NATIONAL
INDIAN
GAMING
COMMISSION

MAR 4 1994

Laquita Rich
The Chickasaw Nation
P.O. Box 1340
Ada, Oklahoma 74821-1340

Dear Ms. Rich:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on January 28, 1994, for the Chickasaw Nation (Nation). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games.

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Nation's gaming ordinance, the Nation is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Chickasaw Nation for review and approval. The NIGC staff and I look forward to working with you and the Nation in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman

cc: Bill Anoatubby , Governor
The Chickasaw Nation
P.O. Box 1548
Ada, Oklahoma 74820

1850 M STREET, N.W., SUITE 250 WASHINGTON, D.C. 20036 TEL 202-632-7003 FAX 202-632-7066

11th Legislature

Tribal Law 11-004

To regulate gaming activities in the Chickasaw Nation, and for other purposes.

IN THE CHICKASAW TRIBAL LEGISLATURE

November, 1993

AN ACT

Be it enacted by the Chickasaw Tribal Legislature assembled, that this Act shall be cited as the "Chickasaw Nation Public Gaming Act of 1994."

SEC. 101. Findings. The Chickasaw Tribal Legislature finds that:

(a) A need exists to promote the public health and safety, education and welfare that may contribute to the social, physical well-being and economic advancement of citizens of the Chickasaw Nation;

(b) a need exists to create authorities with attendant powers to achieve objectives allowed under the provisions of the Constitution of the Chickasaw Nation;

(c) a need exists to provide for the employment, education, training, health, and other services which are not now being met in sufficient quantity by federal government agencies;

(d) a need exists for the Chickasaw Nation to be self-sufficient in its internal affairs;

(e) a need exists to provide a system for regulating gaming activities

in and for the Chickasaw Nation, which is in the best interests of the Chickasaw people and their health and welfare;

(f) a need exists for the Chickasaw Nation to generate revenues for self perpetuation and essential governmental services;

(g) a need exists for the Chickasaw Nation to comply with the provisions of the Indian Gaming Regulatory Act, as adopted by the Congress of the United States of America, 15 USC 2701, et. seq.

SEC. 102. Basis for Authority. The basis for authority of this Act is Article VI, Section 1, and Article VII, Section 4 of the Constitution of the Chickasaw Nation.

SEC. 103. Definitions. For the purpose of this Act:

(a) "The Chickasaw Nation" shall mean the government instituted in the Constitution of the Chickasaw Nation, or all Chickasaw Indians by blood whose names appear on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906, and their lineal descendants, or it shall mean the actual physical nation itself, depending upon reference;

(b) "shall" shall mean imposing an obligation to act;

(c) "gaming" shall be defined as having the same meanings as applied by and contained in the Indian Gaming Regulatory Act, Public Law 100-447;

(d) "Commissioner" shall mean the Commissioner of public gaming for the Chickasaw Nation, as provided by this Act;

(e) "license" shall mean the written permission by authority of the Chickasaw Nation to do an act, which without permission would be illegal, and is a document granted by the Commissioner of the Chickasaw Nation for a consideration to a person or to a location to pursue business subject to regulation under the jurisdiction of the Chickasaw Nation;

(f) "Legislature," shall mean the Chickasaw Tribal Legislature which

is that body of not more than 13 members, as created by Articles V, VI, VII, VIII and IX of the Constitution of the Chickasaw Nation;

(g) "Governor" shall mean the chief executive officer of the Chickasaw Nation, as created by Articles X and XI of the Constitution;

(h) "Constitution" means that document which formally established the Chickasaw Nation and its government, as ratified by the eligible registered voters of the Chickasaw Nation on August 27, 1983, and which was approved by the secretary of the U.S. Department of the Interior on July 15, 1983.

(i) "general business manager" shall mean the person within the Executive Department who is charged with overseeing and/or managing the gaming enterprises of the Chickasaw Nation.

Title II. Provisions.

Sec. 201. The provisions of this Act, being necessary for the welfare of the Chickasaw Nation and its inhabitants, shall be liberally construed to effect the purpose and object hereof.

Sec. 202. The article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or section hereof.

Sec. 203. (a) The provisions of this Act are severable, and if any part or provision hereof shall be held void by appropriate judicial authority, the decision of the court so holding shall not affect or impair any of the remaining parts of provisions of the Act.

(b) All titles, chapters, articles and sections of all gaming regulatory Acts which are in effect as of the date this Act becomes operative, are hereby repealed, and all other laws or resolutions or parts of laws and resolutions inconsistent with the provisions of this Act are hereby repealed.

(c) Repeal by this Act of any tribal law or resolution shall not have the effect of reviving any prior law theretofore repealed or suspended by such repealed tribal law or resolution, nor shall this repeal have the effect of nullifying any regulation of the commissioner issued under previous tribal laws or resolutions which is authorized by this Act, nor shall this repeal have the effect of interrupting the term of the current commissioner of public gaming, nor shall this repeal have the effect of interrupting any license issued by the commissioner or any responsibilities thereunder.

Title III. Gaming Authorized

SEC. 301. Class II gaming as defined in the Indian Gaming Regulatory Act, Public Law 100-447, 25 USC §2703(7)(A), and by the regulations promulgated by the Commissioner and his deputies at 25 CFR § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized. Class III gaming as defined in the Indian Gaming Regulatory Act, Public Law 100-447, 25 USC §2703(8), and by regulations promulgated by the National Indian Gaming Commission, is authorized only to the extent allowed by such law and pursuant to an approved tribal/state compact.

SEC 302. Ownership of Gaming. The Chickasaw Nation shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Act.

SEC. 303. Use of Gaming Revenue. (a) Net revenues from gaming shall be used only for the following purposes: To fund tribal government operations and programs; to provide for the general welfare of the Chickasaw Nation and its citizens; to promote tribal economic development; to donate to charitable organizations; or to help fund operations of local government agencies.

(b) No per capita payments to tribal citizens shall be made from

gaming revenue.

SEC. 304. Audit. (a) The Governor shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

(b) All gaming related contracts which result in the purchase of supplies, services or concessions in excess of $25,000.00 annually, except contracts for professional, legal and accounting services, shall be specifically included within the scope of the audit which is described in subsection (a) of this section.

SEC. 305. Protection of the Environment and Public Health and Safety. All gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

SEC. 306. Licenses for Key Employees and Primary Management Officials. The Commissioner shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming facility located on tribal lands:

(A) Definitions. For the purposes of this section, the following definitions apply:

(1) Key employee means:

(a) A person who performs one or more of the following functions:

(1) Bingo caller;

(2) counting room supervisor;

(3) chief of security and all security officers;

(4) custodian of gaming supplies or cash;

(5) floor manager;

(6) pit boss;

(7) dealer;

(8) croupier;

(9) approver of credit; or

(10) custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

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

(2) Primary management official means:

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

(b) any person who has authority:

(1) To hire and fire employees; or

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

(3) the chief financial officer or other person who has financial management responsibility.

(B). Application Forms

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 USC 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the Commissioner and staff who have need for the information in the performance of their official duties. The information may be disclosed 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 Chickasaw Nation Gaming Commission in connection with the hiring or firing of an employee, the issuance 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 hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary; however, failure to supply a SSN may result in errors in processing your application.

(2) Existing key employees and primary management officials shall be notified in writing that they shall either:

(a) Complete a new application form which contains a Privacy Act notice; or

(b) sign a statement which contains the Privacy Act notice and consent to the routine uses described in that notice.

(3) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

> *A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).*

(4) The Commissioner shall notify in writing existing key employees and primary management officials that they shall either:

(a) Complete a new application form which contains a notice regarding false statements; or

(b) sign a statement which contains the notice regarding false statements.

(C). Background Investigations

(1) The Commissioner shall request from each primary management official and from each key employee all of the following information:

(a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

(b) currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;

(c) the names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;

(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) 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;

(i) for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten years of the date of the application, the name and address of the court involved and

the date and disposition;

(j) for each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(k) the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) a current photograph with notarized affidavit as to date taken and person depicted;

(m) any other information the commissioner deems relevant; and

(n) fingerprints consistent with procedures adopted by the Chickasaw Nation according to 25 CFR §522.2(h).

(2) The Commissioner shall conduct an investigation sufficient to make a determination under subsection D below. In conducting a background investigation, the identity of each person interviewed in the course of the investigation shall be kept confidential.

(D) <u>Eligibility Determination</u>

The Commissioner shall review a person's prior activities, criminal record, if any, and 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. If it is determined that employment of the person poses a threat to the public interest 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 shall not employ that person.

(E) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

(1) When a key employee or primary management official begins work at a gaming operation authorized by this Act, the Commissioner shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection D of this section.

(2) The Commissioner shall forward the report referred to in subsection F of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the effective date of this Act.

(3) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

(F). Report to the National Indian Gaming Commission

(1) Pursuant to the procedures set out in subsection E of this section, the Commissioner shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

(a) Steps taken in conducting a background investigation;

(b) results obtained;

(c) conclusions reached; and

(d) the bases for those conclusions.

(2) With the report shall be submitted a copy of the eligibility determination made under subsection D of this section.

(3) If a license is not issued to an applicant, the Commissioner:

(a) Shall notify the National Indian Gaming Commission; and

(b) may include copies of the eligibility determination and

investigative report (if any) in the Indian Gaming Individuals Records System.

(4) With respect to key employees and primary management officials, the gaming manager or the tribal official responsible for the day to day operations of the gaming operation shall retain applications for employment and reports (if any) of background investigations for inspection by the chairman of the National Indian Gaming Commission or his or her delegate for no less than three years from the date of termination of employment.

(G). Granting a Gaming License

(1) If, within a 30-day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commissioner that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Chickasaw Nation has provided an application and investigative report to the National Indian Gaming Commission, a license may be issued to such individual.

(2) The Commissioner shall respond to a request for additional information from the chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such request shall suspend the 30-day period under paragraph (G)(1) of this section until the chairman of the National Indian Gaming Commission receives the additional information.

(3) If, within the 30-day period described above, the National Indian Gaming Commission provides the Commissioner with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Chickasaw Nation has provided an application and investigative report to the National Indian Gaming

Commission, the Commissioner shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Commissioner shall make the final decision to issue a license to such applicant.

(H). License Suspension

(1) If, after the issuance of a gaming license, the Commissioner receives information from the National Indian Gaming Commission indicating that a key employee or a primary management official is not eligible for employment under Section D above, the Commissioner shall suspend such license and notify in writing the licensee and his supervisor of the suspension and the proposed revocation.

(2) The Commissioner shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(3) After a revocation hearing, the Commissioner shall decide to revoke or to reinstate a gaming license. The Commissioner shall notify the National Indian Gaming Commission, the Governor and the Legislature of his decision.

(I). License Locations

(a) The Commissioner shall issue a separate license to each place, facility or location where gaming is conducted under this authority.

(b) The Commissioner, deputies and staff of the Commissioner shall meet the same qualifications for licensing as established for key employees and primary management officials.

(c) The Commissioner, deputies or staff who cannot meet the minimum requirements for licensing under this Act shall not be employed by the Chickasaw Nation Gaming Commission in such capacity.

Title IV. Gaming Commissioner.

SEC. 401. The office of Gaming Commissioner of the Chickasaw Nation is

hereby created within the Executive Department. The Commissioner shall take an oath of office similar to that of elected officials and shall be sworn to service. The Commissioner shall serve a term of three years from the date of such oath of office.

Sec. 402. At any time when a vacancy occurs in the office of Commissioner, the office shall be filled by appointment by the Governor, by and with the advice and consent of the Legislature in accordance with Article XI, Section 2 of the Constitution. Once the office of Commissioner is vacated, the Governor shall, within 60 days of that vacancy, name an appointee to fill the position and shall so notify the Legislature. Once that notification is made or before, the Governor shall cause the process to be initiated to clear that person as Commissioner through the requirements and provisions contained in this Act. Should that person clear the background check and investigations required, the Governor shall submit his name to the legislature as his appointee as Commissioner. If the person does not clear the process, then the Governor shall submit the name of another person to be considered, who must then undergo the same process. This procedure shall be continued until a person is cleared, appointed and consent is given to that appointment by the Legislature.

Sec. 403. An interim Commissioner may be selected by the Governor any time a vacancy in the office of Commissioner exists. Such an interim gaming commissioner shall fill the position until the Legislature acts to provide advice and consent to the governor regarding his appointment of a person to fill the Commissioner's position. An interim Commissioner shall serve at the pleasure of the Governor.

Sec. 404. The Commissioner may be removed from office prior to the end of any term for cause under the provisions of tribal law pertaining to same.

Sec. 405. Prior to the appointment of a Commissioner by the Governor, such

person shall have passed a background investigation, examination and check of the same nature of a key employee of a gaming enterprise pursuant to Sec. 306. Nothing in this section shall prohibit such person from serving as interim Commissioner pending the outcome of key employee review.

Sec. 406. The Commissioner or the interim Commissioner shall be paid a salary in the range of L-19 through L-21.

Sec. 407. The Commissioner shall be responsible to determine that provisions of this Act are followed and may exercise any proper power and authority necessary to perform the duties of his office. The Commissioner shall be responsible to make regulations which shall include but not be limited to:

(1) Designing forms for background checks and employee applications;

(2) designing and describing procedures for conducting background checks;

(3) designing and describing procedures for issuance of tribal licenses to primary management officials and key employees;

(4) designing and describing procedures for resolving disputes between the gaming public and the Chickasaw Nation or the gaming enterprise management;

(5) designating an agent for service of legal notices;

(6) designating a law enforcement agency which will take fingerprints;

(7) designing and describing procedures for conducting criminal and credit histories and checks;

(8) working with the comptroller to design and describe procedures to prevent theft and ensure the integrity of the gaming enterprises of the Chickasaw Nation;

(9) designing and describing procedures for collection of license fees, taxes, other fees and levies as the same relates to gaming enterprises of the Chickasaw Nation.

Title V. Regulations

Sec. 500. Any regulations promulgated by the Commissioner shall have full force and effect from the date of issuance. The Commissioner may withdraw, replace or amend any regulation that he has made.

Sec. 501. (a) In adopting, amending or repealing any regulations under this Act, the Commissioner shall give a minimum of five (5) days notice of proposed regulation changes to all key employees, primary management officials, the general business manager and the Governor.

(b) Notice shall be deemed made by regular posting to the address of all persons described herein, by hand delivery from the Commissioner or his delegate, or by telephone confirmed facsimile.

Sec. 502. (a) A copy of all adopted regulations shall be maintained at the Central Business Services office (or the office within the Executive Department charged with the operations of gaming enterprises) and at each gaming enterprise facility.

(b) Copies will be available to the public for copy costs at a per-page rate set by the Commissioner.

Sec. 503. The Commissioner shall have the right to suspend any license location, licensee, employee or gaming participant for violation of any tribal regulations, tribal compacts, tribal ordinances, federal regulations or federal laws. Such suspension shall be for a period of not more than ninety (90) days for licensees and not more than two (2) years for gaming participants and others. Prior to any such suspension the person reviewed shall:

(a) Be given notice of specific facts concerning the violation

alleged. Such allegation shall describe in writing the offense and be given ten (10) days prior to any hearing.

(b) Such notice of proceedings shall be accomplished by regular mail to the last known address and by publicly posting the same within the affected gaming enterprise facility. Service by mail is not necessary if the Commissioner has no address for the person or entity.

(c) At the hearing, the Commissioner shall state his understanding of the facts and allow the person or entity subject to the hearing the opportunity to be heard and to present evidence.

(d) At the hearing the subject shall show cause that specific facts alleged are inaccurate or that special conditions exist which should mitigate suspension.

(e) Following the hearing, the Commissioner shall issue in writing an order regarding the subject within seven (7) days, or the matter shall be deemed dismissed. If a suspension order is made, it shall state:

(1) The specific violation of law or regulation of the subject, and

(2) the suspension period imposed, stating beginning date and concluding date of suspension.

(f) Notice of order shall be accomplished in the same manner as notice of proceedings.

Sec. 504. All persons or entities subject to a suspension order shall be excluded from the gaming enterprise facility during such suspension. The Commissioner shall have the authority to direct the gaming enterprise facility security to enforce the exclusion of any person suspended under the terms of Sec. 503.

Sec. 505. The Commissioner may refuse to reveal, at any court proceedings, the identity of any informant.

Sec. 506. The Commissioner shall hold public hearings not less than annually to allow public comment about operation of a gaming enterprise facility. The manager of each gaming enterprise shall attend such hearings and may be directed by the Commissioner to respond to questions or to explaining operations at the Commissioner's discretion.

Sec. 507. The Commissioner shall have authority upon three (3) days written notice to depose any licensee, tribal employee or gaming participant.

Sec. 508. Any document, affidavit, return or report fee, instrument or payment required to be filed, delivered or served upon the Commissioner or the Chickasaw Nation shall be deemed to be properly filed, delivered or served if it is filed, delivered or served as the case may be upon the Commissioner or the Governor at the tribal headquarters complex or as the Commissioner may otherwise direct by regulation.

Sec. 509. The Commissioner may authorize in the same fashion as a law enforcement officer the issuance of positions of deputy commissioner on a temporary, part-time and/or full-time basis. Any person who is employed full-time as a deputy commissioner shall be required to meet the same qualifications as the commissioner in accord with Sec. 306.

Sec. 510. The salary of a deputy commissioner, if any, shall be subject to the budgeting process of the Chickasaw Nation.

Title VI. Disputes With Management

Sec. 600. Any gaming participant or supplier may file a grievance against management with the Commissioner. The Commissioner shall establish a time for hearing, give notice to all parties, hold hearing(s) and rule upon the grievance. The ruling of the Commissioner may be appealed to the tribal court or to the Code of Federal Regulations Court of Indian Offenses for the Chickasaw Nation. This section shall in no way be construed as a waiver of the Chickasaw Nation's sovereign immunity.

Sec. 501. Any participant who has been denied benefits of gaming by a manager or management, who is injured on the premises due to the fault of a manager or management, or has any other claim for relief against a manager or management or any supplier who may have a claim for relief may have his grievance against management heard by filing the same with the Commissioner in writing. If no Commissioner or interim Commissioner exists, the same shall be filed with the Governor. The grievance shall describe the date, time and event which gives rise to the grievance and be signed and verified by the aggrieved person and signed by any legal counsel he may have.

Sec. 502. The Commissioner shall set a date for hearing the grievance within ninety (90) days of the filing of the same.

Sec. 503. The Commissioner shall give notice of such hearing together with a copy of the grievance to the manager and management of the gaming enterprise facility involved in the grievance and give notice of the hearing to the person filing the grievance by regular mail posted not less than ten days in advance of the hearing.

Sec. 504. At a hearing on any grievance, the person filing the same, manager and management shall be entitled to legal counsel. The person filing the grievance must be present for hearing of the same and shall be responsible to present a prima facie case for relief before response by the manager is required. The Commissioner shall be free to question any person present, continue the hearing from time to time and conduct independent investigation of facts. Upon conclusion of hearing, the Commissioner shall have forty-five (45) days to render a written opinion. In the absence of a written opinion by the Commissioner within the time specified, the matter shall be deemed dismissed.

Sec. 505. The Commissioner shall at any time prior to decision of any grievance, have the authority to suspend proceedings and to direct

arbitration or mediation of the grievance under such terms as the Commissioner may direct.

Sec. 506. The Commissioner shall keep the official fingerprint cards for the National Indian Gaming Commission on file in the office of the commissioner.

(a) As part of any employment application, fingerprints shall be given upon cards issued by the National Indian Gaming Commission.

(b) To obtain such prints, the Commissioner shall issue card(s) with request for assistance from Code of Federal Regulations police officers for the local area. CFR officers shall establish a time and location to take such prints and such law enforcement officer(s) shall take the prints.

(1) Nothing herein shall prevent the Commissioner from making separate arrangements with law enforcement officials outside the local area for fingerprints to be taken outside the local area. Such arrangements to obtain fingerprints shall substantially comport with local procedures involving CFR officers.

(c) After fingerprints have been taken, the CFR officers shall send the cards directly to the National Indian Gaming Commission in envelopes with cover letters provided by the Commissioner which include an affidavit by the officer taking such prints that the prints were taken and posted by law enforcement officer(s).

(d) Fees charged by the National Indian Gaming Commission for processing of fingerprints shall be paid by the Chickasaw Nation, excepting those individuals and organizations which have posted bonds for such reports.

Sec. 507. The Commissioner shall request local CFR officers to perform initial criminal background checks for each application for employment.

(a) The Commissioner shall receive the actual printout or a summary

of any initial background check which shall identify any felony, criminal history, or crime of moral turpitude which is known to CFR officers. The commissioner shall be considered a tribal law enforcement officer for such review.

(b) The Commissioner shall review any background check report issued to the tribe. The Commissioner shall share any information revealed by such checks to the manager of gaming facilities which, in the Commissioner's judgment, affects the consideration of an individual for employment.

(c) The Commissioner shall use the results of any background check to perform the lawful duties of Commissioner.

Sec. 508. (a) The tribe may be served notice of process for official determination, order or notice of violation of the Indian Gaming Regulatory Act by the National Indian Gaming Commission or other federal entity by service upon the Commissioner or upon the Governor. Nothing herein shall be deemed to waive or impair the Chickasaw Nation's right to sovereign immunity. Nothing herein shall be deemed a grant of jurisdiction or venue for any court to review cases or controversies which such court is not otherwise empowered to review.

(b) The Commissioner shall forward fingerprints and information to the National Indian Gaming Commission on all tribal gaming employees and other persons for whom background checks are required.

(c) The Commissioner shall request a report from the National Indian Gaming Commission which shall include a check through the Federal Bureau of Investigation's National Criminal Information Center.

(d) Fees charged by the National Indian Gaming Commission for processing such reports shall be paid by the tribe excepting those individuals and organizations that have posted bonds for such reports.

Sec. 509. (a) The Commissioner shall determine that an appropriate investigation has been conducted on key employees and primary management officials. An appropriate investigation shall include as a minimum:

(1) Obtaining and processing fingerprints;

(2) explanation of job description, fitness of individual to perform job and explanation of how individual was selected for position;

(3) credit check;

(4) verification of resume;

(5) character check regarding prior activities, criminal record, reputation, habits and associations, including but not limited to personal interview summaries with a sufficient number of knowledgeable people such as former employees, personal references and others to form a basis for character suitability determination;

(6) document all potential problems and possible disqualification information.

(b) After completion of the background investigation, the commissioner shall prepare an investigative report setting forth the following:

(1) Who conducted various parts of the report, their qualifications and address;

(2) an outline of the background investigation process including steps taken in investigation;

(3) a description of the information obtained together with conclusions of investigation;

(4) statement of basis for conclusion;

(5) an organization chart showing the location within the organization of the individual investigated and the positions or people over which the individual investigated may be responsible.

Sec. 510. The Commissioner shall issue tribal licenses and sign the name

for primary management officials and key employees who are involved in gaming. Such licenses shall:

(a) Not be required until background investigations are complete;

(b) be issued when the results of background investigations are available to the Commissioner and such reports indicate that the individual is of appropriate character to participate in a tribal gaming enterprise.

Executed in regular session of the Chickasaw Tribal Legislature meeting at Ada, Oklahoma, on January 21, 1994, by a vote of 13 ayes, 0 nays and 0 abstentions.

Ron Parker
Chairperson
Chickasaw Tribal Legislature

Robert Walton
Secretary
Chickasaw Tribal Legislature

Concur: Bill Anoatubby
Bill Anoatubby, Governor
The Chickasaw Nation

Date: January 24, 1994