



July 18, 2024

***VIA EMAIL***

Aaron Leggett, President  
Native Village of Eklutna  
26339 Eklutna Village Road  
Chugiak, AK 99567

**Re: Native Village of Eklutna 2024 Gaming Ordinance**

Dear President Leggett:

This letter responds to your request, dated and received on April 22, 2024, for the National Indian Gaming Commission (NIGC) Chair to review and approve the Native Village of Eklutna's (Tribe) Gaming Ordinance. The Gaming Ordinance was approved by the Native Village of Eklutna Traditional Tribal Council on April 19, 2024.

The Gaming Ordinance is site-specific and authorizes gaming on an allotment issued pursuant to the Alaska Native Allotment Act (Ondola Allotment). After careful review and for the reasons set forth below, I have determined that the Gaming Ordinance complies with the Indian Gaming Regulatory Act (IGRA) and the NIGC regulations and I hereby approve the Gaming Ordinance. In coming to this decision, I considered the Tribe's April 22, 2024 submission which included, among other things, an Indian lands analysis with 43 exhibits. Additionally, I considered the Department of Interior Office of the Solicitor's (SOL) analysis of the Ondola Allotment, dated June 27, 2024. As I agree with the SOL's analysis, as incorporated herein, I hereby adopt its reasoning as the basis of my decision.

**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](http://WWW.NIGC.GOV)

## **Indian Land Opinion:**

### **Background**

#### *Native Village of Eklutna*

The Tribe is a federally recognized Indian Tribe of the Dena'ina people which still reside in their traditional homeland in the upper Cook Inlet region of Alaska.<sup>1</sup> The Tribe adopted a constitution in 1988, which was updated in 1996 and amended in 2000.<sup>2</sup> The constitution asserts territorial jurisdiction over land and waters constituting Indian country, including “all fee and allotment lands within the traditional lands of the Eklutna, notwithstanding the issuance of any patent or unrestricted fee title to such lands.”<sup>3</sup> The Tribe also asserts territorial jurisdiction over “all lands withdrawn for selection by Eklutna, Incorporated,” under the Alaska Native Claims Settlement Act (“ANCSA”).<sup>4</sup>

The Eklutna people had the use and occupancy of their territory well into the twentieth century.<sup>5</sup> In 1927, President Calvin Coolidge set aside by Executive Order a reserve of 1,819 acres for the benefit and education of the Eklutna and other Alaska Natives.<sup>6</sup> In 1936, the Secretary of the Interior withdrew approximately 330,000 acres of land for the purpose of establishing a Native reservation pursuant to the Alaska Indian Reorganization Act.<sup>7</sup> The Ondola Allotment is located within this reservation.<sup>8</sup> The reserve was reduced in 1942 and then again in 1961 when the Department of Interior set aside 1,968 acres to be “reserved under [the] jurisdiction of the Bureau of Indian Affairs for use in connection with administration of Native affairs in the vicinity of Eklutna.”<sup>9</sup>

---

<sup>1</sup> 2024 Submission at 2-3; Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs, 89 Fed. Reg. 944, 947 (Jan. 08, 2024) (The Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. §5131, directs the Department of Interior to publish annual lists of tribes eligible for special programs and services because of their Indian tribe status.).

<sup>2</sup> See 2024 Submission, Exs. 6 and 7. See also Tribal Court Codes of the Native Village of Eklutna Tribe, ch. 6(B) Ex. 17 (“The government of the Native Village of Eklutna shall have jurisdiction of the land and waters constituting Indian Country of the Eklutna Tribe as defined by Federal Law.”).

<sup>3</sup> 2024 Submission, Ex. 7, 1996 Constitution, Art. II. See also, 1988 Constitution, Art II, 2024 Submission, Ex. 6.

<sup>4</sup> 2024 Submission, Ex. 7, 1996 Constitution, Art. II.

<sup>5</sup> See 2024 Submission at 1-5.

<sup>6</sup> Exec. Order No. 4778 (Dec. 5, 1927), modified by Exec Order No. 6734 (Jun. 8, 1938).

<sup>7</sup> 2024 Submission, Ex. 43, 1936 Secretarial Order (Oct. 19, 1936) (“Authority for the Secretary of the Interior to reserve Alaska lands for the benefit of Indians of Alaska is contained in section 2 of the act of May 1, 1936, [Public Law 74-538, 49 Stat. 1250 (1036)].”) *Id.*

<sup>8</sup> See Illustrative Map, 2024 Submission (Ex. 43).

<sup>9</sup> Public Land Order 2427, 26 Fed. Reg. 6243 (Jul. 12, 1961); Public Land Order 2516, 26 Fed. Reg. 9832 (Oct. 19, 1961).

In 1951, tribal members sought to protect their traditional lands by filing a claim with the Indian Claims Commission seeking to establish aboriginal title.<sup>10</sup> After Alaska became a State in 1959, the Tribe filed protests with the Bureau of Land Management seeking to establish aboriginal title to hundreds of thousands of acres of land around the Village, including the area where the Ondola Allotment is located.<sup>11</sup> In 1971, Congress enacted ANSCA resolving the Tribe's land claims. Congress recognized Eklutna's status as a Native village and included it on the list of villages eligible to receive land selections as part of the settlement of aboriginal title claims.<sup>12</sup>

### *The Ondola Allotment*

In 1963, the Bureau of Land Management issued the Ondola Allotment to Olga Ondola, an Alaska Native, pursuant to the Alaska Native Allotment Act ("ANAA")<sup>13</sup> based on an application filed in 1961.<sup>14</sup> The ANAA expressly provided that "lands so allotted [under the Act] shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress."<sup>15</sup> The deed conveying the Ondola Allotment contains this same restriction.<sup>16</sup> Ms. Ondola resided on the Allotment until her death in 1964.<sup>17</sup> The parcel has been owned by her heirs and successors since then. The Allotment's current owners are all Tribal members.<sup>18</sup> The Ondola Allotment is located approximately five miles from the Native Village of Eklutna in Chugiak, Alaska.<sup>19</sup>

The Ondola Allotment is more particularly described as: "the allotment owned by the Ondola family located at Lots 64, 66 and 67, located within Section 5, T15N, R1W, Seward Meridian Alaska, containing approximately 8.05 acres, more or less and subject to a restriction on alienation pursuant to the Alaska Native Allotment Act."<sup>20</sup>

### *Indian Gaming Regulatory Act*

---

<sup>10</sup> The Natives of Palmer, Alaska, Docket No. 370, Petition, (Aug. 13, 1951).

<sup>11</sup> See Field Commission Report at 499-501, 2024 Submission, Exhibit 3.

<sup>12</sup> See 43 U.S.C. § 1610(b).

<sup>13</sup> Pub. L. No. 59-171, ch. 2469, 34 Stat. 197 (1906), as amended, Pub. L. 84-931, ch. 891, 70 Stat. 954 (Aug. 2, 1956) (34 Stat. 197).

<sup>14</sup> 2024 Submission, Ex. 10.

<sup>15</sup> 34 Stat. 197.

<sup>16</sup> See Native Allotment Deed (Nov. 13, 1963) 2024 Submission (Ex. 10).

<sup>17</sup> 2024 Submission, Ex. 13, ¶ 4.

<sup>18</sup> 2024 Submission at 11, Decl. of Sharron Munson ¶¶ 3-4 (Ex. 42).

<sup>19</sup> 2024 Submission, Maps Showing Location of Allotment (Ex. 12). The driving distance is 7 miles. 2024 Submission at 7, n. 8.

<sup>20</sup> Native Village of Eklutna 2024 Gaming Ordinance at Section 222 (April 19, 2024).

The Native Village of Eklutna is an “Indian tribe” within the meaning of the IGRA. It has been continuously included on lists of “Alaska Native entities recognized and eligible to receive services” published by the Department of Interior, beginning with the first such list published in 1982,<sup>21</sup> and, more recently, on the list published on January 8, 2024.<sup>22</sup>

The IGRA applies to gaming on Indian lands.<sup>23</sup> IGRA defines the term “Indian lands” as:

(A) all lands within the limits of any Indian reservation; and

(B) *any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.*<sup>24</sup>

To satisfy IGRA’s definition of “Indian lands,” the Tribe must show that the Ondola Allotment is subject to a restriction against alienation *and* that the Tribe exercises governmental power over it. Before addressing whether the Tribe has met these requirements, it is important to understand how M-37079<sup>25</sup> informs the Department of Interior’s analysis of the question of whether the Ondola Allotment constitutes “Indian lands” under the IGRA.

## Opinions of the Solicitor

### *Inherent Power to Issue Final Legal Interpretations*

The SOL explained that the Solicitor is the chief legal officer of the Department of Interior,<sup>26</sup> and is delegated “all of the authority of the Secretary.”<sup>27</sup> The Solicitor may issue M-

---

<sup>21</sup> Indian Tribal Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs, 47 Fed. Reg. 53130, 53134 (Nov. 24, 1982).

<sup>22</sup> Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs, 89 Fed. Reg. 944, 947 (Jan. 8, 2024).

<sup>23</sup> 25 U.S.C. § 2710(a)(2) (“Any class II gaming on Indian lands shall continue to be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this chapter”).

<sup>24</sup> 25 U.S.C. § 2703(4)(emphasis supplied). The regulations at 25 C.F.R. § 502.12 are consistent with this language.

<sup>25</sup> *Partial Withdrawal of Solicitor’s Opinion M-36975, “Governmental Jurisdiction of Alaska Native Villages Over Land and Nonmembers”, and Clarification of Tribal Jurisdiction Over Alaska Native Allotments*, Office of Solicitor, Dep’t of Interior, Op., M-37079, (Feb. 1, 2024) (Opinion M-37079).

<sup>26</sup> 43 U.S.C. § 1455 (“Hereafter [after June 26, 1946] the legal work of the Department of the Interior shall be performed under the supervision and direction of the Solicitor of the Department of the Interior, who shall be appointed by the President with the advice and consent of the Senate.”).

<sup>27</sup> 209 DM § 3.1 (2020).

Opinions that control all aspects of the Department of Interior agency decision-making.<sup>28</sup> The Department of the Interior Manual expressly authorizes the Solicitor to:

issue final legal interpretations, in the form of M-Opinions ... on all matters within the jurisdiction of the Department, which shall be binding, when signed, on all other Departmental offices and officials and which may be overruled or modified only by the Solicitor, the Deputy Secretary, or the Secretary.<sup>29</sup>

Opinion M-37079 addressed whether, and to what extent, federally recognized Indian tribes in Alaska can assert jurisdiction over Alaska Native allotments.<sup>30</sup> It concluded that “Native Allotments are subject to the same legal principles governing allotments in the lower 48 states.”<sup>31</sup> Consistent with these principles, “tribes in Alaska are presumed to have jurisdiction over Native allotments, subject only to the two exceptions identified by the Department of Interior for off-reservation allotments: (1) when the Native Allotment is owned by a non-tribal member; or (2) when the Native Allotment is geographically removed from the tribal community.”<sup>32</sup> Under Opinion M-37079, Tribal jurisdiction exists unless either exception applies.<sup>33</sup> The term “tribal community” refers to either the area surrounding a Tribe’s headquarters or village, or the lands customarily and traditionally used by tribal members for hunting, fishing, gathering, and other subsistence activities.<sup>34</sup>

Opinion M-37079 concerns only the portions of Opinion M-36975<sup>35</sup> addressing the existence or extent of tribal jurisdiction over Native Allotments and withdrew those portions because they are “unpersuasive on the merits and cannot be reconciled with subsequent case law and administrative developments.”<sup>36</sup> Opinion M-36975 is a lengthy opinion – 133 pages – addressing several different issues related to the nature and extent of governmental powers a Native village can exercise after the Alaska Native Claims Settlement Act.<sup>37</sup> Opinion M-37079 reached a contrary conclusion on the issue of tribal jurisdiction over Native Allotments based on subsequent case law and administrative developments.

---

<sup>28</sup> Although the NIGC, as an independent regulatory body, is not bound by the M-Opinions issued by the Solicitor, the NIGC may adopt these opinions.

<sup>29</sup> 209 DM § 3.2A(11).

<sup>30</sup> “Native Allotment[s]” and “ANAA Allotment[s],” refer to allotments issued pursuant to the Alaska Native Allotment Act.

<sup>31</sup> Opinion M-37079 at 2.

<sup>32</sup> Opinion M-37079 at 2-3.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 2, n. 10.

<sup>35</sup> *Governmental Jurisdiction of Alaska Native Villages Over Land and Nonmembers*, Office of Solicitor, Dept of Interior Op., M-36975 (Jan. 11, 1993) (Opinion M-36975). Also known as the Sansonetti Opinion.

<sup>36</sup> *Id.* at 2.

<sup>37</sup> Opinion M-36975 at 1.

*M-37079*

M-37079 explained that Indian Tribes in the lower 48 have long been presumed to have jurisdiction over Indian country, including allotments, based on “foundational principles of law applicable to tribes.”<sup>38</sup> It analyzed in detail the plain language of the ANAA and the General Allotment Act (GAA), and rejected the conclusion made in M-36975 that Native Allotments are Indian country, but not subject to territorial jurisdiction finding three errors in the analysis that supported this conclusion,<sup>39</sup> including:

The interpretation of the ANAA is not based on the statutory text but on a misreading of the ANAA, GAA, and homestead allotment acts.

The analysis relies on the mistaken premise that tribal jurisdiction over off-reservation allotments depends on past or current reservation status.

The analysis cannot be reconciled with subsequent congressional enactments, including the 1994 amendment to the Indian Reorganization Act (IRA) prohibiting the United States from treating tribes differently absent an act of Congress, and the 2022 Violence Against Women Reauthorization Act.<sup>40</sup>

Opinion M-37079 discusses each of the errors with M-36975 in detail and that analysis need not be repeated here.

*Native Village of Eklutna v. Department of the Interior*

Opinion M-37079 also considered the findings of the United States District Court for the District of Columbia in *Native Village of Eklutna v. Department of the Interior*, the Tribe’s appeal of the 2018 Decision,<sup>41</sup> which argued, in part, that the Privileges and Immunities Amendment invalidated the legal reasoning in Opinion M-36975.<sup>42</sup> The District Court concluded that Opinion M-36975 “applied the same legal test that determined tribal territorial jurisdiction across the United States,” and that “[t]his legal test remains the appropriate legal standard even after the passage of legislation, including the ‘privileges-and-immunities’ amendment to the

---

<sup>38</sup> Opinion M-37079 at 18.

<sup>39</sup> Opinion M-37079 at 5.

<sup>40</sup> *Id.*

<sup>41</sup> See Letter from John Tahsuda, Principal Deputy Assistant Secretary – Indian Affairs Exercising the Authority of the Assistant Secretary – Indian Affairs, to Aaron Leggett, Native Village of Eklutna President (June 18, 2018) (disapproving proposed gaming lease for the Ondola Allotment. The decision resulted from an analysis controlled by Opinion M-36975 and determination that the Ondola Allotment does not constitute “Indian lands” and is, therefore, ineligible for gaming under IGRA).

<sup>42</sup> *Native Village of Eklutna v. U.S. Dep’t of the Interior*, No. 19-cv-2388, 2021 LEXIS 180474, at \*22 (D.D.C. Sept. 22, 2021).

[IRA].”<sup>43</sup> The District Court concluded that “[n]othing in the Sansonetti Opinion amounts to arbitrary discrimination on behalf of Interior[,]”<sup>44</sup> and that “Interior applied the correct legal standard when making the Ondola Allotment Indian lands determination.”<sup>45</sup>

The Solicitor concluded that for the purposes of Opinion M-37079, the District Court “erred in both its reasoning and its ultimate conclusion[,]”<sup>46</sup> and that its decision is not an independent basis for upholding the conclusion on Native Allotments in Opinion M-36975.<sup>47</sup> The Solicitor did not, as suggested by counsel for the State of Alaska in unrelated litigation “‘overrule’ *Native Village of Eklutna* or at least [] find that he was not bound by it because it was not persuasive enough[.]”<sup>48</sup> Instead, the Solicitor concluded that “the district court simply adopted the Sansonetti Opinion’s interpretation and reached its conclusion based on the ‘legal test’ employed in the Opinion rather than an interpretation of the ANAA.”<sup>49</sup> As such, and, because *Native Village of Eklutna v. Department of the Interior* was an Administrative Procedure Act decision where the question before the Court was whether the Department of Interior acted arbitrarily or capriciously with respect to the 2018 Decision, the Solicitor determined that the District Court decision did not require upholding Opinion M-36975’s conclusion on Native Allotments.<sup>50</sup> Importantly, the SOL explained that since the issuance of Opinion M-37079, the legal test announced in Opinion M-36975 is no longer the appropriate legal standard for the Department of Interior to apply when evaluating whether an Alaska Indian Tribe has jurisdiction over a Native Allotment.

### *Status of the Ondola Allotment*

To satisfy IGRA’s definition of “Indian lands,” the Tribe must show that the Ondola Allotment is subject to a restriction against alienation and that the Tribe exercises governmental power over it. Congress has defined “Indian country” as including “all Indian allotments, the Indian titles to which have not been extinguished.”<sup>51</sup> The Ondola Allotment is “Indian country” within the meaning of 18 U.S.C. § 1151(c).<sup>52</sup> The Ondola Allotment is held in restricted fee by members of the Tribe and the Tribe has thus met the first requirement.

---

<sup>43</sup> *Id.* at \*25.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at \*26.

<sup>46</sup> Opinion M-37079 at 16.

<sup>47</sup> *Id.*

<sup>48</sup> *State of Alaska v. Newland*, et al. Civil Action No.: 3:23-cv-00007-SLG, State of Alaska’s Surreply in Further Response to Defendants’ and Intervenor Defendants’ Cross Motions for Summary Judgment at 10.

<sup>49</sup> Opinion M-37079 at 16.

<sup>50</sup> *Id.*

<sup>51</sup> 18 U.S.C. § 1151(c).

<sup>52</sup> Though the 18 U.S.C. § 1151(c) definition directly applies to criminal jurisdiction, the courts apply it to questions of civil jurisdiction as well. *Alaska v. Native Village of Venetie Tribal Gov’t.*, 522 U.S. 520, 527 (1998).

The Ondola Allotment is located five miles from the Tribe's headquarters and on lands customarily and traditionally used by tribal members. Accordingly, the presumption in favor of tribal jurisdiction over the Ondola Allotment is met because the Ondola Allotment is owned by tribal members and is not geographically removed from the tribal community.<sup>53</sup> To exercise governmental power over a Native Allotment, the Tribe must first possess jurisdiction. The Tribe has met this criterion.<sup>54</sup> The question of exercising governmental power is a different question than whether the Tribe has jurisdiction.

While there is limited case law on the question of whether a tribe "exercises governmental power" within the meaning of IGRA, federal courts "that have considered the question have held that exercising governmental power requires a showing of both theoretical power to exercise jurisdiction over the property and proof of actual exercise of that authority."<sup>55</sup> In *Massachusetts v. Wampanoag Tribe of Gay Head*, the First Circuit held that "a tribe which had passed ordinances and entered into agreements with state and local governments for the provision of law enforcement and firefighting services exercised governmental power sufficiently within the meaning of IGRA."<sup>56</sup> The NIGC has not promulgated a regulation defining "exercise of governmental power," but rather analyzes this question on a case by case basis, considering all the circumstances.<sup>57</sup>

Here, the Tribe's Constitution provides that the Tribe has territorial jurisdiction over the land and waters constituting Indian country, including "all fee and allotment lands within the traditional lands of the Eklutna, notwithstanding the issuance of any patent or unrestricted fee title to such lands."<sup>58</sup> The Tribe's Court Codes similarly asserts territorial jurisdiction over "the land and waters constituting Indian Country of the Eklutna Tribe as defined by Federal Law."<sup>59</sup> The Tribal Court manages an active case load, including child protection cases and other types of cases that involved the assessment of the Ondola home on the Allotment for child custody placement.<sup>60</sup> The Tribe regulates to protect the environment in its traditional area and has periodically conducted inspections of the Ondola Allotment for compliance purposes.<sup>61</sup>

---

<sup>53</sup> See e.g., NIGC, Gaming By the Big Sandy Rancheria on the McCabe Allotment at 2 (Sept. 6, 2006) (recognizing tribal jurisdiction over allotment located 12 miles from the Big Sandy Rancheria); Mem. from Robert T. Anderson, Assoc. Solic., Indian Affs., to Dir., Indian Gaming Mgmt. Staff (Sept. 25, 1996) (recognizing tribal jurisdiction over allotment located 12 miles from the Quinault reservation).

<sup>54</sup> *Rhode Island v. Narragansett Indian Tribe*, 19 F.3d 685 at 701-703 (1st Cir. 1994) (IGRA requires a threshold showing by tribe that it possesses jurisdiction over the lands to satisfy the Act's "having jurisdiction" prong).

<sup>55</sup> *Club One Casino, Inc. v. Bernhardt*, 959 F.3d 1142, 1150 (2020).

<sup>56</sup> *Massachusetts v. Wampanoag Tribe of Gay Head*, 853 F.3d 618, 625-26 (1st Cir. 2017).

<sup>57</sup> *National Indian Gaming Commission: Definitions under the Indian Gaming Regulatory Act*, 57 Fed. Reg. 12382, 12388 (1992).

<sup>58</sup> 2024 Submission, Ex. 7, 1996 Constitution, Art. II.

<sup>59</sup> 2024 Submission, Ex. 17, Tribal Court Codes of the Native Village of Eklutna Tribe, ch. 6(B).

<sup>60</sup> 2024 Submission, Ex. 13, Ondola 2007 Aff. ¶ 8; Ex. 11, Alex Aff. ¶ 8(F).

<sup>61</sup> 2024 Submission at 21.



The Municipality of Anchorage has established government-to-government relations with the Native Village of Eklutna,<sup>62</sup> and, in 1996, the Tribe entered into a Letter Agreement with the Municipality of Anchorage Police Department to “utilize[e] provision of comprehensive service[s] to members of the Tribe of Eklutna.” One of the purposes of the Letter Agreement is to “acknowledge mutual commitment to avoid duplication of services.”<sup>63</sup>

The Tribe exercises governmental power in matters related to health care,<sup>64</sup> child protection,<sup>65</sup> social services,<sup>66</sup> sanitation services,<sup>67</sup> natural resources management,<sup>68</sup> road maintenance,<sup>69</sup> and other matters. The Tribe’s 2024 Submission includes an extensive discussion of instances that demonstrate the exercise governmental power by the Tribe.<sup>70</sup> These instances constitute “concrete manifestations of governmental authority” over the Ondola Allotment. Therefore, the Tribe exercises governmental power over the Allotment.

## Conclusion

Based upon the foregoing analysis, the statutory language of IGRA and NIGC and Department of Interior regulations, the SOL found that the Ondola Allotment as currently held by the members of the Tribe constitutes Indian lands eligible for gaming by the Tribe under IGRA. I agree with this analysis and have adopted the opinion into my approval of the Tribe’s Gaming Ordinance.

Thank you for bringing the Gaming Ordinance to our attention and for providing us with a copy. The Ordinance is approved as it is consistent with IGRA and NIGC regulations. If you have any questions concerning this letter or the ordinance review process, please contact Staff Attorney Danielle Wu at [danielle.wu@nigc.gov](mailto:danielle.wu@nigc.gov).

Sincerely,



Sharon M. Avery  
Acting Chairwoman

---

<sup>62</sup> 2024 Submission at 22 (Mun. of Anchorage Ordinance No. 2020-137(S) § 1.70.030, Ex. 40).

<sup>63</sup> 2024 Submission at 22 (Native Village of Eklutna and Anchorage Police Dep’t (Dec. 10, 1996), Ex. 22).

<sup>64</sup> 2024 Submission at 22.

<sup>65</sup> 2024 Submission at 24.

<sup>66</sup> 2024 Submission at 23.

<sup>67</sup> 2024 Submission at 24.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> 2024 Submission at 18-28.

Letter to President Leggett  
Re: Native Village of Eklutna 2024 Gaming Ordinance  
July 18, 2024  
Page 10 of 10

cc: Colin Hampson (champson@sonoskysd.com)  
Whitney Lenard (whitney@sonosky.net)

**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**

# **ATTACHMENT A**

## **Native Village of Eklutna 2024 Gaming Ordinance (Apr. 19, 2024)**

**DECLARATION OF BRENDA HEWITT**

I, Brenda Hewitt, declare as follows:

1. I am the Tribal Administrator of the Native Village of Eklutna (NVE) and am charged with the daily administration of the Tribe's affairs. My duties include oversight of the Tribe's records and implementation and recording of enactments and other actions of the Tribal Council. I am familiar with the Tribe's records, including its enactments and contracts.

2. I attach a true and correct copy of Native Village of Eklutna 2024 Gaming Ordinance (Apr. 19, 2024).

Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct.

Dated this 22nd day of April, 2024.

  
\_\_\_\_\_  
Brenda Hewitt

**GAMING ORDINANCE OF 2024  
OF  
THE NATIVE VILLAGE OF EKLUTNA**

The Native Village of Eklutna Traditional Tribal Council, empowered by the Constitution of the Native Village of Eklutna to enact ordinances, enacts this Ordinance in order to govern Class I and Class II gaming activity on the Tribe's Lands.

**CHAPTER 1. GENERAL PROVISIONS AND PURPOSE**

Sec. 101. This Ordinance shall be known as the Gaming Ordinance of the Native Village of Eklutna of 2024 ("Ordinance").

Sec. 102. The Tribal Council finds that:

(a) Tribal regulation and control of gaming activity within the sovereign jurisdiction of the Tribe is essential for the protection of public health and welfare, and the interests of the Tribe and the residents of and visitors to the tribal community.

(b) The Tribe has the legal authority to license and regulate all gaming activity within the jurisdiction of the Tribe subject to federal law.

(c) It is essential that the Tribe regulate gaming in a manner consistent with applicable federal and tribal law and policy.

(d) Tribal needs include employment opportunities, job and skills training, housing, quality health care, educational opportunities, social services, law and order, court services, public safety and judiciary, infrastructure, and economic diversification.

(e) Tribal operation and licensing of gaming activities within the jurisdiction of the Tribe are one means of generating revenue to address the needs of the Tribe.

Sec. 103. This Ordinance is enacted to:

(a) provide a statutory basis for the operation of gaming by the Tribe as a means of promoting tribal economic development, self-sufficiency and a strong tribal government; and

(b) provide regulations and rules which shall be strictly and uniformly enforced throughout the jurisdiction of the Tribe to ensure close control by the Native Village of Eklutna of all phases and conduct of gaming operations on the Tribe's Lands.

(c) implement the Tribe's policy of tribal self-government. Consistent with federal policy, tribal government provides a wide range of public services, including general governmental services, a tribal court, maintenance of peace and good order, establishment of educational systems and programs and promotion and regulation of economic activities within the jurisdiction of the Tribe.

Sec. 104. The Tribe shall have the sole proprietary ownership of, interest in and responsibility for all Class II gaming activities conducted on the Tribe's Lands.

Sec. 105. The regulations and rules set forth in this Ordinance shall govern all gaming operations conducted on the Tribe's Lands. To the extent that the Tribe's existing or subsequently adopted personnel manuals, policies and procedures are inconsistent with this Ordinance, this Ordinance shall control.

Sec. 106. This Ordinance shall be construed in a manner that conforms to the IGRA in all respects, and if inconsistent with the IGRA in any manner, the provisions of the IGRA shall govern.

Sec. 107. The Tribe hereby designates the President of the Traditional Tribal Council as agent for service of process, who may be contacted at: 26339 Eklutna Village Road, Chugiak, Alaska 99567.

## **CHAPTER 2. DEFINITIONS**

The following definitions apply in this Ordinance:

Sec. 201. "Applicant" means any person submitting an application for a gaming license.

Sec. 202. "Application" means the completed forms and information required by the Gaming Commission.

Sec. 203. "Class I gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

Sec. 204. "Class II gaming" means:

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

- (1) Play for prizes with cards bearing numbers or other designations;
- (2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
- (3) Win the game by being the first person to cover a designated pattern on such cards;

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

(c) Nonbanking card games that:

- (1) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
- (2) Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

Sec. 205. “Class III gaming” means all forms of gaming that are not Class I gaming or Class II gaming.

Sec. 206. “Complimentary Item” means a service or item provided at no cost, or at a reduced cost, to a customer.

Sec. 207. “Gaming Authority” means the tribal entity established pursuant to Resolution No. 2006-26 (December 21, 2006).

Sec. 208. “Gaming Commission” means the Tribal Gaming Commission established as an agency of the Tribe to perform regulatory oversight of gaming activity on the Tribe’s Lands and to monitor compliance with tribal and federal law.

Sec. 209. “Gaming Enterprise” means the Gaming Authority, the Gaming Commission and the Gaming Operation.

Sec. 210. “Gaming Facility” means the buildings and associated real property within which the Tribe conducts Class II gaming and other associated commercial activity related to such gaming on the Tribe’s Lands.

Sec. 211. “Gaming General Manager” means the individual who has responsibility for day-to-day operations of a Gaming Operation.

Sec. 212. “Gaming Operation” means each economic entity that is licensed by the Tribe, operates the class II games, receives the revenues, issues the prizes and pays the expenses.

Sec. 213. “IGRA” means the Indian Gaming Regulatory Act, Pub. L. No. 100-497, 25 U.S.C. § 2701 *et seq.*, including any amendments thereto.

Sec. 214. “Key Employees” means the Gaming General Manager and the following persons:

(a) All persons performing one or more of the following functions for the Gaming Operation:

- (1) bingo caller;
- (2) counting room supervisor;
- (3) chief of security;
- (4) floor manager;

- (5) pit boss;
- (6) dealer;
- (7) croupier;
- (8) approver of credit; or
- (9) Custodian of gaming systems as defined in 25 CFR § 547.2, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
- (10) Custodian of surveillance systems or surveillance system records.

(b) Any Gaming Operation employee authorized by the Gaming Operation for unescorted access to secured gaming areas designated as secured gaming areas by the Gaming Commission; or

(c) If not otherwise licensed as a Key Employee or Primary Management Official, the four persons most highly compensated by the Gaming Operation;

(d) Any other employee of the Gaming Enterprise as documented by the Tribe as a Key Employee.

Sec. 215. “Management Contract” means any contract, subcontract or Collateral Agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of the Gaming Operation. For purposes of this Ordinance, “Collateral Agreement” means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Tribe (or any of its members, entities or organizations) and a management contractor or subcontractor (or to any person related to a management contractor or subcontractor), within the meaning of 25 C.F.R. § 502.5.

Sec. 216. “Net Revenues” means gross gaming revenues of the Gaming Operation less

- (a) amounts paid out as, or paid for, prizes; and
- (b) total gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

Sec. 217. “NIGC” means the National Indian Gaming Commission established pursuant to the IGRA, 25 U.S.C. § 2704.

Sec. 218. “Ordinance” means this Gaming Ordinance.

Sec. 219. “Person” means any individual or entity, including any corporation or general or limited partnership.



Sec. 220. “Primary Management Official” means:

- (a) the person(s) having management responsibility for a management contract;
- (b) any person who has authority:
  - (1) to hire and fire employees of the Gaming Operation, or
  - (2) to establish policy for the Gaming Operation; or
- (c) the chief financial officer or a position with duties similar to a chief financial officer.
- (d) The general manager or a position with duties similar to a general manager.
- (e) Any other employed management official of the Gaming Enterprise as documented by the Tribe as a primary management official.

Sec. 221. “Tribe” means the Native Village of Eklutna, also known as Eklutna Native Village and the Idlughet Qayeh Ht’ana, any of its subdivisions, enterprises, agencies or instrumentalities, subdivisions of such enterprises, agencies or instrumentalities, corporations chartered under federal, state or tribal law which are wholly owned by any of the foregoing, and authorized officials, agents and representatives of any of the foregoing.

Sec. 222. “Tribe’s Lands,” for the purposes of this Ordinance only, means the allotment owned by the Ondola family located at Lots 64, 66 and 67, located within Section 5, T15N, R1W, Seward Meridian Alaska, containing approximately 8.05 acres, more or less and subject to a restriction on alienation pursuant to the Alaska Native Allotment Act.

Sec. 223. “Tribal Council” means the governing body of the Native Village of Eklutna duly elected in accordance with the Tribe’s Constitution.

Sec. 224. “Tribal Court” means the forum for dispute resolution established pursuant to tribal law.

### **CHAPTER 3. AUTHORIZATION OF GAMING ACTIVITIES.**

Sec. 301. **Class I Gaming.** Class I gaming is authorized. A tribal license shall not be required for any Class I gaming activity or operation; however, any person or group engaging in a Class I activity shall register their activity with the Gaming Commission to permit a determination whether such activity is in fact Class I.

Sec. 302. **Class II Gaming.** The Tribe shall be authorized to conduct all forms of Class II gaming on the Tribe’s Lands. Class III gaming is not authorized.

Sec. 303. **Authority for Management and Other Contracts.**

(a) The Tribe may enter into any contracts or other agreements to further its gaming interests, including one or more Management Contracts. Each Management Contract shall designate the person or persons having responsibility for management of all or part of the Gaming Operation.

(b) Management Contracts and other gaming-related contracts shall contain such provisions as are required under the IGRA, and shall be submitted to the NIGC or other appropriate federal regulatory body for approval as required by the IGRA.

**CHAPTER 4. GAMING COMMISSION**

Sec. 401. **Gaming Commission.**

(a) The Tribe hereby establishes a Tribal Gaming Commission, an agency of the Tribe authorized to regulate the Gaming Operation. The Gaming Commission shall consist of three persons. There shall be among them a Chairperson, Vice Chairperson, and a Commissioner.

(b) The purpose of the Gaming Commission is regulatory, not managerial. The Gaming Commission shall conduct oversight to ensure compliance with tribal, federal, and, if applicable, state laws and regulations. The Gaming Commission shall serve as the licensing authority for individuals employed in the Gaming Operation and otherwise subject to licensure under this Ordinance and shall administer background investigations as part of the licensing process. The Gaming Commission shall also have a role in monitoring compliance with the internal controls for the Gaming Operation. In order to carry out its regulatory duties, the Gaming Commission shall have unrestricted access to all areas of the Gaming Operation and to all records of the Gaming Operation. The Gaming Commission shall have authority to take enforcement actions, including suspension or revocation of an individual gaming license when appropriate.

(c) An independent Gaming Commission is important to maintaining a well-regulated Gaming Operation. The Gaming Commission shall be and act independently and autonomously from the Tribal Council in all matters within its powers and responsibilities. No prior or subsequent review by the Tribal Council of any actions of the Gaming Commission shall be required or permitted except as otherwise explicitly provided in this Ordinance. To avoid potential conflicts of interest between the operation and regulation of the Gaming Facility, the following rules govern the eligibility and conduct of Commissioners:

- (1) No member of the Tribal Council or Gaming Authority Board of Directors may serve on the Gaming Commission;
- (2) No person directly related to or living with any Tribal Council member or Gaming Authority Board of Directors member may serve on the Gaming Commission;

- (3) Members of the Gaming Commission are prohibited from gambling in any Gaming Operation under the Tribe's jurisdiction; and
- (4) Members of the Gaming Commission are prohibited from accepting Complimentary Items from the Gaming Operation, excepting food and beverages valued at under five dollars.

(d) The following persons are not eligible to serve as Gaming Commissioners: Tribal Council members, while serving as such; employees of the Gaming Operation, while serving as such; gaming contractors (including any principal of a management or other contracting company); persons who are immediate family of, or share a residence with, any of the above; persons ineligible to be Key Employees or Primary Management Officials. Non-tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime (such as fraud) are ineligible to serve as Gaming Commissioners. Tribal members previously convicted of a felony, of embezzlement, of theft, or of any other money-related crime or honesty-related crime such as fraud may serve as Gaming Commissioners only if the Tribal Council specifically finds a significant amount of time has passed and that the person is now of trustworthy character. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies and shall review this criminal history report and make an appropriate suitability determination before appointing an individual to a position as a Gaming Commissioner.

(e) Gaming Commissioner positions shall be filled through appointment by the Tribal Council.

(f) The Gaming Commission shall:

- (1) Conduct or cause background investigations to be conducted on, at a minimum, Primary Management Officials and Key Employees of the Gaming Enterprise;
- (2) Review and approve all investigative work conducted;
- (3) Report results of background investigations to the NIGC;
- (4) Hire staff and contract professional services to carry out its duties under this Ordinance;
- (5) Make licensing suitability determinations, which shall be signed by the Chair of the Gaming Commission;
- (6) Issue gaming licenses to management officials and employees of the Gaming Operation, consistent with the suitability determination;
- (7) Establish standards for licensing the Gaming Operation;
- (8) Issue facility gaming licenses to the Gaming Operation;

- (9) Inspect, examine and monitor all gaming activities, and have immediate access to review, inspect, examine, photocopy and audit all records of the gaming establishment;
- (10) Ensure compliance with all applicable tribal and federal laws, rules, and regulations regarding Indian gaming;
- (11) Investigate any suspicion of wrongdoing associated with any gaming activities;
- (12) Hold hearings on patron complaints, in compliance with procedures established in the Ordinance and gaming regulations;
- (13) Comply with any and all reporting requirements under the IGRA and any other applicable law;
- (14) Promulgate regulations on the levying of fees associated with gaming license applications;
- (15) Promulgate regulations on the levying of fines and/or suspension or revocation of gaming licenses for violations of the Ordinance, or any other applicable gaming regulations;
- (16) Establish a list of persons not allowed to game in tribal gaming facilities in order to maintain the integrity of the gaming;
- (17) Establish a list of persons who have voluntarily asked to be excluded from the tribal Gaming Facility and create regulations for enforcing this exclusion;
- (18) Provide referrals and information to the appropriate law enforcement officials when such information indicates a violation of tribal, federal, or applicable state statutes, ordinances, or resolutions;
- (19) Create a list of regulatory authorities that conduct vendor background investigations and licensing which the Gaming Commission recognizes as trustworthy;
- (20) Perform such other duties the Gaming Commission deems appropriate for the proper regulation of the Gaming Operation; and
- (21) Promulgate such regulations and guidelines necessary to implement the provisions of this Ordinance and IGRA.

(g) The Gaming Commission shall ensure that all records and information obtained as a result of an employee background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing process. Information obtained during the course of a background investigation shall be disclosed to members of management,

human resource personnel or others employed by the Gaming Operation on a need-to-know basis for actions taken in their official capacities.

This subsection (g) does not apply to requests for such information or records from any tribal, federal or, to the extent permitted, state law enforcement or regulatory agency, or for the use of such information or records by the Gaming Commission and staff in the performance of their official duties.

(h) Terms of office for Gaming Commissioners shall be as follows: the Chair shall serve an initial term of one year, with subsequent Chairs serving three-year terms. The Vice-Chair and Commissioner shall serve an initial term of two years, with subsequent Vice-Chairs and Commissioners serving three-year terms.

(i) The independence of the Gaming Commission is essential to a well-regulated Gaming Operation. For that reason, Commissioners may only be removed from office by the Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a commissioner unqualified for his/her position. Any allegations of neglect of duty, misconduct, malfeasance, or other acts that would render him or her unqualified for his/her position must be substantiated by a preponderance of the evidence. Commissioners will be given an opportunity to provide evidence rebutting the grounds for their proposed removal before the removal is considered. A vote of the Tribal Council on the validity of the removal shall be final and not subject to further appeal.

(j) The Gaming Commission shall hold at least one regular monthly meeting that shall take place on the date determined by the Gaming Commission's by-laws, or as otherwise determined by the Gaming Commission. Special meetings may be called by the Chair or a majority of the Commissioners. A majority of the Gaming Commission members then acting shall constitute a quorum. The concurrence of a majority of the members appointed to the Gaming Commission then acting shall be required for any final determination by the Gaming Commission.

(k) Gaming Commissioners shall be compensated at a level determined by the Tribal Council. Commissioner compensation shall not be based on a percentage of gaming revenue to ensure the Gaming Commission is not improperly influenced.

(l) The Gaming Commission shall keep a written record of all its meetings.

## **CHAPTER 5. STANDARDS OF OPERATION AND MANAGEMENT**

### **Sec. 501. Class II Games.**

(a) The Gaming Commission shall adopt standards of operation and management for bingo and other Class II games and, pending such adoption, may impose such interim standards as it may determine necessary to protect the integrity of such games.

(b) The standards of operation and management for Class II games shall provide, at a minimum, that:

- (1) No person under the age of 19 shall be permitted to participate in any Class II gaming operations as an employee, contractor or player.
- (2) The rules by which the game will be conducted and the winner or winners determined will be established in advance of the game and shall be visibly displayed or available in pamphlet form in the Gaming Facility.

Sec. 502. **Internal Control Standards.** The management of the Gaming Operation shall adopt and implement internal control standards for the operation of the Gaming Operation in accordance with applicable law, including the minimum internal control standards adopted by the Gaming Commission.

Sec. 503. **Complimentary Items.**

(a) The use of Complimentary Items shall be governed by regulations established by the Gaming Commission.

(b) No Key Employee, Primary Management Official, Tribal Council member, member of the Gaming Authority Board of Directors or Gaming Commission, or any person directly related to or sharing a residence with such persons, shall be authorized to receive Complimentary Items from the Gaming Operation other than food and beverages valued at under five dollars, or, if at a public event held at the Gaming Facility, the free food and beverages offered to the general public.

(c) Complimentary Items shall be included in the annual budget for the Gaming Operation, with maximum limits specified, and shall be subject to approval by the Tribal Council. No Tribal Council member or Director of the Gaming Authority shall issue or approve Complimentary Items.

## **CHAPTER 6. NET REVENUES FOR AUTHORIZED PURPOSES**

Sec. 601. **Purposes.**

(a) The Net Revenues from any games shall be exclusively devoted to the purposes authorized by the Tribal Council.

(b) The Net Revenues may not to be used for purposes other than:

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

**Sec. 602. Per Capita Payments.**

(a) Net Revenues may be used to make per capita payments to members of the Tribe, as permitted under the IGRA, but only pursuant to a plan:

- (1) established by a Tribal Council resolution or ordinance; and
- (2) approved by the Secretary of the Interior, as required under the IGRA.

(b) The interests of minors and other legally incompetent persons who are entitled to receive per capita payments will be protected and preserved as required by the IGRA.

**CHAPTER 7. PUBLIC SAFETY STANDARDS**

Sec. 701. The construction, maintenance, and operation of any Gaming Facilities and the Gaming Operation shall be conducted in a manner that adequately protects the environment and the public health and safety, and, for that purpose, shall comply with the requirements and all applicable health, safety and environmental standards enacted by the Tribe.

**CHAPTER 8. LICENSING PROCEDURES**

**Sec. 801. Facility License.**

(a) The Gaming Commission shall issue a separate facility license to each place, facility, or location on the Tribe's Lands where Class II gaming is conducted under this Ordinance.

(b) The Gaming Commission shall issue a separate license to each place, facility, or location on the Tribe's Lands where Class II gaming is conducted under this Ordinance once every two years. The Gaming Commission shall specify the form, conditions and content for the Application for such license, which shall be submitted by the chief management official of the Gaming Operation, and the initial Application shall identify the environmental, health, and public safety standards with which the facility must comply, and a certification that the facility is in compliance therewith. Each subsequent Application for the renewal of such facility license shall identify any changes or additions to applicable environmental, health and safety standards, and include current certifications of compliance therewith. The Gaming Commission shall only issue such licenses if the Applications therefor include the required information and certifications and such further conditions as the Gaming Commission shall have specified.

(c) The facility license shall include such reasonable conditions as may be fixed by the Gaming Commission, including but not limited to the following:

- (1) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the Gaming Facility.
- (2) The Gaming Facility shall be subject to patrol by security personnel, employed, in the Tribe's discretion, by the Tribe or the licensee, and the licensee shall cooperate at all times with such security personnel.

- (3) The Gaming Facility shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.
- (4) There shall be no discrimination in the operations under the license on the basis of race, color, creed, or gender, provided, however, that nothing herein shall prevent the Tribe or licensee from granting employment preference, to the extent permitted by federal law, to tribal members, members of other tribes in Alaska, and other Alaska Natives and American Indians.

(d) The Gaming Commission shall submit to the NIGC a notice that a facility license is under consideration for issuance at least 120 days before opening any new place, facility, or location on the Tribe's Lands where class II gaming will occur. The notice shall contain the following:

- (1) A legal description of the property;
- (2) The tract number for the property as assigned by the Bureau of Indian Affairs, Land Title and Records Offices, if any;
- (3) If not maintained by the Bureau of Indian Affairs, Department of the Interior, a copy of the trust or other deed(s) to the property or an explanation as to why such documentation does not exist; and
- (4) If not maintained by the Bureau of Indian Affairs, Department of the Interior, documentation of property ownership.

(e) The Gaming Commission shall submit to the NIGC a copy of a facility license issued pursuant to this Section and notice of termination or expiration of a facility license consistent with 25 C.F.R. pt. 559.

Sec. 802. **Employee Tribal Gaming License Required.** The following persons must obtain a tribal gaming license (provisional or permanent) prior to commencing employment with the Gaming Enterprise:

- (a) any party to a Management Contract with the Tribe;
- (b) Primary Management Officials;
- (c) Key Employees; and
- (d) other classes of employees required by the Gaming Commission by regulation to be licensed.

Sec. 803. **Application for Employee, Key Employee, and Primary Management Official Gaming Licenses.**



(a) Applications for a gaming license shall be made on a form approved by the Gaming Commission. The following notice shall be placed on the Application form 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 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 being unable to license you for a primary management official or key employee position.

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

(b) The following additional notice shall be placed on the Application form before that form is filled out by an Applicant:

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

(c) The Gaming Commission shall require from each Applicant all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- (3) 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 (c)(2) of this section;
- (4) Current business and residence telephone numbers;

- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there was an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the Application, the name and address of the court involved and the date and disposition, if any;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the Application and is not otherwise listed pursuant to paragraph (c)(8) or (c)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition, if any;
- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) A photograph;
- (13) Any other information that the Gaming Commission deems relevant; and
- (14) Fingerprints consistent with procedures adopted by a tribe according to paragraph (d) below.

(d) Each Applicant for a Key Employee or Primary Management Official position shall be required to have fingerprints taken as part of the license application procedure. Fingerprints shall be taken by the Gaming Commission or Anchorage Police Department. Fingerprints will then be forwarded to the NIGC for processing through the Federal Bureau of Investigation and National Criminal Information Center to determine the Applicant's criminal history, if any.

(e) A complete application file, containing all of the information listed in Section 803(c) and (d), shall be maintained for each Applicant licensed by the Gaming Commission.

Sec. 804. **License Fees.** The Gaming Commission shall establish a schedule of fees for gaming license applications. The amount of such fees shall be determined based on the cost associated with the processing of an application.

Sec. 805. **Procedures for Conduct of Background Investigations.**

(a) The Gaming Commission shall be responsible for the conduct of background investigations, including the responsibility for obtaining and possessing fingerprints of persons under investigation.

(b) As part of its review procedure, the Gaming Commission shall conduct a background investigation on each Applicant sufficient to allow it to make a suitability determination under Section 806. The investigator shall:

- (1) verify the Applicant's identity through items such as a social security card, driver's license, birth certificate, or passport;
- (2) contact each personal and business reference provided in the License Application, when possible;
- (3) obtain a personal credit check;
- (4) conduct a civil history check;
- (5) conduct a criminal history check via the submission of the Applicant's fingerprints to the NIGC, and further obtain information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the last ten (10) years;
- (6) inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
- (7) verify the Applicant's history and status with any licensing agency by contacting the agency;
- (8) take other appropriate steps to verify the accuracy of the information, focusing on problem areas noted.

(c) The Gaming Commission shall create an investigative report on each background investigation. An investigative report shall include all of the following:

- (i) steps taken in conducting a background investigation;
- (ii) results obtained;
- (iii) conclusions reached; and
- (iv) the basis for those conclusions.

(d) If, in the course of a background investigation, the Gaming Commission discovers that the applicant has a notice of results on file with the NIGC from a prior investigation and the Gaming Commission has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), the Gaming Commission may rely on those materials and update the investigation and investigative report.

(e) In conducting a background investigation, the Gaming Commission shall keep confidential the identity of each person interviewed in the course of the investigation, apart from disclosure as required under federal or tribal law.

**Sec. 806. Suitability Determination.**

(a) Before a license is issued to an Applicant the Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the suitability of an Applicant for a gaming license. If the Gaming Commission, in applying the standards in this Gaming Ordinance, determines that licensing 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, the Gaming Commission shall deny the Application for a gaming license, and the Gaming Operation shall not employ that person.

(b) The Gaming Commission shall have the authority to create policy regarding additional standards of suitability and the application of those standards. The following minimum standards and criteria shall be applied when determining an individual's suitability for a gaming license:

- (1) No gaming license shall be issued to an Applicant who has, within ten (10) years, in any jurisdiction, ever been convicted of, or entered a plea of guilty or no contest to any of the following, unless the person has been pardoned or the conviction expunged: (i) a felony; (ii) any gaming-related offense; (iii) fraud or misrepresentation; or (iv) violation of any provision of this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming.
- (2) No gaming license shall be issued to an Applicant who is found to have intentionally supplied false or misleading material information or has intentionally omitted material information on his/her license Application or application for employment.
- (3) With respect to any convictions (resulting from a plea of guilty or no contest) for which the person has been pardoned or record expunged, or any offenses not identified in subparagraph (1) above and which do not automatically bar licensure, the Gaming Commission shall, in making a suitability determination, take account of the severity and number of the offense(s) in the Applicant's background and the passage of time since the offense(s) and other factors which the Gaming Commission deems relevant.

Sec. 807.       **Reports for Key Employees and Primary Management Officials to the NIGC.**

(a)       Before issuing a license to a Key Employee or Primary Management Official, the Gaming Commission shall prepare a report on the results of the Applicant's background investigation to submit to the NIGC.

(b)       The report on the results must be submitted to the NIGC no later than 60 days after the Applicant begins working for the Gaming Operation.

(c)       The report on the results to the NIGC shall include the following information:

- (1)       The Applicant's name, date of birth, and social security number;
- (2)       The date on which the Applicant began, or will begin, working as a Primary Management Official or Key Employee;
- (3)       A summary of the information presented in the investigative report, including at a minimum a listing of:
  - (i)       licenses that have previously been denied;
  - (ii)      gaming licenses that have been revoked, even if subsequently reinstated;
  - (iii)     every known criminal charge brought against the applicant 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; and
- (4)       A copy of the suitability determination made in accordance with Section 806.

Sec. 808.       **Authority to Issue Gaming License.** The Gaming Commission, in its discretion, may grant or deny Applications for a gaming license.

Sec. 809.       **Granting a Gaming License.**

(a)       The Gaming Commission may issue a license to a Key Employee or a Primary Management Official after submitting a notice of results of the Applicant's background investigation to the NIGC in accordance with Section 807.

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

(c)       The Gaming Enterprise shall not permit an individual to perform duties of Key Employee or a Primary Management Official who does not have a license after 90 days of beginning work at the Gaming Enterprise.

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

Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.

(e) The Gaming Commission will make the final decision whether to issue a license to an Applicant for a Key Employee or a Primary Management Official position.

(f) If the Gaming Commission has issued a license to a Key Employee or a Primary Management Official before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 816.

**Sec. 810. Denying Gaming Licenses.**

(a) The Gaming Commission shall not license a Key Employee or a Primary Management Official if the Gaming Commission determines, in applying the standards in Section 806 for making a suitability determination, that licensing the Applicant:

(1) Poses a threat to the public interest;

(2) Poses a threat to the effective regulation of gaming; or

(3) Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.

(b) If a license is not issued to an Applicant, the Gaming Commission:

(1) shall notify the NIGC; and

(2) shall forward copies of its suitability determination and notice of results of investigative report to the NIGC for inclusion in the Indian Gaming Individuals Records System.

**Sec. 811. Employee Gaming License Badge.** The Gaming Commission shall issue a gaming license badge to each employee holding a gaming license. The badge shall include at a minimum the following information: photo of the employee, identification number assigned by the Gaming Commission, full legal name, including middle initial (no nicknames), the employee's position, license issuance and expiration date, seal of the Gaming Commission, signature of a Gaming Commission representative, color assigned to the employee's department, indication if the license is provisional, and address of the Gaming Commission.

**Sec. 812. Effective Date and Term of Gaming License.** Licenses granted by the Gaming Commission shall be effective upon the date of action by the Gaming Commission, or upon the date specified in the license and shall be effective for a term of two years.

**Sec. 813. Assignment or Transfer.** No license issued under the Ordinance shall be assigned or transferred without the written approval of the Gaming Commission. No licensee shall have any property right in a license.

Sec. 814. **License Renewal.** Each licensee shall apply to the Gaming Commission for a renewal gaming license no later than sixty (60) days prior to expiration of his or her current gaming license, on a form approved by the Gaming Commission.

Sec. 815. **Provisional Gaming License.**

(a) The Gaming Commission may issue a provisional gaming license to an Applicant who has submitted a complete Application provided the Gaming Commission has completed a preliminary state criminal background check and such check reveals no potentially disqualifying history.

(b) The provisional gaming license shall be valid for no longer than ninety (90) days from the date of issuance.

(c) The provisional gaming license shall expire upon issuance or denial by the Gaming Commission of a permanent gaming license.

Sec. 816. **Gaming License Suspension and Revocation.**

(a) If, after the issuance of a gaming license, the Gaming Commission receives notice from the NIGC or information from another source indicating that a Key Employee or a Primary Management Official has violated a condition of a license or a provision of this Ordinance, or is otherwise not eligible for licensure, the Gaming Commission shall immediately suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(b) The Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license no less than ten (10) days prior to the date of the hearing before the Gaming Commission. The licensee shall have the right to be present at the hearing and to offer relevant evidence.

(c) After a revocation hearing, the Gaming Commission shall determine whether the licensee is suitable for licensure according to the standards set out in Section 806 and either revoke or to reinstate the gaming license. The Gaming Commission shall notify the NIGC of its decision to revoke or reinstate a license of a Key Employee or Primary Management Official within 45 days of receiving notification from the NIGC that a Key Employee or a Primary Management Official is not eligible for employment. The Gaming Commission shall forward copies of a decision to revoke a Key Employee or Primary Management Official license to NIGC for inclusion in the Indian Gaming Individuals Record System.

(d) The right to a revocation hearing vests only when a license is granted under an ordinance approved by the NIGC Chair.

(e) All decisions of the Gaming Commission regarding revocations of licenses shall be final unless an appeal seeking judicial review is filed with the Tribal Court within fifteen (15) days after such decision of the Gaming Commission. There shall be no right of judicial review of any suspension decision by the Gaming Commission. No licensee or former licensee may conduct gaming or work at the Gaming Operation during any period in which his or her license

has been suspended or after revocation, notwithstanding the pendency of a judicial review proceeding.

Sec. 817. **Records Retention.** With respect to all employees, and in particular Key Employees and Primary Management Officials, the Gaming Commission shall retain for inspection by the NIGC Chair or their designee, for no less than three years from the date an employee is terminated from employment from the Gaming Operation, the following documentation: (a) application for licensing, including the Privacy Act notice required by Section 803(a) and false statement notice required by Section 803(b), (b) investigative reports, and (c) suitability determinations.

Sec. 820. **Licenses for Vendors.**

(a) Vendors of gaming services or supplies with a value of \$25,000 or more annually must hold a vendor license from the Gaming Commission in order to transact business with the Gaming Operation. Contracts for professional legal and accounting services are excluded from this requirement.

(b) Gaming vendors are vendors who provide gaming supplies and services, including cash-related services.

(c) Non-gaming vendors provide services that do not impact the integrity of the Gaming Operation, such as media advertising, facility maintenance workers, linen and laundry services, and food and beverage suppliers. The Gaming Commission shall by regulation determine which vendors fall into this category and shall maintain a register of the non-gaming vendors that it licenses. The regulation may exempt from licensing requirements non-gaming vendors which: 1) are tribal, local, state, or federal government agencies; 2) are regulated by the State of Alaska or the Tribe; or 3) will provide goods of insubstantial or insignificant amounts or quantities if the Gaming Commission determines that licensing of the vendor is not necessary to protect the public interest.

Sec. 821. **Submission of a Vendor License Application.** In order to obtain a gaming vendor license, the vendor must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders that either own ten percent or more of the stock or are the ten (10) largest stockholders, and the on-site supervisor or manager under the agreement with the Tribe, if applicable.

Sec. 822. **Contents of the Vendor License Application.**

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

- (1) Name of business, business address, business phone, federal tax ID number (or SSN if a sole proprietorship), main office address if different from business address, any other names the Applicant has done business under, type of service Applicant will provide;



- (2) Whether the Applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
- (3) If the Applicant is a corporation, the state of incorporation, and the qualification to do business in the State of Alaska if the Gaming Operation is in a different state than the state of incorporation;
- (4) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
- (5) General description of the business and its activities;
- (6) Whether the Applicant will be investing in or loaning money to the Gaming Operation and, if so, how much;
- (7) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (8) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities;
- (9) Names, addresses, and phone numbers of three business references with whom the company had regularly done business for the last five (5) years;
- (10) The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (11) If the business has ever had a license revoked for any reason, the circumstances involved;
- (12) A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition if any;
- (13) A list of the business' funding sources and any liabilities of \$50,000 or more;
- (14) A list of the principals of the business, their social security numbers, addresses and telephone numbers, title, and percentage of ownership in the company; and
- (15) Any further information the Gaming Commission deems relevant.

(b) The following notice shall be placed on the application form for a vendor and its principals:

Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the vendor license.

(c) A vendor may submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit in writing any changes in the information since the other license application was filed and any information required by the Gaming Commission not contained in the other application.

Sec. 823. **Vendor Background Investigation.** The Gaming Commission shall complete an investigation of the gaming vendor. This investigation shall contain, at a minimum, the following steps:

(a) Verify the business' incorporation status and qualification to do business in the State of Alaska;

(b) Obtain a business credit report, if available, and conduct a Better Business Bureau check on the vendor;

(c) Conduct a check of the business' credit history;

(d) Call each of the references listed in the vendor application; and

(e) Conduct an investigation of the principals of the business, including a criminal history check, a credit report, and interviews with the personal references listed.

Sec. 824. **Vendor License Fee.** The Gaming Commission shall charge a license fee, to be set by the Gaming Commission, to cover its expenses in investigating and licensing vendors of the Gaming Operation.

Sec. 825. **Vendor Background Investigation Report.** Gaming Commission staff shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals and present it to the Gaming Commission.

Sec. 826. **Exemption for Vendors Licensed by Recognized Regulatory Authorities.** The Gaming Commission may adopt regulations naming specific licensing authorities that it recognizes and may authorize exemptions to the vendor licensing process for vendors which have received a license from one of the named regulatory authorities.

Sec. 827. **Licenses for Non-Gaming Vendors.** For non-gaming vendors, the Gaming Commission is authorized to create a less stringent vendor licensing process, including a due diligence check rather than a full background investigation as provided in Section 822. The Gaming Commission may investigate such vendors when appropriate and may conduct audits in addition to monitoring tribal purchases.

## CHAPTER 9. CONFLICTS OF INTEREST AND ETHICS

### Sec. 901. Ethics.

(a) The Tribal Council recognizes that the duties of the Gaming Authority Board of Directors and the Gaming Commission include making important decisions on highly sensitive issues and has determined that the Board of Directors and the Gaming Commission shall be held to extremely high ethical standards. Prior to taking their positions on the Board and the Gaming Commission, the Directors and Commissioners (referred to in this Section as “Members”) shall agree to be bound by the following principles:

- (1) Members shall not hold financial interests that conflict with the conscientious performance of their duties as managers and regulators.
- (2) Members shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others on their behalf to further any private interest.
- (3) Members shall not solicit or accept any gift or other item of monetary value, including Complimentary Items (see Section 503, above), from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the Member’s organization, or whose interests may be substantially affected by the performance or nonperformance of the Members’ duties.
- (4) Members shall make no unauthorized commitments or promises of any kind purporting to bind the Tribe.
- (5) Members shall not use their positions for private gain.
- (6) Members shall act impartially, in accordance with all relevant tribal, federal, and state laws (where applicable), and shall not give preferential treatment to any private organization or individual, including to any persons related to Members.
- (7) Members shall ensure that tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets shall not be used for unauthorized activities.
- (8) Members shall not engage in outside employment or activities, including seeking or negotiating for future employment, which conflict with their official duties and responsibilities.
- (9) Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (10) Members shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed herein.

- (11) Members shall disclose any real or apparent financial or personal conflicts. If there is a real conflict or the appearance of one, the member shall not take part in any decision related to the conflict.

## **CHAPTER 10. ACCOUNTING, MONTHLY REPORTS AND ANNUAL AUDITS**

### **Sec. 1001. Bookkeeping System.**

(a) The Tribal Council will maintain or contract for the maintenance of a permanent single entry or double entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of games and the disbursement of profits derived therefrom.

(b) Such bookkeeping system shall consist of a columnar book maintained on a calendar or fiscal year basis. The use of a suitable computerized accounting system may substitute for a manual system of books. If such a computerized accounting system is used, however, printed copies of all information shall be in the possession of the Tribal Council.

(c) As required under 25 C.F.R. Part 571, the permanent books of account or records shall include inventory records of gaming supplies and shall be sufficient to establish information including, but not limited to, the amount of gross and net income, deductions and expenses, receipts and disbursements, and such other information required in any financial statement, report, or other accounting prepared by the NIGC or under the IGRA.

(d) The permanent books of accounts or records required under subsection (c) of this section shall be kept at all times available for inspection by the NIGC's authorized representatives. Such books of account or records shall be retained permanently.

### **Sec. 1002. Monthly Reporting.**

(a) No later than fifteen (15) days after the end of each month, the Gaming General Manager or designee shall prepare and submit to the Tribal Council a comprehensive report of the Tribe's Gaming Operation for the month completed. Monthly reports shall be made on a form prescribed by the Tribal Council. The report shall include, but not be limited to:

- (1) an itemized statement of the gross receipts; and
- (2) an itemized statement of expenditures, including amounts paid for salaries and benefits, prizes, supplies and equipment, and other expenses.

(b) The monthly report shall be signed by the Gaming General Manager, or a designee.

(c) The Gaming General Manager shall retain a copy of the report for the permanent records of the Tribe.

Sec. 1003. **Audit.**

(a) In compliance with 25 U.S.C. § 2710(b)(2)(C) and (D) and 25 C.F.R. § 571.12, the Tribal Council shall cause the Gaming Operation to be subject to an audit by independent certified public accountants conducted in accordance with generally accepted accounting principles, not less than annually.

(b) The results of the audit shall be submitted to the Tribal Council, and copies of the annual audit shall be provided to the NIGC within one hundred twenty (120) days after the end of the fiscal year.

(c) All gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000 in any year, except contracts for professional legal or accounting services shall be included specifically within the scope of such audit.

(d) The Tribal Council shall reconcile the Tribe's quarterly fee assessment reports made to the NIGC with the annual audit of the Gaming Operation and shall make such reconciliation available to the NIGC upon request.

Sec. 1004. **Tribal Access to Information.** A copy of the annual audit required by Section 1003 will be made available for review, upon request, to enrolled tribal members.

## CHAPTER 11. MISCELLANEOUS PROVISIONS

Sec. 1101. **Right to Exclude Any Person from Premises at Any Time.** Any person may be excluded from the Gaming Facility for any reason at any time at the discretion of any Primary Management Official, Gaming General Manager, or other Key Employee, or their designee.

Sec. 1102. **Prohibited Substances.** No person shall have in his or her possession any substance prohibited by tribal, federal or applicable state laws while at the Gaming Facility.

Sec. 1103. **Persons Under the Influence of Alcohol or Prohibited Substances.** No person intoxicated as a result of the use of any alcohol beverage or prohibited substance shall be allowed on the premises of the Gaming Facility.

Sec. 1104. **Firearms.**

(a) No person shall have in his or her possession any firearm at the Gaming Facility.

(b) This section shall not apply to law enforcement officers or security personnel employed

(1) by the Tribe or its agents, or

(2) by the federal or state government or a local government, tribal ordinance, or agreements entered into by the Tribe.

Sec. 1105. **Disorderly Conduct.** No person shall engage in conduct that is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide disturbance at the Gaming Facility.

Sec. 1106. **Enforcement.** Any person who violates any of the provision of this chapter may be asked to leave the Gaming Facility. If a person who has been asked to leave the Gaming Facility refuses to promptly leave, authorized security personnel may escort such person from the Gaming Facility.

Sec. 1107. **Patron Dispute Resolution.** Patrons who have complaints against the Gaming Operation and who are unable to resolve such complaints with management of the Gaming Operation shall have as their sole remedy the right to file a petition for relief with the Gaming Commission. Complaints shall be submitted in writing setting out the grounds for the complaint and any evidence. The Gaming Commission shall hold a hearing within thirty (30) days of the receipt of the petitioner's complaint; however, the Gaming Commission may extend that period for exigent circumstances. Petitioner may have counsel present at such hearing. The Gaming Commission shall render a decision in a timely fashion, and the decisions of the Gaming Commission shall be final when issued and there shall be no appeal. Any patron complaint must be submitted to the Gaming Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery \$500 per occurrence, and a cumulative limit of \$1,000 per patron in any consecutive twenty-four (24) month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. Management of the Gaming Operation shall pay claims affirmed by the Gaming Commission within fifteen (15) days of notice of the Gaming Commission's decision.

## CHAPTER 12. PENALTIES FOR VIOLATIONS

### Sec. 1201. **Civil Penalties.**

(a) A person subject to tribal jurisdiction may be subject to civil penalties to be imposed by the Gaming Commission, if the person:

- (1) violates any provision of this Ordinance;
- (2) makes deliberately false or misleading statements in any Application filed under this Ordinance with the Gaming Commission or in connection with any matter provided for hereunder which constitute a serious threat to the integrity of the Gaming Operation; or
- (3) gives false testimony before the Gaming Commission in any proceeding provided for in this Ordinance.

(b) Civil penalties include:

- (1) exclusion from employment in any Gaming Operation;
- (2) permanent or temporary exclusion from Gaming Facilities;

- (3) exclusion from the Tribe's Lands, if not a member of the Tribe; and/or
- (4) a fine of not more than \$5,000 for each such violation.

(c) Action to impose a penalty under this section does not preclude suspension or revocation of a license, suspension or termination from employment or other employee discipline, or any other action provided for in this Ordinance.

**Sec. 1202. Procedures for Imposition of Civil Penalties.**

(a) No civil penalty shall be imposed under section 1201 against any person or entity, except upon a hearing before the Gaming Commission at which the person shall have the right to be present and to offer relevant evidence.

(b) A person or entity subject to a proposed civil penalty under section 1201 shall be given notice of the alleged violation and the date of the hearing no less than ten (10) days prior to the date of the hearing before the Gaming Commission.

(c) All decisions of the Gaming Commission regarding imposition of civil penalties imposed under section 1201 shall be final unless an appeal seeking judicial review is filed with the Tribal Court within fifteen (15) days after such decision of the Gaming Commission.

**CHAPTER 13. REPEAL OF PRIOR GAMING ORDINANCES**

**Sec. 1301. Repeal.** All gaming ordinances previously adopted by the Tribal Council are repealed.

**CHAPTER 14. EFFECTIVE DATE**

**Sec. 1401. Effective Date.** This Ordinance shall take effect upon its adoption by a majority vote of the Tribal Council at a duly convened meeting.

**CERTIFICATION**

This Ordinance was read and approved on the 19th day of April, 2024, by a vote of 6 for, 0 against, 0 abstain and 1 absent.

Attested to with our signatures fixed below by:

  
\_\_\_\_\_  
**Aaron Leggett, President**

  
\_\_\_\_\_  
**Amanda Adams, Secretary**