gow (if played as house banking games);

(b) casino games such as roulette, craps and keno;

(2) any slot machines as defined in 15 U.S.C. 1171(a)(1) and electronic or electromechanical facsimiles of any game of chance;

(3) any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or

(4) lotteries.

§15-3-3 Incorporation by Reference

All requirements of Sections 15-2-2 through 15-2-11 of this ordinance applicable to Class II gaming shall also apply to Class III gaming to the same extent as to Class II gaming. All references to Class II gaming in those provisions shall be construed to also refer to Class III gaming.