

# SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA REGULATIONS

## Part 11. GAMING



## SAC & FOX GAMING COMMISSION

[www.meskwakigc.com](http://www.meskwakigc.com)

**Adopted June 12, 2001**  
**Revised November 30, 2004**  
**Revised June 29, 2006**  
**Revised May 3, 2007**  
**Revised June 23, 2010**  
**Revised May 25, 2011**  
**Revised October 24, 2012**

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MANAGEMENT ACKNOWLEDGEMENT OF RECEIPT OF REVISED GAMING REGULATIONS ADOPTED OCTOBER 24, 2012, AND ACKNOWLEDGEMENT OF NOTICE OF MANAGEMENT'S RESPONSIBILITY TO DISTRIBUTE COPIES TO THEIR EMPLOYEES AND FOR DIRECT AND INDIRECT REPORTS TO COMPLY WITH THE REVISED REGULATIONS.

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Acknowledgement of Receipt

I hereby acknowledge receipt of a copy of the Sac and Fox Gaming Commission revised Sac and Fox Gaming Regulations dated October 24, 2012.

I further acknowledge that I have notice of the Gaming Commission requirement of management's responsibility to distribute copies to their employees and for direct and indirect reports to comply with the revised regulations.

Dated: \_\_\_\_\_ By: \_\_\_\_\_

Gaming License Number: \_\_\_\_\_ Title: \_\_\_\_\_

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**[Signed forms will be placed in the individual manager's gaming license file.]**

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MANAGEMENT CERTIFICATION TO GAMING COMMISSION THAT THEY AND THEIR DIRECT AND INDIRECT REPORTS HAVE HAD SUFFICIENT OPPORTUNITY TO READ THE REVISED GAMING REGULATIONS ADOPTED OCTOBER 24, 2012, AND ACCEPT THEIR RESPONSIBILITY TO COMPLY

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Certification of Review

I hereby certify I have:

Reviewed the a copy of the Sac and Fox Gaming Commission revised Sac and Fox Gaming Regulations dated October 24, 2012, previously provided to me;

Read, and to the best of my knowledge, understand their impact on all areas for which I am responsible; and

As a condition for continued licensure by the Gaming Commission, I agree to ensure they are followed in all areas of Meskwaki Bingo •Casino •Hotel for which I am directly, or indirectly, responsible:

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Employee Gaming License Number: \_\_\_\_\_

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**[Signed forms will be placed in the individual manager's gaming license file.]**

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# Chapter 1

## GENERAL PROVISIONS

### Section

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**1.01 Authority of Gaming Commission; Purpose of Regulations.** Through authority delegated by the Sac and Fox Tribe as set forth in Title 11 of the Tribal Code, the Sac and Fox Gaming Commission is authorized to regulate all Class II and Class III gambling on the Tribe's Indian Lands. The Gaming Commission has the duties and powers to (a) Propose regulations governing the conduct of all authorized Class II and Class III gaming; (b) Investigate alleged violations of the Compact, Title 11, Gaming Regulations, minimum internal control standards and other applicable laws, and take or recommend such actions as may be necessary and appropriate to eliminate and correct any violation found to have occurred; (c) Establish and enforce occupational and other licensing requirements for employees and others engaged in activities connected to the Tribe's Class II and Class III gaming; and (d) Perform duties specifically required by Title 11 and the Compact to be performed. The Gaming Commission has promulgated and adopted these Gaming Regulations in accordance with and pursuant to its authority under Section 11-2201 of Title 11.

**1.02 Citation.** This document shall be entitled "Sac and Fox Tribe of the Mississippi in Iowa Regulations, Sac and Fox Gaming Commission, Gaming Regulations." Each Gaming Regulation is sequentially numbered by Chapter, beginning with Chapter 1, and by Section, beginning with Section 1. A Gaming Regulation may be informally cited by Chapter and Section number, using the prefix "GR". A sample informal citation is as follows: GR 1.01. Formal citation in accordance with Title 2 shall be "Sac & Fox Tr. of Miss. Regs." followed by the section symbol and the number of the section. A sample formal citation is "Sac & Fox Tr. of Miss. Regs. §11-1.01."

**1.03 Amendments; Severability.** The Gaming Commission may amend these Gaming Regulations from time to time as it deems necessary to carry out the provisions of Title 11 and applicable law. These Gaming Regulations shall be deemed superseded by and automatically amended to conform to and include all changes to Title 11, the Compact, National Indian Gaming Commission regulations, any legislative changes to the Indian Gaming Regulatory Act (IGRA), federal law, and tribal law, and to conform to final court decisions, simultaneous to the time such changes become legally effective, without conducting a new rulemaking. In the event a Gaming Regulation is inconsistent with such laws, regulations or decisions, those provisions shall supersede any and all Gaming Regulations that are inconsistent, and all other Gaming Regulations shall remain in effect.

**1.04 Definitions.** The following terms are used throughout the Gaming Regulations. Additional terms may appear in other Chapters.

- (1) **Business Day** means any day, Monday through Friday, inclusive, during which the Gaming Commission's office is open for conducting normal business operations. A Business Day does not include weekends or tribal holidays.

- (2) **Casino Division Officer** means a sworn member of the Meskwaki Nation Police Department, licensed by the Gaming Commission and acting pursuant to the Memorandum of Understanding between the Gaming Commission and the Meskwaki Nation Police Department dated July 5, 2011.
- (3) **Compact** means the tribal/state Compact titled as the “Compact Between the Sovereign Indian Nation of the Sac and Fox Tribe of the Mississippi in Iowa and the Sovereign State of Iowa” to govern class III gaming on Indian lands of the Sac and Fox Tribe of the Mississippi in Iowa, including the appendices and any amendments thereto.
- (4) **Distributor** means a person or entity that sells, leases, markets or otherwise distributes gambling games or implements of gambling which are usable in the lawful conduct of gambling games pursuant to Title 11 to a licensee authorized to conduct gambling games pursuant to Title 11.
- (5) **Gaming Commission** means the Sac and Fox Gaming Commission, established and authorized by the Tribe through Title 11, to which the Sac & Fox Tribal Council has delegated the Tribe’s sovereign authority to regulate Class II and Class III gaming on its Indian lands. All references herein to "Gaming Commission" or “SFGC” shall mean the Sac and Fox Tribe of the Mississippi in Iowa Gaming Commission.
- (6) **Gaming Facility** means a place or location on Indian Lands where Class II or Class III gaming is conducted and which is licensed by the Gaming Commission; a Gaming Operation.
- (7) **Gaming Law** means Title 11 of the Tribal Code of the Sac and Fox Tribe of the Mississippi in Iowa, first adopted December 10, 1992, together with any revisions and amendments thereto.
- (8) **Gaming Premises** means all gaming and non-gaming areas under the jurisdiction of the Gaming Commission, which includes (1) the Gaming Facility and all gaming areas within it, such as table games, slots, racing, cage, and count room; (2) all non-gaming enterprises under the umbrella of the Gaming Facility, such as the hotel, gift shop, restaurants and event arena, and (3) all immediate surrounding areas such as general work areas, entrances and exits, grounds, all parking areas, parking garage, areas for recreational vehicles, convenience store activities, administrative buildings, storage areas, and (4) any other area reasonably determined to constitute gaming premises by the Gaming Commission.
- (10) **IGRA or Indian Gaming Regulatory Act of 1988** means the Act of the United States adopted on October 17, 1988, §2-24 of Public Law 100-497, 102 Stat.2425, codified at 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§1166-1168, including any subsequent amendments thereto.
- (11) **Immediate family member**, as defined in Title 11, Section 11-1103(k), means a spouse, child, brother, brother-in-law, sister, sister-in-law, parent, parent-in-law, any person currently living in the same home, or currently a stepchild or stepparent.

- (12) **Indian Lands** means those lands that satisfy all of the provisions of §2703(4) and §2719 of the IGRA.
- (13) **Key employee** means, as it is defined in 25 C.F.R. § 502.14, “(a) A person who performs one or more of the following functions: (1) bingo caller, (2) counting room supervisor, (3) chief of security, (4) custodian of gaming supplies or cash, (5) floor manager, (6) pit boss, (7) dealer, (8) croupier, (9) approver of credit, (10) custodian of gambling devices including persons with access to cash and accounting records within such devices; (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 and any other employees of a gaming operation, or (d) Any other person designated by the tribe as a key employee.” The Gaming Commission designates as a key employee any person who serves as the General Manager of a gaming operation, persons who have, alone or with others, the authority to sign checks or create or discharge financial obligations for a gaming operation, persons who have any contact with a money room of a gaming operation, and persons whose responsibilities include operation, management, maintenance or other substantial contact of or with video games of chance, blackjack, or other gambling equipment.
- (14) **License** means an approval or certification issued by the Gaming Commission to any person to be involved in a Gaming Facility or in the providing of goods or services to any Gaming Facility, in a gaming or non-gaming area. A license is a revocable privilege granted by the Gaming Commission.
- (15) **Licensee** means any person or entity who has been approved, licensed, certified or found suitable by the Gaming Commission to be employed or involved in gaming activities or gaming operation or in the providing of goods or services to the Gaming Facility, whether in the gaming or the non-gaming areas.
- (16) **MICS** means the Minimum Internal Control Standards originally adopted by the Sac and Fox Gaming Commission on or about July 9, 1999, substantially revised and renumbered effective March 1, 2003, and as subsequently revised, amended or restated. Whenever the NIGC MICS are intended to be referenced, they will be noted as “NIGC MICS.”

- (17) **Moral turpitude** means an act of baseness, vileness, or depravity in the private and social duties which a person owes to another person or to society in general, contrary to the accepted and customary rule of right and duty between person and person. It is conduct that is contrary to justice, honesty or good morals. The following nonexclusive list of acts has been held by the courts to involve moral turpitude: income tax evasion, perjury, or its subornation, theft, indecent exposure, sex crimes, conspiracy to commit a crime, defrauding the government, and illegal drug sales. Various factors, however, may cause an offense which is generally not regarded as constituting moral turpitude to be regarded as such. The offenses of assault, domestic abuse, or other offenses of domestic violence, stalking, and any offense in which a weapon was used in the commission may be considered crimes involving moral turpitude. The Gaming Commission may look to the laws of the jurisdiction in which the offense occurred to determine whether it constitutes moral turpitude.
- (18) **Net Revenues**, per 25 CFR §502.16, means gross gaming revenues of an Indian gaming operation less (a) Amounts paid out as, or paid for, prizes; and (b) 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.
- (19) **NIGC** means The National Indian Gaming Commission, established pursuant to §2704 of the IGRA as a regulatory body over Indian gaming.
- (20) **Non-Gaming** means to the areas of the Gaming Premises where gambling does not take place. The term is defined by the Gaming Commission and applies to an employee or vendor who works or provides goods or services to non-gaming areas, such as the hotel, spa, gift shop, restaurants, event arena and their immediate surrounding areas such as the parking lots, garages, storage building and grounds,
- (21) **Primary Management Official (PMO)** means, as it is defined in 25 CFR § 502.19, “(a) the person having management responsibility for a management contract; (b) Any person who has authority: (1) to hire and fire employees; or (2) to set up working policy for the gaming operation; or (c) The chief financial officer or other person who has financial management responsibility; (d) any other person designated by the tribe as a primary management official.” The Gaming Commission designates a PMO as any person who has a direct financial interest in or management responsibility for a gaming operation, and in the case of a corporation, shall include those individuals who serve on the board of directors of such corporation. The Gaming Commission designates as PMO the person having management responsibility for a management contract approved pursuant to federal statutory and regulatory authority.
- (22) **Revoke** means to void and recall all privileges to hold or receive a license.
- (23) **SFGC** means the Sac and Fox Gaming Commission.

- (24) **Suspend** means to cause a temporary interruption of all privileges of a license.
- (25) **Title 11** means Title 11 of the Tribal Code of the Sac and Fox Tribe of the Mississippi in Iowa, first adopted December 10, 1992, together with any amendments thereto. Also known as the Gaming Law.
- (26) **Title 13** means Title 13 of the Tribal Code of the Sac and Fox Tribe of the Mississippi in Iowa, first adopted July 6, 2005, together with any amendments thereto. Also known as the Law and Order Code
- (27) **Title 21** means Title 21 of the Tribal Code of the Sac and Fox Tribe of the Mississippi in Iowa, first adopted June 11, 2088, together with any amendments thereto. Also known as the Liquor Control law or ordinance.
- (28) **Tribal Court or Tribal Court System** means the system of courts created and established under Title 5 of the Code of the Sac and Fox Tribe of the Mississippi in Iowa.
- (29) **Tribal Member** means a person who is an enrolled member of the Sac and Fox Tribe of the Mississippi in Iowa.
- (30) **Tribe** means the Sac and Fox Tribe of the Mississippi in Iowa, also known as the Meskwaki.
- (31) **Vendor** means a manufacturer, distributor, contractor, seller, lessor or any other person or entity that contract with the gaming enterprise. A vendor may be gaming or non-gaming as defined by the Gaming Commission.

**1.05 Discovery and report of violations.** A licensee or other person has a duty to immediately notify the Gaming Commission of a violation or of a suspected violation of these Gaming Regulations, the Compact, Ordinance or MICS. The person making such report shall not be subject to retaliation by other persons for making the report, and any person who retaliates against the reporting person shall be subject to disciplinary action by the Gaming Commission.

**1.06 License required.** No Gaming Facility shall (1) be authorized to start gaming without a facility license from the Gaming Commission; (2) do business with a vendor or other contractor who is not licensed by the Gaming Commission; (3) employ any employee who is not currently licensed by the Gaming Commission or who does not have the appropriate license for the job title; or (4) use any slot machine that is not licensed or approved by the Gaming Commission. All procedural details and regulatory requirements dealing with licenses, applications, background investigations, suitability determinations, denials, suspensions, and revocations are set forth in Chapter 2 Licenses, Chapter 8 Penalties and Sanctions, Chapter 9 Administrative Procedures, Chapter 14 Environment, Public Health, and Safety, and Chapter 16 Contested Matters Procedures, and are subject to regulation by the Gaming Commission.



**1.07 Sponsorships and fundraisers.**

- (1) Any person or organization seeking sponsorships or wishing to conduct fundraisers on gaming premises outside or in the Gaming Facility shall obtain written approval and any required license from the Gaming Commission prior to conducting such activity.
- (2) A Gaming Facility shall not engage in any sponsorship or fundraising activity unless the sponsorship or fundraiser activity has been approved by Tribal Council motion or resolution and the Gaming Commission has been provided a copy of such approval, except that the General Manager is authorized to give sole approval for:
  - (a) Gaming Facility sponsored events coordinated and hosted as a special event at Gaming Facility expense and held on the Gaming Premises;
  - (b) Contributions donated by the Gaming Facility of cash or goods to a worthy cause which includes any other Tribal program, excluding any program whose primary beneficiaries are the Tribal Council and/or Tribal Office staff;
  - (c) Fundraising by Gaming Facility employees to sell merchandise or raffle tickets to promote a tribal organization or affiliation; and
  - (d) Fundraising for charitable purposes.
  - (e) Fundraising on behalf of an employee of the Gaming Facility or a member of the employee's immediate family, provided, the donations are only solicited from employees of the Gaming Facility on a strictly voluntary basis.
- (3) Prior to the start of any event on the Gaming Premises, Security and Surveillance shall be notified.
- (4) Neither the Gaming Facility management nor the Tribe shall be responsible or liable for cash or other transactions caused by the activities of any outside person or organization. The Gaming Facility shall be accountable to the Tribal Council for all funds gathered and disbursed in a Gaming Facility sponsored event.

**1.08 Use of name or logo.** No person or organization may use the name or logo of the Gaming Facility or the Tribe without the written authorization of the General Manager or the Tribal Council respectively, except that the Gaming Facility's chief marketing executive may authorize the use of the Gaming Facility's name and logo in advertising materials and in connection with paid promotions. The Gaming Facility shall copy the Gaming Commission any time an action is taken.

**1.09 Authorized games.** The Gaming Facility may offer Class II gaming as authorized by the IGRA and Title 11, and Class III gaming as authorized by the Compact and Title 11. No Gaming Facility may permit the operation of any game other than authorized games.

**1.10 Hours of operation; Notice to Gaming Commission.** A Gaming Facility may be open to the public for 24 hours per day, seven days a week. The Gaming Facility shall notify the Gaming Commission in writing of its normal hours of operation and of any changes to its hours of operation. Hours of operations shall be posted in a location clearly visible to the gaming public.

**1.11 Compliance with MICS required.** The Gaming Facility shall adopt internal controls procedures that comply with the MICS adopted by the Gaming Commission, unless an exemption or deviation is approved by the Gaming Commission in writing for good cause prior to implementation. Every employee of the Gaming Facility is required to comply with the MICS and to ensure that all their direct and indirect reports do so.

**1.12 Organization chart.** The general manager of a Gaming Facility shall ensure the Gaming Facility prepares and publishes an organization chart for reference by employees and management at least quarterly, and shall provide a current copy showing its effective date to the Gaming Commission and the Tribal Council.

**1.13 Employment reports.** The general manager of a Gaming Facility shall ensure the Gaming Facility furnishes the Gaming Commission with a list of all employees who hold an employee license, along with their job descriptions upon request. The Gaming Commission's request may be limited to a specific type of employee license and/or department within the Gaming Facility.

**1.14 Gaming floor plan.** The gaming floor of a Gaming Facility shall be identified by a gaming floor plan showing the physical layout within the building and the location of each gaming device and table game. A current gaming floor plan and any changes to the floor plan shall be submitted by the director of surveillance of a Gaming Facility to the Gaming Commission quarterly, or in response to a request from the Commission. The gaming floor plan shall comply with any applicable gaming rules and regulations and with any MICS requirements, and shall include the location and number of surveillance cameras.

**1.15 Access to cashier's cage.** The specifications of the cashier's cage must be approved by the Gaming Commission. All doors on the cashier's cage shall be locked at all times, except to permit entry to or exit from the cage by personnel authorized by the Gaming Facility. The Gaming Facility shall provide to the Gaming Commission and to Surveillance a current list of authorized personnel with access to the cashier's cage.

**1.16 Report of cash variances.** The Gaming Facility shall report to the Gaming Commission all cash variances by a licensed employee during the month that are in excess of an amount predetermined by the Gaming Facility, and approved by the Gaming Commission, to warrant investigative suspension of that licensed employee. The report shall be furnished no later than the fifteenth day of the following month.

**1.17 Promotional items.** Promotions that alter the rules of play and/or odds for any game must have prior written approval by the Gaming Commission.

**1.18 Methods of operation.** Gaming Commission regulation and policy require that a Gaming Facility and all gaming-related enterprises are conducted in a manner that protects the public health, safety, assets and general welfare of the Tribe and its employees and patrons. Any willful or recurring violation of this regulation or any toleration of methods of operation which are deemed unsuitable by the Gaming Commission shall constitute grounds for license revocation, suspension, or other license action. The Gaming Facility shall adopt procedures that provide for the following:

- (1) The physical safety of its employees and of patrons in the gaming facility.
- (2) The physical safeguarding of assets transported to and from the facility and the cashier's cage department.
- (3) The protection of the property of patrons, employees, the tribe and the Gaming Facility from illegal activity.
- (4) The responsibilities and functions of every employee in each department.
- (5) Compliance with all relevant laws including the IGRA, Gaming Ordinance, Compact, Gaming Regulations and MICS.

**1.19 Gaming Commission approval of certain contracts.** Pursuant to Section 11-2202 of Title 11, each contract entered into by the Gaming Facility must be approved by the Gaming Commission if the contract (1) exceeds a value in any 12-month period for \$50,000 or such other amount as set by Commission regulation, or (2) is a contract in which any employee or vendor has either a direct or indirect economic or beneficial interest. Failure to submit such contracts to the Gaming Commission for approval prior to execution may result in that contract being deemed void and may subject the person who executed it to personal liability and disciplinary action.

**1.20 High stakes bettor accounts.** Both the principals and agents for high stakes bettor accounts, as defined by the Gaming Commission, are subject to license requirements, background investigations, fingerprints, and prior approval of contracts by the Gaming Commission before any activity may occur. Such persons are also subject to requirements of the Bank Secrecy Act and to Currency Transactions Reporting as set forth in 31 U.S.C. §§ 5311-5330 ("Title 31"), and the regulations found at 31 CFR Part 103 applicable to Indian casinos as defined therein.

**1.21 Approval of policies and procedures.** The Gaming Facility shall submit for the Gaming Commission's prior approval all new or revised policies and procedures, including applicable forms. This prior approval is required for all aspects of the Gaming Facility, whether or not they directly or indirectly affect the manner in which any game is played. Such review shall be to ensure compliance with gaming laws and regulations.

**1.22 Use of tobacco products on gaming premises.** To safeguard the health and safety of guests and employees, and to protect the Gaming Facility's assets, the use of tobacco and tobacco products is prohibited on the Gaming Premises, except as expressly permitted in this paragraph. The Gaming Facility may, but is not required to, designate the following areas as areas where use of tobacco and tobacco products is permitted:

- (1) Part or all of the Gaming Floor
- (2) One or more employee break rooms, except that all common employee break areas shall be smoke free.
- (3) Specific hotel rooms.
- (4) Exterior areas at least 50 feet from any exit or any area where flammable materials are stored provided the designated smoking area does not interfere with the orderly flow of guest or employees entering or exiting the Gaming Facility.
- (5) Any other location upon Gaming Commission approval.

**1.23 Time recording and display.** The time recording devices or programs for all Surveillance equipment, all network computers, including Local Area Networks, time clocks and telephone systems, shall be synchronized with the official time shown at [www.time.gov](http://www.time.gov) at least weekly.

**1.24 Currency Transaction Reporting.** The Gaming Facility shall develop and implement a written program designed to assure and monitor compliance with the provisions of the Bank Secrecy Act, 31 U.S.C. §§ 5311-5330 ("Title 31"), and the regulations found at 31 CFR Part 103 applicable to Indian casinos as defined therein. The Gaming Facility shall submit a copy of the program and any amendments to the Gaming Commission for prior approval.

**1.25 Detection of counterfeit currency.** The Gaming Facility shall require each licensed employee, prior to accepting United States Currency having a denomination equal to or greater than fifty-dollars (\$50.00) from a patron or licensee, to verify the authenticity the bill or bills tendered using a counterfeit bill detection device or devices approved by the Gaming Commission.

- (1) Nothing in this regulation shall be deemed to prohibit the Gaming Facility from requiring licensed employees to verify the authenticity of bills with a denomination less than the amount required under this regulation.
- (2) The Gaming Facility may not prohibit a licensed employee from using an approved counterfeit detection device to test currency in a denomination less than the amount required under this regulation if the Gaming Facility takes punitive action against an employee who accepts counterfeit currency. Requiring an employee to reimburse the Gaming Facility for its loss shall be deemed a punitive action.

- (3) This requirement shall be applicable to all areas where United States currency is received, including, but not limited to, the following areas:
- (a) All cage department windows
  - (b) Gift Shop
  - (c) Hotel
  - (d) All Cashiers
  - (e) Table Games.

**1.26 Unclaimed winnings.** Any jackpots or prizes or tickets or other winnings which are not collected or claimed by the person who placed the wager within sixty days of the win shall be deemed forfeited. The Gaming Facility shall post notice of this regulation, and shall make reasonable attempts to locate and notify such patron of the procedure and deadline for collecting or claiming the winnings prior to forfeiture. Forfeited winnings shall be transferred to the tribe for donation to charitable organizations or for educational scholarships, or other permitted purpose in compliance with IGRA.

**1.27 Found money or tickets.** Any patron or licensee or other person who picks up a dropped or unclaimed ticket or who finds cash money must turn it in to the cage, a security officer or a slot employee. A licensee who retains the ticket(s) or money may be subject to disciplinary action. Any licensee or patron or other person who retains the ticket(s) or money may be subject to ban or to prosecution for theft or other criminal offense, or may be subject to civil remedies. The Gaming Facility shall post notice to the public of this regulation.

**1.28 Lost and found articles.** The Gaming Facility shall develop policies and procedures for the accounting and disposition of lost and found articles and shall post notice to the public. A copy of the policies and procedures shall be submitted to the Gaming Commission for prior approval.

**1.29 Required Calendar information.** The Gaming Facility shall make available to the Gaming Commission;

- (1) The times when the following persons would be available to meet with the Gaming Commission and/or members of its staff. This information is only required for times between 7:00 am and 5:00 pm, Central Time, Monday through Friday, inclusive.
  - (a) The General Manager
  - (b) The Casino Manager,
  - (c) All Directors,
  - (d) All Department Managers, and
  - (e) Any other positions designated by the Gaming Commission from time to time
- (2) This information shall be made available for a minimum of three months from the then current date, and any changes shall be made available to the Commission within one hour from the time the change first became known to the employee, or a designated member of his or her staff.

- (3) This information shall be made available in an electronic format using a method that allows the Gaming Commission, or a member of its staff, to immediately correlate the calendars of any combination of individuals for whom the Gaming Facility is required to provide this information.
- (4) Use of a Calendar program that includes a meeting scheduling function, including, but not limited to, Microsoft Outlook, is an acceptable means of complying with this requirement.

**1.30 Traffic safety.** At any time while on the Gaming Premises, including the Gaming Facility and adjacent roadways and parking lots, a licensee, including vendors, and tour and travel operators, shall obey all traffic signs and/or pavement markings posted by the Gaming Facility, including but is not limited to posted and/or marked speed limits. A motorized or electrically powered vehicle shall not be operated in a manner that endangers the health and safety of pedestrians and the occupants of other vehicles.

**1.31 Ban on alcohol and drug use or possession.** All holders of a gaming or non-gaming license, pass, registration or permit, including all vendors, contractors, subcontractors and their employees, are prohibited from possessing or engaging in the personal use of drugs and/or alcohol upon the Gaming Premises while on duty, except for drugs that have been prescribed by their physician or that may legally be purchased over the counter. Violation of this regulation may subject the holder to disciplinary action up to and including revocation of the license or banishment from the Gaming Premises.

## Chapter 2 LICENSES

### Section

- 2.01 License required; Revocable privilege; Stipulation to jurisdiction.
- 2.02 Term of license.
- 2.03 Types of licenses.
- 2.04 Application for license.
- 2.05 Application fee; Additional fees.
- 2.06 *[Reserved]*.
- 2.07 Re-application required in certain circumstances.
- 2.08 Reactivation/Reapplication of employee license in good standing.
- 2.09 Re-issuance of license previously suspended.
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### **2.01 License required; Revocable privilege; Stipulation to jurisdiction.**

All employees, agents, management contractors or other contractors who have access to cash, tokens or chips, machine components, or other gaming supplies or equipment or who have management responsibilities, security or surveillance responsibilities, or accounting responsibilities, shall have a gaming license issued by the Gaming Commission. Persons who are employed in a non-gaming position and vendors who provided non-gaming supplies or equipment or

services within the gaming premises must have a non-gaming license issued by the Gaming Commission.

- (1) Nothing in these regulations shall be deemed to create, and nothing does create, a property or other interest in a license, and a license issued by the Gaming Commission shall be considered a revocable privilege.
- (2) All licenses are the property of the Gaming Commission.
- (3) Application for and receipt of a license authorizing the licensee to be employed on or to do business on the Meskwaki settlement constitutes a stipulation to the jurisdiction of the Tribe and constitutes notice to the applicant or licensee that he or she is subject to compliance with the regulations and conditions and provisions of the Gaming Commission, the NIGC, the MICS, Title 11, the Compact and all applicable tribal, federal and state laws.
- (4) If the applicant or licensee is a member of the Tribal Council, acceptance of a license shall be deemed a waiver of executive privilege for any actions taken against the license or when called to testify regarding any other license action or investigative matter.
- (5) Any licensee who returns his/her license to the Gaming Commission, management or to a Casino Division Officer, as agent for the Gaming Commission, continues to be subject to revocation or other disciplinary action for acts or omissions which occurred prior to such return. No licensee shall presume that he or she has escaped such revocation or other disciplinary action by claiming to have returned, surrendered or rescinded his or her license voluntarily.
- (6) Employee licenses are issued according to the work site and job classification in the gaming or non-gaming areas of the gaming premises.
- (7) No applicant may hold at the same time an employee license and a vendor license without the express written waiver of this prohibition by the Gaming Commission.
- (8) The applicant or licensee is responsible for keeping the contact information in his or her file current. All notices and correspondence from the Gaming Commission will be sent to the last known address per the file. It is not a defense for an applicant or licensee to claim he or she did not receive a notice or other correspondence if he or she did not comply with this requirement.

**2.02 Term of license.** A license shall have a term of two (2) years, and unless revoked, remains in force for its term even if the licensee ceases to be employed by the Gaming Facility, or temporarily discontinues doing business with the gaming enterprise. It is the responsibility of the licensee to check the expiration date listed on his or her license/badge and to renew the license prior to its expiration. The Gaming Commission has no duty to notify a licensee of any imminent expiration of a license or for renewal of a license.



**2.03 Types of Licenses.** Types of licenses include gaming and non-gaming as defined by the Gaming Commission. The following classes of licenses may be issued by the Gaming Commission:

- (1) Facility License. A Facility License shall be site specific and shall be valid for three years. Qualification for renewal of a Facility License is detailed in Chapter 14, and requires compliance with NIGC regulations for environmental, public health and safety.
- (2) Management contractor license. The license is site specific and shall be valid for one year, subject to renewal for the term of any valid management contract.
- (3) Key Employee or Primary Management Official License. Any employee working in or for the Gaming Facility who has access to cash, tokens or chips, machine components or other gaming supplies or who has management security or accounting responsibilities must obtain such a license. The license is valid for two years.
- (4) Employee License. Any employee who is not licensed as a key employee or primary management official must obtain an employee license. The license shall be valid for two years.
- (5) Vendor or Contractor license. Every vendor with a Gaming Facility must obtain a vendor license in accordance with any subclasses of vendor or contractor licenses set by the Gaming Commission. The license shall be valid for two years unless a shorter period is set by Gaming Commission regulation.
- (6) Machine License for Leased Machines. Any person or entity entering into a lease or sales agreement with the Tribe regarding slot machines or video games of chance must obtain for each device a license for any period of time during which the Tribe is not the 100% owner of the device.
- (7) Temporary Permits and Registrations. Temporary permits for certain events and registration by certain persons or contractors may be required in special circumstances as defined by the Gaming Commission. This category may also include seasonal employees, which includes persons who only work during the summer or during college breaks, or an as added needed basis for special events.

**2.04 Application for License.** An applicant for a license shall apply for a license on a Gaming Commission form. Prior to issuance of a license, the Gaming Commission is required to conduct thorough background investigations, including criminal history checks, and to make suitability determinations in accordance with the requirements of the Compact, Gaming Ordinance, Gaming Regulations, and the National Indian Gaming Commission. License applications include questions concerning the following:

- (1) Personal background information;
- (2) Employment history;
- (3) Financial information;

- (4) Criminal history, including participation in legal or illegal gaming activities in Iowa or other jurisdictions, including other tribes and foreign countries;
- (5) Medical information; and
- (6) Other required information.

**2.05 Application fee; Additional fees.** Application fees shall accompany each application for licensure. The Commission may accept delayed payment of application fees by employees through payroll deduction upon hiring if such payroll deduction is allowed by the Gaming Facility and has been approved by management. All amounts withheld through payroll deduction shall be held in trust for the Gaming Commission, and may not be offset against any other claims or amounts due, without the written consent of the Gaming Commission Chair. The application fee is used to defray administrative expenses of the Gaming Commission in conducting the background check required by Title 11. In the event the Gaming Commission determines that additional sums are needed to continue or complete the investigation of an applicant, the processing of the application shall cease; and the Gaming Commission shall inform the applicant of the additional sums required. When the applicant has furnished the additional sums, the processing shall continue. Licensees will also be charged a fee to replace a lost, stolen, destroyed or misplaced license, in which case the previous license must be cancelled and a new one issued.

**2.06 [Reserved]**

**2.07 Re-application required in certain circumstances.** An applicant for a license who has applied to the Gaming Commission and has not received a license after one year from the date of application shall resubmit an initial application for licensure. A person previously licensed but who has not held an active license for a period of one year or more shall resubmit an initial application for licensure.

**2.08 Reactivation/Reapplication of employee license in good standing.**

A person who previously held an active employee license who does not currently hold an active employee license may:

- (1) If the employee license is in an inactive status, and not under suspension, may apply to the Gaming Commission to have the license reactivated, provided there have been no adverse changes. Such person shall furnish the Gaming Commission with all information the Gaming Commission may require. The Gaming Commission may require the person to meet certain conditions, before reactivating license. Payment of the applicable fee shall be required.
- (2) If the employee license has expired, the person shall submit a new initial application for a license and shall pay all fees applicable to an applicant for a new license. The time elapsed since the expiration of the prior license is not relevant.

**2.09 Re-issuance of license previously suspended.** If a license was previously suspended, the Gaming Commission may require the person to meet certain conditions before reissuing a license, including but not limited to the following:

- (1) Restitution of money;
- (2) Restitution of property;
- (3) Completion of a waiting period of at least one year,
- (4) Making periodic reports to the Gaming Commission as required,
- (5) Being subject to random testing for drugs and/or alcohol, and
- (6) Fulfilling any other conditions imposed at the time the license was suspended.

**2.10 License previously revoked.** An applicant whose gaming license was previously revoked for any reason may not be eligible for another gaming license unless the applicant can show extenuating circumstances that meet criteria set forth by the SFGC. Such criteria may include a change in law, rehabilitation, etc., but shall not include offenses against the Tribe or tribal assets. An applicant whose non-gaming license was previously revoked for any reason shall be eligible to re-apply for another non-gaming license, or if qualified, may apply for a gaming license, after one year.

**2.11 Approval; Denial; Conditions.** The Gaming Commission may approve an application that meets all requirements, including the background investigation. The Commission may approve or deny a temporary license pending an application for a permanent license and pending the background investigation. The Commission may deny applications for licenses for good cause, as determined by the Commission. Any false statement by an applicant in the license application process may be grounds for denial of any license, whether or not such a statement was knowingly made. The Commission may refuse to grant, or may suspend or revoke a license, for any applicant or licensee who makes deliberate misstatements, deliberate omissions, misrepresentations, or untruths in the application or in the background investigation. If the Gaming Commission denies a new license application, the applicant may reapply after a waiting period of 90 days, unless the Gaming Commission grants a shorter waiting period for special circumstances upon written request from the applicant. If a license is denied for failure or refusal of a drug screening test, per GR 5.03 and/or GR 5.10, the applicant shall not be eligible to reapply for one year. The Commission may grant a license with special conditions or for a limited period, or both.

**2.12 Change of employment position.** The Gaming Facility's chief human resources manager shall notify the Gaming Commission prior to the transfer or promotion of any employee to ensure appropriate background and licensing for the new position. It is the joint and several responsibility of the chief human resources manager, the appropriate director, the appropriate department manager and the employee to ensure the employee possesses or will obtain the appropriate class of license required by the Gaming Commission prior to

beginning work in the new position. If a license change is required by the Commission, it is the employee's responsibility to timely complete all paperwork in order that the replacement gaming license will be issued prior to beginning work in the new position, and such replacement license will accurately show the department and class in which the licensee is now employed. Violation of this section may result in a fine or other disciplinary action, up to and including suspension or revocation, and may result in the employee being ineligible for the new position.

**2.13 Termination of employment.** The Gaming Facility chief human resources officer shall notify the Gaming Commission in writing within seven (7) days of all employee terminations, both voluntary and involuntary, and shall provide the reasons and circumstances for the terminations. In addition, at the time of the termination, the Gaming Facility shall require the licensee to place his/her license into a locked receptacle accessible only to the Gaming Commission or surrender his/her license to a Casino Division Officer, as agent for the Gaming Commission. A licensee who resigns employment shall turn his/her license in to the Gaming Commission within seven (7) days of resignation. Upon receipt of this information, the Gaming Commission shall review the circumstances surrounding the resignation or termination, determine whether to begin proceedings to suspend or revoke the license, and, if the license is suspended or revoked, make appropriate notification to the NIGC.

**2.14 [Reserved]**

**2.15 Classification of employee licenses; Gaming; Non-Gaming.**

- (1) "Class A" Gaming License shall be required for:
  - (a) The General Manager
  - (b) The Casino Manager
  - (c) The Director of Finance
  - (d) The Director of Security
  - (e) Director of Surveillance
  - (f) Bingo Callers
  - (g) Counting room supervisor
  - (h) Any custodian of gaming supplies or cash
  - (i) Floor Manager
  - (j) Pit Boss
  - (k) Dealer
  - (l) Croupier
  - (m) Approver of credit (ex. Check cashing approval)
  - (n) Custodian of gambling devices including persons with access to cash and accounting devices within such devices.
  - (o) Casino Division Officer.
  - (p) Any employee with "Administrator" rights to any system.
  - (q) Any employee with the authority to contractually obligate the Tribe under any contract or similar agreement.

- (r) If not otherwise included, any person who has authority to hire and fire employees or approve other disciplinary action, or to set up working policy for the Gaming Operation, except for in a nongaming area as designated by the Gaming Commission.
  - (s) If not otherwise included, any person with the authority to make an immediate and final determination regarding the conduct or outcome of any game.
  - (t) If not otherwise included, any person whose total cash compensation is in excess of \$50,000 per year.
  - (u) If not otherwise included, the four (4) most highly compensated persons in the Gaming Facility.
  - (v) All other positions appearing on the Gaming Commission Licensing Classifications – Class A Gaming list.
  - (w) A Class A Gaming License is required for anyone holding any position requiring a Class A Gaming License on a temporary, acting or interim basis.
- (2) A “Class B” Gaming License shall be required for any employee in the following departments not required to have a “Class A” Gaming License:
- (a) Gaming Machines (Slots)
  - (b) Table Games (Pit)
  - (c) Poker
  - (d) Pari-Mutuel (Race Book)
  - (e) Keno
  - (f) Bingo
  - (g) Cage
  - (h) Revenue Audit
  - (i) Finance (Accounting)
  - (j) Drop and Count Teams
  - (k) Security
  - (l) Surveillance
  - (m) Players’ Club
  - (n) If not otherwise included, any person with the responsibility for the preparation and/or filing of reports of Currency Transactions or other activities required to be filed under Title 31 of the United States Code.
  - (o) If not otherwise included, any person with access to the electrical system, other than through readily accessible, wall switches, wall outlets and readily removable diffusers and bulbs.
  - (p) If not otherwise included, any person with access to any equipment, including auxiliary equipment, whether mechanical, electrical, electronic or otherwise that may impact the integrity of any game. (Access limited to bulb replacement for Bingo and Keno display boards is excluded from this requirement.)

- (q) If not otherwise required, any person who has access to cash or negotiable instruments, except for in a non-gaming area as designated by the Gaming Commission.
  - (r) If not otherwise required, any employee who has access to patron's property outside their presence.
  - (s) All other positions appearing in the Gaming Commission Licensing Classification – Class B Gaming list.
  - (t) A Class B Gaming License is required for anyone holding any position requiring a Class B Gaming License on a temporary, acting or interim basis.
- (3) A Non-Gaming license is required for all applicants who work or provide services in Non-Gaming areas for positions appearing in the Gaming Commission Licensing Classification – Non-Gaming list.

**2.16 Eligibility for license.** License applicants must meet the following minimum qualifications:

- (1) Age restrictions:
  - (a) Applicants for a “Class A” or “Class B” Gaming License, as defined in GR 2.15, must be at least eighteen (18) years of age at the time of their employment.
  - (b) Applicants less than eighteen (18) years of age are only eligible for a “Non-Gaming” license, as defined below, and may only be employed as:
    - (i) Food Servers
    - (ii) Hotel Housekeepers
    - (iii) Lifeguards
    - (iv) Slot Department dispatcher
  - (c) Applicants less than eighteen (18) years of age may not operate:
    - (i) Patron's vehicles
    - (ii) Company vehicles
    - (iii) Any self-propelled equipment
    - (iv) Any equipment that poses a risk of severe personal injury to the user or any other person.
  - (d) Applicants must be at least sixteen (16) years of age at the time of non-gaming employment.
- (2) The Gaming Commission may find an applicant ineligible for a license and deny, suspend, or revoke the license of any applicant who has pled guilty to or has been convicted of any of the offenses listed below, if the Gaming Commission determines that the circumstances of the violation of such rule or regulation or of the offense giving rise to the conviction make the applicant's presence at the Gaming Facility a hazard to the regulation and conduct of gaming or may reasonably undermine the public confidence in the integrity of the gaming conducted at the Gaming Facility. Any applicant for a gaming position or service in the Tribe's gaming facility who has been convicted of or who has pled guilty or been found guilty of any of the offenses listed below as felonies within the past five (5) years of their application shall be denied a gaming license,

but if convicted or found guilty as misdemeanors may be denied a gaming license. The determination regarding whether an offense was a felony or misdemeanor shall be based upon the classification of the offense at the time and under the laws of the jurisdiction in which they were prosecuted.

- (a) Offenses related to bookkeeping;
  - (b) Offenses relating to gambling;
  - (c) Offenses relating to cheating, theft, misrepresentation, or to any fraud or deception while participating in gambling activities or otherwise;
  - (d) Offenses related to the use of an alias;
  - (e) Offenses that are felonies or are drug related;
  - (f) Offenses which are alcohol-related, except that automatic denial shall not apply to a first OWI offense;
  - (g) Offense which is considered violent behavior, to include domestic altercations;
  - (h) Offenses which are felonies under the laws of the jurisdiction in which they were prosecuted;
  - (i) Violations of Title 11.
  - (j) Offenses that are Class I or Class II under Title 13 of the Tribal Code.
- (3) The Gaming Commission may find an applicant ineligible for a license of any applicant who has violated any rule or regulation of the Gaming Commission or has engaged in any of the actions listed below. These actions include, but are not limited to:
- (a) Conduct, which, in the opinion of the Gaming Commission, is
    - (i) Detrimental by reflection on the honesty and integrity of racing and gaming,
    - (ii) Detrimental to the safety, health or welfare of the Tribe or its members or the Gaming Facility, or
    - (iii) Detrimental to the public safety.
  - (b) Having been convicted of multiple misdemeanors, including traffic offenses.
  - (c) Having a current addiction to alcohol or controlled substance, or a history of repeated acts of violence, without sufficient evidence of rehabilitation. Evidence of rehabilitation may include written documentation of participation in the Meskwaki Bingo • Casino • Hotel EAP or other treatment program.
  - (d) Having been denied patron privileges that have not been reinstated.
- (4) If an applicant for a gaming position or service has a conviction of any offense enumerated above for which the conviction or release from custody occurred within the last ten (10) years prior to the application date, a license may be issued if the Gaming Commission determines that sufficient evidence of rehabilitation exists, or the applicant may be

- conditionally licensed at the Tribe's gaming facility at the sole discretion of the Gaming Commission for non-gaming positions.
- (5) The Gaming Commission shall temporarily deny a license and shall suspend an existing license if charges are pending which, if resulting in a conviction, would disqualify the applicant from receiving or holding a license under the above provisions. A suspension under this section shall last for the duration of such pendency or until the expiration of the license term, whichever occurs first.
  - (6) Denial of the gaming license by the State of Iowa or any other gaming licensing jurisdiction or currently having a gaming license under suspension or revocation by the State of Iowa or any other gaming jurisdiction shall be grounds for denial of the license application.
  - (7) Applicants must not be employed in any part-time or full-time employment with a government or private employer in any capacity that would create a conflict of interest between such employment and the interests and objectives of the licensed employment at Meskwaki Bingo • Casino • Hotel.
  - (8) Applicants must possess good moral character. A license shall not be issued to any person or entity whose prior activities, criminal record if any, reputation, habits 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, methods and activities in the conduct of gaming.
  - (9) Any applicant who has refused to sign the waiver of confidentiality required by Title 11 shall not be eligible for licensing.
  - (10) All applicants must be qualified by experience or otherwise trainable to perform the duties required for employment at Meskwaki Bingo • Casino • Hotel.
  - (11) Applicants are subject to additional eligibility considerations listed in Title 11 and the Compact.
  - (12) Suitability of Applicants with Felonies: Factors considered for determining suitability of applicants with felonies are as follows, in addition to the requirements of GR 2.16(2):
    - (a) Gaming and Non-Gaming License applicants shall have felonies considered adverse when a conviction date or time served is within five years of application or when rehabilitation is not evident;
    - (b) A felony shall be considered adverse if rejected by the State of Iowa under the Compact in its investigations or suitability determinations;
    - (c) A felony shall be considered adverse if there is any attempt to deter detection or consideration of past felony;
    - (d) A felony that has been expunged will be considered adverse;
    - (e) Felonies shall not be considered adverse if a pardon has been granted by a Governor of a State or by the President of the United States;



- (f) A guilty plea or a plea of *nolo contendere* (no contest) or equivalent shall be treated as a conviction.
  - (g) The determination regarding whether an offense was a felony or misdemeanor shall be based upon the classification of the offense at the time and place of conviction.
- (13) Felony Waiver for Tribal Members - An applicant who is an enrolled member of the Sac and Fox Tribe of the Mississippi in Iowa may apply for a felony waiver in certain conditions as set forth in separate procedures available from the Gaming Commission, provided that:
- (a) The licensed employment is for a non-gaming position or services;
  - (b) The applicant is eligible for a non-gaming license in all other respects except for the presence of a conviction of an offense enumerated in Section 3103 of Title 11;
  - (c) The nature of the offense is such that the applicant if licensed and employed will pose no threat to the integrity of gaming or to tribal assets, patrons, or co-workers;
  - (d) The applicant has demonstrated sufficient evidence of rehabilitation; and
  - (e) The applicant has agreed to accept any conditions or stipulations on the license for the term of the license.

**2.17 Gaming Vendor.** Any vendor working in or for the Gaming Facility who is a manufacturer, distributor, contractor, seller, lessor or any other person or entity who contracts with the gaming enterprise, or has access to cash, tokens or chips, machine components or other gaming supplies or who has management, security or accounting responsibilities, or any person, organization or entity selling, leasing, marketing or otherwise distributing gambling equipment, games or implements of gambling to the Gaming Facility shall be required to have and display prominently, or display upon request, a valid and current gaming vendor license to do business at or with the Gaming Facility. Applicants for a gaming vendor license shall be subject to the requirements of GR 2.16 as well as the following additional requirements, except that any gaming vendor who provides products on a regular basis in amounts under \$10,000 per calendar year may apply for an exemption from these additional requirements, subject to approval of the Gaming Commission.

- (1) Designation of qualifying licensee, manager, or agent. The applicant shall designate a person who will be the manager or agent for the licensee. The manager or agent is the person whom the Commission or its agents may contact on behalf of the licensee.
  - (a) A license may not be granted unless the applicant designates in the application one or more persons who own a substantial interest in the corporation, partnership, or association and who will represent the licensee as a qualifying licensee. However, this requirement does not apply to applicants who are subject to the public disclosure requirements of the Securities and Exchange Act of 1933, as enforced by the Securities and Exchange Commission.

- (2) Termination of qualifying licensee, manager, or agent. Upon the termination of a qualifying licensee, manager, or agent affiliation with the licensee, the licensee shall name one or more new qualifying licensee, managers, or agents and notify the Gaming Commission in writing within seven (7) days.
- (3) Ownership interests. The Gaming Commission may require a person owning an interest equal or greater than 5% in a license or applicant to complete an application requiring background information, source of funding, and a sworn statement that the person is not holding the person's interest for another party. The Commission may, in its discretion, require a licensee or applicant holding less than a 5% interest to undergo a full background investigation.
- (4) Changes in ownership interest. If changes in the ownership of financial interest in a license occur, a licensee shall report to the Gaming Commission the full name and address of every person, including lending agencies, who has a right to share in the revenues of licensed games, whether as an owner, assignee, landlord, or otherwise or to whom any interest or share in the profits of a licensed game has been pledged or hypothecated as security for a debt or deposited as a security for the performance of an act or to secure the performance of a contract of sale. The report shall be given within thirty (30) days after any change. However, this requirement does not apply to applicants that are subject to the public disclosure requirements of the Securities and Exchange Act of 1933, as enforced by the Securities and Exchange Commission.
- (5) Dissolution. Upon dissolution of a vendor licensee's corporation, partnership, or association, the vendor licensee shall return the license to the Commission within ten (10) days following the date of the dissolution.

**2.18 Non-gaming vendor.** A non-gaming vendor, also called a non-gaming contractor, is a manufacturer, distributor, contractor, seller, lessor or any other person or entity who contracts with the gaming enterprise but who does not manufacture, sell, lease, market, or distribute gambling equipment or supplies, games, machine components, gaming hardware or software, or implements of gambling to the Gaming Facility, and whose contract is deemed non-gaming by the Gaming Commission. The Gaming Commission shall retain sole discretion regarding the extent of any background investigation and application information required by a non-gaming vendor. Generally, a non-gaming vendor will not be required to fill out certain designated portions of the standard license application required of gaming vendors, but shall be subject to prior approval by the Gaming Commission before any activity may occur.

**2.19 Non-gaming employee.** A non-gaming employee is any employee of the Gaming Facility whose employment is in a Non-Gaming area of the Gaming Premises. The Gaming Commission shall retain sole discretion regarding the extent of any background investigation and application information required.

Generally, a non-gaming employee will not be required to complete certain designated portions of the standard license application. The Gaming Commission may on occasion re-designate any “non-gaming” position as a “gaming” position.

**2.20 Non-transferability of license; Unauthorized use.** A license issued by the Gaming Commission authorizing any person, organization, or entity to conduct business at the Gaming Facility or on the Gaming Premises shall be nontransferable and a licensee is prohibited from transferring, subcontracting or assigning to any other person, organization or entity any of its privileges relating to the license either directly or indirectly or, in the case of a management contractor, any ownership interest in the management contract. Any licensee who allows another person the use of a license for purposes of transferring any of the benefits thereof or for any other purpose shall have the license suspended, fined or revoked. No licensee shall allow any other person to have possession of his/her license. No licensee shall use, wear or possess another employee’s license. This section does not apply to the authorized retention of a license by the Gaming Commission or by security or a supervisor for purposes of a suspension or disciplinary action or termination or administrative action so long as the activity is documented in the HR process.

**2.21 Burden of proving qualification for license.** A license issued by the Sac and Fox Gaming Commission constitutes a revocable privilege. A person holding a license is deemed not to have acquired any vested property rights therein. An applicant for a license governed by these regulations is seeking the granting of a privilege. The burden of proving qualifications to receive and retain a license is on the applicant or licensee at all times. An applicant or licensee accepts the risk of adverse public notice, embarrassment, criticism or other action, and any financial loss that may result from a licensing action. An applicant or licensee expressly waives any claim for damages against the Sac and Fox Tribe of the Mississippi and Iowa, the Sac and Fox Gaming Commission or their employees as well as against any individual or entity which furnishes information to the Tribe, the Sac and Fox Gaming Commission or its employees in any manner related to licensing, disciplinary actions, revocations, the licensing procedure and any application or request for licensure.

**2.22 Temporary license pending background investigation.** All licenses shall be temporary up to 90 days until completion of the necessary background investigation, including but not limited to, fingerprint processing through FBI and the National Indian Gaming Commission. An inability by the Gaming Commission to complete a background investigation due to the applicant’s extended residence outside the United States may be considered adverse to the applicant. The employment of any person or entity required to have a license in order to conduct business at Meskwaki Bingo • Casino • Hotel as an employee, agent, consultant, management or other contractor shall automatically terminate if such individual or entity is not permanently licensed ninety (90) days following commencement of employment or doing business with Meskwaki Bingo • Casino • Hotel.

**2.23 Disciplinary action on license.** A licensee shall be subject to fine, suspension, revocation or other disciplinary measures if the licensee:

- (1) Commits any act enumerated herein or in Title 11 or the Compact which would disqualify the applicant from receiving or holding a license.
- (2) Commits any act enumerated in Chapter 7, Violations.
- (3) Has engaged in conduct which, in the opinion of the Gaming Commission is
  - (i) Detrimental by reflection on the honesty and integrity of racing and gaming,
  - (ii) Detrimental to the safety, health or welfare of the Tribe or its members or the Gaming Facility, or
  - (iii) Detrimental to the public safety.
- (4) Has engaged in activity or conduct which the Gaming Commission in its discretion determines is a threat to the integrity of gaming on the Settlement or to the reputation of the Tribe or Gaming Facility.
- (5) Has been convicted of multiple simple misdemeanors; alcohol-related offenses, including open container; or drug-related offenses, including drug paraphernalia or possession; except that a first OWI offense shall not require automatic revocation. For a non-gaming licensee, if a conviction is for open container or possession or paraphernalia and if extenuating circumstances are shown and the licensee passes the drug test, the license may not be automatically revoked, but may be conditioned at the discretion of the Gaming Commission.
- (6) Has a current addiction to alcohol or controlled substance, or a history of repeated acts of violence, without sufficient evidence of rehabilitation from any of the above. Evidence of rehabilitation may include written documentation of participation in the Meskwaki Bingo • Casino • Hotel EAP or other treatment program.
- (7) Has outstanding, overdue court-ordered obligations which may include but are not limited to criminal or civil fines, state or federal taxes, dependent support obligations or conditions imposed by a court of law where the applicant has failed to meet those conditions in a timely manner and cannot prove extenuating circumstances that prevented compliance.
- (8) Makes unauthorized comments to the media regarding any matter which is confidential or proprietary information of the Tribe or Gaming Facility
- (9) Accesses without authority, or destroys, or tampers with tribal assets or confidential or proprietary information of the Tribe or Gaming Facility.
- (10) Has violated the Sac and Fox Gaming Ordinance, the Compact, rules and regulations of the Sac and Fox Gaming Commission or NIGC and/or other applicable tribal, federal or state law and regulations.
- (11) Has offered, promised, given, accepted or solicited a bribe in any form, directly or indirectly, to or by a licensee or other person to violate these rules or any applicable law or regulation.

- (12) Fails to immediately report knowledge of any bribe or solicitation except that this provision does not apply to items of value permitted under GR 7.02.
- (13) Has improperly influenced or attempted to improperly influence the results of any gaming activity or combining or conspiring with any person to do the same, or fails to immediately report knowledge of or a reasonable suspicion of such to the Gaming Commission.
- (14) Interferes with the Gaming Commission, its staff or racing and gaming officials while they are discharging their duties.
- (15) Has illegally possessed, sold, received or used any controlled substance, or is intoxicated, fighting or engaged in any conduct of a disorderly nature on Gaming Premises.
- (16) Fails to cooperate with any investigation by the Commission or its agents, NIGC or law enforcement officials.
- (17) Has influenced or attempted to influence, directly or indirectly, other than as a party, witness, lay advocate or attorney, the outcome or result of any investigation or hearing by the Commission, NIGC, any court or administrative agency.
- (18) Has obtained or attempted to obtain access, directly or indirectly, to any confidential information or property of the Commission, NIGC, Gaming Facility, any court or any federal or state agency or department through stealth, threats, coercion, forcible entry, bribes or similar method.
- (19) Has destroyed, stolen, tampered with or damaged tribal assets, employee assets or patron assets, or attempts thereof.
- (20) Has ordered or intimidated employees under one's supervision to commit violations.
- (21) Has retaliated or attempted to retaliate against employees under one's supervision who refuse to commit what the employee perceives as violations.
- (22) Knowingly violates a restraining order, order for protection, TRO, injunction, custody order or other court order or administrative order as it relates to licensees or patrons at the Gaming Facility or on the Gaming Premises.
- (23) Violates any court ordered probation or is found in contempt of court for violation of a court order or administrative order.
- (24) Has been disciplined or employment terminated by the Gaming Facility for theft of tribal assets, or forgery, or theft on tribal property, or theft from or violence to a licensee or a patron, or has been the subject of an incident report for such incidents without further disciplinary action by the Gaming Facility.
- (25) Has been charged with a crime on other licensees or patrons or is the subject of an Order for Protection.
- (26) Has knowledge about an illegal act committed by another licensee or patron on the Gaming Premises and fails to report it to management or the Gaming Commission.

- (27) Fails to report an arrest, on any charge, other than a traffic charge which is a simple misdemeanor, to a Gaming Commissioner or authorized employee of the Gaming Commission within seven (7) days of the arrest.
- (28) Fails to follow any written conditions or stipulations imposed by the Gaming Commission as a condition for issuing an employee license or as a condition for not suspending or revoking an employee license previously issued. These conditions or stipulations may include directives to engage in specified conduct or a prohibition against engaging in specified conduct. The Gaming Commission may make the determination an act by the licensee was contrary to the intent of a directive issued to the licensee, although the act might be excluded by a stricter interpretation of the directive.
- (29) Has been convicted of any offenses that is a Class I or Class II offense under Title 13 of the Tribal Code.
- (30) Has knowledge of a violation of Title 11, Title 13 and/or Title 21 of the Tribal Code committed by another licensee or patron on the Gaming Premises and fails to report it to management and/or the Gaming Commission.
- (31) Knowingly provides a false or untruthful sworn statement, whether written or oral, to the Gaming Commission. The conflicting statement of another person is **not** sufficient evidence to establish the statement was made with the knowledge it was false or untruthful.

**2.24 Vendor passes.** Each licensed or registered vendor, and each employee of a licensed or registered vendor, shall display a Gaming Commission Vendor Pass at all times while on the premises of the Gaming Facility.

- (1) Vendor Responsibilities:
  - (a) Each vendor or its employee shall at all times while on the premises wear the Vendor Pass plainly visible and at approximately chest height.
  - (b) The face of the Vendor Pass shall not be obscured by stickers, buttons, pins, or by other means.
  - (c) No vendor or an employee of any vendor shall allow any other person to have possession of his/her Vendor Pass.
  - (d) No vendor or an employee of any vendor shall use, wear or possess another person's Vendor Pass.
- (2) Gaming Facility responsibilities:
  - (a) The Gaming Facility shall ensure all licensed or registered vendors or employees of licensed or registered vendors properly display a Vendor Pass whenever they are on the Gaming Facility's premises.
  - (b) The Gaming Facility shall have a process in place to issue Vendor Passes as required, and to ensure each Vendor Pass is returned prior to the vendor or employee leaving the premises. Each time a Vendor Pass is issued, the Gaming Facility shall record:

- (i) The Serial Number of the Gaming Commission Vendor Pass.
  - (ii) The date and time it was issued.
  - (iii) The typed or printed name of the individual to whom it was issued.
  - (iv) The signature of the individual to whom the Vendor Pass was issued.
  - (v) The typed or printed name and License Number of the Gaming Facility employee issuing the Vendor Pass.
  - (vi) The signature of the Gaming Facility employee issuing the Vendor Pass.
  - (vii) The date and time it was returned.
  - (viii) The typed or printed name and license number of the Gaming Facility Employee accepting the Vendor Pass.
  - (ix) The signature of the Gaming Facility employee accepting the Vendor Pass.
- (3) Vendor Passes shall at all times remain the property of the Gaming Commission.
  - (4) The failure of a Licensed Vendor, or its employee, to return a Vendor Pass prior to leaving the premises of the Gaming Facility may result in the imposition of fines and other penalties by the Gaming Commission, including, revocation of the Vendor's License or Permit, and eligibility to reapply for a period of up to two years.
  - (5) Vendor passes issued to their employees are subject to the same restrictions and privileges as the original license or registration, and any such employee who possesses a vendor pass, as well as the vendor/contractor who issued it, may be subject to disciplinary action for any violations of gaming regulations.

**2.25 Gambling by vendors and contractors.** Vendors and contractors and their employees may gamble at the gaming facility unless they fall within the following exceptions. Certain vendors are prohibited from gambling at the Gaming Facility, namely:

- (1) Any supplier of Surveillance Equipment.
- (2) Any supplier of Gaming Equipment as to the department(s) to which the vendor supplies equipment or services.
- (3) Any vendor whom the Gaming Commission determines should be prohibited from gambling at the Gaming Facility.

**2.26 Exemptions from vendor licensing.** The following persons and entities are not required to obtain vendor licenses:

- (1) Those who are solely providing attorney or accounting or audit services;
- (2) Those who provide non-gaming related services under a contract which provides a maximum payment of less than \$5,000 per year or such other amount as set by Gaming Commission regulations. Such vendors may be required to fill out a vendor application.

- (3) Vendors who provide services which the Gaming Commission by regulation or individualized review has determined do not need to be licensed because their services do not have the ability to impact the integrity of the gaming operation.
- (4) Vendors who possess a current tribally issued license or other document evidencing authority from the Tribe under Title 17 for tobacco or Title 21 for liquor, provided such vendor fills out a vendor application and submits a copy of the authorizing document.

**2.27 Contractor key employee registration.** An application form and background investigation is to be completed by any person considered by the Gaming Commission as a contractor key employee who is requesting access to confidential information, access to restricted areas, and/or unaccompanied access to non-public areas of Meskwaki Bingo • Casino • Hotel. Fingerprints will be taken as part of this process. Any contractor key employee and his/her employee or subcontractor who receives a contractor pass under this registration is subject to the same requirements and restrictions as set forth for vendors in GR 2.24.

**2.28 Other registration categories.** Any contractor or organization or private business, including any independent testing laboratory for game compliance or drug testing, who wishes to do business with the Meskwaki Bingo • Casino • Hotel or Gaming Commission must register and be approved by the Gaming Commission prior to conducting any business. Such registration requires completion of an application form, and also a background investigation if the applicant is requesting access to confidential information, access to restricted areas, and/or unaccompanied access to non-public areas of Meskwaki Bingo • Casino • Hotel. Fingerprints may be taken as part of this process. Any contractor or organization or private business and their employee or subcontractor who is issued a pass under this registration shall be subject to the same requirements and restrictions as set forth for vendors in GR 2.24.

**2.29 Alteration of license prohibited.** Any licensee found to have physically altered a license may have his/her license denied, suspended or revoked and may be subject to fines and other penalties determined by the Commission.

**2.30 Failure to properly display license.** A license issued by the Gaming Commission is the only acceptable identification badge to be worn by all employees.

- (1) Employee Responsibilities:
  - (a) Each licensee shall at all times while on duty wear the license plainly visible on the front of the body and no lower than chest height.
  - (b) Neither the face nor back of the license shall be obscured by stickers, buttons, pins, or by other means.
  - (c) No licensee shall allow any other person to have possession of his/her badge and/or key card, except for persons authorized in



the event of a suspension, disciplinary action, termination or administrative action.

- (d) No licensee shall use, wear or possess another employee's badge and/or key card.
- (2) The Gaming Facility shall not permit any employee to report to work without their badge in their possession. An employee's failure to have the badge in their possession shall be temporarily ineligible for employment with the Gaming Facility. An employee, who loses, misplaces or forgets his or her license may have a new license issued pursuant to GR 2.05 according to Gaming Commission policy and regulation.

**2.31 Licensee's responsibility to know the law.** It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations, provisions, and conditions, particularly as pertaining to his/her employment or contract, and ignorance or a claim of ignorance thereof will not excuse the violations. Violation of any provision of Title 11 or any of these Regulations by any licensee:

- (1) Shall be deemed contrary to the public safety, good order, and general welfare of the Tribe and its members;
- (2) May be grounds for refusing to grant or renew a License, or for suspension or revocation of a License;
- (3) May be grounds for filing a complaint with the NIGC, may be grounds for filing criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Commission; and
- (4) In the case of a licensee being convicted of a felony, shall be grounds for immediate revocation of the License.

**2.32 Restrictions on gambling by employee licensees.** Gaming and non-gaming licensees may gamble in any department when off shift and out of uniform and badge, subject to the Employee Gambling Policy Chart approved by the Gaming Commission. However any licensed employee's right to gamble is a revocable privilege which may be revoked at any time, at the employee's written request, by the Gaming Facility or by the Gaming Commission as a restriction imposed on the individual's employee's license in accordance with these regulations. A licensee who knowingly violates this section is subject to disciplinary action.

## Chapter 3 GAMES AND EQUIPMENT

### Section

- 3.01 Prior approval required.
- 3.02 Testing.
- 3.03 Report of methods of cheating.
- 3.04 Report of missing or damaged gaming equipment.
- 3.05 Sale or disposal of gaming equipment.
- 3.06 Chips and Tokens.
- 3.07 Cards.
- 3.08 Dice.

**3.01 Prior approval required.** In accordance with the Gaming Commission's duty to safeguard tribal assets, no equipment, machine, or device may be used for gaming or disposed of without prior approval of the Gaming Commission. The approval shall be in writing and shall particularly describe the equipment, machine, or device. Approval of equipment, machine, or device shall be stayed pending payment of the costs and testing of the equipment. Prior approval is not required for the sale or disposal of used cards and dice canceled in accordance with these regulations.

**3.02 Testing.** No game or gaming device may be purchased, leased or otherwise acquired by a Gaming Facility unless (1) the game is purchased, leased or acquired from a manufacturer or distributor licensed to sell, lease or distribute such game by the Gaming Commission; and (2) the game, or a prototype thereof, has been tested, approved or certified by a gaming test laboratory as meeting the requirements and standards of the Compact. Testing may require the payment of costs. The withdrawal of approval or certification by the testing lab shall be deemed to be the automatic revocation of the Gaming Commission's approval.

**3.03 Report of methods of cheating.** Manufacturers and distributors of gaming devices shall report to the Gaming Commission and to the Gaming Facility any discovered or suspected methods of cheating a device that may compromise the integrity of the device in any way, as soon as reasonably practicable. In the event such discovery is made by the Gaming Facility, it shall notify the Gaming Commission and the manufacturer. In the event the Gaming Commission makes such discovery, then it shall notify the Gaming Facility and the manufacturer.

**3.04 Report of missing or damaged gaming equipment.** A Gaming Facility shall immediately report to the Gaming Commission any gaming equipment that is missing or which appears to have been tampered with or damaged. Any

gaming equipment thus reported shall be immediately shut down until a determination is made

**3.05 Sale or disposal of gaming equipment.** No gaming equipment may be sold or disposed of without the written approval of the Gaming Commission and management. A Gaming Facility shall comply with the requirements of the Johnson Act, including the registration requirements of the Department of Justice. Prior approval is not required for the sale or disposal of used cards and dice canceled in accordance with these regulations.

**3.06 Chips and tokens.** The Gaming Facility shall develop and implement a written program designed to address the approval, specifications, issuance, sale, redemption, use, discontinuation and destruction of Chips and Tokens, and shall provide a copy of such program to the Gaming Commission for prior approval. No damaged chip or token may be exchanged or redeemed unless more than one-half (1/2) of the chip or token is tendered.

**3.07 Cards.** The Gaming Facility shall develop and implement a written program designed to address the approval, storage, use and control, inspection, removal, and disposition of Cards, and shall provide a copy of such program to the Gaming Commission for prior approval.

**3.08 Dice.** The Gaming Facility shall develop and implement a written program designed to address the approval, specifications, receipt, storage, removal, inspection, inventory and cancellation of Dice, and shall provide a copy of such program to the Gaming Commission for prior approval.

## Chapter 4 TOURNAMENTS

### Section

- 4.01**     **Definitions.**
- 4.02**     **Prior approval of Gaming Commission needed.**
- 4.03**     **Buy-in.**
- 4.04**     **Gaming Facility may determine prize.**
- 4.05**     **Tournament chips.**
- 4.06**     **Report to Gaming Commission.**
- 4.07**     **Inspections and specifications.**
- 4.08**     **Reporting of prize.**

**4.01**     **Definitions.** Terms used in this Chapter mean:

- (1)     Tournament means an organized event, sponsored or co-sponsored by a Gaming Facility, that permits a player to either purchase or be awarded the opportunity to engage in competitive play against other players;
- (2)     Buy-in means an advertised entry fee paid by each player to participate in a tournament and receive a prescribed number of chips.

**4.02**     **Prior approval of Gaming Commission needed.** A tournament shall have prior approval of the Gaming Commission. Within ten (10) days prior to the date a tournament is scheduled to begin, the Gaming Facility shall submit to the Gaming Commission a written statement containing the rules, places which will be declared winners, and disbursements of the prize money. Before a slot tournament begins, the Gaming Facility shall also notify the Gaming Commission in writing of the number of slot machines involved in the slot tournament and shall identify each machine by make, model, serial number, license number, software program and location, unless each machine was previously designated for the exclusive use during slot tournaments and this information was previously furnished to and approved by the Gaming Commission.

**4.03**     **Buy-in.** As a result of a player's buy-in, the player shall receive a prescribed number of chips, tokens, or credits. Additional buy-ins may be permitted.

**4.04**     **Gaming Facility may determine prize.** The Gaming Facility may determine the amount of the prize and shall notify the Gaming Commission of the prize amount.

**4.05**     **Tournament Chips.** Chips used in any tournament shall be different chips than otherwise authorized. The Gaming Facility shall determine the value assigned to the chip for tournament play. All chips shall be accounted for by the Gaming Facility.

**4.06 Report to Gaming Commission.** Within 48 hours after the conclusion of a tournament, the Gaming Facility shall submit a written report to the Gaming Commission containing a list of all participants, winners, places taken, amount of prizes awarded, and the amount of funds retained by the Gaming Facility.

**4.07 Inspections and specifications.** Agents or employees of the Gaming Commission prior to commencement of a tournament may inspect all slot machines used in tournament play. All slot machines used in a slot tournament shall meet the specifications outlined in the Compact. All percentage payouts made in any slot tournament shall conform to the requirements of the Compact. All software used in tournament play may be inspected and approved by agents or employees of the Gaming Commission prior to commencement of a tournament.

**4.08 Reporting of Prize.** When required by law or regulation, the Gaming Facility shall report the name of the recipient of any prize, and the amount of the prize to the Internal Revenue Service.

<h2 style="margin: 0;">Chapter 5</h2> <h1 style="margin: 0;">DRUG AND ALCOHOL TESTING</h1>
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### Section

- 5.01 Testing for new hires.**
- 5.02 Other testing.**
- 5.03 Refusal of test.**
- 5.04 Reporting procedures.**
- 5.05 Failure of test.**
- 5.06 Re-issuance of license.**
- 5.07 Testing facility and standards.**
- 5.08 Drug and alcohol policies and procedures.**
- 5.09 PBT testing.**
- 5.10 Attempt to alter test results deemed failure of test.**

**5.01 Testing for new hires.** Within the first ninety (90) days of hire, each employee will be tested primarily for the presence of illegal drugs as a criteria required for license suitability.

**5.02 Other testing.** Drug and alcohol testing may be required any time after hire:

- (1) As part of a vehicle accident investigation, or other safety violation where injury may be sustained by oneself, or which creates a hazardous environment for fellow employees, or poses a public threat as determined by the Gaming Commission, General Manager, or Chief of Security.
- (2) Based upon a determination by no less than two (2) employees of the Gaming Facility who have received appropriate training by the Gaming Facility, there is a "reasonable suspicion" an employee is impaired due to the use of drugs and/or alcohol.
- (3) As part of a drug and alcohol testing program administered by the Gaming Facility under which the selection of employees to be tested is done using a random, unbiased, selection method.
- (4) Periodic and/or random drug and alcohol testing may be required by the Gaming Commission as a condition for the issuance or retention of a license.

**5.03 Refusal of test.** If an applicant refuses to take the test required for hire, and the Commission therefore denies his/her license application, that person may not reapply for a license for a period of one year from the date of denial. If an employee in a Gaming Facility refuses a test required by either the Commission or the Gaming Facility, his/her license shall be revoked, and the employee may petition for a license hearing in accordance with Chapter 9, Administrative Procedures. However, unless the test is performed by personnel of the Meskwaki Clinic or other medical facility under contract with the Gaming

Commission or Gaming Facility, a request by an employee to be taken to the Meskwaki Clinic or Marshalltown Hospital for the purpose of having the test performed at the employee's expense shall not be considered as a refusal to take the drug test. An applicant for a license does not have the right to request an alternative testing location.

**5.04 Reporting procedures.** The Personnel Director, Human Resources Director, Personnel employee in charge, or official conducting drug and alcohol testing will complete the appropriate form as applicable for each individual tested. The form shall be forwarded to the Gaming Commission and returned to the facility with notification of results.

**5.05 Failure of test.** The Commission, or the Gaming Facility if required by the Commission, shall notify any individual who fails the screening test, a random test, or a test required in GR 5.02, and shall apprise the person of his/her rights or requirements related to the testing results, and shall take action on the license. The Gaming Commission at its discretion may deny the license to that individual on grounds of suitability, suspend an existing license pending a re-test, suspend the license if the employee is participating in the Employee Assistance Program (EAP), suspend the license if the Gaming Commission finds extenuating circumstances, or revoke an existing license. If a license is suspended, the Gaming Commission shall attach conditions for probation and reinstatement. The Commission will forward the test results to the Personnel Department of the Gaming Facility for employment decisions. The General Manager shall sign the notification document and ensure that the individual understands the employment status resulting from the notification. Personnel action forms or documents impacting employment of a licensee as a result of drug testing shall be forwarded to the Commission in a timely manner.

**5.06 Re-issuance of license.** Drug and alcohol test results for action on a gaming license or employment shall be forwarded to the Commission. No person who fails a drug or alcohol screening test and whose license was suspended and not revoked may reapply for a license until proof of rehabilitation has been submitted to the Gaming Commission.

**5.07 Testing facility and standards.** If personnel of the Meskwaki Clinic or other medical facility under contract with the Gaming Commission or Gaming Facility do not perform the drug test, the Gaming Commission prior to the test being performed must approve the testing facility. A drug testing program must comply with the federal standards for testing of federal employees. Further, the person conducting the tests must be trained and the accuracy of the equipment must be tested daily.

**5.08 Drug and Alcohol policies and procedures.** The Gaming Facility shall adopt Drug and Alcohol testing and counseling policies and procedures. Such policies and procedures, and any amendments thereto, must be submitted to the Gaming Commission at least ten (10) days prior to implementation.

**5.09 PBT testing.** Any licensee who shows a reading of alcohol on the breath following a PBT will be subject to random alcohol and/or drug testing during a set probationary period or for 3 months, whichever is longer, if the test shows alcohol in excess of .005, or such other minimum standard as set by the Gaming Commission, or as set by the Gaming Facility and approved by the Gaming Commission. A licensee who continues to show alcohol on the breath upon subsequent PBT testing may be subject to disciplinary action including suspension with conditions and possible revocation. A decision by the Gaming Commission to revoke a license shall depend on the circumstances of the case and whether the circumstances warrant such action.

**5.10 Attempt to alter test results deemed failure of test.** Any attempt by a licensee or applicant to alter the outcome of any test required under this Chapter shall result in the individual automatically failing the test.



<b>Chapter 6</b> <b>ACCOUNTING REGULATIONS</b>
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**Section**

- 6.01 Definitions.**
- 6.02 Accounting records.**
- 6.03 Standard financial statements.**
- 6.04 Audited financial statements--Requirements for preparation.**
- 6.05 Audited financial statements--Time for submission.**
- 6.06 Testing and backup plan.**
- 6.07 Data transmissions to be secure.**
- 6.08 No access to personnel files without permission.**
- 6.09 Cost accounting system.**
- 6.10 Intra-tribal billings.**
- 6.11 Billing of goods and services provided to tribal employees or tribal office.**
- 6.12 Pro-Forma Reports.**
- 6.13 Payroll Deductions.**

**6.01 Definitions.** Terms used in this Chapter are defined as follows:

- (1) Fiscal year means the period beginning on October 1 and ending September 30 of the following year;

**6.02 Accounting records.** A Gaming Facility shall keep accurate, complete, legible, and permanent records of all general ledger transactions. A Gaming Facility that keeps permanent records in a computerized form or on microfiche shall provide the Gaming Commission, on its request, with a detailed index to the microfiche or computer record. A Gaming Facility shall keep general accounting records on a double entry system of accounting, in accordance with Generally Accepted Accounting Principles, maintaining detailed, supporting, subsidiary records, including the following:

- (1) Detailed records identifying revenues, expenses, assets, liabilities, and equity for each establishment;
- (2) Detailed records of all returned checks;
- (3) The records required by the MICS applicable to the Gaming Facility; and
- (4) Any other records that the Gaming Commission requires to be maintained.

**6.03 Standard financial statements.** A Gaming Facility shall prepare a financial statement covering all financial activities of the Gaming Facility for each fiscal year. If the Gaming Facility or a person controlling, controlled by, or under common control with the Gaming Facility owns or operates room, food, or beverage facilities at the establishment, the financial statement shall cover those operations as well as Gaming Facilities. Gaming Facilities shall submit the

audited financial statements to the Gaming Commission not later than 120 days following the end of the fiscal year covered by the statement.

**6.04 Audited financial statements -- Requirements for preparation.** The Gaming Commission requires a Gaming Facility to prepare financial statements covering all financial activities of the Gaming Facility for a fiscal year and to engage an independent accountant, licensed by a state board of accountancy, to examine or to review the statements in accordance with applicable law. Unless the Gaming Commission approves otherwise in writing, the statements shall be presented on a comparative basis. Consolidated financial statements may be filed by commonly owned or operated establishments, but the consolidated statements shall include consolidating financial information or consolidating schedules presenting separate financial statements for each establishment. The accountant shall express an opinion on the consolidated financial statements as a whole and shall subject the accompanying consolidating financial information to the auditing procedures applied in the examination of the consolidated financial statements.

**6.05 Audited financial statements -- Time for submission.** A Gaming Facility shall submit to the Gaming Commission two copies of its audited or reviewed statements not later than 120 days after the last day of the Gaming Facility's fiscal year, unless an extension is granted by the Gaming Commission for good cause shown.

- (1) If a Gaming Facility changes its fiscal year, the Gaming Facility shall prepare and submit to the Gaming Commission audited financial statements covering the "stub" period from the end of the previous fiscal year to the beginning of the new fiscal year not later than 120 days after the end of the stub period or incorporate the financial results of the stub period in the statements for the new fiscal year.
- (2) Reports that directly relate to the independent accountant's review or examination of the Gaming Facility's financial statements shall be submitted within 120 days after the end of the Gaming Facility's fiscal year. The Gaming Commission may request additional information and documents from either the Gaming Facility or the Gaming Facility's independent accountant, through the Gaming Facility, regarding the financial statements or the services performed by the accountant. Failure to submit the requested information or documents may be grounds for disciplinary action.

**6.06 Testing and backup plan.** The Gaming Facility shall provide the Gaming Commission with updated copies of its post disaster business restoration plan, which shall be tested at least annually, and the results of all tests.

**6.07 Data transmissions to be secure.** All electronic transmissions of confidential data and files, including transmissions over the internet to outside parties of sensitive information and financial information, shall be a secure transmission. Sensitive information includes, but is not limited to, personally

identifiable information, such as the Social Security Number of any individual. No data or files containing sensitive or financial information shall be transmitted to any outside party except by written authorization from senior management and/or the Gaming Commission. A current list of all authorized outside parties that receive electronic transmissions of sensitive information from the Gaming Facility on a regularly reoccurring basis shall be provided to the Gaming Commission as updated.

**6.08 No access to personnel files without permission.** No accounting or MIS personnel shall have access to personnel files unless authorized by the general manager in writing prior to such access. However this section does not prohibit MIS management from having access to the personnel files of MIS employees and accounting management from having access to personnel files of accounting employees.

**6.09 Cost Accounting System.** A Gaming Facility shall have in place a written Cost Accounting System that fairly allocates all costs of the Gaming Facility to the revenue generating departments. The Cost Accounting System shall allocate the costs of non-revenue generating departments first to all departments before allocation of expenses to all revenue generating departments. The assumptions used shall be reviewed by the firm of Certified Public Accountants and may not be changed without the Gaming Commission's approval.

**6.10 Intra-Tribal Billings.** The Gaming Facility shall bill other Tribal Operations, including the Tribal Office and the Gaming Commission, for the cost of goods and services provided to the specific Tribal Operation.

- (1) When the cost of an item or services provided is readily determinable by reference to a vendor invoice, billings shall be at cost.
- (2) When the cost of an item or services provided is not readily terminable, the cost shall be determined using the same criteria utilized within the Gaming Facility's Cost Accounting system.
- (3) The Gaming Facility is prohibited from including any charge or mark-up for "overhead," "profit" or similar reason, other than charges included in the inter-departmental allocations made within its cost accounting system.
- (4) The Gaming Facility is not required to apply this requirement to goods and services having a "*de minimis*" value.

**6.11 Billing of goods and services provided to Tribal Employees or Tribal Office.** The Gaming Facility shall adopt a policy regarding any discounts available to employees of the Tribe, including, but not limited to, the Gaming Commission and its employees, on the purchase of goods and services from the Gaming Facility.

- (1) The Gaming Facility is not required to make any discount available to employees of the Tribe.

- (2) The Gaming Facility is prohibited from offering any discount to a member of the Gaming Commission or a member of the Gaming Commission's staff, unless the same discount is available to all employees of the Tribe.
- (3) The Gaming Facility is prohibited from offering any discount on any item to employees of the Tribe, including the Gaming Commission and members of its staff, that exceeds the discount available to employees of the Gaming Facility for the same item.
- (4) The Gaming Facility shall bill to, and collect from, the appropriate Tribal Operation, including the Gaming Commission, the discounts taken by the employees of that Tribal Operation. However, the Gaming Facility is not required to track and bill "de minimis" discounts.
- (5) The Gaming Facility shall bill to the Tribal Office the cost of goods and services provided to:
  - (a) Members of the Tribal Council and their guests, unless otherwise paid by cash, check or credit or charge card at the time the goods or services were provided.
  - (b) Any party for whom a member of the Tribal Council provides a signed authorization directing the Gaming Facility to provide specific items without charge to specific individual(s) on a specified date(s)
- (6) The Gaming Facility shall bill the Tribal Office for the cost of the goods and services provided to a member of the Tribal Council if the check tendered was subsequently returned as unpaid, or if the charge to a credit or charge card account tendered was subsequently refused. Written notification of these events shall also be provided to the Gaming Commission.
- (7) The Gaming Facility shall notify the Gaming Commission of the cost of any goods or services provided to, or behalf of, or upon the direction of; a member of the Tribal Council, if:
  - (a) Payment was not tendered at the time the goods or services were provided;
  - (b) Written authorization to bill the Tribal Office was not provided at the time the goods or services were provided.
- (8) When determining if payment was tendered, or authorization to bill the Tribal Office was received in a timely manner, the Gaming Facility shall apply the same standards customarily required of its customers.
  - (a) This provision does not apply to any member of the Tribal Council who is also an employee of the Gaming Facility, who issues "Customer Comps" to customers of the Gaming Facility in accordance with the Gaming Facility's general policy on the issuance of "Customer Comps." However, any policy regarding the issuance of "Customer Comps" that directly, or indirectly, results in the member of the Tribal Council having authorization not available to his or her peers within the Gaming Facility, does not meet the requirements of this paragraph.

- (b) This provision does not apply to any member of the Tribal Council who is also an employee of the Gaming Facility, who issues “Employee Comps” to employees of the Gaming Facility in accordance with the Gaming Facility’s general policy on the issuance of “Employee Comps.” However, any policy regarding the issuance of “Employee Comps” that directly, or indirectly, results in the member of the Tribal Council having authorization not available to his or her peers, does not meet the requirements of this paragraph.
- (9) Employees of the Gaming Facility shall not have any duty or responsibility to ensure the purpose or reason for any goods and services billed to the Tribal Office upon the authorization of any member of the Tribal Council complies with applicable law.

**6.12 Pro-Forma Reports.** The Gaming Commission may require the Gaming Facility to submit, on a pro-forma basis, reports required to be submitted to the Iowa Racing and Gaming Commission by Casinos and Race Tracks under its jurisdiction. If required, such reports shall be prepared in accordance with the instructions prepared by the Iowa Racing and Gaming Commission. Reports required to be submitted may include, but not be limited to, actual hold percentage on gaming machines.

**6.13 Payroll Deductions.** The Gaming Facility may permit its employees licensed by the Gaming Commission to authorize a payroll deduction for any license fees due the Gaming Commission. Installment payments via payroll deduction are only permitted upon the express authorization of the Gaming Commission. All funds withheld pursuant to an employee’s authorization shall be promptly remitted to the Gaming Commission, and are not subject to any offset or counter-claim by the Gaming Facility.

## Chapter 7 VIOLATIONS

### Section

- 7.01 Interaction with regulatory and law enforcement authorities.**
- 7.02 Prohibition on accepting items of value.**
- 7.03 Duty to disclose and cooperate.**
- 7.04 Unauthorized release of records.**
- 7.05 Grounds for disciplinary action against a Gaming Facility or upper management.**
- 7.06 Gaming Commission access to premises; Production of records.**
- 7.07 Proscribed conduct.**
- 7.08 Obstruction of audit process.**
- 7.09 Audit findings.**
- 7.10 Alteration of a Drug or Alcohol Test.**
- 7.11 Perjured or false testimony.**

**7.01 Interaction with regulatory and law enforcement authorities.** The Commission may, in its discretion, cooperate with Tribal, federal or state regulatory or law enforcement authorities in exchanging information concerning licensees, applicants or potential applicants in its exercise of its duty to fully investigate all such licensees, applicants or other person or entities under the Sac and Fox Gaming Ordinance and other applicable laws and regulations. If the Gaming Commission investigation reveals evidence of criminal activity, and/or other violations of Tribal law, the Gaming Commission shall also refer such information to the appropriate law enforcement, and/or regulatory authorities for further investigation and potential prosecution.

**7.02 Prohibition on accepting items of value.** A licensee may not solicit or accept any service or item of value from any person or entity doing or wishing to do business with the Gaming Facility, or from any person wishing to gain any advantage in any authorized wager of gaming, including a vendor licensee or an officer, agent, or employee of a vendor licensee. No Gaming Commission member, officer, agent, or employee of the Gaming Commission, key employee, primary management official, Tribal Council member, or immediate family member may solicit or accept an item of value from a licensee, an applicant for a license, a potential licensee, or an officer, agent, or employee of any applicant for a license, and no licensee or applicant or potential licensee shall offer such. Such conduct shall be considered the equivalent of accepting a bribe, and is grounds for disciplinary action, including revocation, sanctions, or fines. This section does not apply to non-personalized advertising and promotional items, with the company's name and/or logo, that are distributed without charge to the general public by a licensee or applicant for a license and that are not required to be reported to the Internal Revenue Service as income. This section also does not apply to food and beverage items furnished by, or purchased from, a licensed

Gaming Facility that are provided incidental to a bona fide business meeting on the gaming premises. A violation of this section by a licensee or any of the licensee's officers, agents, or employees is a ground for disciplinary action against the licensee, up to and including revocation of license. A violation of this section by an applicant for a license or any of the applicant's officers, agents, or employees is a ground for denial of an application. For purposes of these regulations, the term "value" means monetary or material worth, measurable in money, material, or services, and includes any gift, incentive, personal compensation, reimbursement, reward, or payment of any kind.

**7.03 Duty to disclose and cooperate.** It shall be the affirmative responsibility and continuing duty of each applicant, licensee and person required to be licensed to provide all information, documentation and assurances pertaining to qualifications required or requested by the Gaming Commission and to fully cooperate with the Gaming Commission in the performance of its duties. An applicant may claim a privilege afforded by the Indian Civil Rights Act by refusing to answer any questions of the Gaming Commission. However, a claim of privilege with respect to any testimony or evidence pertaining to a licensing application may constitute sufficient grounds for denial. Any refusal by any person or entity to comply with a request for information, evidence or testimony from the Commission or its staff, shall be the basis for disciplinary action, denial, revocation or disqualification.

**7.04 Unauthorized release of records.** No licensee or other person shall release or allow access to Gaming Facility or Gaming Commission records to any person, including elected or appointed tribal or other officials, who cannot produce written authorization from the Gaming Commission or a tribal court order. No employee personnel records may be released to any person, including elected or appointed tribal or other officials, without a written release from that employee or a tribal court order, unless it complies with GR 7.06. No state or federal or other tribal court has jurisdiction over the Tribe or the Gaming Facility, and any subpoena issued by such court is of no effect, with certain exceptions under federal law, and upon receipt, shall be submitted to the General Manager or Gaming Commission to be addressed.

**7.05 Grounds for disciplinary action against a Gaming Facility and upper management.** The following acts or omissions are grounds for disciplinary action against a Gaming Facility licensee and/or upper management licensees:

- (1) Hiring or employing a person who does not have a license when required by this section or employing a person who has been denied a gaming license on the grounds of unsuitability by a jurisdiction or who has failed or refused to apply for licensing;
- (3) Paying a salary or other wages to a person whose license is under suspension. This subsection does not apply to amounts earned or accrued prior to the date of the suspension. This subsection does not prohibit, nor does it require, a retroactive payment if the suspension is lifted pursuant to section 16.13(2)(b) of these regulations.

- (3) Conducting false or misleading advertising;
- (4) Catering to, assisting, employing, or associating with, either socially or in business affairs, persons, including family members, of notorious or unsavory reputation or who have extensive police records, persons who have defied congressional investigative committees or other officially constituted bodies acting on behalf of the United States, any state, or the Tribe or persons who are associated with or support known criminal organizations;
- (5) Permitting persons who are visibly intoxicated or otherwise impaired to participate in gaming activity;
- (6) Employing directly, through a contract or by any other means, a firm or individual in any capacity that may damage the reputation of the Sac and Fox Tribe, its members, or the gaming industry, particularly if due to unsuitability of the firm or individual or because of the actual or suspected unethical or criminal methods of operation of the firm or individual;
- (7) Employing in a Gaming Facility a person whom a regulatory agency or a court has found guilty of cheating, theft, forgery or using an improper device in a game whether as a licensee or player or employing a person whose conduct in a licensed game as a dealer or other employee of a licensee resulted in revocation or suspension of the licensee's license;
- (8) Failing to comply with or make provision for compliance with all federal and tribal laws, rules, regulations, and ordinances, including payment of license fees, withholding and payroll taxes;
- (9) Possession in a licensed premise of prohibited cards, mechanical devices, implements, or cheating devices;
- (10) Conducting, operating, or dealing a cheating or thieving game or device on a licensed location, either knowingly or unknowingly, which may have in any manner been marked, tampered with, or otherwise placed in a condition or operated in a manner which tends to deceive the public or which might make the game more likely to win or lose or which tends to alter the normal random selecting of criteria which determine the results of the game;
- (11) When a licensed game or a slot machine is available for play by the public, failure to have a licensed employee of the Gaming Facility present on the premises to supervise the operation of the game or machine;
- (12) Denying any Commission member or agent, on lawful demand, access to, inspection of, or disclosure of part of a Gaming Facility;
- (13) Failing to require a licensed employee to wear in plain view identification issued by the Commission;
- (14) Failure of a Gaming Facility to display the license on the premises;
- (15) Alteration of a license;
- (16) Allowing a license to be used by a person other than the licensee;



- (17) Use of promotional items specifically related to gaming play by a licensed employee for personal gain when the promotional items are intended to promote the place of employment;
- (18) Willfully or persistently employing unlawful methods of operation or toleration of unlawful methods of operation;
- (19) Violations of Title 11 and/or Title 21 of the Sac and Fox Tribal Code, Compact, Rules and Regulations, MICS or NIGC regulations;
- (20) Failing to cooperate with any investigation by the Gaming Commission; and
- (21) Failing to investigate an alleged violation of violation of Title 11 and/or Title 21 of the Sac and Fox Tribal Code, Compact, Rules and Regulations, MICS or NIGC regulations.

**7.06 Gaming Commission access to premises; Production of records.**

The Gaming Commission or its authorized employee or agent is authorized to access to all personnel, audit, accounting and MIS records as part of its auditing and compliance function. An applicant or licensee or an employee or agent of an applicant or licensee may not neglect or refuse to produce records or evidence or to give information on lawful demand by the Gaming Commission, or any agent of the Gaming Commission or otherwise interfere or attempt to interfere with lawful efforts by the Gaming Commission or any of its agents to produce such information. Licensed vendors and licensed operators shall immediately make available for inspection by the Gaming Commission or its agent all papers, books, and records produced by the Gaming Facility and all portions of the premises where gaming is conducted or where gambling devices or equipment are manufactured, sold, stored, or distributed. A Gaming Commissioner or its agent shall be given immediate access to any portion of the premises of a licensee, manufacturer or distributor, or operator for the purpose of inspecting or examining records or documents, gaming devices or equipment, or the conduct of gaming activity. Any person who delays, hinders, or obstructs Gaming Commission access to such records in any manner shall be subject to disciplinary action.

**7.07 Proscribed conduct.** Any act committed by a licensee, that constitutes dishonesty or fraudulent conduct, whether arising within or without the pursuit of the license privilege, is grounds for disciplinary action. The charge in any jurisdiction of a licensee with a felony or with a misdemeanor involving moral turpitude is grounds for disciplinary action. If a conviction results, the license shall be revoked. The Commission may find the licensee guilty of a violation of this section on the facts of the criminal charge even though the licensee has been acquitted on the criminal charge. Any license reinstated by the Commission shall contain appropriate conditions or limitations pending resolution of the charge.

**7.08 Obstruction of Audit Process.** It is the duty of all persons licensed by the Gaming Commission to cooperate with the Commission's audit staff. Any attempt to hinder or obstruct the audit process may be grounds for the

suspension or revocation of the individual's employee license issued by the Gaming Commission.

**7.09 Audit Findings.** It is the responsibility of the gaming enterprise and licensed employees who are members of management to have an effective "Control Environment," i.e. a system of internal controls, in place to ensure compliance with all applicable federal or tribal laws, rules, regulations, or ordinances. An ineffective Control Environment may result in the gaming operation being cited for being out of compliance with one, or more, applicable federal or tribal laws, rules, regulations, or ordinances in the written communication document issued by Internal Audit following the completion of an audit. Instances of noncompliance noted in these written communication documents may be grounds for disciplinary action against the gaming enterprise and/or the members of management having direct or indirect oversight over the employee or employees whose action or failure to act resulted in the noncompliance with the applicable federal or tribal law, rule regulation, or ordinance. Tribal law, includes, but is not limited to, the Minimum Internal Control Standards issued by the Gaming Commission.

- (1) Any violation which was also cited in the written communication document issued following the completion of the last audit covering the same functional/operational area within the gaming enterprise may be deemed a willful, continuing, violation since the date of the issuance of the prior written communication document.
- (2) Each reoccurring violation of the same or similar requirement cited following the audits of different functional/operational areas within the gaming enterprise may be deemed a willful, continuing, violation. For purposes of this section, the Gaming Commission may consider any citation in a written communication document issued subsequent to the date that is one (1) year prior to the announced start date of the audit for which the violation was cited in the written communication document.
- (3) When determining the severity of any violation, the Gaming Commission may take notice of any violation of the same or similar requirements cited in any written audit communication document issued up to five (5) years prior to the announced start date of the audit.
- (4) The failure to complete an "Agreed-Upon Action" by the date stated in the written communication document may be deemed a willful, continuing, violation retroactive to the announced start date of the audit.
- (5) The Gaming Commission may take notice of any processes within the gaming operation which identified and addressed violations at the time they occurred; however these processes and any actions taken do not constitute an affirmative defense.

**7.10 Alteration of a Drug or Alcohol Test.** A licensee or applicant may not attempt to tamper with, or otherwise alter, the results of a drug and/or alcohol test required under Chapter 5 of these regulations, whether for his or her benefit or

the benefit of another. Any penalties imposed or actions taken are in addition to, and not in lieu of, those under Chapter 2 and/or Chapter 5 of these Regulations.

**7.11 Perjured or false testimony.** Any party who makes a statement under oath to the Gaming Commission, either written or oral, with knowledge that statement is false, may be guilty of the crime of perjury or false swearing. In addition to any sanctions the Gaming Commission may impose against a licensee or applicant under Chapter 2 of these regulations, the Gaming Commission may refer any suspected perjury or false swearing to the appropriate Tribal, federal or state authorities for further investigation and possible prosecution.

<h2 style="margin: 0;">Chapter 8</h2> <h1 style="margin: 0;">PENALTIES AND SANCTIONS</h1>
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### Section

- 8.01 Sanctions.**
- 8.02 Civil penalties.**
- 8.03 Penalties for non-compliance with Title 31 requirements.**
- 8.04 Summary suspension.**

**8.01 Sanctions.** Any person in violation of Title 11 or these Regulations shall be subject to sanctions at the discretion of the Gaming Commission. The following provisions shall govern the response of the Commission to violations:

- (1) Each day of violation may constitute a separate count or violation of the Ordinance. Separate violations may be prosecuted as separate offenses before the Gaming Commission or a court of competent jurisdiction;
- (2) All property used in each and every separate violation may become the property of the Tribe. All property used in each and every separate violation may be subject to forfeiture following a hearing;
- (3) Violators may be required to pay hearing or court costs, storage fees, and auction or sales fees. Hearing or court costs may include costs of transcription, witness fees, mileage, copying charges, interpreter fees, and any other reasonable costs of providing the hearing or for expenses incurred for services requested by the violator;
- (4) Persons may be banned or ejected from a Gaming Facility or prohibited from trespassing on premises licensed under Title 11, and may be subjected to civil penalties or sanctions for violating the provisions of Title 11, these Regulations, or any other applicable law;
- (5) Licenses may be suspended, revoked, or limited and/or Gaming Facilities may be forcibly closed;
- (6) Winnings found to have been received in violation of Title 11, these Regulations, or any other applicable law may be confiscated and may, following a hearing, be forfeited and become the property of the Tribe;
- (7) Civil penalties may be imposed as additional sanctions, in the amounts prescribed and in accordance with Chapter 9 and Chapter 16 of these Regulations;
- (8) Violators may be referred for Tribal, federal or state prosecution;
- (9) Violators may be subject to probation upon conditions set by the Gaming Commission.
- (10) The sanctions set forth in this section are in addition to any criminal sanctions which may be imposed by a court of competent jurisdiction.

**8.02 Civil penalties.** It shall be a civil violation of the laws of Sac and Fox Tribe of the Mississippi in Iowa to disobey the provisions of Title 11, these Regulations or any other law applicable to gaming, or any proper order issued

under the authority of the Gaming Commission. Any person or licensee found to be guilty of such violation may be assessed a civil penalty.

- (1) Civil penalties may be imposed pursuant to and in compliance with the provisions of Title 11 and these Regulations.
- (2) Civil penalties may be imposed in addition to the imposition of any other sanctions permitted under Title 11 and these Regulations, including, but not limited to suspension or revocation of the gaming license.
- (3) Civil penalties may be imposed for each violation, in accordance with the fine schedule adopted by the Gaming Commission or as subsequently amended.
- (4) Payment of all or part of any civil penalties may be imposed on a deferred basis, with payment conditioned upon the person or licensee not committing another violation of the laws of Sac and Fox Tribe of the Mississippi in Iowa, including Title 11, these Regulations or any other law applicable to gaming, or not violating any proper order issued under the authority of the Gaming Commission during the time period specified by the Gaming Commission.

**8.03 Penalties for non-compliance with Title 31 requirements.** In addition to being subject to internal disciplinary procedures or sanctions by the Gaming Commission, or prosecution by the Tribe or State pursuant to the Compact, any person or Gaming Facility which violates the requirements of Title 31 is subject to civil and/or criminal penalties as set forth in subchapter II of chapter 53 of Title 31 of the United States Code (31 U.S.C. §5321 Civil Penalties and 31 U.S.C. §5322 Criminal Penalties) and the regulations contained in Part 103 of the Code of Federal Regulations, Volume 31 (31 C.F.R. Part 103), and may be referred to the United States Attorney for further investigation or prosecution in federal court.

**8.04 Summary suspension.** The license of a licensee who is charged with a violation of Title 11 or Gaming Commission regulations or rules, who has been charged with a felony, or who has been charged with the commission of any crime of violence may be immediately suspended, without a prior hearing, in accordance with the provisions of GR 9.03. Violations may also include the following:

- (1) Conviction of a misdemeanor involving moral turpitude or a felony.
- (2) Refusal to allow access to premises or records under this Chapter and Title 11.
- (3) A deliberate misstatement, deliberate omission, misrepresentation, or untruth made in an application or during the background check that was not discovered before the license was granted.
- (4) Destruction of or failure to protect tribal assets resulting in damage or loss;
- (5) Unauthorized disclosure of confidential or proprietary information.
- (6) Refusing a lawful order of the Gaming Commission.

- (7) Committing a violation of applicable law in front of a Gaming Commissioner or authorized Gaming Commission agent or employee.
- (6) Other situations which in the discretion of the Gaming Commission constitute an emergency situation and where summary suspension of the licensee's license is necessary to protect the Tribe and tribal assets.

<h2 style="margin: 0;">Chapter 9</h2> <h1 style="margin: 0;">ADMINISTRATIVE PROCEDURES</h1>
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### Section

- 9.01 Policy and Procedure requirement.**
- 9.02 Enforcement powers of Commission; actions without hearing.**
- 9.03 Emergency license suspensions.**
- 9.04 Notice of Suspension.**
- 9.05 Request for expedited hearing.**
- 9.06 Hearing on suspension.**
- 9.07 Investigation of alleged violations.**
- 9.08 Informal consultation; assurance of voluntary compliance.**
- 9.09 Hearing.**
- 9.10 Notice to employer of revocation or suspension.**
- 9.11 Notice to authorities of adverse decision.**

**9.01 Policy and Procedure Requirement.** The Gaming Facility shall have in place written policies and procedures regarding the handling and preservation of every item that may be introduced as evidence in any proceeding.

- (1) These procedures shall cover items that may be evidence of:
  - (a) Felonies.
  - (b) Serious Misdemeanors.
  - (c) Violations of Title 11, IGRA or Compact.
  - (d) Violations of these Regulations, including, but not limited to, Chapter 2, "Licenses" and Chapter 15 "Patrons."
- (2) These procedures shall specifically require the preservation of every item that may refute an allegation the act in question was perpetrated by a particular person. (All exculpatory evidence shall be preserved.)
- (3) These procedures shall specifically identify the job classifications of employees or third-parties authorized to handle evidence. (For example, Casino Division Officers.)
- (4) These procedures shall include requirements for:
  - (a) The protection of evidence from inadvertent contamination, biological or otherwise.
  - (b) The labeling of evidence.
  - (c) Maintenance of a log documenting the storage, release and return of evidence necessary to preserve the "chain of custody."
  - (d) Procedures for the transfer of custody to:
    - (i) An authorized agent of the appropriate tribal, federal or state law enforcement agency;
    - (ii) A Gaming Commissioner; or
    - (iii) A member of Gaming Commission's staff designated from time to time as authorized to receive evidence on behalf of the Gaming Commission.

- (e) These procedures shall comply with the requirements of the Gaming Commission for administrative hearings and, in case of further referral for prosecution, with the appropriate:
  - (i) Tribal court
  - (ii) Federal Court
  - (iii) State of Iowa Court

**9.02 Enforcement powers of Commission; actions without prior notice.**

Pursuant to Title 11, and in order to perform its duty to safeguard tribal assets, the Gaming Commission or an employee or agent of the Gaming Commission, by direction of the Gaming Commission, may perform the below enumerated activities to enforce Title 11, IGRA, Compact, Gaming Regulations, MICS and NIGC regulations. The Gaming Commission may assign an employee or agent of the Gaming Commission any additional power or authority not enumerated in this section to assist the Gaming Commission in the performance of its duties pursuant to Title 11.

- (1) Inspect and examine, during regular business hours, without notice, premises where gaming is conducted or gaming devices or equipment are located, sold, distributed, or stored;
- (2) Inspect all equipment and supplies in, upon, or about a Gaming Facility, or inspect any equipment or supplies, wherever located, which may or have been used in the Gaming Facility;
- (3) Without notice of hearing, summarily seize and remove from the premises and impound any gaming equipment or supplies for the purposes of examination, inspection, evidence, or forfeiture in those instances where the Gaming Commission has reasonable cause to believe that a violation of the Ordinance or a Gaming Commission rule or regulation has occurred and hold such property pending any final hearing determination of the appropriate disposition of such property;
- (4) Enter without restriction the offices, facilities, or other places of business of a licensee to determine compliance with the Ordinance or a Gaming Commission rule or regulation, provided that the licensee maintains the right to have any member of the Gaming Commission entering restricted locations to be accompanied by security personnel for the purpose of facilitating the unrestricted access of such member of the Gaming Commission; further provided that, upon reasonable notice from the Gaming Commission to the Gaming Facility, the Gaming Facility shall provide security personnel to accompany the Gaming Commission personnel, and further provided that, in the event of an emergency, the Gaming Commission shall have immediate access to restricted areas, such access being limited to those areas where there is cash, machines and/or machine parts, or when machines are open;
- (5) Upon demand during normal business hours access, inspect, audit, examine and photocopy, or remove and impound all papers, books, and records of applicants and licensees respecting any revenue or income produced by any Gaming Facility;



- (6) Require verification of the daily gross revenues and income of any gaming activity, and verification of all other matters affecting the enforcement of the public policy of or any of the provisions of the Ordinance or a Gaming Commission rule or regulation, in order to safeguard the integrity of tribal Gaming Facilities;
- (7) Investigate the conduct of all licensees, their employees, and other persons having a material involvement with a licensee or licensed establishment to assist in the enforcement of the Ordinance or these regulations or to ensure that there is no involvement with a licensee or a licensed establishment by unqualified or unsuitable persons, and for the imposition of other sanctions as identified in the Ordinance;
- (8) Formally suspend, revoke, and ensure the appropriate disposition of a license held by a licensee for a violation of the Ordinance or a Gaming Commission rule or regulation or for engaging in a fraudulent practice.

**9.03 Emergency License suspensions.** A license is a revocable privilege, not a right, and thus may be suspended, without a prior hearing, for good cause. Except as set forth below, a license may only be revoked by the Gaming Commission after a hearing in accordance with the requirements of this Chapter 9 and Chapter 16.

- (1) A license may be suspended in an emergency situation, as defined by the Gaming Commission, without a prior hearing by:
  - (a) Any Gaming Commissioner
  - (b) Any member of the Gaming Commission's staff to whom the Gaming Commission has specifically delegated this authority. However, any suspension by a member of the Gaming Commission's staff may not exceed a 48-hour period, unless extended by any Gaming Commissioner.
  - (c) The Gaming Commission shall conduct an *ex parte* hearing on an expedited basis to determine if there is a *prima facie* case to support the suspension.

**9.04 Notice of Suspension.** The Gaming Commission shall serve a Notice of Suspension upon the licensee within one business day of the suspension. The Notice shall be signed by the party who suspended the license, shall state when the suspension will begin and shall state the reasons for the suspension and may state an amended notice may be issued. The Notice shall state that the licensed holder's failure to appear at hearing, unless excused for good cause, will be deemed an admission by the licensee that the facts and circumstances stated in the Notice of Suspension are true, in which case the Gaming Commission may revoke their license without further proceedings. For purposes of Chapter 16, this notice shall be deemed a Complaint.

**9.05 Request for expedited hearing.** Any applicant or licensee adversely affected by a license action or Commission decision that occurred without a hearing, and who wishes to request an expedited hearing, must request expedited review of such action by filing a request for expedited hearing within

three (3) business days of the Commission's decision or action, in lieu of the original hearing date set forth in the Notice. The request for an expedited hearing must be in writing which sets forth the name of the person seeking review, the decision to be reviewed, a clear and concise statement of relevant facts, reference to applicable statutes, rules or other authority, a statement of relief sought; and the signature, printed name, address and telephone number of the person seeking the expedited hearing or that person's representative. For purposes of Chapter 16, this request shall be deemed an answer. Failure to comply with all elements of this section may result in the request for expedited hearing being denied. Failure to request an expedited hearing will be deemed acceptance of the hearing date set forth in the Notice issued under GR 9.04. If a properly filed request for expedited hearing date is received, the Gaming Commission shall hear the matter within five business days of the request, unless the licensee requests a date beyond five business days but prior to the original hearing date.

**9.06 Hearing on suspension.** Unless the licensee has voluntarily submitted a statement to the Commission admitting the facts alleged in the Notice of Suspension are true, and such facts constitute a sufficient basis for revocation of that person's license, the Gaming Commission shall set within 21 days of the date of service of the original Notice of Suspension, a hearing date to review the suspension in order to determine whether the license should be revoked. The hearing date and time shall be included in the Notice. If requested by the license holder as set forth in section 9.05 above, the hearing shall be held on an expedited basis. If upon notification to the Gaming Commission, by the license holder, that such matter is going to court, the Commission may at its discretion hold the hearing at a later date to be determined by the Commission. It is the responsibility of the license holder to keep the Gaming Commission informed of all and any outcome of court proceedings. At such time the Gaming Commission will set within ten (10) days, from notification of the court's final decision, a hearing date to review the suspension in order to determine whether the license should be revoked.

**9.07 Investigation of alleged violations.** The Commission shall investigate any alleged violations of the Sac and Fox Gaming Ordinance, the Commission's rules, regulations, orders or final decisions, any Class III Gaming Compact between the Tribe and the State of Iowa, the National Indian Gaming Regulatory Act and regulations promulgated thereunder, and any other applicable Tribal, state or federal law or regulation, and shall take appropriate action, including but not limited to disciplinary action, denial, suspension or revocation of a license, imposition of civil fines or institute appropriate legal action for enforcement. Such investigation may include an investigative hearing at which the Commission may take testimony and receive exhibits and which will otherwise be conducted in the manner set forth in Chapter 16. In circumstances where the individual, entity or matter under investigation, in the opinion of the Commission, presents a hazard to the regulation and conduct of gaming or unreasonably undermines public confidence in the integrity of the Tribe's Gaming Facility, the Commission may

take immediate action, as set forth above, as deemed appropriate, prior to completion of the investigation. All applicants and licensees have an affirmative responsibility and continuing duty to fully cooperate with the Gaming Commission and its staff in all Commission investigations.

- (1) Failure or refusal to answer questions or respond to a subpoena from or otherwise provide requested information to the Commission during any Commission investigation will be grounds for immediate suspension of the license or other disciplinary action.
- (2) The Commission may infer from the failure or refusal to answer questions, respond to a subpoena, or otherwise provide requested information to the Commission that the answers or information would have been adverse to the applicant or licensee.
- (3) Any licensee who has or should have knowledge of the violation of any Gaming Facility policy or procedure, Commission rule or regulation, the Compact and Gaming Ordinance, and other applicable laws and regulations by another licensee and who fails to report the same to the Commission, may be subject to license suspension or revocation, fines and/or other penalties.
- (4) The Gaming Commission may subpoena any records or any licensee or the agents or employees of the licensee to appear to testify before the Gaming Commission or its agents with regard to the conduct any person, association or organization. The testimony may be under oath and may embrace any matters that the Gaming Commission or its agents consider relevant to the discharge of its official duties. Failure to appear and testify fully at the time and place designated, unless excused, may constitute grounds for disciplinary action pursuant to this Chapter against a license held by the person subpoenaed, the person's principal, or the person's employer.

**9.08 Informal consultation; assurance of voluntary compliance.** If the Gaming Commission considers the violation to have merit for disciplinary action, and the condition is correctable, the Gaming Commission may choose to consult with the person complained against and the parties affected in an effort to resolve the matter satisfactorily without proceeding to formal hearing. The Gaming Commission shall notify in writing the affected parties of the results of the informal consultation. The informal consultation does not prevent the Commission from proceeding to hearing, and any facts admitted as true by the person complained against during the informal consultation will be deemed admitted as true during any subsequent hearing. The Gaming Commission may accept an assurance of voluntary compliance regarding any act or practice alleged to violate this section or tribal law from a person who has engaged in, is engaging in, or is about to engage in such acts or practices. An assurance may stipulate actions the Gaming Commission may take if the person complained against fails to comply. The assurance shall be in writing and signed by the person in order to be valid and may include a stipulation for the voluntary payment of the costs of the investigation and an amount necessary to restore to a person money or property which may have been acquired by the alleged

violator because of the acts or practices. The Commission shall approve and may periodically review the adherence of the person complained against compliance with an assurance of voluntary compliance.

**9.09 Hearing.** If a matter proceeds to a hearing, whether called at the discretion of the Gaming Commission or upon the written request of the person who is subject to the action, the hearing shall proceed in accordance with Chapter 16 of these Regulations.

**9.10 Notice to employer of revocation or suspension.** The Commission, upon suspension or revocation of any license hereunder, and after the time for reconsideration or appeal has expired or the appeal denied, shall immediately inform the General Manager and Human Resources Director at Meskwaki Bingo • Casino • Hotel of such action in writing. The reason for such suspension or revocation shall be confidential unless the licensee or applicant pursues a claim for any type of employment benefits or otherwise voluntarily discloses the reason, in which case the confidentiality shall be deemed waived and the Commission may, at its discretion, disclose such information as may be necessary for the Tribe to defend against claims by the licensee or applicant. Upon receipt of written notice of any license denial, suspension or revocation, the licensee or applicant shall be prohibited from involvement in any gaming or gaming related activity and the Gaming Facility shall be prohibited from employing such person.

**9.11 Notice to authorities of adverse decision.** Upon denial, suspension or revocation of any gaming license or a finding of any violation referenced in Chapter 7 Violations, and after the appeal or reconsideration period has expired or an appeal or reconsideration has been denied, the Commission shall immediately notify any gaming or governmental authorities which are required by applicable law, regulation or Tribal agreement to receive notice of the same. In such cases, confidentiality of the licensee, applicant or other person or entity shall be deemed waived as to those authorities.

## Chapter 10 SECURITY

### Section

**10.01 Security required.**

**10.02 Responsibility.**

**10.03 Training.**

**10.04 Procedures.**

**10.01 Security required.** Each Gaming Facility shall employ a trained security force to protect the assets and patrons of the Gaming Facility and the Sac and Fox Tribe. Security shall work cooperatively with surveillance, management, the Tribal police force, the NIGC and the Gaming Commission to safeguard the assets of the Tribe.

**10.02 Responsibility.** The Security Department is responsible to:

- (1) Control and account for all keys to sensitive and secure areas of the Gaming Premises.
- (2) Maintain peace and order in the Gaming Premises among patrons and employees. Control intoxicated, disorderly and/or disruptive persons, and escort them from the premises when necessary.
- (3) Maintain vigilance within and without the Gaming Premises to protect the tribe, patrons and employees from theft, assault or property damage.
- (4) Maintain vigilance within and without the Gaming Premises for safety and health hazards that could cause injury or illness to persons.
- (5) Obtain or provide aid or assistance to any ill or injured patron or employee.
- (6) Provide physical security over cash and cash equivalents during drop of gaming machines, table games and card games. Provide physical security over cash and cash equivalents during; table games fills and credits, jackpot payouts over \$3,000.01, and/or the movement of cash and/or cash equivalents, including end of shift drops, from place to place if the cash value is \$1,000 or greater within or without the immediate surroundings of the facility, in accordance with Gaming Regulations and the MICS. Such duty shall include ensuring the clearing of hands to surveillance prior to and after handling cash and cash equivalents.
- (7) Maintain and secure spare, duplicate and visitor badges, and logs.
- (8) Account for and control lost and found property.
- (9) Provide traffic and crowd control as reasonably required.
- (10) Follow emergency plans for handling building evacuation for fire or bomb threats, robbery response plans and emergency medical aid.
- (11) Assist Gaming Commission when called upon and provide services ordered by the Gaming Commission.

**10.03 Training.** All security employees shall undergo and successfully complete training on a regular ongoing basis. The Gaming Facility shall provide a current report to the Gaming Commission of the employee's training record as updated. An employee who does not successfully complete required training may be subject to disciplinary action, up to and including revocation of their gaming license.

**10.04 Procedures.** The Gaming Facility shall provide the Gaming Commission a copy of its Security procedures for prior approval whenever they are changed, updated, or modified.

## Chapter 11 SURVEILLANCE

### Section

- 11.01 Surveillance required.**
- 11.02 Areas requiring surveillance during hours of operation.**
- 11.03 Records.**
- 11.04 Training requirement.**
- 11.05 Eligibility for Rehire.**
- 11.06 Access to Surveillance offices.**

**11.01 Surveillance required.** A Gaming Facility shall utilize a surveillance system that meets the standards contained in the MICS and the Compact.

**11.02 Areas requiring surveillance during hours of operation.** In addition to those areas required by the Compact and/or MICS, the surveillance system shall monitor and record clear, unobstructed, and overall views of the following areas within the licensed premises during the hours of operation:

- (1) Parking areas, areas for recreational vehicles, convenience store activities, hotel registration desk, entrances and exits, and other administrative offices;
- (2) Inventories of gaming supplies.

**11.03 Records.** A Gaming Facility shall maintain written records of all surveillance activities for a period of seven (7) years. Records shall be maintained by licensed employees and stored in a secured area. The Gaming Facility and its employees shall allow the Gaming Commission or its agents access to the records for inspection at any time. Records shall include the following information:

- (1) Date and time recording began and ended;
- (2) Name of employee initiating recording;
- (3) Summary of the results of monitored activity; and
- (4) Equipment or camera malfunction.

**11.04 Training requirement.** All Surveillance employees shall undergo and successfully complete training as required by the Gaming Commission on an ongoing regular basis. The Gaming Facility shall submit a quarterly report to the Gaming Commission of each employee's training record. Failure to successfully complete required training shall be grounds for revocation of an employee's license.

**11.05 Eligibility for re-hire.** A surveillance person who leaves his/her job in good standing shall not be eligible for transfer within the gaming premises or re-license and rehire on the gaming premises for a period of one year, other than in

the surveillance department, unless the Gaming Commission grants a waiver for good cause shown.

**11.06 Access to Surveillance offices.** No one is permitted access to the Surveillance offices, except as authorized below, and upon presenting proper identification.

- (1) Individuals in the positions listed below have unrestricted access to all areas within Surveillance:
  - (a) Sac & Fox Gaming Commissioners
  - (b) Sac & Fox Gaming Commission Compliance Officers
  - (c) Sac & Fox Gaming Commission Internal Auditors
  - (d) Sac & Fox Gaming Commission Investigators
  - (e) On-Duty Surveillance personnel
  - (f) On-Duty EMT/Security Officer – Emergency Only and only upon Surveillance Employee Request.
  - (g) On-Duty Casino Division Officers as required during the lawful execution of their duties as a sworn Tribal law enforcement officer or as required during the execution of a directive from the Gaming Commission.
- (2) Individuals in the positions listed below may be granted access to the outer office at the discretion of any Sac & Fox Gaming Commissioner or the senior member of the Surveillance Department staff on duty. They are not permitted access to the monitoring room without the prior written authorization of at least one Sac & Fox Gaming Commissioner:
  - (a) The General Manager.
  - (b) The Assistant General Manager/Casino Manager.
  - (c) Members of the Sac & Fox Tribal Council.
  - (d) Off duty Surveillance personnel.
  - (e) External Auditors.
- (3) On-duty employees in the positions listed below may be granted access to the outer office, but not the monitoring room, at the discretion of the senior member of the Surveillance staff on duty:
  - (a) Directors/Managers.
  - (b) Table Games Shift Managers/Casino Shift Managers.
  - (c) Slot Shift Managers (Assistant Managers if no manager on duty.)
  - (d) Security Shift Managers (Assistant Managers if no manager on duty.)
  - (e) Other supervisory personnel.
  - (f) Housekeeping staff,
  - (g) Revenue Auditors.
- (4) On-duty employees in the positions listed below may be granted access to all areas within Surveillance at the discretion of the senior member of the Surveillance staff on duty, and only for the specific purpose listed below:
  - (a) MIS personnel — maintenance only
  - (b) Engineering personnel — maintenance only
  - (c) Safety Director — inspection only.



These individuals must be accompanied by a member of the Surveillance Department staff.

- (5) Individuals in the positions listed below may be granted access to any area within Surveillance with the prior approval of the Director of Surveillance and the Gaming Commission:
  - (a) Licensed vendors/employees of licensed vendors.
  - (b) Prospective vendors, if reasonably required to prepare a quote or bid.
- (6) On-duty law enforcement officers may be granted access to the outer office by the senior member of the surveillance staff on duty for the purpose of investigating a criminal act alleged to have occurred on the premises, including the parking lots. Casino Division Officers have unrestricted access.
- (7) Anyone not having unrestricted access to all areas within Surveillance is required to sign-in with the Surveillance Director or Surveillance Supervisor prior to entry to the monitor room. It is responsibility of Surveillance personnel to ensure their entry is properly recorded. The information recorded shall include:
  - (a) The name of each person.
  - (b) The reason or purpose of their visit.
  - (c) The time in.
  - (d) The time out.
  - (e) The name of the Sac & Fox Gaming Commissioner or senior member of the Surveillance Department staff authorizing access.
- (8) A copy of the log, which may be electronic, showing all entries for the prior month, shall be provided to the Gaming Commission no later than the second working day of each month.

## Chapter 12 AUDIT

### Section

- 12.01 Responsibilities of General Manager.**
- 12.02 Responsibilities of Internal Audit.**
- 12.03 First Issuance.**
- 12.04 Closing conference.**
- 12.05 Management's proposed course of action.**
- 12.06 Second Issuance.**
- 12.07 Management's review of second issuance.**
- 12.08 Final Issuance.**
- 12.09 Audit report.**
- 12.10 Follow-up.**

**12.01 Responsibilities of General Manager.** It is the responsibility of the Gaming Facility's General Manager to ensure all departments comply with the Gaming Commission's Minimum Internal Control Standards Regulations and other governing law, and have appropriate processes in place to safeguard the assets of the Sac and Fox Tribe of the Mississippi in Iowa.

**12.02 Responsibilities of Internal Audit.** It is the responsibility of the Internal Audit Department of the Gaming Commission to conduct audits of the Gaming Facility to: (1) Ensure it is complying with the Gaming Commission's Minimum Internal Control Standards, Regulations and other governing law, and (2) Ensure it has effective and efficient processes and procedures in place to adequately safeguard the assets of the Sac and Fox Tribe of the Mississippi in Iowa.

**12.03 First Issuance.** Following completion of an audit it is the responsibility of the auditor(s) who conducted the audit and the Internal Audit Manager to draft and distribute, after discussion with the Gaming Commission, the First Issuance of the Audit Memorandum. The First Issuance will be addressed to the appropriate members of management, with copies to the Gaming Commissioners, the General Manager, and other members of Senior Management, as appropriate, and include, the Audit Objectives, Audit Scope, Audit's Opinion, the issues identified during the audit, and recommendations to address these issues.

**12.04 Closing Conference.** Following the distribution of the First Issuance: (1) The Gaming Commission, the Internal Audit Manager and the appropriate Internal Auditor(s) will schedule a Closing Conference with the appropriate members of management. (2) It is the responsibility of the General Manager to ensure the appropriate members of management of the Gaming Facility make themselves available for a Closing Conference within thirty (30) days of the date of the First Issuance.

**12.05 Management's Proposed Course of Action.** It is the responsibility of the General Manager to submit a written response to the Gaming Commission, within (14) days following the Closing Conference, for any issue for which a proposed course of action was not agreed-upon during the closing conference, setting forth his or her response to each recommendation contained in the First Issuance. Each response shall include a proposed course of action, including a proposed date by which each action will be implemented, or acceptance of the risks of not implementing corrective action.

**12.06 Second Issuance.** Following the Closing Conference and receipt of Management's proposed course of action, Internal Audit shall issue a Second Issuance of the Audit Memorandum to the appropriate members of management, with copies to the Gaming Commission, the General Manager, and other members of Senior Management, as appropriate, setting forth for each item noted, either: (1) A course of action the Gaming Commissioners and the General Manager concur will address the underlying issue(s), including a Target Date by which each proposed course of action will be implemented, or (2) Internal Audit's Recommendation and the General Manager's response.

**12.07 Management's Review of Second Issuance.** Following the distribution of the Second Issuance the General Manager and the appropriate members of his or her staff shall have seven (7) days to request any Agreed-Upon Action be revised to reflect their understanding of the course of action to which the parties agreed.

**12.08 Final Issuance.** If no requests to revise an Agreed-Upon Action have been received within seven (7) days following the distribution of the Second Issuance, Internal Audit will distribute the Final Issuance to the appropriate members of management, with copies to the Gaming Commissioners, the General Manager, and other members of Senior Management, as appropriate.

**12.09 Audit Report.** Concurrent with the distribution of the Final Issuance, the Internal Audit Manager will prepare and distribute an Audit Report or Executive Summary setting forth the Scope, Objectives, Audit's Opinion and a summary of the most critical issues identified during the audit with the related Agreed-Upon Actions or Management's Response.

**12.10 Follow-up.** It is the responsibility of the General Manager, and the appropriate members of his or her staff to notify Internal Audit when the corrective actions have been implemented. The failure to implement a corrective action in a timely manner may be grounds for the suspension or revocation of the responsible party's gaming license issued by the Gaming Commission. The failure to implement the corrective action may also subject the gaming enterprise and the appropriate members of management to fines and other penalties under GR 7.09.

<h2 style="margin: 0;">Chapter 13</h2> <h1 style="margin: 0;">RECORD RETENTION</h1>
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### Section

- 13.01** Types of records required to be retained.
- 13.02** Areas required to retain records.
- 13.03** Retention schedule required.
- 13.04** Media.
- 13.05** Duty to ensure records are preserved in a legible format.
- 13.06** Only one copy must be retained.
- 13.07** Start of retention period.
- 13.08** Records required to be retained by law.
- 13.09** Required retention period.
- 13.10** Records not required to be retained.

**13.01** Types of records required to be retained. All records produced by the Gaming Facility shall be retained for the period specified herein.

**13.02** Areas required to retain records. These requirements shall apply to all areas of the Gaming Facility, including ancillary operations for which the Gaming Facility's General Manager is responsible. These ancillary operations include, but are not limited to, any hotel, food services, and retail operations.

**13.03** Retention schedule required. The Gaming Facility shall have in place and follow, a written Retention Schedule. For each record required to be retained, the Retention Schedule shall designate:

- (1) The description of the record, including all alternative descriptions commonly used within the Gaming Facility.
- (2) The specific citation(s):
  - (a) Requiring the record to be produced.
  - (b) Specifying the period for which the record must be maintained.
- (3) The minimum period for which the record must be maintained.
- (4) The specific department within the Gaming Facility with responsibility for ensuring the record is transferred to storage with the required retention period clearly marked on each box or other container.

**13.04** Media. Records required to be maintained are those produced utilizing the following formats:

- (1) Paper (hard copy), including but not limited to:
  - (a) Original documents.
  - (b) Photo copies.
  - (c) Facsimile transmissions received.
- (2) Photographic, including but not limited to, microfilm.
- (3) Audio recordings, whether analog or digital.
- (4) Video recording, whether analog or digital.

- (5) Electronic, including by not limited to:
  - (a) Optical disks, DC, DVD, etc.
  - (b) Non-removable electronic media.
  - (c) Removable electronic.
- (6) No record shall be maintained using a media that is susceptible to subsequent alteration without detection by means readily available to, and used by, the average layperson. Forensic experts, including but limited to, document examiners, and others having similar knowledge and training, shall not be considered laypersons.

**13.05 Duty to ensure records are preserved in a legible format.** The Gaming Facility shall have an affirmative duty to preserve records for the required period. It is the Gaming Facility's responsibility to ensure:

- (1) The anticipated life of the media on which the media is retained, exceeds the required retention period without appreciable degradation in legibility.
- (2) When necessary, a duplicate copy of a record shall be made if the anticipated life of the media on which the original is stored may not meet the preceding requirement.
- (3) When necessary, audio and videotapes shall be transcribed, with the accuracy of the transcription verified by a second individual. However, if a hearing or other proceeding was simultaneously recorded on audio or video tape and a written transcript made by a Certified Court Reporter, the accuracy of the Reporter's transcription need not verified by a second person.
- (4) For records retained in an electronic format, the Gaming Facility shall ensure that at all times it has operable hardware and software that are capable of transcribing the data and producing a legible, hard copy of the data readable by a layperson.

**13.06 Only one copy must be retained.** If the Gaming Facility's procedures result in more than one department to have duplicate copies of the same record, the Gaming Facility may specify the Department responsible for the record's preservation. If one Department has not been designated, each Department shall have an independent duty to preserve its copy for the required period.

**13.07 Start of Retention Period.** The retention period for each record shall commence on the latter of:

- (1) The date the record is created.
- (2) The date the record is required to be filed with the Gaming Commission or other regulatory agency, including, but not limited to, the Internal Revenue Service.
- (3) The date the record was actually filed with the Gaming Commission or other regulatory agency, including, but not limited to, the Internal Revenue Service.

**13.08 Records required to be maintained by law.** Any record that the Gaming Facility is required to maintain under the United State Code, the Compact, the Code of Federal Regulations, NIGC regulations or these regulations shall be retained for the greater of the period specified under Federal law or regulations.

**13.09 Required Retention Period.** Unless an alternative retention period is specifically stated in these Regulations, the Compact, Title 11 or the Minimum Internal Controls adopted by the Gaming Commission, records shall be retained for the following periods:

- (1) Permanent:
  - (a) General Ledger Trial Balances.
  - (b) General Ledger Posting Journals.
  - (c) Life of the Asset:
    - (i) Purchase Agreements and similar contracts.
    - (ii) Correspondence with the vendor.
    - (iii) Purchase Orders.
    - (iv) Receiving documents.
    - (v) Inspection documents.
    - (vi) Cancelled checks.
- (2) Seven Years – Class III only:
  - (a) Per the Compact §12.7, all books and records relating to Class III gaming, including the records of any Management Contractor, Consultant, and the Tribe's Gaming Facility, shall be separately maintained in order to facilitate auditing of the books and records to ensure compliance with the Compact, Gaming Ordinance, Regulations, other applicable laws, and minimum internal control standards, during the pendency of any litigation arising from the Compact and for at least seven years from the date of the record. These records shall be retained for one year following the termination of the Compact.
  - (b) This subsection GR 13.09(2)(a) only applies to Class III gaming records, and Class II records are subject to record retention requirements of the rest of this section.
- (3) Five Years:
  - (a) All records required to be produced under the Minimum Internal Controls adopted by the Gaming Commission, unless an alternative retention period is specified.
  - (b) All documents filed with the Internal Revenue Service, including all supporting documents.
  - (c) All Currency Transaction Reports and Reports of Suspicious Activity required to be filed under Title 31 of the United States Code, including all supporting documents.
  - (d) Records of Payroll disbursements, including, but not limited to:
    - (i) Time Sheets/Time Cards
    - (ii) Management Approvals, including approvals for permanent or temporary changes in rates of pay.

- (iii) Payroll Registers
  - (iv) Reports showing changes in non-monetary information
  - (v) Cancelled checks
  - (vi) Statements from the Financial Institution(s)
  - (vii) Reconciliations of the statements from the Financial Institution(s) to the Gaming Facility's records.
- (e) Records of disbursements to vendors, contractors, and reimbursement of employee business expenses:
- (i) Purchase Agreements and similar contracts.
  - (ii) Correspondence with the vendor.
  - (iii) Evidence the payee was a licensed or registered vendor.
  - (iv) Purchase Orders.
  - (v) Receiving documents.
  - (vi) Inspection documents.
  - (vii) Cancelled checks.
  - (viii) Statements from the Financial Institution(s).
  - (ix) Reconciliations of the statements from the Financial Institution(s) to the Gaming Facility's records.
- (f) Personnel files shall be retained for five (5) years following the last date of employment.
- (g) Records of all goods or services furnished to any person at less than the price at which the goods and services are offered to the general public. Required records include, but are not limited to:
- (i) The identity of the person to whom the goods or services were furnished.
  - (ii) The description of the goods or services furnished.
  - (iii) The price at which the goods or services were offered to the general public.
  - (iv) The actual cost to the recipient.
  - (v) The reason for furnishing to goods or services at a discounted or complimentary basis.
  - (vi) The signature, including Gaming License Number, of the person approving the transaction.
  - (vii) The preceding requirement also applies to goods and services available to the public for a charge that are furnished to:
    - (A) Another area of the Gaming Facility.
    - (B) The Tribe.
    - (C) Records of Room and ancillary charges by the hotel, including payments received thereon.
- (4) One Year:
- (a) Applications for employment. In lieu therefore the Gaming Facility may maintain a log of all applications received that includes:
- (i) Applicant's name.
  - (ii) Applicant's Address.
  - (iii) If the applicant identified themselves as a Native American.

- (iv) Position(s) applied for.
- (v) Disposition of application.
- (b) Records of detailed transactions by customers at the Cage. This includes, but is not limited to, tapes produced by coin or currency counters.
- (c) A listing, by register, of all transactions in any retail establishment, including but not limited to:
  - (i) Gift Shop.
  - (ii) Spa.
  - (iii) All food services, including but not limited to, Room Service.

**13.10 Records not required to be retained.** The following records need not be retained:

- (1) Internal employee communications regarding marketing promotions and related events.
- (2) Internal employee communications regarding general employee meetings.
- (3) Interim communications and meetings regarding proposed or possible changes to policies and procedures.



<h2 style="margin: 0;">Chapter 14</h2> <h1 style="margin: 0;">ENVIRONMENT, PUBLIC HEALTH, AND SAFETY</h1>
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### Section

- 14.01 EPHS Compliance.**
- 14.02 Purpose of regulation.**
- 14.03 Submission of documents for review.**
- 14.04 Facility License.**
- 14.05 Failure to comply; consequences.**
- 14.06 Facility licensing inspections.**

**14.01 EPHS Compliance.** The Gaming Facility shall comply with all environmental, public health and safety (EPHS) requirements of the Tribe, the Gaming Commission, the Compact and the NIGC. Compliance with EPHS requirements are a prerequisite for renewal of a Facility License.

- (1) Construction standards shall be no less stringent than the standards established by the International codes covering the following:
  - (a) International Building Code.
  - (b) International Mechanical Code.
  - (c) International Plumbing Code.
  - (d) International Fire Code.
- (2) Food and Beverage Handling standards shall be no less stringent than the standards established by the United States Public Health Service requirements.
- (3) Occupational Safety and Health Standards shall be no less stringent than the standards established by the United States Occupational Safety and Health Administration (OSHA) for the areas listed below. Adoption of these minimum standards by the Gaming Commission ensures compliance with 25 CFR Part 580 as required by the National Indian Gaming Commission, and does not constitute adoption of federal statutory and case laws.
  - (a) Hazard Communication.
  - (b) Environmental Standards.
  - (c) Personal Protective Equipment.
  - (d) Fire Protection.
  - (e) Hand and Power Tools.
  - (f) Hot Work.
  - (g) Electricity.
  - (h) Lockout/Tag out.
  - (i) Aerial Lifts.
  - (j) Fall Protection.
  - (k) Motorized Vehicles and Equipment.
  - (l) Excavation and Trenching.
  - (m) Ladders and Stairways.
  - (n) Confined Spaces.

- (o) Disaster Planning.
  - (p) Blood borne Pathogens.
  - (q) Record keeping.
  - (r) Machine Guarding.
  - (s) Industrial Truck Operations (forklift).
  - (t) Storage of Compressed Gas Cylinders.
  - (u) Hearing Protection.
  - (v) Ergonomics.
  - (w) General Duty Clause.
- (4) EPHS standards shall be no less stringent than the standards established by the National Indian Gaming Commission checklists, and shall also address, if not otherwise included above:
- (a) Emergency preparedness, including but not limited to fire suppression, law enforcement, and security;
  - (b) Food and potable water;
  - (c) Construction and maintenance;
  - (d) Hazardous materials; and
  - (e) Sanitation (both solid waste and wastewater).

**14.02 Purpose of regulation.** The Sac & Fox Gaming Ordinance at Section 11-1203 requires that “the construction and maintenance of any gaming facility, as well as the operation of any gaming, by the Tribe shall be conducted in a manner which adequately protects the environment and the public health and safety.” This language is mandatory language required by the IGRA at 25 U.S.C. 2710 (b)(2)(E). Furthermore, NIGC regulations at 25 CFR Part 580 require that tribes comply with certain environmental, health and safety standards.

**14.03 Submission of documents for review.** The Sac and Fox Gaming Commission, which is charged with enforcing the regulations of the NIGC, and in order to avoid adverse findings by the NIGC and to avoid construction delays and additional expense, finds that it has a duty to review certain provisions of all Gaming Facility construction documents and plans to ensure compliance with regulations and checklists prior to the onset of construction. The Gaming Facility shall submit copies of all plans and contracts for construction, expansion, remodeling or other alteration of the gaming premises to the Gaming Commission for a compliance review as to health, safety and environmental requirements of the Tribe, the Gaming Commission and the NIGC, prior to the start of such work. In the event the Gaming Commission finds non-compliance with EPHS requirements, it shall notify the Gaming Facility in writing of any necessary corrections. The Gaming Facility shall ensure the corrections are made and resubmit the changes to the Gaming Commission for further review and acceptance.

**14.04 Facility License.** The Gaming Commission shall develop standards for renewal of a Gaming Facility’s Facility License that are at least as stringent as the requirements set forth by the NIGC set forth in 25 CFR Part 559 Facility Licensing, as listed below. In order for the Tribe to be in compliance with Part

559 and in order for the Gaming Commission to issue a renewal of the Gaming Facility license, the Gaming Facility must be in compliance with this section. The Tribe must submit to the NIGC Chairman along with a copy of the Facility License an attestation certifying that by issuing the Facility License:

- (1) The Tribe has identified and enforces the environment and public health and safety laws, resolutions, codes, policies, standards or procedures applicable to the Gaming Facility, and that the Gaming Facility is in compliance with such laws, resolutions, codes, policies, standards or procedures identified by the Tribe as applicable to its gaming facilities, other than Federal laws, in the following areas:
  - (a) Emergency preparedness, including but not limited to fire suppression, law enforcement, and security;
  - (b) Food and potable water;
  - (c) Construction and maintenance;
  - (d) Hazardous materials;
  - (e) Sanitation (both solid waste and wastewater); and
  - (f) Other environmental or public health and safety laws, resolutions, codes, policies, standards or procedures adopted by the tribe in light of climate, geography, and other local conditions and applicable to its gaming places, facilities, or locations.

**14.05 Failure to Comply; Consequences.** If the Gaming Facility fails to comply with this regulation, it and/or its General Manager or other management officials with decision making authority over construction and plans, shall be subject to disciplinary actions by the Gaming Commission. If a Gaming Facility fails to comply with all requirements necessary for renewal of its Facility License as set forth in GR 14.06, the SFGC and the NIGC may exercise enforcement authority pursuant to 25 CFR §573.6(a)(4) to order temporary closure for any Gaming Facility that operates for business without a Facility License, in violation of 25 CFR Part 522 or 559.

**14.06 Facility Licensing Inspections.** The Gaming Commission shall conduct facility inspections for the purpose of renewal of the facility license to ensure compliance with NIGC and SFGC environmental, public health and safety standards prior to renewal, and on an ongoing random basis to ensure continuing compliance.

- (1) General:
  - (a) The SFGC may conduct or cause to be conducted inspections of a Gaming Facility licensee without notice at any time.
  - (b) At its discretion, the SFGC may contract with private persons or organizations possessing the particularized knowledge or expertise necessary to adequately carryout such inspections.
  - (c) The SFGC's authority to conduct inspections shall include:
    - (i) All interior areas of the building housing the Gaming Facility and any permanent or temporary structures connected to or located within 1,000 feet of the Gaming Facility, including,

- but not limited to, hotel, event center, gift shop, retail, beverage, and food services areas;
- (ii) All exterior areas comprising the premises, including, but not limited to the grounds, storage buildings, parking lots, paths, sidewalks, and driveways.
- (2) Scope of inspection:
- (a) Conduct or cause to be conducted a final inspection of the premises.
  - (b) Determine the maximum occupancy level of the facility consistent in accordance with the Fire Safety standards.
  - (c) Determine that there are no existing safety hazards.

## Chapter 15 PATRONS

### Section

- 15.01 Patronage is a privilege, not a right.**
- 15.02 No gambling by minors.**
- 15.03 Banishment or ejection of persons from Gaming Facility.**
- 15.04 Factors to be considered by the Gaming Commission in making a determination to banish or eject.**
- 15.05 Notice to banned patrons.**
- 15.06 Reinstatement of patronage privileges.**
- 15.07 Tribal exclusion orders.**
- 15.08 Patron disputes – Management duty.**
- 15.09 Patron disputes – Gaming Commission duty.**
- 15.10 Forfeiture of winnings; false identification.**
- 15.11 Hearing.**
- 15.12 Possession of Fire Arms.**

**15.01 Patronage is a privilege, not a right.** The Gaming Commission hereby declares that being allowed entry into licensed Gaming Facilities is a privilege, not a right.

**15.02 No gambling by minors.** No person below the age of twenty-one (21) for Class III gaming or eighteen (18) years for Class II gaming on the date of gaming shall be permitted by the Gaming Facility to participate in gaming in any Gaming Facility licensed under the provisions of Title 11, and any person who enters the Gaming Facility may be required to show identification for proof of age. Acceptable identification for U.S. residents are driver's license, U.S. passport or other government issued photo ID cards, including tribal photo ID cards. For aliens or nonresidents of the United States, acceptable identification includes a passport, alien identification card and other official documents evidencing nationality or residence (e.g. provincial driver's license).

**15.03 Banishment or ejection of persons from Gaming Facility.**

- (1) The Gaming Commission hereby declares that banishment (exclusion) or ejection of certain persons from licensed Gaming Facilities, facilities, operations or gaming premises is necessary to carry out the policies of Title 11 or these Regulations to maintain the health, welfare, safety and security of the public, as well as to protect the integrity of gaming conducted on the Meskwaki Settlement.
- (2) In the furtherance of the policies of Title 11 the Gaming Commission may provide for any Gaming Facility, facility, or place a list of persons who are not permitted to enter or be on the premises, and who may be forcibly banished or ejected there from, including any person whose presence poses a threat to the Sac and Fox Tribe of the Mississippi in

Iowa, the State of Iowa, or to the integrity of licensed gaming conducted within the Settlement. The Commission may consult with gaming jurisdictions, law enforcement agencies, and credible sources, public or private, to prepare the list.

- (3) Upon a finding that a person should be banished or ejected, the Commission shall provide the Gaming Facility and local law enforcement with a picture of that person, with a written description of that person, together with written notice to the person that the person shall not be permitted to enter or be on the premises of any Gaming Facility, and who, upon identification by the Gaming Facility, shall be forcibly ejected or banished there from.
- (4) The Gaming Facility or a Casino Division Officer may independently make a finding that any person should be banished or ejected for any of the reasons specified in GR 15.04, and may act to banish or eject such persons, provided that any person so ejected shall be provided with written notice of the right to a hearing to appeal such action within 30 days of the date of the ban to the Gaming Commission. The Gaming Facility or a Casino Division Officer may not attempt to banish or eject any Gaming Commissioner, or any authorized employee or agent of the Gaming Commission, and any Gaming Facility or Casino Division Officer orders so issued shall be deemed void and unenforceable.
- (5) The Gaming Facility shall make provision for compliance regarding ban enforcement, which shall contain procedures for compliance at all levels, including security, the cage and player's club areas. All revisions to the ban compliance policy shall be submitted to the Gaming Commission for approval prior to implementation.

**15.04 Factors to be considered by the Gaming Commission in making a determination to banish or eject.** In making its determination regarding banishment or ejection from a gaming facility, place, establishment, or operation the Gaming Commission shall consider:

- (1) That person's prior conviction for a felony, a misdemeanor involving moral turpitude, or a violation of the gaming laws of any Indian Tribe, State, or of the United States;
- (2) Any violation or attempt to violate, or conspiracy to violate the provisions of Title 11 or these Regulations;
- (3) Failure to disclose information required by the license application, or any effort to evade assessments or fees associated with the conduct of gaming;
- (4) Any reputation for behavior which would adversely affect the public confidence in the Gaming Facility and trust that the gaming industry is free from criminal or corrupting influences;
- (5) Disorderly conduct, or any attempt to manipulate or tamper with any gaming equipment or supplies or to alter or distort the normal conduct of any game, or to conspire with any other person for such purposes.
- (6) Any perceived threat the individual may pose to the integrity of the Gaming Facility and/or the safety of the public and employees.

- (7) Provision of false or fraudulent identification papers or false immigration papers to gaming personnel.
- (8) Engaging, directly or indirectly, in misconduct that results in damage to the property, whether in a gaming or non-gaming area. The registered guest or guests of a hotel room will be deemed indirectly responsible for damage to the room, even if they were not physically present at the time the damage occurred.

**15.05 Notice to banned persons.** When the name and description of a person is placed on the list of banned persons, the Gaming Facility and/or the Gaming Commission shall give notice of the action to that person in accordance with the procedures set forth in GR 15.03(4). A banned person may appeal within 30 days of the ban by filing an appeal to the Gaming Commission to rescind the ban.

**15.06 Reinstatement of patronage privileges.** It is the responsibility of any person petitioning the Gaming Commission for the reinstatement of their patronage privileges to prove to the Gaming Commission they no longer present a risk to tribal assets, the integrity of the gaming on Tribal property or the safety of the public and employees.

- (1) A patron who has a voluntary ban may petition for reinstatement after one year but must prove that the conditions for the voluntary ban no longer exist.
- (2) A minor who has been banned may petition for reinstatement of patronage privileges after the minor has turned 21 years of age.
- (3) A patron who has been barred for life may petition for reinstatement of patronage privileges only if the patron can prove that extenuating circumstances prevented the patron from filing a timely appeal.
- (4) A banned patron may petition the Commission for a temporary waiver to attend a tribal event or ceremony in the convention center or on casino grounds. The temporary waiver shall be restricted as to both the location and times.
- (5) Any person who is banned as the result of an arrest at the Gaming Facility may not petition for reinstatement until the charges have been dismissed or the court found them not guilty. A voluntary plea of guilty or a plea of no contest to the offense for which the arrest was made or other charges arising out of the offense, i.e. a lesser included offense, will be considered a conviction.
- (6) Any person who is banned as the result of an arrest at the Gaming Facility that resulted in a misdemeanor conviction may not petition for reinstatement until one (1) year after the date of conviction.
- (7) Any person who is banned as the result of an arrest at the Gaming Facility that resulted in a felony conviction may not petition for reinstatement until three (3) years after the date of conviction.
- (8) Anyone banned under GR 15.04 (8) may not petition for reinstatement for one (1) year, or until full restitution has been made, whichever is later.

**15.07 Tribal exclusion orders.** The Gaming Facility and the Gaming Commission shall enforce all exclusion orders issued by the Tribal Council pursuant to Title 13, Law and Order, Article VII, Exclusion. A Tribal exclusion order by the Tribal Council will be presumed to include the gaming premises, including parking lots and ancillary buildings, unless they are specifically excluded from the scope of the exclusion order. Ban orders issued by the Gaming Commission to enforce a Tribal exclusion order may not be appealed to the Gaming Commission. If a person claims that the Tribal Council pursuant to the Exclusion Ordinance has rescinded a tribal exclusion order against him/her, he/she must provide a certified copy of the rescission order to the Gaming Commission in order for the rescission to be recognized.

**15.08 Patron disputes - Management duty.** In the event of a patron dispute, particularly regarding the nonpayment of alleged winnings to the patron, the patron shall first notify the Gaming Facility management. Management shall attempt to immediately resolve the complaint, but if immediate resolution is not possible, shall inform the patron that if management fails to act within one week to resolve the dispute to the satisfaction of the patron, the patron may immediately contact the Gaming Commission. If immediate resolution is not possible, it is the duty of the Gaming Facility, and the joint and several obligation of each member of management, to ensure all relevant evidence, including, but not limited to, surveillance recordings are preserved for Gaming Commission review. Management shall establish a written process for investigating, reviewing and resolving patron complaints in compliance with this section, and shall submit a copy of such process to the Gaming Commission. A Gaming Facility shall maintain written records of all patron complaints, and shall submit a monthly written report of such complaints to the Gaming Commission. Failure by management to notify the Gaming Commission, failure to notify the patron of the patron's rights, or failure to pay after an adverse decision is grounds for disciplinary action on an individual's license.

**15.09 Patron disputes – Gaming Commission duty.** Within 30 days of the receipt of notice of a patron complaint, unless the complainant agrees in writing to extend the time for investigation, the Gaming Commission shall conduct or cause to be conducted whatever investigation is necessary and shall make a final decision regarding the complaint. The Gaming Commission shall notify the patron of procedures for reconsideration, appeal and/or review in accordance with applicable law. If the Gaming Commission determines that payment should be made, it may order that payment be made from the funds of the Gaming Facility. For complaints involving Class III gaming referred by the Director of the Iowa Department of Inspections and Appeals, the Gaming Commission shall provide a copy of its final decision to the Director within 15 days of its issuance. The final decision will be in conformance with the Compact, Title 11, regulations, and other applicable laws.

**15.10 Forfeiture of winnings; False identification.** If a patron provides false or fraudulent identification or false immigration papers to the Gaming Facility,



resulting in winnings being credited to another person not the patron, whether or not the purpose of providing false identity is to evade a current ban or to evade a court order or to evade Title 31 compliance or to evade income taxes or for any other proscribed reason set forth in applicable law, such winnings may be subject to forfeiture back to the Tribe after notice by the Gaming Commission to the patron that the false identification has been discovered and that the winnings may be forfeited.

- (1) The patron may dispute a decision by management or the Gaming Commission as set forth in GR 15.08 and 15.09 for non-payment of alleged winnings.
- (2) The patron will be notified by the Gaming Commission of a hearing date to be held within 15 days of the seizure, unless extended an additional 15 days for further investigation, in accordance with Title 11 section 11-7202, Forfeiture of Property, at which time the patron may present evidence to dispute that the winnings were used for any of the purposes described in paragraph (a) of section 11-7202, particularly (a)(2) which reads “in exchange for, to facilitate, or in connection with a violation of this Title, any rule or regulation of the Commission, any provision of any Class III gaming compact entered into between the Tribe and the State of Iowa or in taking any action proscribed under such laws, rules or regulations or compact.”

**15.11 Hearing.** If a matter proceeds to a hearing, whether called at the discretion of the Gaming Commission or upon the written request of the person who is subject to the action, the hearing shall proceed in accordance with Chapter 16 of these regulations.

**15.12 Possession of Fire Arms.** Possession of fire arms, other than by on-duty, certified peace officers is prohibited under the provisions of the Compact and the Gaming Ordinance.

- (1) The Gaming Facility shall post the following notice at all exterior entrances;
 

“Possession of fire arms, other than by on-duty, certified peace officers, is prohibited under the provisions of the Compact and the Gaming Ordinance. On-duty certified peace officers are required to notify security immediately upon entering the premises.”
- (2) Subject to Gaming Commission approval, the Casino Division Officers may take custody of patron’s firearms for storage in a secure location. The procedures shall ensure each firearm is returned to its rightful owner or appropriate law enforcement officials. The Gaming Facility may limit the availability of this service based upon anticipated need. If offered, the availability of this service shall be posted at all exterior entrances, and the Gaming Facility may require all fire arms be brought into the premises through one entrance.

<b>Chapter 16</b> <b>CONTESTED MATTERS PROCEDURES</b>
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**Section**

- 16.01** Petition for hearing on Commission, Agent, or employee action.
- 16.02** Filing of Formal Complaint.
- 16.03** Pre-hearing procedures.
- 16.04** Service of Notice.
- 16.05** Answer.
- 16.06** Filings.
- 16.07** Documents required to be filed with Gaming Commission.
- 16.08** Use of legal counsel.
- 16.09** Per diem and mileage.
- 16.10** Disqualification of Commissioner; Conflict of Interest.
- 16.11** Hearing Procedures.
- 16.12** Decision by Gaming Commission.
- 16.13** Petition for reconsideration of Commission decision.

**16.01 Petition for hearing on Commission, Agent, or employee action.**

Any person aggrieved by an action of an agent or employee of the Gaming Commission, which was taken without a prior hearing, other than the emergency suspension of that person's license or an adverse finding, may, within ten (10) days following the date of the action, petition the Commission for a hearing. Any failure to timely file a petition for a hearing shall be deemed a waiver of all rights to challenge the validity of the action. If the tenth day falls on a non-business day for the Commission, the matter shall be filed by the next business day.

**16.02 Filing of Formal Complaint.** A person, not a patron, including a Gaming Commission member, claiming that a person has engaged or is engaging in conduct constituting grounds for disciplinary action on a license shall file with the Gaming Commission, within sixty (60) days of the event, or discovery of the event, a written complaint stating the name of the person complained against, the name and address of the person making the complaint, the details of the complaint, and the date of the complaint. The complaint shall fully detail the conduct upon which the complaint is made. The Gaming Commission may reject a complaint if it does not meet the requirements of this section. If after preliminary investigation the Gaming Commission determines the complaint has merit, the Gaming Commission shall immediately serve by mail a copy of the complaint upon the licensee complained against and any other affected parties. Any complaint that is a patron dispute shall be controlled by Chapter 15, Sections 15.08 and 15.09.

**16.03 Pre-hearing procedures.** Upon receipt of complaint or by motion of the Gaming Commission, the Commission Chair shall serve a notice of hearing upon

the parties involved. Such notice shall be made in accordance with this Chapter. A copy of the complaint or request for a hearing shall be attached to the notice of hearing. When the hearing is initiated by motion of the Commission, a statement setting forth the nature and grounds for the hearing shall be attached. All parties to the hearing, shall receive a copy of the notice "Use of Legal Counsel" with the notice of the hearing. However, an inadvertent failure by the Gaming Commission or its staff to provide such notice shall not excuse a party from appearing, but the party may appear and request a continuance.

**16.04 Service of Notice.** Any complaint, notice of hearing, subpoena or other document sent by the Gaming Commission may be served by any Gaming Commissioner or by any authorized employee or agent of the Gaming Commission, using any of the following methods:

- (1) Personal service by hand delivery to the person, and if the party is not a natural person, to its authorized agent for the service of process. Personal service upon someone over 16 years old at the last known residence of the person shall be deemed good service upon the person.
- (2) Depositing an envelope into the United States Mail, addressed to the party at their last known address, marked "Certified Mail, Deliver to Addressee Only, Return Receipt Requested," with proper postage affixed. Any certified mail notice will be deemed to have been served on the date signed by any person.
- (3) Posting a notice for twenty-one days at the Meskwaki Tribal Center and the Meskwaki Trading post, and publishing a "Legal Notice" in a paper of general circulation in Toledo, Iowa, once per week, for three consecutive weeks. This method may only be used if hand delivery or use of certified mail has proven impossible or the Gaming Commission has sufficient evidence to find use of these methods would not be productive.
- (4) Actual notice to the person of the next hearing date and time given during a hearing on the record shall be deemed sufficient notice, and no further notice need be given to the person of that hearing date and time.
- (5) If the person has an attorney who has filed a Notice of Appearance or similar document with the Gaming Commission, service as set forth in this section may be made on the Attorney and deemed to be proper notice upon the person.
- (6) Once jurisdiction has been established by initial service on the person according to this section, any further notice may be mailed by regular mail to the address given on the record by the person, and such notice shall be deemed good and proper notice of future hearings.

**16.05 Answer.** The person complained against shall have twenty (20) days after service of the complaint to file an answer admitting, denying, qualifying, or explaining the allegations. After receipt of the answer to the complaint, after the time has expired to answer or after having determined that no answer is necessary, the Gaming Commission shall examine the complaint, any answer, and other supporting documents to determine whether the complaint has merit or

is frivolous or whether it charges conduct constituting grounds for disciplinary action. The Gaming Commission may investigate the complaint and use external evidence to determine if the complaint has merit. The Gaming Commission may presume that any issues of fact alleged in the Complaint that were not specifically refuted are true.

**16.06 Filings.** Unless otherwise specified or required by the Commission, all filings with the Commission shall be on letter size (8 ½” by 11”), double spaced, printed using at least 12pt. type.

**16.07 Documents required to be filed with Gaming Commission.** Any document required to be filed with the Gaming Commission under this Chapter shall be delivered to or mailed to the Gaming Commission’s office. Any attempt to serve a Gaming Commissioner or authorized agent of the Commission outside the Gaming Commission’s office, without their specific consent, shall be deemed ineffective. Acceptance by the United States Postal Service of a Certified Letter addressed to the Gaming Commission’s office shall be sufficient only to establish the date mailed, however the party sending the documents bears all risks of non-delivery.

**16.08 Use of legal counsel.** The following rules apply to all Attorneys or other representatives appearing or intending to appear at an administrative hearing:

- (1) All attorneys, other than attorneys for the Gaming Commission or the Tribe, shall file an Appearance, using the form prescribed by the Gaming Commission, with the presiding official not less than ten (10) business days prior to the date of the hearing. The Gaming Commission may grant a continuing waiver of this requirement to any attorney, or all partners and associates of a law firm. However the Gaming Commission may revoke a continuing waiver at any time, including during a hearing.
- (2) The failure of a party’s attorney to file their appearance in a timely manner shall not excuse the party from participating in the hearing.
- (3) Any witness testifying in a hearing closed to all parties other than the witness, shall have the opportunity to confer with legal counsel before answering any question, however the presiding official, and any other members of the Commission in attendance, may consider any such request when evaluating the veracity of the witness.
- (4) All persons appearing in any proceeding before the Commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the Sac & Fox Tribal Court. If any person does not so conform, the Commission may decline to permit that person to appear in a representative capacity in this or any future proceeding before the Commission.
- (5) No person who has been denied the authorization to practice law on the Settlement by the Tribal Council or Tribal Court or who is the subject of an exclusion order or ban may appear in a representative capacity before the Gaming Commission.

- (6) Any attorney or other representative who intends to appear before the Gaming Commission in a representational capacity must be a member of the Sac and Fox Bar. It is the responsibility of the attorney or other representative to contact the Tribal Court office to complete an application and pay all required fees prior to entering an appearance in the administrative proceeding, and to be prepared to provide proof of such membership to the Gaming Commission.

**16.09 Per diem and mileage.** The Commission may authorize per diem and mileage for witnesses at formal hearings. Such expenses are deemed to be hearing costs and may be assessed against the non-prevailing party.

**16.10 Disqualification of Commissioner; Conflict of Interest.** If the initial complaint was filed by a Commission member, or a Commission member anticipates he or she will be called as a witness, that Commission member is disqualified from sitting at the hearing as a Commission member and from participating in the decision made by the Commission. If a Commission member has a financial relationship with, has a close personal friendship with, is a member of the same household with or is related by blood or marriage within the first degree to the licensee or patron, that Commissioner should voluntarily remove himself or herself from further participation if he/she concludes that he/she cannot be objective or that there will be an appearance of partiality, and any decision not to remove himself or herself from further participation should be disclosed in writing to all parties, including the other Commissioners, with a statement why that Commissioner believes they can be impartial. A disqualified Commission member who has made a voluntary recusal may appear as a witness or give advice on procedure. The Gaming Commission may, at its discretion, appoint a substitute to hear the case.

**16.11 Hearing Procedures.** Unless the Gaming Commission subsequently adopts a different set of procedures, the following procedures and rules shall govern all administrative hearings.

- (1) *Subpoenas.* The Gaming Commission is authorized to issue subpoenas, including *subpoena duces tecum*, requiring witnesses or documents at hearings before the Commission. All witnesses subpoenaed to appear shall receive a copy of the notice "Use of Legal Counsel" with the subpoena. However, an inadvertent failure by the Gaming Commission or its staff to provide such notice shall not excuse a party from appearing, but the party may appear and request a continuance. Any licensee who fails to appear or provide evidence pursuant to a subpoena, may be subject to disciplinary action.
- (2) *Discovery.* Requests by the licensee or patron for discovery materials from the Gaming Commission must be filed in writing prior to the hearing. The licensee or patron bears the burden of requesting discovery documents in a timely manner.
- (3) *Time of hearing.* The Commission shall conduct all hearings within sixty (60) days of the filing of the complaint, unless a shorter period is

required under these Regulations or agreed by the Gaming Commission and the licensee or patron. Granting a request for a continuance shall be at the sole discretion of the Chair of the Gaming Commission or presiding official.

- (4) *Motions.* All motions before the Commission shall state the relief sought and the grounds therefore. All motions before the Commission shall be filed prior to the date and time established by the Commission. Motions made prior to a hearing shall be in writing and copies served on all parties and any attorneys of record. The Commission shall rule on the motion in writing and a copy of the ruling, along with a copy of the motion, shall be mailed to the parties and their attorneys of record. Any motions may be made orally during a hearing provided that the Commission may request that they be reduced to writing and filed.
- (a) To avoid a hearing on a motion, the moving party should secure the consent of the opposite party prior to filing the motion. If such consent is not obtained, a hearing on the motion may be scheduled and the parties notified. The burden will be on the party filing the motion to show good cause why the motion should be granted.
- (b) The party making the motion may attach affidavits deemed essential to the disposition of the motion, which shall be served with the motion and to which the opposite party may reply with counter affidavits. Types of motions include but are not limited to motions for a continuance or dismissal.
- (c) Motions will be decided without a hearing unless a hearing is requested in writing by the movant or ordered by the Commission.
- (5) *Briefs.* The Commission may require the filing of briefs on any of the issues prior to or at the time of hearing or at a subsequent time. The Commission may place limits on the size of the briefs filed by all parties. If briefs have been filed prior to a hearing, the parties shall be prepared to make oral arguments at the conclusion of a hearing if the Commission so directs. Five copies of all briefs shall be filed with the Commission.
- (6) *Conduct of hearing — In General.* A hearing shall be conducted by the Chair or his or her designee who, among other things, shall open the record and receive appearances, administer oaths and issue subpoenas; enter the notice of hearing into the record; receive testimony and exhibits presented by the parties; in the Chair's discretion, interrogate witnesses; rule on objections and motions; and issue an order containing findings of facts and conclusions of law.
- (a) The full Gaming Commission, one or more Gaming Commissioners, or a designee of the Gaming Commission may conduct hearings. For the purpose of this Regulation, the term "Gaming Commission" shall include any of the foregoing and presiding official shall be the Chair or other person conducting the hearing.

- (b) All hearings shall be public hearings, unless closed, in all or in part, by the Commission *sua sponte*. If closed by the Commission *sua sponte*, the Commission may exclude other parties, including attorneys, from the place where the testimony is taken.
  - (c) Any party to a hearing, other than the Gaming Commission, including a witness, may submit a written request to the presiding official to close all or part of the hearing to the public. The presiding official may grant the request if he or she finds that the failure to close the hearing would unfairly damage the character and reputation of any person, and that closing the hearing would not be unduly prejudice the interests of any party, including the Gaming Commission.
  - (d) The official record of any closed hearing, or any closed part of a hearing, shall remain sealed, and no party to the hearing shall be permitted to make their own video and/or audio recording or stenographic record without prior written permission from the Gaming Commission.
  - (e) If the party submitting a request to close all or part of a hearing is a licensee or an applicant for a license, and the purpose of the hearing is to determine that party's suitability to receive a license, or retain a license previously issued, the presiding officer may grant the request, however a decision following the conclusion of the hearing not to grant a license to that party, or to revoke or suspend a license previously issued to that party, shall result in the automatic unsealing of the testimony.
- (7) *Record.* An official record will be made by the Gaming Commission of all Administrative Hearings. The form of the official record will be at the presiding official's sole discretion. The official record of all hearings will be in English.
- (a) If the official record is an audio and/or video recording, any party to the hearing may request a copy; however that party shall deposit funds with the Gaming Commission sufficient to cover the Gaming Commission's costs to make the copy.
  - (b) If the official record is an audio and/or video recording, any party to the hearing may submit a written request to the Commission, not less than seven (7) days prior to the scheduled date of the hearing, to make their own recording. Any request submitted must acknowledge the Gaming Commission's recording will constitute the official record, and that the Gaming Commission has complete discretion to deny the request for any reason.
  - (c) If the official record is a transcript taken by a Court Reporter, the reporter must be certified under the rules established by the Tribal Court, or pursuant to Iowa law.
  - (d) If the official record is a transcript taken by a Certified Court Reporter, any party to the hearing may purchase a copy from the Recorder.

- (e) If the official record is an audio and/or video recording, any party to the hearing may submit a written request to the Commission, not less than seven (7) days prior to the scheduled date of the hearing, to hire a Certified Court Reporter. Any request submitted must acknowledge the Gaming Commission's recording will constitute the official record, that the Recorder shall provide a copy of the transcript to the Gaming Commission without charge to the Commission, and that the Gaming Commission shall have complete discretion to deny the request.
- (f) A record of the hearing proceedings or transcription shall be filed with and maintained by the Commission for at least five years from the date of the decision.
- (8) *Translator.* Any party to a hearing who requires a translator, including the hearing impaired, may petition the presiding official, not less than 10 days prior to the scheduled date of the hearing, for permission to use a translator. The petition shall be granted, unless the hearing official finds that the petition was made for the purpose of hindering or delaying the conduct of the hearing.
  - (a) The presiding official shall take notice of any prior interaction, including those of other Commissioners and/or Commission staff, with the party submitting the petition when making the determination as to the need for a translator. The presiding official may schedule an *ex parte* conference with the party making the petition to assess that party's ability to communicate in English.
  - (b) If the presiding official determines a translator is necessary or desirable to communicate with any witness, the presiding official may, accept the translator proffered by the party making the request, appoint a Gaming Commissioner, including one who is participating in the hearing, a member of the Commission's staff, any person holding an Employee License issued by the Commission, or any other person to act as translator. In making this determination the presiding official may consider *ex parte*, hearsay evidence, regarding any potential bias by the translator.
  - (c) If a translator is permitted, the presiding official may require the party requesting the translator to deposit sufficient funds with the Commission to pay the translator's anticipated fee.
  - (d) All interpreters translating questions presented to a witness, and the witness's responses, shall be sworn.
- (9) *Failure to appear.* If a party fails to appear for a hearing after proper service of notice, the Chair or his or her designee may adjourn the hearing or may proceed with the hearing and make a decision in the absence of that party, taking as true any or all of the evidence admitted to the record.
- (10) *Contempt.* Contemptuous conduct by any person appearing at a hearing before the Commission shall be grounds for that person's



exclusion from the hearing by the Commission Chair or his or her designee.

- (11) *De Novo*. Commission hearings, other than hearings granted by the Commission to reconsider a decision previously made following a hearing on the merits, are considered to be *de novo* hearings. All relevant evidence will be heard or otherwise made part of the record. Hearings to reconsider a decision previously made after a hearing are limited to matters included in the Commission's written decision and the record of the hearing. Parties may not introduce new evidence or raise arguments not raised during the initial hearing unless granted leave to do so by the Commission.
- (12) *Oath*. Testimony of all persons, including Gaming Commissioners, elected Tribal Officials, employees of the Gaming Commission, and employees of the Tribe will be taken under oath. A Notary Public, the Gaming Commission Chair, or other presiding official, after asking the witness to raise his or her right hand, shall administer the following oath, on the record to all parties offering testimony:

*“Do you swear or affirm that the testimony you are about to give in this matter shall be the truth, the whole truth, and nothing but the truth?”*

- (13) *Evidence having probative value*. No formal rules of evidence will be applied. In evaluating the evidence, the Commission's experience, technical competence and specialized knowledge may be utilized. Although the Commission is not bound to follow the technical common law rules of evidence, all findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs and may be based upon such evidence even if it would be inadmissible in a jury trial. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The Commission shall give effect to the rules of privilege recognized by law, however the Commission may infer from the failure or refusal to answer any question that the answer would have been adverse to the witness. Evidence not provided to requesting party by subpoena, through written discovery requests or during any informal procedure shall not be admissible at the hearing. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form by the Commission. Objections to evidentiary offerings must be made at the hearing.
- (14) *Copies of evidence*. A copy of any book, record, paper or document may be offered directly in evidence in lieu of the original, if the original is not readily available or there is no objection. Upon request, the parties shall be given an opportunity to compare the copy with the original, if available. When an original is admitted into evidence, a copy may be substituted later for the original or such part as may be material or relevant upon leave granted in the discretion of the Commission.

- (15) *Administrative notice.* The Commission may take administrative notice of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the Commission. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of each fact proposed to be officially noticed and its source, including any Commission memorandum or data. The parties shall be afforded an opportunity to contest such facts prior to the issuance of the decision from a hearing unless the Commission determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.
- (16) *Presentation of evidence and testimony.* At any hearing, other than an investigative hearing, each party shall have the right to present evidence and testimony of witnesses and to cross examine any witnesses who testified on behalf of an adverse party. If required, the Commission may treat a person called by the Gaming Commission as a hostile witness. A person whose testimony has been submitted in written form, if available, shall be subject to cross-examination by an adverse party, but only if the adverse party subpoenas that witness. Opportunity shall be afforded to each party for redirect examination and recross-examination and to present evidence and testimony as rebuttal to evidence presented by the other party, except that unduly repetitious evidence shall be excluded.

#### **16.12 Decision by Gaming Commission.**

- (1) After hearing the evidence and reaching a decision that the complaint has been proven, the Commission may;
- (a) Revoke the license;
  - (b) Suspend the license for a particular period of time;
  - (c) Suspend the license for an indefinite period, conditioned upon the licensee fulfilling specified conditions, including, but not limited to, the payment of any fines and costs, including interest;
  - (d) Issue a public or private letter of reprimand to be placed in the file of the licensee, or may take any combination of these actions. A letter of reprimand shall state the actions against which a complaint was filed with the names, dates, places, and a list of witnesses involved in the complaint.
  - (e) The Gaming Commission may order the party complained against to do, or refrain from doing, certain actions.
  - (f) Pecuniary fines may be levied, and may be levied in addition to any of the preceding actions.
- (2) If the Gaming Commission determines that a complaint is without merit or is frivolous or that it does not charge conduct constituting grounds for disciplinary action, the Gaming Commission shall;
- (a) Dismiss the complaint or parts of the complaint not proved;

- (b) If the license was suspended under GR 9.03, dismissal of the complaint shall automatically lift the suspension, retroactive to the effective date of the suspension.
- (3) Written findings of fact, conclusions of law, and an order shall be entered after the decision. A copy **shall** be sent to the licensee, and, at the Commission's discretion, **may** be sent to the complainant and other affected parties.

**16.13 Petition for reconsideration of Commission decision.** Within ten (10) days after receipt of a Commission decision reached following a hearing, a party to the hearing may file with the Commission a petition to reconsider its decision.

- (1) The petition for review shall specifically identify and provide supporting arguments for each error alleged; failure to do so shall result in denial.
- (2) The Commission, in its discretion, may deny the petition, order a rehearing, or direct other proceedings. The Commission may deny a petition for the reconsideration of its prior decision without comment or explanation.
- (3) Upon rehearing or other proceedings, the Commission may affirm, reverse, or modify its earlier decision.
- (4) Notice of the Commission's decision on the petition to review shall be served on the petitioner and affected parties in accordance with the provisions of this Chapter.
- (5) Any failure to timely petition for a reconsideration of any Commission decision taken after a hearing shall be a waiver of all rights to challenge the Commission's decision.