



September 27, 2021

***VIA E-MAIL***

William Reynolds, Chairman  
St. Croix Chippewa Indians of Wisconsin  
24663 Angeline Avenue  
Webster, WI 54893  
williamr@stcroixojibwe-nsn.gov

**Re: St. Croix Chippewa Indians of Wisconsin Amended Gaming Ordinance**

Dear Chairman Reynolds:

This letter responds to a request from Ashley Duffy, Esq. dated July 19, 2021 on behalf of the St. Croix Chippewa for the National Indian Gaming Commission to review and approve the Tribe's Amended Gaming Ordinance. The amended ordinance was submitted pursuant to the Tribe's obligations under a Settlement Agreement executed in August 2020 to resolve the regulatory violations alleged against the Tribe in a Notice of Violation, NOV 19-02, and a Proposed Civil Fine Assessment. The Tribe first submitted the Amended Gaming Ordinance for formal review on March 23, 2021, and following several communications with NIGC Office of General Counsel, the amended ordinance, as revised, was enacted by the Tribal Council on July 19, 2021 through Resolution # 07.19.2021.02.

I write to inform you that the amended ordinance as revised and submitted on July 19, 2021 is approved as it is consistent with the Indian Gaming Regulatory Act and NIGC regulations. I would also like to schedule a time to meet with you and any other Tribal representatives to discuss the Tribe's progress in satisfying the conditions of the Settlement

**MAILING ADDRESS: NIGC/DEPARTMENT OF THE INTERIOR** 1849 C Street NW, Mail Stop #1621 Washington, DC 20040 Tel: 202.632.7003 Fax: 202.632.7066

**REGIONAL OFFICES** Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD  
**WWW.NIGC.GOV**

Agreement and any questions you may have in that regard. Please let me know of your availability for such a meeting.

Thank you for bringing the Amended Gaming Ordinance to our attention. If you have any questions concerning the Ordinance, please contact Barbara Marvin, Staff Attorney, at (202) 302-0815.

Sincerely,



E. Sequoyah Simermyer  
Chairman

cc: Ashley Duffy, Esq.  
aduffy@stcroixojibwe-nsn.gov

# St. Croix Chippewa Indians of Wisconsin

24663 Angeline Avenue • Webster, WI 54893 • (715) 349-2195 • Fax (715) 349-5768

## ST. CROIX TRIBAL COUNCIL RESOLUTION NO. 07/9.2021-02

### ADOPTION OF FURTHER AMENDMENTS PROPOSED BY THE NIGC TO THE ST. CROIX CHIPPEWA INDIANS OF WISCONSIN TITLE 6, CHAPTER 2 GAMING ORDINANCE

**WHEREAS**, the St. Croix Chippewa Indians of Wisconsin (the “**Tribe**”) is federally recognized Indian Tribe duly organized under Section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. § 476, as amended, and established pursuant to the Constitution and By-Laws adopted by the Tribe on August 29<sup>th</sup>, 1942 and approved by the Secretary of the Interior on November 12, 1942; and

**WHEREAS**, pursuant to Article IV of the Tribal Constitution, the governing body of the Tribe shall be the St. Croix Tribal Council (the “**Tribal Council**”); and

**WHEREAS**, Article V of the Tribal Constitution grants the Tribal Council the authority to regulate, by enactment of ordinances, activities on lands and waters under the jurisdiction of the Tribe; and

**WHEREAS**, Article V, Section 1(f) of the Tribal Constitution grants the Tribal Council the authority to regulate its own procedure, appoint boards or committees, and to delegate to such subordinate agencies such powers as may be necessary in the performance of the duties assigned to them, reserving the right to review any action taken by virtue of such delegated power; and

**WHEREAS**, the Tribal Council has previously enacted the St. Croix Chippewa Indians of Wisconsin Gaming Ordinance (the “**Gaming Ordinance**”) pursuant to Tribal Council Resolution No. 01-09-95-01, as amended by Tribal Council Resolution No. 10-25-06-01 and approval by the National Indian Gaming Commission (“**NIGC**”) on March 23, 1995 and October 27, 2006 respectively; and

**WHEREAS**, the Tribe did enter into the Settlement Agreement in re NOV-19-02 with the NIGC on August 24, 2020 which did include provision Settlement Agreement NOV-19-02(III)(10) which states, “[t]he Tribe agrees to submit amendments to its Tribal Gaming Ordinance to comply with NIGC regulations within 120 days of the effective date of this Agreement”; and

**WHEREAS**, the NIGC agreed to review the Tribe’s submitted amendments to its Gaming Ordinance and provide feedback for the Tribe’s consideration, and in compliance with Settlement Agreement NOV-19-02(III)(10) the Tribe did submit amendments to the Tribe’s Gaming Ordinance to the NIGC and NIGC Staff Attorney Joshua Proper on December 14, 2020; and

**WHEREAS**, on January 15, 2021 NIGC Staff Attorney Barbara Marvin sent the Tribe comments and suggested revisions to the submitted amendments to the Tribe’s Gaming Ordinance, and the Tribe, through its General Counsel Ashley Duffy, did virtually meet with Attorney Barbara Marvin and NIGC Assistant General Counsel Sharon Avery to discuss the submitted amendments, their suggested revisions, and answer any questions regarding the Tribe’s submitted amendments to the Tribe’s Gaming Ordinance; and

# St. Croix Chippewa Indians of Wisconsin

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**WHEREAS**, the Tribe accepted the feedback from the NIGC and incorporated the suggested revisions proposed by NIGC attorneys and thereafter did adopt Resolution No. 2021.03.23.01 “Adoption Of Amendments To The St. Croix Chippewa Indians Of Wisconsin Title 6, Chapter 2 Gaming Ordinance;” and

**WHEREAS**, on May 11, 2021 NIGC Staff Attorney Barbara Marvin did reach out to the Tribe, through its General Counsel Ashley Duffy, requesting to meet and discuss further revisions to the Tribe’s Gaming Ordinance; and

**WHEREAS**, on May 14, 2021 NIGC Staff Attorney Barbara Marvin and General Counsel Ashley Duffy did meet and discuss additional revisions to the Tribe’s Gaming Ordinance the Tribe should consider, most of which included spelling errors, incorrect numbering, and other minor revisions and recommended that the Tribe rescind adopting Resolution No. 2021.03.23.01 to reincorporate these suggested revisions; and

**WHEREAS**, on May 18, 2021 the Tribal Council in accordance with recommendations from the NIGC, adopted Resolution No. 2021.05.18.02 “Rescindment of Resolution No. 2021.03.23.01 ‘Adoption of Amendments to the St. Croix Chippewa Indians of Wisconsin Title 6, Chapter 2 Gaming Ordinance’” and thereafter incorporated all of the suggested revisions by the NIGC into the Tribe’s Gaming Ordinance for re-adoption and submission to the NIGC; and

**WHEREAS**, on May 27, 2021 the Tribal Council in accordance with recommendation from the NIGC, adopted Resolution No. 2021.27.05.01 “Adoption of Amendments Proposed by the NIGC to the St. Croix Chippewa Indians of Wisconsin Title 6, Chapter 2 Gaming Ordinance” and incorporated the suggested revisions by the NIGC into the Tribe’s Gaming Ordinance for resubmission to the NIGC; and

**WHEREAS**, on July 7, 2021 NIGC Staff Attorney Barbara Marvin did reach out to the Tribe, through General Counsel Ashley Duffy, indicating that there were a couple remaining revisions to the Tribe’s Gaming Ordinance the Tribe should consider, including removing 6 S.C.T.C. § 02.10(21)(c)2(i); and

**WHEREAS**, Staff Attorney Barbara Marvin did meet with General Counsel Ashley Duffy on that same day to discuss the proposed changes which were then sent to Attorney Marvin on July 13<sup>th</sup> and 15<sup>th</sup> for any additional comments before adoption by the Tribe; and

**WHEREAS**, the Tribal Council intends to incorporate all of the suggested revisions to the Tribe’s Gaming Ordinance which was initially submitted to the NIGC on December 14, 2020;

**NOW THEREFORE BE IT RESOLVED**, the Tribal Council hereby amends the St. Croix Gaming Ordinance which was initially submitted to the NIGC on December 14, 2020, incorporating all the feedback from the NIGC and in compliance with Settlement Agreement NOV-19-02(III)(10) which states, “[t]he Tribe agrees to submit amendments to its Tribal Gaming Ordinance to comply with NIGC regulations within 120 days of the effective date of this Agreement.”

# St. Croix Chippewa Indians of Wisconsin

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**BE IT FURTHER RESOLVED**, the Tribe did submit amendments to the Tribe's Gaming Ordinance on December 14, 2020 however, the NIGC has proposed further amendments and the Tribe intends to continue to incorporate those revisions in compliance with Settlement Agreement NOV-19-02.

**BE IT FINALLY RESOLVED**, the Tribal Council hereby adopts the Title 6, Chapter 2 St. Croix Gaming Ordinance, attached, in its entirety, effective immediately.

## CERTIFICATION

I, the undersigned as Secretary/Treasurer of the St. Croix Tribal Council hereby certify that the Tribal Council is composed of five (5) members of whom 3 were present, constituting a quorum at a meeting duly called, convened and held this 19 day of JULY, 2021 and that the foregoing resolution was adopted at said meeting by an affirmative vote of 3 members for 0 against and 0 member abstaining from the vote, and that said resolution has not been rescinded or amended in any way.

Richard Benjamin 7-19-2021

Richard Benjamin, Secretary/Treasurer  
St. Croix Tribal Council  
St. Croix Chippewa Indians of Wisconsin

RESOLUTION NO. 09.19.2021.02

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William Reynolds  
Chairman  
Sand Lake

Thomas Fowler  
Vice-Chairman  
Maple Plain

Richard Benjamin  
Secretary/Treasurer  
Danbury

Georgia Cobenais  
Representative  
Round Lake

Conrad St. John  
Representative  
Sand Lake

**ST. CROIX CHIPPEWA INDIANS OF WISCONSIN**  
**TITLE 6**  
**CHAPTER 2**  
**GAMING ORDINANCE**

**Resolution No. 07-19-2021-02**

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*Legislative History:*

*Established on March 23, 1995 via Resolution No. 01-09-95-01*

*Amended on October 27, 2006 via Resolution No. 10-25-06-01*



**ST. CROIX GAMING ORDINANCE  
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## **ARTICLE I – GENERAL PROVISIONS**

### **6 S.C.T.C. § 02.01(1) Title**

This ordinance shall be known as the St. Croix Chippewa Indians of Wisconsin Gaming Ordinance (the “St. Croix Gaming Ordinance”).

### **6 S.C.T.C. § 02.01(2) Authority**

This Ordinance is enacted pursuant to the Constitution and By-Laws of the St. Croix Chippewa Indians of Wisconsin (the “Tribe”). Article IV of the Constitution and By-Laws provides that the St. Croix Tribal Council (the “Tribal Council”) is the governing body of the St. Croix Chippewa Indians of Wisconsin and Article V, Section 1(a) to negotiate with federal, state, and local governments on all matters affecting the welfare of the Tribe and Section 1(f) grants the Tribal Council to regulate its own procedure.

### **6 S.C.T.C. § 02.01(3) Interpretation**

This Ordinance shall be deemed a reasonable and proper exercise of police power of the Tribe for the protection of the public health, welfare, and safety of the people living on lands under the jurisdiction of the Tribe and all those who enter said lands for lawful purposes. The provisions of this Ordinance shall be liberally construed for accomplishment of this purpose. If this Ordinance are inconclusive the law of the Tribe shall be used as precedent and applied. If both are inconclusive on any matter, federal law, laws of other federally recognized Tribes, and the State of Wisconsin may be used as persuasive authority and enforced.

### **6 S.C.T.C. § 02.01(4) Gaming Enterprises Owner**

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance. The Tribe shall be the sole operator, conductor, manager, and owner of all gaming enterprises on tribal lands, except in those cases where the Tribe may deem it appropriate to enter into a management contract, it shall have the authority to do so, in a manner consistent with federal laws governing the terms and approval of such contracts, and provisions of this Ordinance that may apply.

### **6 S.C.T.C. § 02.01(5) Tribal Gaming Policy**

The establishment, promotion and operation of gaming is necessary and desirable, provided that such gaming is regulated and controlled by the Tribe pursuant to tribal and federal law and any Tribal-State gaming Compact entered into pursuant to the Indian Gaming Regulatory Act, and that all proceeds of such gaming are used for the benefit of the Tribe as required by the Indian Gaming Regulatory Act and tribal law. When operated in accordance with the provisions of this Ordinance, such gaming will be conducive to the general welfare of all residents in the community where such gaming is conducted.

#### **6 S.C.T.C. § 02.01(6) Purpose**

The purpose of this Ordinance is to:

- (a) Regulate, control, and license the operation of all gaming within the jurisdiction of the Tribe;
- (b) Make clear and explicit that a tribal license to operate a gaming activity, to provide gaming related services or equipment, or to work as a gaming employee is a revocable privilege, not a right or a property interest;
- (c) Make clear that a tribal license is required for each place, facility, or location on tribal lands where gaming occurs pursuant to 25 C.F.R. § 522.4(b)(6);
- (d) Ensure that tribally regulated gaming is conducted fairly and honestly by both gaming operators and players, and it remains free from corrupt, incompetent, unconscionable, and dishonest persons and practices;
- (e) Promote, strengthen, and diversify tribal economic development and self-determination, and enhance employment opportunities for its members;
- (f) Generate revenue to strengthen and improve tribal self-government and the provisions of tribal government services;
- (g) Ensure that the tribal gaming laws are strictly and fairly enforced against all persons involved in gaming activities within the jurisdiction of the Tribe; and
- (h) Ensure that the Tribe provides a fair and impartial forum for the resolution of gaming disputes.

#### **6 S.C.T.C. § 02.01(7) Agent of Service**

The St. Croix Chippewa Indians of Wisconsin designates the Tribal Chairperson, Chair of the St. Croix Gaming Commission, and General Counsel as the agent for service of any official determination, order, or notice of violation in accordance with 25 CFR § 519.1. Any official determination, order, or notice of violation may be sent to:

St. Croix Chippewa Indians of Wisconsin  
Attn: Tribal Chairperson  
24663 Angeline Ave  
Webster, WI 54893

St. Croix Chippewa Indians of Wisconsin  
Attn: Office of the Tribal Attorney, General Counsel  
24663 Angeline Ave  
Webster, WI 54893

St. Croix Chippewa Indians of Wisconsin

Attn: Office of the Gaming Commission, Commission Chair  
123 Ostermann Drive  
Turtle Lake, WI 54889

**6 S.C.T.C. § 02.01(8) Severability and Non-Liability**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe further asserts immunity on its part and that of its employees and / or agents from any action or damages that may occur as a result of enforcement of this ordinance.

**6 S.C.T.C. § 02.01(9) Tribal Court**

The St. Croix Chippewa Indians of Wisconsin Tribal Court (the “Tribal Court”) shall have jurisdiction over this Ordinance. The Tribal Court may act as an appellate court for disputes arising under this Ordinance or policies and procedures developed for the gaming enterprises.

## **ARTICLE II – DEFINITIONS**

**6 S.C.T.C. § 02.02(1) Definitions**

In this Ordinance, except where otherwise specifically provided, or where the context otherwise requires, the following terms and expressions shall have the following meanings:

- (a) “*CEO*” means the individual hired as the Chief Executive Officer to oversee the managerial decisions of all the Tribe’s gaming operations.
- (b) “*Cheating*” means operating or playing any game in a manner in violation of the written or commonly understood rules of the game, with the intent to create for oneself or for someone in privity with one an advantage over and above the chance of the game, and is subject to civil penalties consistent with this Ordinance.
- (c) “*Class I Gaming*” means:
  - 1. Social games played solely for prizes of minimal value; or
  - 2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

(d) “*Class II Gaming*” means:

1. Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:
  - i. Play for prizes with cards bearing numbers or other designation;
  - ii. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
  - iii. Win the game by being the first person to cover a designated pattern on such cards.
2. If played in the same location as bingo or lotto, pull tabs, punch boards, tip jars, instant bingo, and other games similar to bingo.
3. Non-banking card games that:
  - i. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
  - ii. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

(e) “*Class III Gaming*” means all forms of gaming that are not Class I Gaming or Class II Gaming, including but not limited to:

1. Any house banking game, including but not limited to:
  - i. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games);
  - ii. Casino games such as roulette, craps, and keno.
2. Any slot machines as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing, or jai alai;
4. Lotteries.
5. The Tribe shall be permitted to offer any additional Class III games which any other federally recognized Indian Tribe in the State of Wisconsin, or any other person or entity, is permitted to offer for any purpose.

(f) “*Commission*” or “*NIGC*” means the National Indian Gaming Commission.

(g) “*Fraud*” means intentional deception resulting in an injury to another. Included in this definition, but not limited to, are those crimes and misdemeanors involving bad check writing, embezzlement, insurance fraud, and welfare fraud.

- (h) “*Gaming Commissioner*” means an individual employed as a member of the St. Croix Gaming Commission.
- (i) “*Gaming Employee*” means any person employed by the St. Croix Chippewa gaming operation engaged in the conduct of Class II or Class III gaming activity as well as Key Employee or Primary Management Official.
- (j) “*Gaming Operation*” means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under certain conditions, by another person or other entity.
- (k) “*Gaming Related Contract*” means any agreement under which the Tribe procures for gaming any materials, supplies, equipment, or services that are unique to the operation of gaming and are not common to ordinary tribal operations, consistent with the Tribal-State Compact.
- (l) “*Gaming Related Contractor*” means any contractor, service provider, or vendor as an individual or as an entity, that provides gaming materials, supplies, equipment, or services that are unique to the operation of gaming and not common to ordinary tribal operations.
- (m) “*General Manager*” means a Tribal Council hired position responsible for managing the day-to-day business of a Tribal Gaming Enterprise. Each gaming facility shall have a General Manager.
- (n) “*Key Employee*” means a person who:
1. Performs one or more of the following:
    - i. All supervisors and assistant supervisors;
    - ii. Bingo caller, supervisor, cashier;
    - iii. Counting room supervisor, and count and drop personnel;
    - iv. Chief of security, and security personnel;
    - v. Custodian of gaming supplies or cash;
    - vi. Floor manager, and shift manager;
    - vii. Pit boss, and Pit supervisor;
    - viii. Dealer;
    - ix. Cashier;
    - x. Croupier;
    - xi. Approver of credit;
    - xii. Any employee engaged in finance or accounting functions;
    - xiii. Custodian of gambling devices including person with access to cash and accounting records within such devices;



2. Whose total cash compensation is in excess of \$50,000 per year;
  3. Who is one of the four most highly compensated persons in the gaming operation; or
  4. Who is designated by the Tribe as a Key Employee.
- (o) “*Management Contract*” means any contract, subcontract, or collateral agreement between the Tribe and a contractor or a contractor and subcontractor if such contract or agreement provides for the management of all or part of the Tribe’s gaming operation.
- (p) “*Net Revenues*” means gross gaming revenues of the Tribe’s gaming operation less:
1. Amounts paid out as, or paid for, prizes; and
  2. Total gaming-related operating expenses, including all those expenses of the gaming operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.
- (q) “*Non-Key Employee*” means any employee of the gaming operation who is not a Key Employee or Primary Management Official. Non-Key employees may also be licensed by the St. Croix Gaming Commission in accordance with any limitations, restrictions, or regulatory requirements deemed appropriate by the St. Croix Gaming Commission. Non-Key employees are not subject to background checks unless deemed appropriate by the St. Croix Gaming Commission.
- (r) “*Primary Management Official*” means a person who:
1. Has management responsibility for a management contract;
  2. Has authority to:
    - i. Hire and fire employees; or
    - ii. Set up working policy for the gaming operation.
  3. Is the chief financial officer or other person who has financial management responsibility; or
  4. Has been designated by the Tribe as a Primary Management Official.
- (s) “*Provisional License*” means the temporary gaming license issued to a gaming employee when the St. Croix Gaming Commission determines that at a minimum the following requirements are met:
1. The individual is currently a gaming employee in one of the Tribe’s gaming operations;
  2. The individual has been determined eligible for employment;

3. The individual has returned a completed gaming license background application;
  4. The individual has provided one set of fingerprints for their file; and
  5. The individual has provided copies of their Social Security Card or Social Security Number; Birth Certificate, Tribal ID if applicable, and Driver's License.
- (t) "*St. Croix Gaming Commission*" means the tribal regulatory authority as approved by the Tribal Council.
- (u) "*Tribe*" means the St. Croix Chippewa Indians of Wisconsin, a federally recognized Indian Tribe acting through a duly elected Tribal Council pursuant to the Tribe's Constitution.
- (v) "*Tribal Council*" means the duly elected governing body of the St. Croix Chippewa Indians of Wisconsin composed of five members pursuant to the Tribe's Constitution.
- (w) "*Tribal Lands*" means:
1. All lands within the limits of the Tribe's reservation; or
  2. Land over which the Tribe exercises governmental powers and that is either:
    - i. Held in trust by the United States for the benefit of the Tribe; or
    - ii. Held by the Tribe subject to restrictions by the United States against alienation.
- (x) "*Tribal-State Compact*" means an agreement between the Tribe and the State of Wisconsin about Class III Gaming.

## **ARTICLE III – GAMING REVENUE**

### **6 S.C.T.C. § 02.03(1) License Required**

A Tribal License is required for each place, facility, or location on Tribal lands where gaming occurs pursuant to 25 C.F.R. § 522.4(b)(6).

### **6 S.C.T.C. § 02.03(2) Use of Gaming Revenue**

Pursuant to 25 U.S.C. § 2710 (b)(2)(B), net Revenues from Class II Gaming shall be used only for the following purposes:

- (a) To fund Tribal government operations and programs;

- (b) To provide for the general welfare of the Tribe and its members;
- (c) To promote Tribal economic development;
- (d) To donate to charitable organizations; and
- (e) To help fund operations of local government agencies.

**6 S.C.T.C. § 02.03(3) Per Capita Payments**

The Tribe may authorize and issue per capita payments to its tribal members *only* in accordance with the Tribe's Revenue Allocation Plan submitted to and approved by the Secretary of the Interior as required by 25 U.S.C. § 2710(b)(3).

**6 S.C.T.C. § 02.03(4) Gaming Revenue Accounts**

All monies collected or received from the operation of the Tribe's gaming enterprises shall be deposited into a special bank account(s) of that gaming enterprise, which shall contain only such money. All operating expenses shall be withdrawn from such account(s) by consecutively numbered checks duly signed by that gaming enterprises' General Manager or their Chief Financial Officer, and a person(s) designated by the Tribal Council.

**6 S.C.T.C. § 02.03(5) Cash Prizes**

Any cash prize may be paid by check. Such checks shall be signed by that gaming enterprises' General Manager or their designee, and a person(s) designated by the Tribal Council.

**6 S.C.T.C. § 02.03(6) Tribal-State Gaming Compact Taxes**

The General Manager of each gaming enterprise and the Chief Financial Officer shall ensure that the gaming operation(s) complies with the provisions of Section XIII of the Tribal-State Gaming Compact pertaining to taxes.

**6 S.C.T.C. § 02.03(7) Title 31 Compliance**

The General Manager of each gaming enterprise shall ensure that the gaming facility complies with the applicable provisions of Title 31 as amended (The Bank Secrecy Act).

## **ARTICLE IV – TRIBAL COUNCIL**

**6 S.C.T.C. § 02.04(1) Tribal Council Delegation Authority**

This Ordinance is authorized and adopted by the Tribal Council pursuant to its power under the Tribe's Constitution and By-Laws. The Tribal Council may further delegate

responsibilities under the Tribe's Constitution and By-Laws to subordinate organizations in order to carry out the purposes and terms of this Ordinance and to ensure compliance with the Indian Gaming Regulatory Act, the Tribal-State Compact, and all other regulations, policies, and procedures therefrom.

#### **6 S.C.T.C. § 02.04(2) Tribal Council Retained Authority**

The Tribal Council shall retain the following exclusive power:

- (a) To enter into agreements or compacts with the federal government, states, Tribes, counties, municipalities, and other local governments or entities;
- (b) To waive sovereign immunity;
- (c) To enter into contracts and agreements effecting any sale, lease, encumbrance, or other disposition of tribal lands, interest in lands, or other assets of the Tribe;
- (d) To enter into business contracts and agreements pertaining to the operation of gaming, except in those cases where that power has been expressly delegated to another entity, and in such cases of delegation, the Tribal Council shall have reviewed said contracts prior to signing; and
- (e) To hire the Casino General Manager(s), CEO, and the Casino Financial Manager, and to approve any management contractors. The Tribal Council shall also retain authority to terminate or discipline these positions, such termination is not to be arbitrary but done pursuant to criteria set forth in this Ordinance or in separate policies and procedures, or pursuant to an approved management contract.

#### **6 S.C.T.C. § 02.04(3) Use of Gaming Revenues**

The Tribal Council shall establish the use of gaming revenues transferred from the gaming enterprises in accordance with this Ordinance and applicable laws for use of such revenues according to tribal needs and requirements for continued growth.

#### **6 S.C.T.C. § 02.04(4) Dismissal of Gaming Commissioners**

The Tribal Council has the authority to employ and dismiss Gaming Commissioners, pursuant to the standards for employment and dismissal set forth in 6 S.C.T.C. § 02.05(6).

#### **6 S.C.T.C. § 02.04(5) Financial Reports**

The Tribal Council shall review all monthly financial reports which should be forwarded to them from the Gaming Management or other designated entity. The Tribal Council has final approval of the annual gaming operating budget, as well as revisions that may be recommended by Casino Management or another designated entity.

**6 S.C.T.C. § 02.04(6) Structural Changes**

The Tribal Council shall have final approval over any proposed structural changes to facilities in gaming enterprises are operated.

**6 S.C.T.C. § 02.04(7) Policies and Regulations**

All policies and regulations developed pursuant to this Ordinance shall be subject to final approval by the Tribal Council before becoming law.

**ARTICLE V – ST. CROIX GAMING COMMISSION****6 S.C.T.C. § 02.05(1) Creation of the St. Croix Gaming Commission**

The Tribe created and established the St. Croix Gaming Commission, a subordinate organization, as a governmental subdivision of the Tribe, while reserving the right of the Tribal Council to review actions of this body. The St. Croix Gaming Commission shall have perpetual existence and succession in its own name, unless dissolved by the Tribe pursuant to tribal law.

(a) Pay. Each Gaming Commissioner shall receive a wage set by the Tribal Council.

(b) Number of Gaming Commissioners. The Tribal Council will determine the appropriate odd number of Gaming Commissioners to employ on behalf of the Tribe. At a minimum, the St. Croix Gaming Commission shall consist of three members. If there are less than three members employed as Gaming Commissioners, the Tribal Council will conduct best efforts to fill the position(s).

**6 S.C.T.C. § 02.05(2) Headquarters**

The St. Croix Gaming Commission shall maintain its headquarters, principal place of business and office in Turtle Lake, Wisconsin.

**6 S.C.T.C. § 02.05(3) St. Croix Gaming Commission Powers**

The St. Croix Gaming Commission shall exercise all powers necessary to effectuate the purpose of this Ordinance. The St. Croix Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by this Ordinance, and is not limited by the enumeration of powers in Article V of this Ordinance. The St. Croix Gaming Commission shall promulgate rules and regulations for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of the Ordinance. In all decisions, the St. Croix Gaming Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation. The St. Croix Gaming Commission shall have the power and authority to deny any application; to limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a

license, or find suitable the imposition of a fine upon any person or entity licensed, for any cause deemed reasonable by the St. Croix Gaming Commission.

**6 S.C.T.C. § 02.05(4) St. Croix Gaming Commission Membership**

The Tribal Council shall employ the number of St. Croix Gaming Commission necessary to perform the duties of the St. Croix Gaming Commission. The following provisions of this Ordinance shall also dictate the membership of the St. Croix Gaming Commission.

- (a) Reporting. The St. Croix Gaming Commission shall report directly and only to the Tribal Council.
- (b) Elected Positions. The members of the St. Croix Gaming Commission cannot serve in any elected position in the Tribe while at the same time serving as a Gaming Commissioner.
- (c) St. Croix Gaming Commission Chair. The Tribal Council shall appoint a Gaming Commissioner who shall be responsible for the day-to-day management of the affairs of the St. Croix Gaming Commission as well as overseeing the establishment and operation of all gaming activities for compliance with all applicable Federal, State and Tribal gaming laws and regulations. This individual shall be the St. Croix Gaming Commission Chair.
- (d) Background Investigation. Prior to appointment of a Gaming Commissioner, a detailed background investigation shall be conducted. No individual may serve as a Gaming Commissioner if:
  - 1. The proposed Gaming Commissioner's prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest; or threaten the effective regulation and control of gaming; enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto; or
  - 2. If the proposed Gaming Commissioner has been convicted of or entered a plea of guilty or no contest to a felony or any gaming offense in any jurisdiction or to a misdemeanor involving dishonest, fraud, misrepresentation in any connection or any offense involving moral turpitude.
- (e) Criminal History. Applicants for the St. Croix Gaming Commission shall not be eligible for the St. Croix Gaming Commission if their background investigation shows a criminal history. A waiver shall not act to rehabilitate the application for consideration for the St. Croix Gaming Commission.
  - 1. Criminal history, for purposes of this section shall mean any felony, any misdemeanor involving theft, fraud, misrepresentation or gambling related offenses, any drug related conviction involving possession or manufacture.

#### **6 S.C.T.C. § 02.05(5) St. Croix Gaming Commission Meetings**

The St. Croix Gaming Commission shall hold regular meetings that shall take place on the date and time determined by the St. Croix Gaming Commission. The St. Croix Gaming Commission shall have the authority to reschedule meetings due to weather, closures, scheduling conflicts, or other unforeseen events which inhibit the ability to keep a regular monthly meeting.

- (a) Quorum. A quorum of all meetings shall consist of a simple majority of the St. Croix Gaming Commission.
- (b) Questions. All questions arising in connection with the action of the St. Croix Gaming Commission shall be decided by majority vote at a meeting either regular or special.
- (c) Special Meetings. Special meetings may be called at the request of the Tribal Council, Gaming Management, the Chairperson of the St. Croix Gaming Commission, or by a majority of the members of the St. Croix Gaming Commission.
- (d) Executive Session. Executive session may be used when deemed necessary by the St. Croix Gaming Commission. No decisions shall be made in Executive Session. Use of executive session shall include, but not be limited to matters of personnel or other issues of a confidential or privileged nature.
- (e) Operating Procedures. The St. Croix Gaming Commission shall develop its own written operating procedures. The Tribal Council appointed St. Croix Gaming Commission Chair should direct meetings. The St. Croix Gaming Commission should elect such other officers as the St. Croix Gaming Commission requires.

#### **6 S.C.T.C. § 02.05(6) Removal and Vacancies of Gaming Commissioners**

The St. Croix Gaming Commissioners may be removed in the following ways:

- (a) Immediate Termination. A Gaming Commissioner shall be immediately terminated without the necessity of a hearing, the Tribal Council for any of the following:
  - 1. The Gaming Commissioner is convicted in a Federal, State, Tribal, or other court of competent jurisdiction of any felony;
  - 2. The Gaming Commissioner is convicted in a Federal, State, Tribal, or other court of competent jurisdiction of any misdemeanor related to gambling or moral turpitude;
  - 3. The Gaming Commissioner is convicted of any charge that the Tribal Council finds relates to the Gaming Commissioner's honesty or ability to fulfill their duties;



4. The Gaming Commissioner is found to have violated any part of this Ordinance by a court of competent jurisdiction;
5. The Gaming Commissioner is found by a quorum of the Tribal Council to be inadequate to perform the duties required of a member of the St. Croix Gaming Commission; or
6. The Gaming Commissioner is found by a quorum of the Tribal Council to be associated with or to conduct themselves in a way that would bring the St. Croix Gaming Commissioner's integrity or the Tribe's gaming operation into disrepute.

(b) Removal. Except for Gaming Commissioners whom are immediately terminated or whose position is declared vacant, no Gaming Commissioner may be removed without notice and an opportunity for a hearing before the Tribal Council. If the Tribal Council determines that the immediate removal of a Gaming Commissioner is necessary to protect the interests of the Tribe, the Tribal Council may immediately remove the Gaming Commissioner temporarily while a Removal Hearing is scheduled.

1. Notice. The Gaming Commissioner being removed must be given written notice of the specific charges at least ten (10) days prior to any such removal hearing.
2. Hearing. At the Removal Hearing the Gaming Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on their behalf. At this Removal Hearing the Tribal Council shall determine the question of permanent removal of the Gaming Commissioner.
3. Records. A written record of all removal proceedings together with the charges and findings thereon shall be recorded by the Treasurer/Secretary of the Tribal Council, Tribal Secretary, or other designated individual chosen by the Tribal Council. All records shall be kept by the Tribal Council with a copy of the record given to the Tribe's Human Resource Department for record keeping purposes.

(c) Vacancies. If any Gaming Commissioner of the St. Croix Gaming Commission should die, resign, be immediately terminated, be removed, or for any reason be unable to serve their position the Tribal Council shall declare their position vacant and shall hire another individual to fill the position.

#### **6 S.C.T.C. § 02.05(7) Duties of the St. Croix Gaming Commission**

The St. Croix Gaming Commission shall perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance relating to the regulation of all gaming activity. In all decisions, each Gaming Commissioner shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The St. Croix Gaming Commission duties shall include but not be limited to the following:

- (a) Contracts. Negotiating contracts for payments by the Tribe for the provision of security, surveillance, and outside independent auditing services. Such contracts must be approved by the Tribal Council and shall not constitute a waiver of jurisdiction by the Tribe.
- (b) NIGC. Correspond with the National Indian Gaming Commission and do whatever is necessary to ensure compliance with the rules and regulations of that agency. Specifically, the St. Croix Gaming Commission, with approval of the Tribal Council, shall arrange for an annual outside audit of authorized gaming and will provide a copy to the National Indian Gaming Commission.
- (c) Safety. The St. Croix Gaming Commission will assure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety.
- (d) Background Investigations. The St. Croix Gaming Commission will ensure that background investigations are conducted on all Key Employees and Primary Management Officials, of any gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis.
  - 1. The St. Croix Gaming Commission will make suitability determinations on the granting of Tribal licenses for all of the gaming operation employees. The St. Croix Gaming Commission shall immediately notify the National Indian Gaming Commission of the issuance of such licenses for Key Employees and Primary Management Officials.
  - 2. The St. Croix Gaming Commission will review all license applications and background investigations to ensure that no person shall be eligible for employment if that person's prior activities, criminal record (if any), or 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 and methods and activities in the conduct of gaming or jeopardize the integrity or reputation of the Tribe or its gaming operations. The St. Croix Gaming Commission shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses to Key Employees and Primary Management Officials.
- (e) Hiring. Hiring, pursuant to the approval of the Tribal Council, such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of this Ordinance.
- (f) Monitor. Monitor and regulate all tribal gaming activities to ensure compliance with tribal law/regulations. The St. Croix Gaming Commission shall have such access to tribal gaming facilities and to gaming employees as necessary to carry out this responsibility.

1. The St. Croix Gaming Commission may inspect, review and copy all records, documents, equipment and facilities, or anything else necessary and pertinent to enforcement of any provisions of this Ordinance.
- (g) Sanctions. Make decisions and execute any sanctions on any person subject to the jurisdiction of this Ordinance, as deemed necessary, appropriate and lawful.
1. The St. Croix Gaming Commission shall create a list of persons not allowed to game in the Tribe's gaming facilities in order to maintain the integrity of the gaming operation.
  2. The St. Croix Gaming Commission should provide referrals and additional information to appropriate law enforcement officials when such information indicates a violation of Tribal, federal, or state statutes, ordinances, regulations, codes, or resolutions.
- (h) Outside Agencies. Interact with other regulatory and law enforcement agencies regarding the regulation of gaming, as necessary to fulfill their duties.
- (i) Rules and Regulations. Be completely familiar with the Indian Gaming Regulatory Act, the Federal Regulations promulgated there under, the St. Croix Gaming Ordinance, the Tribal-State Compact and related laws.
1. St. Croix Gaming Commission shall be familiar with the minimum internal control standards or procedures for all tribal gaming operations, including procedures for acquiring supplies and equipment.
- (j) Investigate. Conduct investigations of possible violations and take appropriate enforcement action with respect to this Ordinance and related regulations.
1. Issue oaths, take testimony and conduct hearings on regulatory matters, including matters related to the revocation of Key Employee and Primary Management Official license or any other licenses the St. Croix Gaming Commission are authorized to issue under this Ordinance. Hearings may also be held for licensing of tribal gaming vendors.
  2. Discipline any licensee or other person participating in any gaming activity by ordering immediate compliance with this Ordinance or St. Croix Gaming Commission regulations and to issue an Order of Temporary Suspension of any license issued under this Ordinance, consistent with the terms under this Ordinance governing such suspension, whenever the St. Croix Gaming Commission is notified of a violation by any such person of this Ordinance or any other applicable law.
- (k) Reporting. Provide independent information to the Tribe via the Tribal Council on the status of the Tribe's gaming activities.
- (l) Licensing. The St. Croix Gaming Commission shall conduct the following:

1. License all persons who propose to participate in any gaming activity or operation;
2. Establish any supplementary criteria for the licensing of Key Employees, Primary Management Officials, and other employees, vendors or contractors that the Tribe deems necessary;
3. Adopt a schedule of fees to be charged for gaming licenses issued pursuant to this Ordinance;
4. Maintain records on licensees and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction, consistent with applicable law and the Tribal-State Compact requirements; and
5. Establish or approve standards for and issue licenses or permits to persons and entities who deal with the gaming operation(s) such as manufacturers and suppliers of machines, equipment and supplies, such license to be called a "vendor license."

(m) Game Rules. Establish or approve the rules of new games consistent with the requirements of the Tribal-State Compact and other applicable laws, and inspect games, tables, equipment, machines, cards, dice and chips or tokens used in the gaming operation. Inspect from time to time the video surveillance standards.

(n) Disputes. Ensure that a mechanism is in place to resolve patron disputes, employees' grievances and other problems, pursuant to this Ordinance and other tribal regulations and policies that may be in place regarding those issues.

(o) Confidentiality. Provide for an internal system of record keeping with adequate safeguards for preserving confidentiality as deemed necessary by the St. Croix Gaming Commission. All applications, background investigations and St. Croix Gaming Commission decisions related to the licensing of Key Employees, Primary Management Officials or any other entity licensed by the St. Croix Gaming Commission, shall be retained in St. Croix Gaming Commission files for a period of at least seven (7) years and not less than three (3) years from termination of employment or business relationship.

(p) Other activities. Engage in any and all activities that directly or indirectly carry out the purpose of the Tribe as set forth in this Ordinance.

#### **6 S.C.T.C. § 02.05(8) St. Croix Gaming Commission Confidentiality**

The St. Croix Gaming Commission and each member of the St. Croix Gaming Commission may be required to sign a confidentiality agreement and shall be responsible for ensuring the strictest standards of confidentiality with respect to all information.

- (a) The St. Croix Gaming Commission and each employee of the St. Croix Gaming Commission shall maintain confidentiality of information specified as confidential, including information gathered in the background and licensing

process and any financial information regarding performance of the gaming enterprise.

- (b) Violation of this confidentiality provision shall be subject to disciplinary action from the Tribal Council and may be deemed "cause" for suspension or immediate termination.

#### **6 S.C.T.C. § 02.05(9) St. Croix Gaming Commission Right of Entry**

The St. Croix Gaming Commission, during regular business hours, may enter upon any premises of any gaming operator or gaming facility for the purpose of making inspections and examining the accounts, books, papers and documents of any such gaming operator or gaming facility. Such gaming operator shall facilitate such inspection or examinations by giving every reasonable aid to the St. Croix Gaming Commission.

- (a) Two-Week Inspections of Gaming Operations. A St. Croix Gaming Commissioner shall visit each tribally owned or tribally operated gaming facility at least once every two weeks during normal business hours for the purpose of monitoring its operation. Such visits may be unannounced.

#### **6 S.C.T.C. § 02.05(10) St. Croix Gaming Commission Audits**

The St. Croix Gaming Commission and Internal Auditor shall be provided necessary access and cooperation from casino personnel when conducting audits or investigations scheduled or non-scheduled.

#### **6 S.C.T.C. § 02.05(11) Investigations**

The St. Croix Gaming Commission upon complaint or upon its own initiative or whenever it may deem it necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any facility that is subject to the provisions of this Ordinance. In conducting such investigation, the St. Croix Gaming Commission may proceed either with or without a hearing as it may deem best, but it shall make no order without affording any affected party notice and opportunity for a hearing pursuant to the St. Croix Gaming Commission regulations.

#### **6 S.C.T.C. § 02.05(12) St. Croix Gaming Commission Travel**

The St. Croix Gaming Commission shall notify the Tribal Council and Gaming Management regarding their travel plans. Travel plans shall be made taking into consideration the best duties and responsibilities of the St. Croix Gaming Commission, the best interest of the gaming enterprise and the amount of money for such travel available in the St. Croix Gaming Commission's operating budget. All travel shall be subject to review and approval by the Tribal Council.

## ARTICLE VI – ST. CROIX GENERAL MANAGERS

### **6 S.C.T.C. § 02.06(1) St. Croix Gaming Management Powers**

Each tribal gaming enterprise shall have a Casino General Manager authorized to manage the gaming enterprise on a day-to-day basis and to facilitate quick and efficient business decision-making, while respecting the broad guidelines of the St. Croix Gaming Commission and the Tribal Council. The General Manager shall have such authority as the Tribal Council delegates.

### **6 S.C.T.C. § 02.06(2) Hiring of Gaming Management**

The General Manager of each gaming facilities shall be hired by the Tribal Council.

- (a) Purpose. The purpose of the General Manager and the management structure they create is to oversee the day-to-day activities, make the day-to-day business decisions and to create a successful gaming enterprise.
- (b) Background Check. Each General Manager shall undergo a background check and a licensing determination by the St. Croix Gaming Commission. Each General Manager shall obtain an employee gaming license before commencing work. If a proposed General Manager is denied an employee gaming license they cannot be hired as a General Manager or any other gaming employee position.
- (1) Qualifications. The General Manager shall have the experience and demonstrated skills necessary to manage a growing gaming enterprise according to the job description.
- (c) Review. The General Manager shall be subject to a semi-annual review by the Tribal Council or an entity designated by the Tribal Council for that purpose.

### **6 S.C.T.C. § 02.06(3) Duties of Gaming Management**

The following shall be responsibility of the Gaming Management. The Tribal Council may delegate further duties as they determine is necessary for the management of the Tribe's gaming facilities.

- (a) Business Management. Day-to-day business management, including, but not limited to such things as hiring, contracting, payroll, and schedules. Contracting is subject to applicable sections of this Ordinance.
- (b) NIGC Notices. The General Manager shall be required to respond to all NIGC notices pertaining to compliance of operating procedures, Minimum Internal Control Standard, and Tribal-State Compact within time allotted by the St. Croix Gaming Commission, which time shall not be unreasonable. The General Manager may request additional time.

- (c) Hiring. Hiring staff pursuant to the process adopted in the Personnel Policies and Procedures for the gaming enterprise.
- (d) Operating Policies and Operating Procedures. New Operating Policies must be submitted to the Tribal Council for approval before becoming effective. However, Operating Procedures are a tool for management to use in running an efficient day to day operation in compliance with the Operating Policies and thus only require the review of the St. Croix Gaming Commission prior to management implementing procedural changes or Operating Procedure revisions.
- (e) Annual Plan of Operation. Each General Manager shall submit an Annual Plan to the Tribal Council for review and approval. The plan shall be submitted by September first to the Tribal Council and a copy shall be forwarded to the NIGC for review purposes only. The Plan shall contain the following:
  - 1. Operating Budget;
  - 2. Capital Budget;
  - 3. Growth Target;
  - 4. Staffing requirements, including training requirements; and
  - 5. Expense and Revenue Projections.
- (f) Budget Revisions. Any expenditures in excess of the approved operating and/or capital budgets shall be submitted by gaming management to the Tribal Council for approval.
- (g) Accounting for Gaming Funds. The General Manager is responsible for keeping accurate, up-to-date financial records and accounts of all business and for hiring or contracting with necessary resources to do so (subject to the terms of the Tribal-State Compact, this Ordinance, and Federal law) except that the Tribal Council shall retain hiring authority over the Chief Financial Officer for all tribal gaming enterprises.
- (h) Tribal-State Compact. The General Manager shall be familiar with all terms of the Tribal-State Compact and be directly responsible for managing the gaming enterprise in compliance with the Tribal-State Compact.
- (i) NIGC Regulations. The General Manager shall be familiar with the terms of the National Indian Gaming Commission's regulations, effective February 22, 1993, and any amendments or updates thereto, and operate all games in compliance with said regulations.
- (j) Delegation. The General Manager may delegate that authority necessary to ensure compliance with rules and regulations and effect a more efficient and productive operating environment.



**6 S.C.T.C. § 02.06(4) Reporting Requirements for Gaming Management**

The General Manager shall provide the St. Croix Gaming Commission and the Tribal Council with a monthly report that details the number of patrons served, the amount of income generated, the numbers of employees working at the facility, a detailed description of any patron complaints, and other problems experienced at the facility. The report shall also contain a detailed financial report, a written statement of any changes in Key Employees or Primary Management Officials, a listing of all bills that are thirty (30) days or more past due and any other information the Tribal Council or the St. Croix Gaming Commission may require.

**6 S.C.T.C. § 02.06(5) Gaming Management Travel**

The General Manager shall inform the St. Croix Gaming Commission regarding travel plans. Travel plans shall be made by the General Manager in accordance with any applicable Tribal Policies, based on the best interest of the gaming enterprise, and money available for such travel in the approved operating budget. Travel plans of the General Manager themselves shall be first approved by the Tribal Council.

**6 S.C.T.C. § 02.06(6) Gaming Management Confidentiality**

The General Manager shall maintain confidentiality of information specified as confidential, including information gathered in the hiring process and any financial information regarding performance of the gaming enterprise. Violation of this confidentiality provision shall be subject to disciplinary action from the Tribal Council and may be deemed "cause" for suspension or termination.

## **ARTICLE VII – CHIEF EXECUTIVE OFFICER**

**6 S.C.T.C. § 02.07(1) St. Croix Chief Executive Officer**

The Tribal Council may hire a Chief Executive Officer to oversee all the Tribe's gaming facilities. The CEO shall be responsible for the management, direction, and oversight of all the Tribe's gaming facilities. The CEO will work closely with the Casino General Managers to facilitate quick and efficient business decision-making, while respecting the broad guidelines of the St. Croix Gaming Commission and the Tribal Council. The CEO shall have such authority as the Tribal Council delegates.

**6 S.C.T.C. § 02.07(2) Hiring of Chief Executive Officer**

The CEO shall be hired by the Tribal Council.

- (a) Purpose. The purpose of the CEO is to oversee the activities of all the Tribe's gaming facilities and develop a strategic plan to promote revenue, profitability, and growth of the Tribe's gaming enterprise. The CEO will work closely with each gaming facilities General Manager to fulfill this purpose.

- (b) Background Check. Any proposed CEO shall undergo a background check and a licensing determination by the St. Croix Gaming Commission. The CEO shall obtain an employee gaming license before commencing work. If a proposed CEO is denied an employee gaming license they cannot be hired as a CEO or any other gaming employee position.
- (2) Qualifications. The CEO shall have the experience and demonstrated skills necessary to manage the Tribe's gaming facilities and a growing gaming enterprise according to the job description.
- (c) Review. The CEO shall be subject to a semi-annual review by the Tribal Council or an entity designated by the Tribal Council for that purpose.

### **6 S.C.T.C. § 02.07(3) Duties of Gaming Management**

The following shall be responsibility of the CEO. The Tribal Council may delegate further duties as they determine is necessary for the management of the Tribe's gaming facilities.

- (a) Business Management. Overall business management, including, but not limited to such things as oversee Casino Departments, create a Tribal Council approved business plan, execute the approved business plan, and oversee the direction of the gaming facilities to promote the success and growth of the Tribe's gaming enterprise.
- (b) General Managers. The CEO shall work collaboratively with the General Managers of each gaming facilities to ensure cooperative and smooth performance of the Tribe's gaming enterprise. Any dispute of authority should either be discussed and determined amongst themselves or brought to the attention of the Tribal Council and a quorum of the Tribal Council will make the final decision.
- (c) NIGC Notices. The CEO shall work collaboratively with the General Managers and respond to all NIGC notices pertaining to compliance of operating procedures, Minimum Internal Control Standard, and Tribal-State Compact within time allotted by the St. Croix Gaming Commission, which time shall not be unreasonable. The CEO and/or General Manger may request additional time.
- (d) Hiring. Hiring staff pursuant to the process adopted in the Personnel Policies and Procedures for the gaming enterprise.
- (e) Operating Policies and Operating Procedures. New Operating Policies must be submitted to the Tribal Council for approval before becoming effective. However, Operating Procedures are a tool for management to use in running an efficient day to day operation in compliance with the Operating Policies and thus only require

the review of the St. Croix Gaming Commission prior to management implementing procedural changes or Operating Procedure revisions.

- (f) Annual Plan of Operation. The CEO will work with the General Managers to submit an Annual Plan to the Tribal Council for review and approval. The plan shall be submitted by September first to the Tribal Council and a copy shall be forwarded to the NIGC for review purposes only. The Plan shall contain the following:
  - 1. Operating Budget;
  - 2. Capital Budget;
  - 3. Growth Target;
  - 4. Staffing requirements, including training requirements; and
  - 5. Expense and Revenue Projections.
- (g) Budget Revisions. Any expenditures in excess of the approved operating and/or capital budgets shall be submitted to the Tribal Council for approval.
- (h) Accounting for Gaming Funds. The CEO is also responsible for keeping accurate, up-to-date financial records and accounts of all business and for hiring or contracting with necessary resources to do so (subject to the terms of the Tribal-State Compact, this Ordinance, and Federal law) except that the Tribal Council shall retain hiring authority over the Chief Financial Officer for all tribal gaming enterprises.
- (i) Tribal-State Compact. The CEO shall be familiar with all terms of the Tribal-State Compact and be directly responsible for managing the gaming enterprise in compliance with the Tribal-State Compact.
- (j) NIGC Regulations. The CEO shall be familiar with the terms of the National Indian Gaming Commission's regulations, effective February 22, 1993, and any amendments or updates thereto, and operate all games in compliance with said regulations.
- (k) Delegation. The CEO may delegate that authority necessary to ensure compliance with rules and regulations and effect a more efficient and productive operating environment.

#### **6 S.C.T.C. § 02.07(4) Reporting Requirements for CEO**

The CEO shall assist the General Managers to provide the St. Croix Gaming Commission and the Tribal Council with a monthly report that details the number of patrons served, the amount of income generated, the numbers of employees working at the facility, a detailed description of any patron complaints, and other problems experienced at the facility. The report shall also contain a detailed financial report, a written statement of any changes in Key Employees or Primary Management Officials, a listing of all bills

that are thirty (30) days or more past due and any other information the Tribal Council or the St. Croix Gaming Commission may require.

**6 S.C.T.C. § 02.07(5) Chief Executive Officer Travel**

The CEO shall inform the St. Croix Gaming Commission regarding travel plans. Travel plans shall be made by the CEO in accordance with any applicable Tribal Policies, based on the best interest of the gaming enterprise, and money available for such travel in the approved operating budget. Travel plans of the CEO themselves shall be first approved by the Tribal Council.

**6 S.C.T.C. § 02.07(6) Gaming Management Confidentiality**

The CEO shall maintain confidentiality of information specified as confidential, including information gathered in the hiring process and any financial information regarding performance of the gaming enterprise. Violation of this confidentiality provision shall be subject to disciplinary action from the Tribal Council and may be deemed "cause" for suspension or termination.

**6 S.C.T.C. § 02.07(7) Chief Executive Officer Disestablishment**

The Tribal Council via a quorum may disestablish the CEO position upon determination that the position is no longer necessary for the effective operation of the Tribe's gaming enterprise, the position is no longer financially feasible, or any other reason deemed appropriate by the Tribal Council. Additionally, the CEO position may be reestablished by a quorum of the Tribal Council. All Tribal Council members must be present at either a disestablishment or reestablishment of the CEO position. All changes in the Tribe's gaming management structure must be done in accordance with applicable federal and Tribal laws and NIGC regulations.

## **ARTICLE VIII – AUDIT**

**6 S.C.T.C. § 02.08(1) Annual Audit Engagement**

Annually, the St. Croix Gaming Commission shall engage an independent certified public accountant to audit the books and records of all gaming operations. The audit shall be completed within ninety (90) days after the close of the fiscal year. The ninety-day deadline will not apply when events outside the control of the St. Croix Gaming Commission prohibit compliance but the audit shall be completed as soon as practical.

- (a) Deadlines. The St. Croix Gaming Commission shall be responsible for keeping track of deadlines regarding audits, shall submit requests for proposals to eligible audit firms and shall have the authority to engage an audit firm to comply with the terms of the Tribal-State Compact. All provisions of the Tribal-State Compact shall be adhered to in this process.

- (b) Tribal-State Compact. The Tribal-State Compact terms for both financial and security audits shall be followed for the audit of Class III gaming.

**6 S.C.T.C. § 02.08(2) Submitting Audit Reports**

The independent certified public accountant shall submit the resulting audit reports to the National Indian Gaming Commission, the Tribal Council, the State Gaming Board and General Manager of all gaming operations.

**6 S.C.T.C. § 02.08(3) Audit of Gaming Related Contracts**

All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of Twenty-Five Thousand Dollars (\$25,000.00) annually, except contracts for professional legal and accounting services, shall be included within the scope of the audit that is described above.

## **ARTICLE IX – PUBLIC HEALTH AND SAFETY**

**6 S.C.T.C. § 02.09(1) Gaming Facilities**

Class II and Class III Gaming Operations shall be constructed, maintained and operated in a manner that adequately protects the environment and the health and safety of the public.

**6 S.C.T.C. § 02.09(2) State Certified Inspector**

The Tribe shall engage a state certified inspector to conduct inspections of all facilities for Class III gaming on a periodic basis, but not less than annually, and shall promptly repair or correct any and all instances of non-compliance. An inspection report shall be prepared by the Tribe in connection with each inspection and copies of said reports shall be forwarded to the appropriate State of Wisconsin Department, Division, or Board.

## **ARTICLE X – EMPLOYEE LICENSING**

**6 S.C.T.C. § 02.10(1) St. Croix Gaming Commission Authority**

The St. Croix Gaming Commission shall license and supervise the conduct of Class I, Class II, and Class III gaming operations within the exterior boundaries of the St. Croix Indian Reservation.

**6 S.C.T.C. § 02.10(2) Agent for Service of Process**

The St. Croix Chippewa Indians of Wisconsin designates the Regulatory Processing and Licensing Office as agent for service of process. This service of process does not designate the Regulatory Processing and Licensing Office as the agent for service of any official determination, order, or notice of violation, as outlined in 6 S.C.T.C. § 02.01(7). The Regulatory Processing and Licensing Office may be contacted at:

1-715-986-4383 or 1-800-845-8401

**6 S.C.T.C. § 02.10(3) Separate Licenses**

A separate license shall be required for each place, facility, or location on tribal lands where the Tribe allows Class II, or Class III gaming.

**6 S.C.T.C. § 02.10(4) Employee Gaming License Requirements**

Any license for Class I, Class II, or Class III gaming shall contain the following conditions, restrictions, regulations or information:

- (a) Name of licensee, operator and chief executive officer;
- (b) Authorized games;
- (c) Effective or Renewal date;
- (d) Specific location;
- (e) Specify where gaming receipts may be deposited;
- (f) Specify the method of transfer to the St. Croix Chippewa Indians of Wisconsin of gaming profits on a monthly basis;
- (g) Required reports and frequency;
- (h) Permissible hours of operation;
- (i) Compliance with all Class III Tribal-State Compact standards;
- (j) Compliance with all applicable Indian Gaming Regulatory Act Standards; and
- (k) Preferences for Indian hiring.

**6 S.C.T.C. § 02.10(5) Licensee Requirements**

The licensee shall permanently maintain the following records:

- (a) Revenues, expenses, assets, liabilities and equity for each location at which any gaming is conducted;

- (b) Daily cash transactions for each game at each location;
- (c) Contracts, correspondence and other transaction documents relating to all vendors and contracts;
- (d) All audits;
- (e) Personnel information on all Class II and Class III gaming employees or agents including work schedules, hours worked and background checks; and
- (f) Any other records required to be maintained by Section X of the Tribal-State Compact.

**6 S.C.T.C. § 02.10(6) Licensee Acceptance**

The licensee by accepting a St. Croix Gaming License agrees:

- (a) To abide by the rules and regulations of the Tribe and with all other applicable legal authority as to all aspects associated with the conduct of licensed games;
- (b) To pay all applicable license fees and assessments;
- (c) To make all books and records of gaming operations upon the St. Croix Indian Reservation available for inspection by the Tribal Council or the St. Croix Gaming Commission during all normal business hours;
- (d) To provide preferential hiring to qualified members of the Tribe as to all positions open for employment;
- (e) To promptly pay to all winners such prizes as they might respectfully be entitled to;
- (f) To provide audits as required by Section XII of the Tribal-State Compact;
- (g) To conspicuously post any gaming license granted; and
- (h) To monthly execute and file a report of operation on a form prescribed by the St. Croix Gaming Commission. The report shall include:
  - 1. The date of each gaming occasion;
  - 2. The type of games played;
  - 3. An itemized statement of the gross receipts from gaming during the reporting period;
  - 4. An itemized statement of gross receipts from all nongaming activities including concession and tobacco sales; and



5. An itemized statement of expenditures including amounts paid for prizes, supplies and equipment, wages, utilized fees, and all other expenses associated with gaming.

#### **6 S.C.T.C. § 02.10(7) Employee Gaming License Notices**

The following notices shall be placed on the application form for a Non-Key Employee, Key Employee, or a Primary Management Official before that form is filled out by an applicant:

- (a) "In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal, or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official or key employee position"
- (b) "The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application."
- (c) "A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18 section 1001)."

#### **6 S.C.T.C. § 02.10(8) Failure to Provide Notice**

Existing Non-Key Employees, Key Employees and Primary Management Officials who have not filled out applications with the privacy act notice or false statement notice as described above shall be notified in writing that they shall complete a new application which contains the appropriate privacy act notice and/or false statement notice.

#### **6 S.C.T.C. § 02.10(9) Employee Gaming License Restrictions**

No person may be employed by the Tribe in the operation or conduct of gaming or by a gaming related contractor in the course of performance under the contract, if that person:

- (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the following unless the person has been pardoned:

1. A felony, other than a felony conviction of an offense under subdivision (2), (3), or (4), during the immediately preceding 10 years;
  2. Any gambling related offense;
  3. Fraud or misrepresentation in any connection; or
  4. A violation of any provision of Chapter 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board, or Wisconsin Racing Board, or a Tribal Ordinance regulating or prohibiting gaming.
- (b) Has been determined by the Tribe to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.

**6 S.C.T.C. § 02.10(10) Employment License Requirement**

All Non-Key Employee, Key Employees, and Primary Management Officials shall apply for and be granted a Tribal gaming license prior to employment in the gaming operation. The Tribe shall ensure that the policies and procedures set out in this Article are implemented with respect to anyone employed at any Class II or Class III gaming operation operated on Tribal lands:

- (a) The Tribe cannot employ persons who refuse to voluntarily cooperate with the licensing process.

**6 S.C.T.C. § 02.10(11) Application for Employee Gaming License**

The applications for gaming employees shall provide the basis for background investigations performed by the St. Croix Gaming Commission and shall be confidential. Such applications shall include, but is not limited to the following:

- (a) The applicant's full name, including all other names used (oral or written), social security number, date of birth, place of birth, citizenship, gender, all languages (spoken or written), current home and work addresses, and telephone numbers;
- (b) Currently and for the previous five (5) years: business and employment positions held, ownership interest in those businesses, business and residence addresses, and drivers' license numbers;
- (c) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed in subsection (b) above;
- (d) Current business and residence telephone numbers;

- (e) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (i) For each gaming offense and for each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
- (j) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed, the criminal charge, the name and address of the court involved, and the date and disposition;
- (k) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved, and the dates and disposition;
- (l) A current Driver's License or State Certified photo ID;
- (m) A notarized birth certificate or Tribal I.D.;
- (n) Social Security Card or Social Security Number;
- (o) Fingerprints which shall be taken by the Regulatory Processor and forwarded to the FBI and CIB to determine the applicant's criminal history, if any; and
- (p) Written permission giving the St. Croix Gaming Commission the right to investigate information including but not limited to the applicant's background, including his or her criminal record, civil and criminal judgments, educational record, military record and credit history.

#### **6 S.C.T.C. § 02.10(12) Fingerprint Procedure**

The Regulatory Processing & Licensing Department shall take fingerprints from proposed Key Employees and Primary Management Officials to conduct the background

investigation. The background investigation shall include a check of criminal history record information maintained by the Federal Bureau of Investigations ("FBI").

- (a) Taken fingerprints shall be sent to the Crime Information Bureau in Madison, Wisconsin for processing.
- (b) The Regulatory Processing & Licensing Department shall have an account with the Wisconsin Department of Justice online System ("WORCS") for obtaining the proposed Key Employees and/or Primary Management Officials background investigation.
- (c) All conducted background investigations will be forwarded to the St. Croix Gaming Commission for their review and determination.

#### **6 S.C.T.C. § 02.10(13) Confidentiality of Identity**

The St. Croix Gaming Commission and Regulatory Processing & Licensing Department shall keep confidential the identity of each individual interviewed in the course of conducting any background investigation regardless of whether that individual is hired or not. Any other Department, Employee, or individual who may require access to conducted background investigations shall also keep confidential the identity of each individual interviewed in the course of conducting any background investigation.

#### **6 S.C.T.C. § 02.10(14) Application Review Procedure**

Before issuing a gaming employee license, the St. Croix Gaming Commission shall:

- (a) Be responsible for conducting, reviewing and either approving or disapproving the investigative work;
- (b) The St. Croix Gaming Commission may require asset and liability disclosure for Key Employees and Primary Management Officials when it deems that information necessary to adequately protect the gaming operation(s) and determine the suitability of a particular individual for employment or continued employment;
- (c) Review the person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or Primary Management Official for employment in a gaming operation(s). Where the St. Croix Gaming Commission determines that employment of the person poses a threat to the public interests or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation(s) shall not employ that person in a Key Employee or Primary Management Official position; and

- (d) Be responsible for reporting the results of the background investigations to the National Indian Gaming Commission for Key Employees and Primary Management Officials only.

#### **6 S.C.T.C. § 02.10(15) Forwarding Applications to the NIGC**

The following will be the procedures for forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission:

- (a) When a Key Employee or Primary Management Official begins work at a gaming operation authorized by this Ordinance, the St. Croix Gaming Commission shall forward to the National Indian Gaming Commission a completed application for an employee gaming license, conduct the background investigation and make the eligibility determination regarding the issuance of an employee gaming license;
- (b) The St. Croix Gaming Commission shall forward the notice of results referred to below to the National Indian Gaming Commission no later than sixty (60) days after an employee begins work; and
- (c) The notice of results shall include the following information:
  - 1. The applicant's name, date of birth, and social security number;
  - 2. The date on which the applicant began, or will begin, working as a Key Employee or Primary Management Official;
  - 3. A summary of the information presented in the investigative report, including:
    - i. License(s) that have previously been denied;
    - ii. Gaming licenses that have been revoked, even if subsequently reinstated;
    - iii. Every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
    - iv. Every felony offense of which the applicant has been convicted or any ongoing prosecution.
  - 4. A copy of the eligibility determinations made.

#### **6 S.C.T.C. § 02.10(16) Forwarding Investigative Reports to the NIGC**

The St. Croix Gaming Commission shall notify the National Indian Gaming Commission of the issuance of a license to a Key Employee or Primary Management Official within thirty (30) days of the issuance. The St. Croix Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation of a Key Employee or Primary Management Official.

- (a) An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;
  2. Results obtained;
  3. Conclusions reached; and
  4. The basis for those conclusions.
- (b) The St. Croix Gaming Commission shall submit, with the report, a copy of the eligibility determination.
- (c) Objection Timeline. The National Indian Gaming Commission (“NIGC”) shall have thirty (30) days after the date which the NIGC received notice of a Key Employee or Primary Management Official license to issue any objection. If, within the thirty (30) day period, the St. Croix Gaming Commission does not receive an objection to a license application and investigative report filed for a Key Employee or Primary Management Official from the NIGC, the St. Croix Gaming Commission may issue a license to such applicant.
- (d) Additional Information. The St. Croix Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning a Key Employee or Primary Management Official who is the subject of a report. Such a request shall suspend the thirty-day (30) period under subsection (c) above until the Chairman of the NIGC receives the additional information.
- (e) Objections. If, within the thirty-day (30) period described above, the NIGC provides the St. Croix Gaming Commission with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official for whom the St. Croix Gaming Commission has provided an application and investigative report, the St. Croix Gaming Commission shall reconsider the application, considering the objections itemized by the NIGC. The St. Croix Gaming Commission shall make the final decision whether to issue a license to such applicant.
1. If the St. Croix Gaming Commission has issued a license to a Key Employee or Primary Management Official before receiving the NIGC’s statement of objection, a notice and hearing shall be provided to the licensee.

#### **6 S.C.T.C. § 02.10(17) Granting Employee Gaming Licenses**

The St. Croix Gaming Commission is responsible for granting and issuing gaming license to Key Employees and Primary Management Officials. The St. Croix Gaming Commission may license Non-Key Employees.

- (a) Provisional License. The St. Croix Gaming Commission may issue a provisional or temporary employee gaming license. A provisional license may be issued when the St. Croix Gaming Commission determines an applicant is suitable after an initial background check and the following requirements are met:

1. The individual has been determined eligible for employment;
2. The individual has returned a completed gaming license application;
3. The initial background screen returns no disqualifying offenses;
4. The individual has passed pre-employment drug and/or alcohol screenings; and
5. The individual has provided one set of fingerprints for their file.

(b) Primary Management Officials. The St. Croix Gaming Commission may license a Primary Management Official after submitting notice of results of the applicant's background investigation to the NIGC.

1. All Primary Management Officials must have gaming licenses issued by the Tribe.
2. The Tribe shall not employ an individual in a Primary Management Official position who does not have a license after ninety (90) days of beginning work at a gaming facility.

(c) Key Employees. The St. Croix Gaming Commission may license a Key Employee after submitting notice of results of the applicant's background investigation to the NIGC.

1. All Key Employees must have gaming licenses issued by the Tribe.
2. The Tribe shall not employ an individual in a Key Employee position who does not have a license after ninety (90) days of beginning work at a gaming facility.

#### **6 S.C.T.C. § 02.10(18) Denying Employee Gaming Licenses**

An applicant may be denied an employee gaming license for failure to complete any portion of the application process or any reason listed pursuant to 6 S.C.T.C. § 02.10(9). If a license is not issued to an applicant, the St. Croix Gaming Commission shall:

(a) Automatic Denial. The St. Croix Gaming Commission shall not license a Key Employee or Primary Management Official if in applying the eligibility standards, the Gaming Commission determines that the individual:

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

(b) NIGC Notice. If the St. Croix Gaming Commission denies a proposed Key Employee or Primary Management Official an employee gaming license, or revokes a previously issued license, the St. Croix Gaming Commission shall:

1. Notify the National Indian Gaming Commission; and

2. Forward copies of eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

#### **6 S.C.T.C. § 02.10(19) Suspension of Employee Gaming Licenses**

The St. Croix Gaming Commission may suspend any employee gaming license. Upon determination that an employee gaming license will be suspended the St. Croix Gaming Commission shall send written notice of the suspension to the individual. The St. Croix Gaming Commission may suspend an employee gaming license for any of the following reasons:

- (a) The employee has been charged with, convicted of, or entered a plea of guilty or no contest to any offense that may result in a bar to obtaining a gaming license;
- (b) The Tribe received notice from the NIGC that the individual is not eligible for employment;
- (c) The employee has made a materially false statement in their license application or application for employment;
- (d) The employee has participated in gaming activity unauthorized by their employee gaming license;
- (e) The employee's continued employment as a Key Employee or Primary Management Official of a gaming enterprise or gaming activity poses a threat to the general public or reputation and/or financial stability of the gaming enterprise;
- (f) The employee has refused to comply with any directive from the St. Croix Gaming Commission; or
- (g) The employee has failed to provide the St. Croix Gaming Commission with any change in status of the material originally submitted in their gaming application.

#### **6 S.C.T.C. § 02.10(20) Revocation of Employee Gaming Licenses**

The St. Croix Gaming Commission may revoke any employee gaming licenses. Upon determination that an employee gaming license will be revoked the St. Croix Gaming Commission shall send written notice of the suspension to the individual. Should a license be revoked, the revocation shall result in the termination of the employee. The St. Croix Gaming Commission may revoke an employee gaming license for any of the following reasons:

- (a) The individual has been convicted or entered a plea of guilty or no contest to any felony;



- (b) The Tribe received notice from the NIGC that the individual is not eligible for employment;
- (c) If there is evidence a person has participated in organized crime or unlawful gambling or is a person whose prior activities, criminal record, reputation, habits, and/or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or to the carrying on of the business and financial arrangements incidental to the conduct of gaming;
- (d) The individual is found to have intentionally supplied false or misleading material information or has omitted material information on their license application or application for employment; or
- (e) The employee has refused to comply with any directive from the St. Croix Gaming Commission.

**6 S.C.T.C. § 02.10(21) NIGC Notice of Ineligibility for Employment**

If after a license is issued, the Tribe receives notice from the NIGC that the individual is not eligible for employment, the St. Croix Gaming Commission shall do the following:

- (a) Immediately suspend the license;
- (b) Provide the licensee with written notice of the suspension and proposed revocation; and
- (c) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
  - 1. Following the revocation hearing, the St. Croix Gaming Commission will decide whether to revoke or reinstate the license at issue.
  - 2. The St. Croix Gaming Commission will notify the NIGC of its decision to revoke or reinstate a license within forty-five (45) days of receiving notification from the NIGC that the individual is not eligible.

**6 S.C.T.C. § 02.10(22) Appeal Process**

Any decision resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license, or the imposition of other sanctions under this Ordinance shall be made by the St. Croix Gaming Commission. Should an applicant or licensee disagree with the determination of the St. Croix Gaming Commission, they may appeal as follows:

- (a) The individual may file a written appeal with the St. Croix Gaming Commission within fifteen (15) days, excluding holidays or closures, of their approval,

disapproval, revocation, suspension, limitation or condition, or other sanction they are appealing.

- (b) The St. Croix Gaming Commission shall then schedule a hearing to review the decision within thirty (30) working days from the date of the submitted appeal. At the hearing the appellant may present any relevant information to the St. Croix Gaming Commission.
- (c) Following such hearing, the St. Croix Gaming Commission shall, within three (3) working days reach a determination concerning:
  - 1. The accuracy of the facts presented at the hearing;
  - 2. Whether the license in question should be granted, denied, reinstated suspended, revoked, conditioned or limited; and
  - 3. Whether any other action recommended to the St. Croix Gaming Commission including, but not limited to fines and forfeitures, should be taken.
- (d) Within ten (10) working days following this determination, the St. Croix Gaming Commission shall inform the subject in writing of the determination. The determination of the St. Croix Gaming Commission shall be final and not subject to further appeal.
- (e) Deadlines do not include any closures, holidays, or events outside the control of the individual or the St. Croix Gaming Commission.

#### **6 S.C.T.C. § 02.10(23) License Retention**

With respect to license applicants, the Regulatory Processing and Licensing Office, or appropriate office determined by the St. Croix Gaming Commission shall retain applications for licensing, eligibility determinations, and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or their designee for no less than three (3) years from the date of denial or revocation of a license, or termination of employment, whichever is later.

## **ARTICLE XI – VENDOR LICENSING**

#### **6 S.C.T.C. § 02.11(1) Vendor Licensing Purpose**

The purpose of Article X is to regulate and determine licensing suitability of all vendors who provide to Tribe various products and/or services. The St. Croix Gaming Commission shall establish regulations, criteria, and procedures to issue "Vendor Licenses" to those that meet the required standards.

**6 S.C.T.C. § 02.11(2) Vendor License Application**

The St. Croix Gaming Commission will provide an application to prospective and current vendors upon request of either the vendor, the Tribe, or its Enterprises. Upon receipt of an application, The St. Croix Gaming Commission shall investigate of the applicant and each of its principals and shall include a criminal record check on the applicant and on each of the applicant's principals.

- (a) The purpose of the application is to determine the eligibility of those individuals, companies, corporations and/or partnerships that will do business with the Tribe. Therefore, failure to submit the required information on the application will be grounds to "deny" licensing. The information submitted may be disclosed to the Tribal government and may be reviewed by other organizations relevant to civil, criminal, or regulatory investigations as required.

**6 S.C.T.C. § 02.11(3) Vendor Contracts Agreement**

The Tribe and its Enterprises agree that, subject to the Licensing Requirements of the Vendor License Policy, the Tribe and its Enterprises may enter into a Vendor contract for the operation of its businesses including its Class II and Class III Gaming facilities under this Ordinance.

**6 S.C.T.C. § 02.11(4) Vendor Contracts Approval**

Before approving such contracts, the Tribe and its Enterprises shall ensure that the following information is supplied to the St. Croix Gaming Commission on or before the Tribe or its Enterprises approval of the contract:

- (a) Name, address, and contact person of vendor;
- (b) Approximate monthly revenue paid to vendor;
- (c) Product or service supplied by vendor; and
- (d) Copy of any proposed contract and thereafter, copies of any subsequent draft or update of the contract.

**6 S.C.T.C. § 02.11(5) Duties Regarding Vendor Contracts**

Upon receipt of the Vendor contract information, the St. Croix Gaming Commission shall:

- (a) Determine the appropriate license status;
- (b) Forward required Application packet to the Vendor (Application packet may be faxed to Vendor);

- (c) Upon receipt of completed Application and required fees, the St. Croix Gaming Commission will review the returned license application for a period of not more than 15 working days; and

1. An incomplete application is reason to "deny" licensing, as is failure to comply with any requests from the St. Croix Gaming Commission for additional information which will extend the 15-day review period.

- (d) In addition to the information submitted on the vendor license application, the St. Croix Gaming Commission will also review the prior activities, criminal record, reputation, habits, and associations of the vendor and/or the company and/or its employees to determine if any person or prior activity could pose a threat to Tribal or public interest, or to effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods or activities in the operation of gaming, or the carrying on of business and financial arrangements incidental thereto.

#### **6 S.C.T.C. § 02.11(6) Approval of Vendor Contracts**

Upon St. Croix Gaming Commission approval, a Tribal Vendor License will be issued to the approved vendor. The License will be valid for one year from the time it is issued and license fees will be based on the dollar amount of business conducted annually.

- (a) Renewal Applications. Renewal applications will be provided prior to the expiration date of the license. Upon receipt of the license fee and review of the renewal application, the St. Croix Gaming Commission will send a new license certificate to the vendor.

#### **6 S.C.T.C. § 02.11(7) Disclosure of Relationship**

Included with the application will be a "Disclosure of Relationship" form which must be signed indicating that no current employee, Tribal Council member, and/or member of St. Croix Gaming Commission is receiving any direct or indirect payment or gratuity from the business and/or its representative. It is further understood that no gift, payment or gratuity in any form, may be given by the business to anyone employed by the Tribe.

- (a) Exempt Gifts. Exempt are any gifts given under traditional Ojibwe practices. And any purchasing discounts, special promotions, rebates, etc., that may be returned to the St. Croix Chippewa Indians of Wisconsin.

#### **6 S.C.T.C. § 02.11(8) Vendor Responsibility**

The Vendor is responsible to respond within seven (7) working days upon receipt of a tribal letter of inquiry from the St. Croix Gaming Commission as to its association, the relationship, and the agreement of a person or firm which may or may not be associated with the business. Such agreement or arrangement will cause denial of license and void any purchase agreements or leases. The applicant will, by written and/or oral request, allow the St. Croix Gaming Commission to inspect all documents that may indicate that

such activity may have occurred. Failure to comply will result in license termination, and loss of product or service agreements.

- (a) The Vendor may request an extension of the seven (7) working days from the St. Croix Gaming Commission if they require additional time. The St. Croix Gaming Commission has discretion as to whether they approve an extension or not.

#### **6 S.C.T.C. § 02.11(9) Granted Vendor Licenses**

Persons, businesses, corporations, and/or partnerships that have been granted a "Vendor License" by the St. Gaming Commission will be allowed to do business with the various businesses owned and operated by the Tribe. A vendor must have a current Tribal Vendor License to continue to conduct business with the Tribe. Likewise, no purchase order will be accepted and/or paid without total compliance of a license being issued.

- (a) List of Vendors. The list of approved vendors will then be used by the Tribe and its agents as a source for various products/services, and for bidding on various projects within all Tribal Enterprises.

#### **6 S.C.T.C. § 02.11(10) Disposition of Vendor Licensing Fees**

All fees will be received, by the St. Croix Gaming Commission to be recorded and for endorsement and deposit in the Tribe's designated Vendor Account.

#### **6 S.C.T.C. § 02.11(11) Vendor Document Storage**

All vendor information will be kept in a data base to enable a complete print out of all vendors utilized. In addition, a hard copy file will be kept containing Vendor application, copy of fee check, contract information, and determination made.

#### **6 S.C.T.C. § 02.11(12) Vendor Fee Exemption**

The Tribe recognizes that due to the nature of certain businesses, exemptions to licensing have been established. These include, but are not limited to:

- (a) Any person or group of persons engaged in the ministry of healing by purely spiritual means or other religious activity;
- (b) A vendor engaged to perform at or to sell authentic traditional Native American crafts at tribally sponsored Pow-wow's or events. However, this does not prevent the committee or group from obtaining basic information, documentation for tax purposes, or from charging lot space fees;
- (c) Any business that is 51 % or more owned by the St. Croix Chippewa Indians of Wisconsin;
- (d) All youth activity events sponsored by the St. Croix Chippewa Indians of Wisconsin are exempt;

- (e) Any person engaged in the production of the traditional Ojibwe crafts whose gross sales are less than Ten Thousand Dollars (\$10,000.00) per calendar year;
- (f) Any person engaged in the harvesting or processing of "wild rice" in traditional Ojibwe manner;
- (g) Any person engaged in the harvesting and processing of maple syrup in traditional Ojibwe manner;
- (h) Any person that engages in a business or activity from their place of residence upon property held in trust for the St. Croix Chippewa Indians of Wisconsin, which is less than Ten Thousand Dollars (\$10,000.00) per calendar year;
- (i) Any Tribal or government agency;
- (j) Insurance and all utility companies;
- (k) Any person or company engaged in training or education; and
- (l) Those vendors who at the determination of the Tribe shall be exempt.

## **ARTICLE XII – GENERAL PROVISIONS GOVERNING OPERATION**

### **6 S.C.T.C. § 02.12(1) Maintenance of Records**

The St. Croix Gaming Commission shall ensure that all accounting records of each tribally licensed gaming facility is kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The St. Croix Gaming Commission shall also ensure that both the operator and the St. Croix Gaming Commission maintain the following records for not less than seven (7) years:

- (a) Revenues. Expenses, assets, liabilities and equity by game at each location where any component of Class III gaming, including ticket sales, is conducted;
- (b) Cash Transactions. Daily cash transactions for each game at each location at which any component of Class III gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box and gaming room bank;
- (c) Analytic Reports. For electronic games of chance, analytic reports that, by each machine, compare actual hold percentages to theoretical hold percentages;

- (d) Documents. Contracts, correspondence and other transaction documents relating to all vendors and contractors;
- (e) Enforcement Activities. Records of all tribal enforcement activities relating to gaming operated under the Tribal-State Compact and other tribal laws;
- (f) Audits. All audits prepared by or on behalf of the Tribe;
- (g) Personal Information. Personnel information on all Class III gaming employees or agents, including complete sets of each employee's fingerprints, employee photographs, and employee profiles and background investigations, except that employee work schedules shall be maintained for a period of at least two (2) years. This provision shall not include personnel records of tribal members as to matters that are not related to gaming;
- (h) Background Investigations. Records of background investigations and determinations for licensing; and
- (i) The St. Croix Gaming Commission shall also be responsible for all the above information pertaining to Class II Gaming owned or operated by the Tribe.

#### **6 S.C.T.C. § 02.12(2) Management Contracts**

Each management contract shall fully comply with applicable federal regulations and is subject to the prior approval of the NIGC.

- (a) Before Submission. Before submission to the NIGC, each management contract shall be approved by the Tribal Council with the advice and comment of the St. Croix Gaming Commission. Before considering any proposed management contract, the Tribal Council shall direct the St. Croix Gaming Commission to conduct a complete background investigation of persons and entities with a financial interest in, or having management responsibility for, the management contract including requiring the submission of all information required under 25 CFR Section 537.1, as amended, incorporated herein by this reference.
- (b) Background Investigation. Background information on the proposed management contractor will be collected including: its name; address; the names and addresses of each persons or entity having a direct financial interest or management responsibility for the proposed management contractor; and in case of a corporation, the names and addresses of each member of its board of directors and all stockholders who hold directly or indirectly ten (10%) percent or more of its issued or outstanding stock.
- (c) Other Gaming Contracts. A description of any previous experience that each person listed in subsection above has had with other gaming contracts with Indian tribes or with any gaming activity or operation wherever, located, including the name and address of any tribal government or licensing agency with which such

- person has applied, or held a contract, license, or other agreement or permit relating to gaming, whether granted or not should also be maintained.
- (d) Financial Statements. A complete financial statement of each person listed in subsection (b) for the past three (3) years.
  - (e) Verification. The St. Croix Gaming Commission shall obtain an independent verification of the completed financial statements of the proposed management contractor.
  - (f) Performance History. The St. Croix Gaming Commission shall contact each of the tribal governments and licensing agencies in subsection (c) above to determine the performance history of the proposed management contractor.
  - (g) Criminal Records. The St. Croix Gaming Commission shall arrange to have each proposed management contractor investigated to learn of his or her personal attributes and to determine whether he or she has a prior criminal record or any pending criminal charges.
  - (h) Additional Steps. The St. Croix Gaming Commission shall undertake any additional steps it can to determine the character and reputation of the proposed management contractor and each person listed in subsection (b) above.

#### **6 S.C.T.C. § 02.12(3) Tribal Council Approval of Management Contracts**

If the Tribal Council, after reviewing the information described above, still desires to enter into a management contract with the proposed management contractor, such management contract shall be made in writing and submitted to the Tribe's attorney for review.

- (a) Approval. Any management contract approved by the Tribal Council must include at a minimum, with respect to the gaming activity to which the contract is applicable, all of the required provisions contained in 25 CFR Section 531.1, as amended, incorporated herein by this reference.
- (b) Gaming License Requirement. All persons who possess an ownership or management position in the proposed management contract shall apply for an employee gaming license under this Ordinance. No management contract shall be approved by the Tribal Council until all employee gaming license applications have been reviewed and the St. Croix Gaming Commission has submitted written findings on such application(s) to the Tribal Council.
- (c) NIGC Submission. If the Tribal Council is satisfied with the information it receives it shall submit the proposed contract along with all of the above described information to the Chairman of the NIGC for approval.



#### **6 S.C.T.C. § 02.12(4) Liability Insurance**

Each tribally owned or tribally operated gaming facility shall carry sufficient liability insurance to protect the public in the event of an accident, and in any event, such coverage must meet the level required by the Tribal-State Compact.

#### **6 S.C.T.C. § 02.12(5) Conflicts of Interest**

No person employed by the gaming enterprise may have a direct or indirect interest in any gaming-related contract with the Tribe, nor may they be employed by any person who has a gaming-related contract with the Tribe.

- (a) Definition. A direct or indirect interest is one in which the employee has an economic interest or receives personal gain from the transaction in question.
- (b) Exception. An employee of the gaming enterprise may have an interest in a nongaming related contract with the Tribe or with the gaming enterprise if such employee makes a full disclosure to the St. Croix Gaming Commission prior to such contract and the St. Croix Gaming Commission finds that the contract is not unfair to the gaming enterprise and is satisfied that the contract is non-gaming related. This clause seeks to avoid the appearance of a conflict of interest while not altering the original conflict of interest prohibition contained in the Tribal-State Compact.

#### **6 S.C.T.C. § 02.12(6) Age Restriction for Game Play**

No person under twenty-one (21) years of age may play, or be permitted by the Tribe to play, any game authorized by the Tribal-State Compact. If any person below the age of twenty-one (21) plays and otherwise qualifies for a prize or winnings, the prize or winnings shall not be paid, and the estimated amount wagered during the course of the game shall be returned to the minor. No person under the age of twenty-one (21) shall be permitted access to any portion of any facility in which any Class III game is conducted, except for purposes of employment pursuant to Section V.B of the Tribal-State Compact, or to gain access to the Tribe's non-gaming facilities.

#### **6 S.C.T.C. § 02.12(7) Age Restriction for Employment**

No person under eighteen (18) years of age may be employed in the conduct of gaming under the Tribal-State Compact.

#### **6 S.C.T.C. § 02.12(8) Intoxicated Individuals**

No person who is visibly intoxicated shall be permitted to play any game authorized by the Tribal-State Compact.

#### **6 S.C.T.C. § 02.12(9) Restriction of Extended Credit for Gaming**

All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by any tribal gaming facility, nor shall the Tribe permit

any other person to offer such credit for a fee. This section shall not restrict the right of the Tribe to install or accept bank card or credit card transactions in the same manner as would normally be permitted at any retail business within the State of Wisconsin.

**6 S.C.T.C. § 02.12(10) Impartial Resolution of Player Dispute**

The Tribe shall provide and publish procedures of impartial resolution of a player dispute concerning the conduct of a game which shall be made available to customers upon request.

**6 S.C.T.C. § 02.12(11) Alcoholic Beverages**

Alcohol beverages may be served at locations where games authorized under the Tribal-State Compact are conducted only during the hours prescribed in sec. 125.32 (3), Wis. Stats. Alcohol beverages may not be sold for the purpose of off-premises consumption at locations where games authorized under the Tribal-State Compact are conducted.

**6 S.C.T.C. § 02.12(12) Employee Gambling**

The St. Croix Gaming Commission with Tribal Council approval, shall develop and regulate all Employee Gambling Policies & Procedures to ensure protection of Tribal revenue and the integrity of the Gaming Enterprise.

**6 S.C.T.C. § 02.12(13) Patron Dispute Resolution**

Any dispute which cannot be immediately resolved to the patron's satisfaction by the first employee contacted by the patron regarding the dispute is referred to the shift manager. It is the first employee's obligation to notify the shift manager (or to cause another employee to notify the shift manager) that a patron has a dispute. The shift manager should then conduct themselves as follows:

- (a) The shift manager should attempt to resolve the dispute;
- (b) If the patron is not satisfied, the patron should be given a preprinted card with the name, address, phone number, and fax number of the St. Croix Gaming Commission. The patron should be instructed to contact the St. Croix Gaming Commission for final resolution of the dispute; and
- (c) Once the St. Croix Gaming Commission receives the patron's complaint, they should decide the appropriate response. The decision of the St. Croix Gaming Commission is final.