

CHAPTER 17 - RED CLIFF TRIBAL GAMING ORDINANCE

- 17.1 SECTION 1- INTRODUCTION
- 17.2 SECTION 2- DEFINITIONS
- 17.3 SECTION 3- GAMES ALLOWED
- 17.4 SECTION 4- USE OF GAMING REVENUES
- 17.5 SECTION 5- RULES OF PLAY
- 17.6 SECTION 6- MANAGEMENT CONTRACTS
- 17.7 SECTION 7- GAMING VENDORS
- 17.8 SECTION 8- CONSENT TO JURISDICTION
- 17.9 SECTION 9- BACKGROUND INVESTIGATIONS
- 17.10 SECTION 10- GAMING COMMISSION
- 17.11 SECTION 11- COMPLIANCE AND SURVEILLANCE
- 17.12 SECTION 12- DISPUTE RESOLUTION
- 17.13 SECTION 13- GAMING MANAGERS
- 17.14 SECTION 14- GENERAL GAMING PERSONNEL
STANDARDS
- 17.15 SECTION 15- ENFORCEMENT AND PENALTIES
- 17.16 SECTION 16- PUBLIC HEALTH AND SAFETY
- 17.17 SECTION 17- BINGO AND RAFFLES
- 17.18 SECTION 18- ANNUAL AUDIT
- 17.19 SECTION 19- REPEAL

CHAPTER 17 - RED CLIFF TRIBAL GAMING ORDINANCE

17.1 SECTION 1: INTRODUCTION

17.1.1 TITLE. This ordinance shall be known as the Red Cliff Tribal Gaming Ordinance.

17.1.2 AUTHORITY. This ordinance is enacted pursuant to Article VI, Section 1 (p), of the Constitution and By-laws of the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, and in accordance with the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2710(1990).

17.1.3 PURPOSE. The purpose of this ordinance is to regulate gaming activity conducted by the Red Cliff Band.

17.1.4 EFFECTIVE DATE. This ordinance shall be effective on the date of enactment by the Red Cliff Tribal Council.

17.1.5 ABROGATION AND GREATER RESTRICTIONS. Where this ordinance imposes greater restrictions than those contained in other tribal ordinances, the provisions of this ordinance shall govern.

17.1.6 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Tribe and shall not be deemed a limitation or repeal of any other Tribal power or authority.

17.1.7 SEVERABILITY AND NON-LIABILITY. If any section, provision, or portion of this ordinance, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

The Tribe asserts there is no liability on the part of the Red Cliff Band of Lake Superior Chippewa Indians, its agencies or employees, for damages that may occur as a result of reliance upon, and conformance with this ordinance.

17.1.8 REGISTERED AGENT. All notices required or authorized to be served by 25 C.F.R. sec. 501 et seq. or under this ordinance and any legal process shall be served personally upon the Chairperson of the Red Cliff Tribal Council. Nothing in this section or in this ordinance shall be construed as a waiver of the Tribe's sovereign immunity from suit.

17.1.9 IMPLEMENTATION. It being immediately necessary for the preservation of the public peace and safety of the Tribe and its members, this Chapter shall take effect and be in full force from and after its approval and passage by the Tribal Council, and shall remain in effect pending approval from the Secretary of the Interior and the National Indian Gaming Commission (NIGC). If any section, provision, term or requirement of this Chapter is determined by the NIGC to conflict with the provisions of IGRA or applicable regulations promulgated pursuant to IGRA, that determination shall not require subsequent re-approval of this Chapter by the Tribal Council, but shall require only that this Chapter be brought into technical compliance.

17.1.10 AMENDMENT. This Chapter may be amended only upon an affirmative vote by the Tribal Council, and then such amendment shall be valid only if it complies with the terms and provisions of IGRA.

17.2 **SECTION 2: DEFINITIONS**

17.2.1 GENERAL DEFINITIONS. For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive.

17.2.2 "Blackjack" shall have the meaning given the term

in sec. XVI of the Red Cliff/State of Wisconsin Gaming Compact of 1991, as amended.

- 17.2.3 "Casino", as used herein, shall refer to any tribal gaming facility where games of blackjack are conducted.
- 17.2.4 "Class I Gaming", "Class II Gaming" and "Class III Gaming" activities shall have the meanings ascribed to them by the Indian Gaming Regulatory Act, 25 U.S.C. sec. 2701, et seq.
- 17.2.5 "Council", as used herein, shall refer to the duly-elected governing body of the Red Cliff Band of Lake Superior Chippewa Indians.
- 17.2.6 "Compact", as used herein, shall refer to the Red Cliff Band of Lake Superior Chippewa Indians/State of Wisconsin Gaming Compact of 1991, as executed on December 12, 1991, together with such amendments as may from time to time accrue pursuant to provisions in Parts IV and XXX of said Compact.
- 17.2.7 "Electronic Games of Chance" shall have the meaning given the term in sec. XV of the Red Cliff/State of Wisconsin Gaming Compact of 1991, as amended.
- 17.2.8 "Executive Director" shall mean the person employed to direct and oversee the day-to-day activities of the Tribal Gaming Commission, as further detailed in sec. 17.11.1(a) of this Chapter.
- 17.2.9 "Felony", as used herein, shall refer to any offense for which the maximum sentence of penalty imposed includes a term of incarceration exceeding one year.
- 17.2.10 "Gaming Commission" shall mean the Red Cliff Gaming Commission, as set forth at sec. 17.10 of this Chapter.
- 17.2.11 "Gaming Facility" means any commercial business owned by the Tribe and operated, in whole or in part, for the conduct of Class II or Class III

gaming.

17.2.12 "Immediate family member" is here defined as a spouse, mother, father, sister, brother, daughter, or son.

17.2.13 "Key Employee" includes persons (to the extent that they do not otherwise qualify as "Primary Management Officials") who have, alone or with others, the authority to sign checks or create or discharge financial obligations for the gaming operation, persons who have any contact with a money room of a Gaming Enterprise, and persons whose responsibilities include operation, management, maintenance or other substantial contact of or with video games of chance, blackjack, or other gambling equipment. Persons who function as "Assistant Manager" or the "Manager On Duty" for the facility are considered "Key Employees." Persons performing the following functions are also considered key employees:

- a. Bingo caller;
- b. Counting room supervisor;
- c. Chief of security;
- d. Custodian of gaming supplies or cash;
- e. Floor manager;
- f. Pit boss;
- g. Dealer;
- h. Croupier;
- i. Approves of credit; or
- j. Custodian of gambling devices including persons with access to cash and accounting records within such devices; If not otherwise expressly listed in (a) - (j) above, key employee also includes the four most highly compensated persons in a tribal gaming facility, as well as any other person whose total cash compensation exceeds \$50,000 per year from the gaming facility.
- k. At the discretion of the Gaming Commission, other positions or persons may be considered "Key Employees" and

subject to the licensing and background restrictions present in this Chapter.

17.2.14 "Person acting under the authority or auspices of the Tribe", as used herein, shall refer to 1) persons employed by the Tribe for the specific purpose of managing, conducting or participating in the conduct of Class III games; and 2) persons acting pursuant to a written management contract.

Any other person, including persons alleging oral authorization by the Tribe, shall be regarded as a "non-authorized person" for the purposes of this Ordinance.

17.2.15 "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

(c) The Chief Financial Officer or other person who has financial management responsibility.

17.2.16 "Reservation", as used herein, shall refer to the Red Cliff Chippewa Reservation.

17.2.17 "Tribal Member" means an enrolled member of a federally-recognized Indian Tribe.

17.2.18 "Tribe", as used herein, shall refer to the Red Cliff Band of Lake Superior Chippewa Indians.

17.3 **SECTION 3: GAMES ALLOWED**

17.3.1 Under license issued by the Red Cliff Tribal Council, and upon such terms and conditions set forth in said license, the following Class III games may be conducted under tribal auspices on tribal property within the confines of the Red Cliff Chippewa Reservation: blackjack, electronic

games of chance with video display, electronic games of chance with mechanical display, pull-tabs where played outside Class II premises, poker, craps, big wheel and such other games as may from time to time be authorized pursuant to Part IV of the Compact. The Compact is hereby incorporated within and enacted as an integral part of this Chapter with respect to all forms of Class III gaming as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation by the Tribe of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon any state any jurisdiction over such Class II gaming conducted by the Tribe on the Tribe's Lands.

17.3.2 No person acting under the authority or auspices of the Tribe shall conduct, or participate in the conduct of any Class III game on the Reservation, other than the games provided in Section 17.3.1 above.

17.3.3 No non-authorized person shall conduct or participate in the conduct of any Class III game on the Reservation.

17.3.4 The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

17.3.5 The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II gaming is conducted under this ordinance.

17.4 **SECTION 4: USE OF GAMING REVENUES**

17.4.1 a) Net revenues from Class II gaming shall be used only to fund Tribal Government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

b) If the tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. sec. 2710(b)(3).

17.5 **SECTION 5: RULES OF PLAY**

17.5.1 All games conducted pursuant to Section 17.3.1 above shall be conducted in accordance with the rules of play pertinent to such game as set out in Parts XV through XVII of the Compact, as supplemented by such more specific rules as may be promulgated and approved pursuant to Section 17.10 below.

17.5.2 **Casino Hours:** No casino shall remain open longer than 24 hours in any one day provided, that blackjack shall be conducted no more than 18 hours during any one day. Hours of play shall be established by casino management and publicly displayed at each casino.

17.5.3 **Age Limits:** No person under the age of 21 may play or be permitted to play, any Class III game; nor shall any prize or winning be paid to such person notwithstanding that, by their play, they had otherwise qualified for such a prize or winning. (Res. No. 2-1-99B)

17.5.4 No person under the age of 18 may conduct or be employed in the conduct of any Class III gaming activity.

17.5.5 No person who is visibly intoxicated shall be permitted to play any Class III game.

17.5.6 No person acting under the authority or auspices of the Tribe shall extend credit to any person for purposes of gaming, nor shall any other person be allowed to extend such credit for a fee while on tribal premises, other than by means of bank card or credit card transactions such as would normally be permitted at retail businesses located within the state.

17.5.7 Any immediate family member of an employee subject to Section 17.2.13 above, and any other family member residing in the same household as such employee, shall, prior to playing at any session of such facility, notify the manager or manager's designee thereof of their entrance, and shall be allowed to play subject to the discretion of said manager; provided, however, that no such persons shall be allowed to play at any blackjack table where the aforementioned employee is on duty.

17.5.8 Any person, whether player, employee or other person, who, by tampering with or counterfeiting equipment, or violation of the rules of play, shall defraud the Tribe or attempt to do so, in addition to any other penalty required by this Ordinance or other applicable law, shall be liable to the Tribe in the amount of any monies lost to the Tribe, including the costs of investigation and the conduct of legal proceedings.

17.5.9 The following person shall not be permitted to play at any Tribal Class III Gaming facility:

- (a) Any Gaming Commission member;
- (b) Any employee working with the Tribe's Compliance Department, except Background Investigators shall be permitted to engage in Class III gaming when not on duty; (4/2/2012)
- (c) Class III Gaming Casino Manager and Assistant Manager;
- (d) Class III Slot Manager and Slot Staff, except that Class III Slot Managers and Slot Staff shall be permitted to play table games; (4/2/2012)
- (e) Any employee within the Tribe's Class III Gaming Finance or Accounting Department. (04-07-03A)

- (f) Auditors, Financial and Internal. (05-11-02A)
- (g) All Casino Information Technology Staff, Managers and Computer Technicians. (4/2/2012)

Persons listed in (a) - (g) above shall not be permitted to play at any Class III gaming facility for thirty (30) days following their last day of employment or service in a department or division subject to the restrictions of this section. (08-04-03-G)

*NOTE: Tribal Council repealed former sections 17.5.7 and 17.5.10(f) (g) (h) and (j) restricting some types of employee gambling on 2/7/2005.

17.6 SECTION 6: MANAGEMENT CONTRACTS

17.6.1 No proposal for management by persons other than tribal employees shall be considered by the Red Cliff Tribal Council unless submitted in writing; and

- (a) Shall state the names and addresses of all the principals involved in the management enterprise. If the proposed management enterprise is a corporation the proposal shall state the name and address of each officer, and, if not publicly held, the name, address and percentage holding of each stockholder. If the proposed management enterprise is a partnership or joint venture, the proposal shall contain the name and address of each partner, and the percentage interest held by that partner;
- (b) Shall state clearly in general but concrete terms the services proposed, the duration of the agreement and the nature of the compensation sought;
- (c) Shall not state or propose any term in violation of 25 U.S.C. sec. 2711; and, where compensation in excess of 30% of net revenues, or duration in excess of five

years is proposed, shall state with particularity the exceptional circumstances justifying such amount or term.

- (d) Shall show evidence of issuance of a Wisconsin Lottery Board Certificate, or, in the absence of such Certificate, state that application has been made, the date thereof, and that application has not been rejected.

17.6.2 No management contract shall be approved unless:

- (a) The text of such contract is arrived at or submitted to the Council at least ten days prior to the Council meeting at which approval is sought; and
- (b) The terms of the contract meet the restrictions imposed under 25 U.S.C. sec. 2711 and Chapter VIII of the Compact; and
- (c) The Council has conducted appropriate investigation and found the facts necessary to determine that the proposed contractor, including all relevant personnel, meet the qualifications imposed under 25 U.S.C. sec. 2711, Chapters VII and VIII of the Compact, and Sections 17.6 and 17.14.1 of this Ordinance.

17.7 **SECTION 7: GAMING VENDORS**

- 17.7.1** No agreement shall be entered into with any person, partnership or corporation for the purchase, lease or provision of services, supplies, or equipment unique to the operation of Class III gaming, in an amount exceeding \$25,000 in any year, unless said contractor holds a certificate issued by the Wisconsin lottery Board pursuant to Section VII(C) of the Compact, or is exempt from such requirement pursuant to Section VII(H) of the Compact. In addition, if the total consideration for any gaming-related contract is more than \$10,000 and less than \$25,000 in any year, the contractor shall otherwise comply with the requirements of Section VII of the Compact.

17.7.2 No person employed by the Tribe in the conduct of gaming may have a direct or indirect interest, or be employed by, any person who has entered into a Class III gaming-related contract with the Tribe.

17.8 **SECTION 8: CONSENT TO JURISDICTION**

17.8.1 Any non-member participating under a gaming management contract with the Tribe, participating in a vendor/lesser relationship related to Class III gaming, and any other non-member employed in the conduct of Class III gaming, shall by virtue of such participation or employment be deemed to have consented to the jurisdiction of the Red Cliff Band of Lake Superior Chippewa Indians and its courts.

17.8.2 In addition, any non-member player at a tribal Class III gaming facility shall be deemed, by virtue of such play, to have consented to the jurisdiction of the Tribe in relation to disputes arising from their presence and play at such facility.

17.9 **SECTION 9: BACKGROUND INVESTIGATIONS**

17.9.1 (a) The Red Cliff Band of Lake Superior Chippewa Indians, acting through its Tribal Council maintains the responsibility and authority for conducting background investigations and suitability determinations with respect to all persons involved in its gaming operations, as more fully set forth herein.

(b) The Red Cliff Gaming Commission shall have the responsibility and authority to issue or deny licenses to all key employees and primary management officials, and such other persons as required under IGRA, the Compact or in the discretion of the Gaming Commission as more fully set forth in this Chapter.

17.9.2 (a) The Red Cliff Gaming Commission shall conduct all background investigations required by the Indian Gaming Regulatory Act (IGRA), the regulations set forth at 25 C.F.R. sec. 501 et seq., and otherwise

required by this section, including those deemed necessary by the Gaming Commission. Upon completing its investigation the Gaming Commission shall forward its final report to the National Indian Gaming Commission forthwith.

(b) The authority and responsibility of the Red Cliff Gaming Commission for investigations under this section shall include:

- (1) Reviewing and approving all investigative work done;
- (2) Reporting the results of all background investigations to the National Indian Gaming Commission;
- (3) Obtaining and processing fingerprints;
- (4) Making suitability determinations; and
- (5) Any and all other actions deemed necessary or appropriate by the Red Cliff Tribal Council in connection with its duties and responsibilities set fourth in this section.

17.9.3 Minimum investigative procedures to be performed under this section include the following:

- (a) Verification by written or oral communication of information submitted by applicant.
- (b) Inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations. This includes interviewing a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the tribe to make a finding concerning the eligibility for employment in a gaming operation.

- (c) Documenting the disposition of all potential problem areas noted and disqualifying information obtained.

17.9.4 The Tribe 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 from the previous 5 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 ongoing prosecution or a 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 10 years of the date of 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 10 years of the date of the application and is not otherwise listed pursuant to paragraph (h) or (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;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. sec. 522.2(h). In conducting a background investigation, the Tribe and any person acting on behalf of the tribe shall keep confidential the identity of each person interviewed in the course of the investigation.

17.9.5 (a) Upon completing the minimum investigative procedures set forth in sec.17.9.3 and reviewing all information submitted by the applicant pursuant to sec. 17.9.4, the Red Cliff Gaming Commission shall issue an investigative report setting forth:

- (1) Steps taken in conducting the background investigation;
 - (2) The results obtained; as a result of the investigation;
 - (3) The conclusion reached; and
 - (4) The bases for those conclusions.
- (b) The Red Cliff Gaming Commission shall forward the report to the National Indian Gaming Commission, and shall include a determination on whether the person's prior activities, criminal record, if any, and reputation, habits and associations pose 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.

17.9.6 No tribal gaming facility shall employ a key employee or primary management official whom the Tribe has deemed unsuitable under sec. 17.9.5.

17.9.7 (a) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Red Cliff Gaming Commission 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 secs. 17.9.5 and 17.9.6.

(b) The Red Cliff Gaming Commission shall forward the report referred to in sec. 17.9.5 to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

- (c) 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.
- 17.9.8** (a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe 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 Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
- (b) The Tribe 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 a request shall suspend the thirty day period under sec. 17.9.8(a) until the Chairman of the National Indian Gaming Commission receives the additional information.
- (c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Red Cliff Tribal Council shall make the final decision whether to issue a license to such applicant.

- 17.9.9** (a) If a license is not issued to an applicant, the Red Cliff Gaming Commission shall notify the National Indian Gaming Commission, and may forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
- (b) With respect to key employees and primary management officials, the Red Cliff Gaming Commission 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 designee for no less than seven (7) years from the date of termination of employment.

17.9.10 License Suspension.

- (a) If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under sec. 17.13, the Red Cliff Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

The Commission shall then notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

- (b) The Red Cliff Tribal Gaming Commission has the authority to suspend gaming licenses for just cause. Just cause is violation of this Chapter, the Tribal/State Compact, or the Indian Gaming Regulatory Act. If a violation occurs the Red Cliff Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation. The Commission shall then notify the licensee of a time and a place for

a hearing on the proposed revocation of a license.

- (c) After a revocation hearing, the Red Cliff Gaming Commission shall decide to revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision.
- (d) Hearings under this section shall be held within ten (10) days after notification of suspension or revocation. The Gaming Commission shall issue its decision within ten (10) days following any such hearing; provided that the time requirements set forth in this section shall not be deemed to require reinstatement of an employee whose license was suspended or revoked.

17.9.11 Fingerprints. The Red Cliff Gaming Commission through its staff shall be responsible for taking all fingerprints required under this ordinance. **(03-16-04B)**

17.10 **SECTION 10: GAMING COMMISSION**

17.10.1 There is hereby created a Red Cliff Tribal Gaming Commission, composed of a Chair, Vice-Chair, Secretary and two (2) at large members, all of whom shall be tribal members, whose qualifications, terms, method of appointment, duties and remuneration shall be as follows:

17.10.2 Term. Commencing January 1, 2000, the Chair and one at large member of the Red Cliff Gaming Commission shall serve a term of three years; the Vice Chair and Secretary shall serve a two year term, and the remaining at large Commissioner shall serve a one year term. Thereafter, all Commissioners shall serve three years terms, and shall be eligible for reappointment by the Tribal Council upon expiration of their term. **(02/07/00-H)**

17.10.3 Qualifications. An applicant for commissioner shall: **(01/05/09 waive posting requirements)**

- (a) Be at least 21 years of age; and

- (b) Shall have no financial interest in any management or vendor contract, nor any management responsibility for any Class II or Class III gaming facility.
- (c) Shall not be employed at any Tribal Class III gaming activity. **(03-16-04B)**
- (d) Shall be a member of the Red Cliff Tribe;
- (e) Shall complete a successful background investigation conducted in accordance with sec. 17.9 of this Chapter;
- (f) Shall not be a member of the Red Cliff Tribal Council;
- (g) Shall have a high school diploma or GED equivalent education;
- (h) The following qualifications are preferred with respect to all gaming commissioner applicants:
 - (1) Knowledge of and experience in the gaming industry;
 - (2) Familiarity with IGRA; and
 - (3) Knowledge of and experience in law enforcement.

Gaming Commissioners are required to obtain certification or other training with regard to their duties and responsibilities as Gaming Commissioners within three (3) months of any appointment after the effective date of this amendment.

17.10.4 Prohibited Conduct. The following rules shall operate as restrictions on Gaming Commissioner conduct and shall be grounds for removal:

- (a) holding any financial interest that reasonably conflicts with the conscientious performance of their duties as regulators;

- (b) engaging in any financial transactions using nonpublic information or allowing the improper use of such information by others on their behalf to further any private interest;
- (c) soliciting or accepting any gift or other item of monetary value, including complimentary items or serves from any person or entity seeking official action or inaction from, doing business with, or conducting activities regulated by the Gaming Commission, or whose interests may be substantially affected by the performance or nonperformance of the Commissioner's duties.
- (d) making unauthorized commitments or promises of any kind purporting to bind the Tribe;
- (e) using their positions for private gain;
- (f) engaging in outside employment or activities which conflicts with their official duties and responsibilities.

17.10.5 Restrictions. The following rules shall operate as additional restrictions on Gaming Commissioner conduct and shall also be grounds for removal:

- (a) Commissioners shall act impartially, in accordance with all relevant and applicable Tribal, Federal and State laws, and shall not give preferential treatment to any private organization or individual, including any persons related to the Commissioners.
- (b) Commissioners 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.
- (c) Commissioners shall disclose waste, fraud, abuse and corruption to appropriate authorities.

(d) Commissioners shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards listed in this section.

Nothing in this section shall prohibit a Commissioner, or other person subject to this section from having a financial interest in any gaming business or enterprise operating pursuant to the provisions of this Chapter, which interest derives from their status as a tribal member, including any distribution payments derived from profits made by such gaming business or enterprise.

17.10.6 Appointment. The Commission Chair shall be appointed by the Red Cliff Tribal Council. Persons seeking appointment as commissioner shall submit their application to the Council no later than thirty (30) days prior to consideration for appointment.

(a) No person convicted of or entered a plea of guilty or no contest to, a felony as defined under 17.2.9, embezzlement, theft, fraud or misrepresentation in any connection, any gambling related offense, a violation of Chapters 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board or Wisconsin Racing Board, or a tribal ordinance regulating or prohibiting gaming, may serve on the Gaming Commission. (01/05/09 waive posting requirements)

(b) Gaming Commission Members shall be ineligible to receive a resolution of rehabilitation or pardon by the Tribal Council. (01/05/09 waive posting requirements)

17.10.7 In their application for appointment, applicants shall expressly state their consent to the conduct of such background investigations as the Council may deem necessary, including but not limited to the checks necessary to determine criminal background, and shall be required to submit fingerprints and such other information as may be necessary to facilitate such checks.

17.10.8 Except for appointments to the first term pursuant to Section 17.10.2 above, the Council shall make its appointments and/or renew existing appointments at the first meeting in December of each year.

17.10.9 Duties. Except as otherwise provided, the Commission shall convene monthly for the following purposes:

- (a) To communicate on a regular monthly basis, to the membership, through public meetings, newsletters or other means, summary reports as to the economic returns of the Class III gaming facilities, together with the names of the current managers and/or management organizations.
- (b) To facilitate such communication each Class III facility manager shall transmit to the Commission on at least a monthly basis a short written summary of the economic returns of said facility, and, at the direction of the Commission or the Tribal Council, to appear at Commission meetings to elaborate on such summaries.
- (c) To collect, summarize and report monthly to the Council such suggestions or other information as may be submitted by tribal members regarding Class III gaming; and, where expressly directed to do so by the Council, to investigate and/or make recommendations on such subjects.
- (d) Upon the direction of the Council, to investigate and/or make recommendations on commercial proposals, management policies, personnel complaints, and charges of violations of law or the rules of play of Class III facilities.
- (e) To review regulations and policy statements submitted by gaming managers for clarity, work ability and consistency, and, within 60 days of submission, to report said

regulations or policies, with their recommendations to the Tribal Council.

- (f) To review and resolve player disputes submitted to it in writing, pursuant to Part V(E) of the Compact and Section 17.12.7 of this Ordinance.
- (g) To maintain updated records and copies of compacts, ordinances, rules of play and other Class III gaming regulations and policies approved by the Council.
- (h) Upon application by the Council or any gaming manager, to commission the conduct of a background check by the Wisconsin Department of Justice or the Federal Bureau of Investigation or any other comparable state or tribal law enforcement agency, and to maintain records received in confidence, subject only to access by the Council or the originally requesting authority.
- (i) Upon application, the Commission may issue a Gaming Facility License for a period of at least 2 years to a period not to exceed 5 years or a period not to exceed the length of the current compact with the State, whichever is less. **(03-16-04B)**
- (j) In addition to Key Employees licenses required by sec. 17.9, all other employee licenses serving as evidence of employment by the Tribe shall be issued by the Commission. All employees of the Tribe's Gaming Facility shall be required to have a valid license from the Red Cliff Gaming Commission as a condition of employment and continued employment. The Commission shall also have the authority to revoke or suspend employee licenses under this section, upon notice and hearing to the employee. Suspension or revocation of employee licenses under this section shall be limited to the following:

- (1) Providing false or misleading information on an employment application, or failure to supplement an employment application with new information where required;
 - (2) Violation of this ordinance;
 - (3) Violation of a requirement imposed upon the Tribe under the Tribe's gaming compact; or
 - (4) Violation of a requirement imposed upon the Tribe by federal law. (02/07/00H)
- (k) To develop and implement internal minimum control procedures for the operation of Class III gaming under this Chapter. (05-05-03A)
- (l) To develop and implement internal minimum control for the operation of Class II gaming pursuant to RCCL sec. 17.17. (05-05-03A)

17.10.10 Powers. The Commission shall exercise the following powers:

- (a) To receive and process all license applications, and issue licenses to all gaming operations, persons, individuals, and distributors who are required to be licensed by this Chapter and who will qualify for such licensure, and to notify the National Indian Gaming Commission of the issuance or denial of such licenses;
- (b) To conduct or cause to be conducted background investigations of all Key Employees, Primary Management Officials, members of the Commission, Employees of the Gaming Commission, and other such persons as the Gaming Commission shall deem subject to licensing;
- (c) To deny any license application, and to limit, suspend, restrict, or revoke any license upon a finding that the provisions

of this Chapter or other applicable laws have been violated;

- (d) To maintain records on licenses and persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction, consistent with federal law and Tribal/State Compact requirements;
- (e) To adopt a schedule of fees to be charged for gaming licenses issued, background investigations conducted and hearings held pursuant to this Chapter;
- (f) To establish and approve Tribal Internal Controls (TICS) and rules for new games consistent with the requirements of the Compact and other applicable laws, and to inspect games, tables, equipment, machines, cards, dice and chips or tokens used in the gaming operation;
- (g) To inspect video surveillance operations from time to time to insure that surveillance is being conducted appropriately to protect the Tribe's assets;
- (h) To enforce this Chapter, IGRA, the Tribal Internal Control Standards, the Compact, and the regulations of the Gaming Commission over all gaming within the jurisdiction of the Tribe;
- (i) To investigate any aspect of the gaming facility in order to protect the public interest in the integrity of gaming activities, and to prevent improper or unlawful conduct in the course of such gaming activities, and to investigate any report of a failure of the Gaming Facility to comply with the provisions of this Chapter, the Compact or any applicable law or regulation and to require the Gaming Facility to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. Notwithstanding sec.

17.2.11, "Gaming Facility" for purposes of this subsection shall not include the Red Cliff Marina and Campground operation;

- (j) To issue written warnings and impose civil penalties or other sanctions as it deems appropriate to insure and maintain compliance with this Chapter and other applicable law or regulation in accordance with a schedule adopted by the Gaming Commission as amended from time to time. Gaming Commission authority to issue fines is specifically prohibited until such time as the schedule referenced in this subsection is approved by the Red Cliff Tribal Council;
- (k) To take such actions deemed necessary to insure compliance with rules promulgated by the NIGC, including but not limited to arranging for outside audit services, said outside audit services to be subject to approval by the Tribal Council;
- (l) To issue Gaming Facility licenses and to revoke said license(s) under appropriate circumstances;
- (m) To resolve player grievances and to direct player/grievants, managers and gaming employees, tribal members, business principals, vendors, lessors and their employees with personal knowledge to attend such hearings as it may choose to conduct on a player grievance;
- (n) To insure compliance with all deadlines imposed by applicable law, including but not limited to this Chapter, IGRA, rules promulgated by the NIGC, and the Compact;
- (o) To exercise such other authority as granted by this Chapter or by the Tribal Council.

Nothing contained herein shall be construed as a grant of authority to the Gaming Commission or Compliance Department regarding management decisions, it being the intent of the Tribal

Council that decisions concerning the day to day operations of the Gaming Facility are within the exclusive purview of its duly appointed facility manager.

17.10.11 Compensation. For their services commissioners shall receive a sum for each day or portion thereof devoted to the monthly meetings, hearings or investigations directed by the Councilor this Ordinance, such sum to be established at the discretion of the Council prior to the beginning of a Commission term, together with the expenses of such investigations as they are directed to conduct.

17.10.12 Removal and Vacancies.

(a) No Commissioner may be removed without notice and an opportunity for a hearing before the Tribal Council, and then only after the Commissioner has been given written notice of the specific charges at least ten (10) days prior to such hearing. At any such hearing, the Commissioner shall have the opportunity to be heard in person or by counsel and to present witnesses on his/her behalf. If the Tribal Council determines that immediate removal of a Commissioner is necessary to protect the interests of the Tribe, the Council may immediately remove the Commissioner temporarily, and the question of permanent removal shall be determined thereafter pursuant to Commission hearing procedures specified herein. A written record of all removal proceedings together with the changes and findings thereon shall be kept by the Tribal Secretary. The decision of the Council upon the removal of a Commissioner shall be final.

(b) Cause for removal shall include:

- (1) fraudulent or dishonest conduct;
- (2) gross abuse of authority;

- (3) abuse of discretion;
 - (4) unexcused failure to attend at least three consecutive meetings;
 - (5) conviction of a felony or any prohibited offense while serving on the Commission; and
 - (6) Failure to continue to meet the qualifications for appointment to the Gaming Commission.
- (c) In no case shall the performance of the duties of a Commissioner in compliance with the provisions of this Ordinance be considered a basis for removal.
- (d) Vacancies on the Commission through death, resignation, or removal from the board shall be filled by Council appointment within 45 days, said appointment to remain in effect for the remainder of the unexpired term, provided, however, that any prospective appointee must meet the qualifications established by this Ordinance.

17.11 SECTION 11: COMPLIANCE AND SURVEILLANCE

17.11.1 Compliance. The Red Cliff Gaming Commission shall appoint a Compliance Director and such other Compliance Officers deemed necessary to work under its direction, subject to available Tribal funding. All Compliance staff shall perform such duties prescribed by the Red Cliff Gaming Commission and shall operate under its authority. Compliance staff shall be subject to the Personnel Policies and Procedures of the Tribe.

- (a) Executive Director. The Executive Director shall oversee all departments of the Gaming Commission, including Compliance and Surveillance. The Executive Director shall act as an administrative and operational supervisor for all Tribal Gaming Commission

personnel, and shall develop policies and procedures for effective staff communications and protocols, for approval by the Gaming Commission. The Executive Director, consistent with the directives of the Gaming Commission, shall implement and enforce this Chapter, the IGRA, the Tribal TICS, the Compact, and the regulations of the Gaming Commission. The Executive Director shall make recommendations to the Gaming Commission regarding amendments to existing regulations and policies and the development of new regulations and policies, and shall be responsible for the scheduling and organization of any hearings before the Gaming Commission. The Executive Director shall develop plans for short term and long term staffing and budgeting of the Gaming Commission, subject to Gaming Commission approval, including the annual operating budget for all Gaming Commission operations and activities which shall be provided to the Gaming Commission in a timely manner and at least thirty (30) days in advance of the Gaming Commission's fiscal year. The Executive Director shall schedule appropriate training and relevant educational opportunities for the Gaming Commission and all Gaming Commission staff. The Executive Director shall act as the registered agent for service of process for the Gaming Commission. The Executive Director shall act as a liaison between the Gaming Commission and other entities at the direction of the Gaming Commission. The Executive Director shall report directly to the Gaming Commission.

- (b) Compliance Director. In addition to other duties assigned by the Executive Director or the Gaming Commission, the Compliance Director shall have the primary responsibility for proposing amendments to the Tribal Internal Controls (TICS) to the Red Cliff Gaming Commission for its approval. The Compliance Director shall report directly to the Executive Director.

(c) Other Staff. The following personnel shall also operate under the authority of the Gaming Commission, with daily supervision by the Executive Director:

- (1) All Compliance staff
- (2) Background Investigator;
- (3) Internal Auditor/Investigator; and
- (4) Surveillance Department

17.11.2 Surveillance. Notwithstanding any other section of this Chapter, Gaming Surveillance Personnel shall be subject to the requirements of this Chapter, expressly including sections 17.13 and 17.14.

Compliance and Surveillance Personnel, including the Executive Director, shall remain subject to the authority of Tribal Administration for purposes of day to day supervision, employee discipline and other matters covered by the Tribe's Employment Handbook.

17.12 **SECTION 12: DISPUTE RESOLUTION**

17.12.1 It shall be the responsibility of the gaming manager with responsibility for a particular Class III facility, or their designee, to resolve such disputes as may be initiated by a player arising from the conduct of play at such facility.

17.12.2 The name of the manager with responsibility for a specific Class III facility shall be prominently displayed at such facility.

17.12.3 At all times when the manager is not available said manager shall designate a specific person as the manager designee for purposes of dispute resolution and the name of the person so designated at that specific time and place shall also be prominently displayed. Such designee shall act in the place of the manager to resolve disputes during the time authorized.

17.12.4 Any aggrieved player shall immediately bring such

grievance to the notice of the employee(s) involved, and, if unsatisfied by the result, thereupon immediately bring such grievance to the attention of the manager or the designee.

- 17.12.5** Any delay in the report of such a grievance to the gaming manager or designee may be considered by the gaming manager as mitigating against the grievance. Failure to report the grievance during the session at which the grievance allegedly arose may, at the discretion of the manager or designee, justify the summary dismissal of the grievance.
- 17.12.6** Except where circumstances require further investigation or consultation, the manager/designee shall deliver their decision during the session at which the grievance is brought to their attention. Upon request of the player, the manager/designee's decision shall be made in writing and time-stamped.
- 17.12.7** A player who has timely submitted a grievance for resolution by the manager/designee and who is dissatisfied with the result may appeal such decision to the Red Cliff Gaming Commission.
- 17.12.8** Such appeal shall be in writing, contain a statement of the facts and grounds for appeal, and shall be delivered or postmarked within five days of the occurrence, giving rise to the grievance.
- 17.12.9** Where the manager/designee's decision is delayed beyond the session at which the grievance allegedly arose, the time for appeal shall be five days from the date the manager/designee delivers their decision.
- 17.12.10** Where the casino/manager summarily dismisses a grievance for delay beyond the day of occurrence in bringing the grievance, the Commission's initial review shall consist solely in determining whether there had been such delay; the Commission shall proceed to the merits only

if it determines that there had been no such delay.

17.12.11 Notice of these dispute resolution procedures or a summary thereof, shall be posted at each gaming facility, and shall contain the address(es) of the Gaming Commission to which written appeals may be sent or delivered.

17.12.12 Upon receipt of a timely appeal, the Gaming Commission shall issue its written decision within ten (10) calendar days. The Gaming Commission may summarily dismiss appeals that do not meet the requirements of this Chapter. Decisions of the Gaming Commission under this section shall be final and non-appealable.

17.13 **SECTION 13: GAMING MANAGERS**

17.13.1 For each casino, whether tribally managed or managed pursuant to a management contract, the Council shall establish and publish the name of the individual designated as Gaming Manager for that facility. In no case, other than in an emergency and for a period not to exceed 30 days, shall the Council designate the same person as manager of more than one casino.

17.13.2 The Council shall similarly designate managers for each Class III facility other than a casino, said managers to include persons with responsibility for one or more other facilities.

17.13.3 **MANAGERS' DUTIES:**

(a) To hire and promote employees pursuant to such policies as may from time to time be promulgated or approved by the Council, and at such salary ranges and other compensation as may be directed by the Councilor established by regulations/policies approved by the Council.

(b) To supervise, manage and discipline said employees, pursuant to regulations/policies promulgated or approved by the Council.

- (c) To enter into agreements for the purchase or lease of gaming services, supplies, equipment and promotion, except:
 - (1) Any agreement in excess of \$25,000 but not exceeding \$50,000 shall require approval of the Tribal Chairman and the Tribal Treasurer.
 - (2) Any agreement in excess of \$50,000 shall require the approval of the Tribal Council.
- (d) To enter into agreements for the purchase or lease of services, supplies and equipment for the repair and maintenance of the facility, subject to the restrictions set forth in (c) of this section.
- (e) (1) To draft regulations and policies relating to personnel, purchasing and leasing, promoting other management concerns, and hours and rules of play, preferably in consultation, cooperation and joint agreement with other managers, for approval by the Red Cliff Tribal Council.
 - (2) To propose amendments to the Tribal Internal Controls (TICS) to the Gaming Commission.
- (f) To operate such Class III games as are authorized at the facility for which they are responsible, together with purveying related food and liquor services, pursuant to the Compact and such more specific directions as the Council may from time to time establish.
- (g) To submit monthly financial reports, detailing at a minimum (a) an itemized statement of the gross receipts, (b) an itemized list of total expenditures, (c) a balance sheet/income statement for their facility, prepared in accordance with generally accepted accounting principles,

and (d) the beginning and ending balance in each gaming facility account, together with their identifying number and location. Pursuant to paragraph X(D)(1)(a) of the Compact, a summary of such report shall be submitted monthly to the Gaming Commission.

(h) ANNUAL BUDGET. Gaming Facility Managers shall submit an annual operating budget to the Tribal Council no later than thirty (30) days in advance of the fiscal year. Expenditures in excess of the annual operating budget shall require approval of the Tribal Council. Gaming Facility Managers shall maintain accurate and current financial records for all aspects of operations under their authority and control.

(i) Gaming Facility Managers shall immediately suspend any employee who, during the course of employment, is charged with a prohibited offense under sec. 17.14.1 of this Chapter and shall promptly notify the Gaming Commission in writing of the name of the person and the pending charge.

17.14 SECTION 14: GENERAL GAMING PERSONNEL STANDARDS

17.14.1 Notwithstanding any other provision herein or in any other tribal law, no person shall be appointed by the Council to any gaming management position at any Class III gaming facility, **including Gaming Surveillance Personnel** (08/24/99E), nor shall be allowed to continue in such appointment or employment, who has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person had been pardoned:

- (a) A felony as defined in 17.2.9, other than a felony conviction for an offense under sections (b) through (d) below, during the immediately preceding ten (10) years;
- (b) Any gambling related offense;

- (c) Fraud or misrepresentation in any connection; or
- (d) A violation of Chapters 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board or Wisconsin Racing Board, or a tribal ordinance regulating or prohibiting gaming.

17.14.2 (a) Irrespective of whether such person qualifies under section 17.14.1 above, anyone determined by the appointing or employing authority to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto, shall be prohibited from holding any of the positions enumerated in sec. 17.13.1.

(b) The Tribal Council 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 the Tribal Council determines 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 in a key employee or primary management official position.

17.14.3 The Council or other appointing or employing authority shall conduct a criminal background check and such other investigation as may be deemed necessary prior to the appointment or

employment of any person subject to the standards in sections 17.14.1 and 17.14.2 above.

- 17.14.4** All records pertaining to the investigation and determinations required by sections 17.14.1 and 17.14.2 above shall be retained by the appointing/employing authority for a period of at least 7 years.
- 17.14.5** In the case of a Native American enrolled in a federally recognized Tribe, the disqualifying conditions set forth in section 17.14.1 may be waived by express resolution of the Council, should the Council find, upon written application of the applicant, that the applicant has demonstrated to the Council evidence of sufficient rehabilitation and present fitness.
- 17.14.6** A Native American enrolled in a federally recognized Tribe seeking a resolution of rehabilitation shall submit a written application and fees as determined by the Gaming Commission to the Chair of the Gaming Commission, detailing the specific details of (a) their offense(s), (b) the specific penalties imposed on them for the offenses, and (c) the details of their post-conviction history, including but not limited to their residence, employment, personal and social associations, together with such other documentation and evidence that they can prove. The burden of proof shall be on the applicant.
- 17.14.7** The Chair of the Gaming Commission shall schedule a date for the Gaming Commission to hear the application. The applicant seeking the resolution of rehabilitation shall be notified of the date, time, and location of the hearing. The Compliance Officer and/or other staff shall at a minimum conduct a preliminary background investigation on the applicant prior to the hearing date. The gaming commission shall make a determination and forward a recommendation to the Tribal Council. If the tribal member does not appear for the hearing, the Gaming Commission shall recommend to the Tribal Council that a negative determination for failing to appear shall be issued.

17.14.8 A negative determination to the Tribal Council on the merits shall preclude the applicant from making a new application for a period of one (1) year. A negative determination for failing to appear for a hearing shall preclude the applicant from making a new application for a period of six (6) months.

17.14.9 Persons subject to this Chapter shall be reviewed at least once every two (2) years to determine whether they continue to meet the standards imposed under sections 17.14.1 and 17.14.2. This review shall be handled the same as a new application for a resolution of rehabilitation under sections 17.14.6, 17.14.7, and 17.14.8. **(Res. No. 04-19-05A)**

17.15 **SECTION 15: ENFORCEMENT AND PENALTIES**

17.15.1 General Provisions. It shall be a civil violation of the laws of the Red Cliff Band of Lake Superior Chippewa to disobey the provisions of this Chapter or any regulations promulgated by the Gaming Commission, or order issued under the authority of this Chapter. Any person or licensee found to be guilty of such violation may be assessed a civil penalty of up to \$5,000.00 plus costs for each individual violation. Civil penalties may be imposed pursuant to and in compliance with the imposition of any other sanctions permitted under this Chapter, including but not limited to suspension or revocation of the Gaming License for a period not to exceed one (1) year. Each day of violation may constitute a separate count or violation of this Chapter.

17.15.2 Suspension or Revocation of Licenses. Violation of any provision of this Chapter or any of the Gaming Commission's regulations by a Licensee, his or her agent, or employee shall be deemed contrary to the public safety, good order, and general welfare of the Tribe and its members and may be grounds for refusing to grant or renew a gaming license, or for suspension or revocation of a gaming license;

- 17.15.3** Felony Convictions Prohibited. A felony conviction shall be grounds for immediate revocation of a gaming license.
- 17.15.4** Consent to Jurisdiction. Submittal of an application for a gaming license constitutes agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Gaming Commission and by the provisions of this Chapter and all regulations promulgated hereunder, as amended from time to time. It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations, provisions, and conditions, and ignorance thereof will not constitute a defense to any violation.
- 17.15.5** Property Forfeiture. Property used in committing a violation of this Chapter or the rules promulgated pursuant to authority granted under this Chapter is subject to forfeiture. Winnings found to have been received in violation of this Chapter or any rule promulgated pursuant to the authority of this Chapter may be confiscated and may be forfeited.
- 17.15.6** Costs. Persons found guilty of violating this Chapter or rules promulgated pursuant to the authority granted under this Chapter may also be required to pay costs incurred by the Gaming Commission, at its discretion;
- 17.15.7** Exclusion From Gaming Facility. Persons may be excluded or ejected from Gaming Facility or prohibited from trespassing on premises licensed under this Chapter, and may be subjected to civil penalties or sanctions for violating the provisions of this Chapter.
- 17.15.8** Other Prohibited Acts. In addition to other offenses specified in this Chapter and the rules promulgated hereunder or other applicable law, the following acts are prohibited and subject any violator to the civil or criminal penalties specified herein:

(a) Knowingly making a false statement in an

application for employment with any Gaming Facility or with the Gaming Commission;

- (b) Knowingly making a false statement in connection with any gaming related contract;
- (c) Attempting to bribe any person participating in any gaming activity, casino management, the Gaming Commission or the Tribal Council;
- (d) Offering or accepting a loan, financing, or other thing of value to casino management, the Gaming Commission or the Tribal Council in an effort to influence the outcome of a licensing application, the award of a gaming related contract, the outcome of a game, or other decision impacting the integrity of gaming;
- (e) Failing to keep sufficient books and records to substantiate receipts, disbursements, and expenses incurred or paid from any gaming activity authorized pursuant to this Chapter;
- (f) Falsifying any books or records which relate to any transaction connected with any gaming activity pursuant to this Chapter;
- (g) Accepting consideration other than money, personal checks, or other approved consideration for the chance to play or participate in any gaming activity;
- (h) Soliciting, directly or indirectly, or using inside information on the nature or status of any gaming activity for the benefit of any person;
- (i) Tampering with gaming equipment or conspiring to tamper or manipulate the outcome or the payoff of gaming equipment, or otherwise interfering with the proper functioning of gaming devices or a Class II or Class III game authorized by this Chapter;

- (j) Altering or counterfeiting any license required by this Chapter;
- (k) Aiding, abetting, or conspiring with another person or knowingly causing any person to violate any provision of this Chapter or any regulations adopted hereunder;
- (l) Operating, using, or making available to the public any illegal gaming apparatus, material, or equipment;
- (m) Knowingly assisting or allowing a person who is under age to participate in any gaming activity;
- (n) Possession of any illegal narcotics or controlled substances at any Gaming Facility;
- (o) Stealing or attempt to steal funds or other items of value from any Gaming Facility or from the Gaming Commission;
- (p) Conspiring with or inducing any person to violate any of the provisions of this Chapter or any tribal or federal law;
- (q) Using bogus or counterfeit chips, or substituting or using any game, cards, or gaming equipment that have been marked or tampered with;
- (r) Employing or possessing any device that provides an unfair advantage in any game of chance. This section shall not apply to devices utilized for training purposes by the Gaming Commission;
- (s) Knowingly using any fraudulent scheme or technique, or soliciting, providing, or receiving inside information about any gaming activity with the intent of benefiting any person;
- (t) Taking, soliciting, or encouraging any action which undermines the integrity of any

game of chance.

17.15.9 Hearings. The Gaming Commission shall afford an applicant for a license an opportunity for a hearing prior to a final action denying such application and shall afford a licensee or any other person(s) subject to this Chapter, the opportunity for a hearing prior to taking final action resulting in revocation, suspension, or limitation of a license or imposition of any sanctions which the Gaming Commission is authorized to impose and which the Gaming Commission deems proper. All such hearings shall be conducted as an Adjudicatory proceeding, with an opportunity given the affected party to be represented by counsel, present testimony, exhibits, and other evidence which the effected party feels will support the party's position. In all cases such hearings shall be held on the record, and, in cases of license denial, witnesses may be required to testify under oath. In all cases which might result in the imposition of sanctions, testimony shall be taken by the Gaming Commission under oath.

17.15.10 Emergency Action, Suspension Without Hearing. Section 17.15.9 notwithstanding, the Gaming Commission may summarily suspend temporarily or may extend suspension of a license for up to fifteen (15) days without a hearing in those cases where such extraordinary action is essential to protect the public safety or the integrity of Gaming. Such action shall be taken only in those emergency cases where there is a clear need for these extraordinary measures. In cases where a license is suspended prior to a hearing, an opportunity for a hearing shall be provided as soon as practicable after suspension.

17.15.11 Gaming Commission Findings and Determination. Whenever the Gaming Commission determines that any person has failed to comply with the provisions of this Chapter, any regulation promulgated hereunder, or other applicable law, the Commission shall make a written certification of the specific findings of fact, with a copy thereof to the subject or subjects of that

determination. Unless waived in writing by the subject of that determination, the Gaming Commission shall, after notice provided within five (5) days, hold a hearing. The hearing shall be held within not less than thirty (30) days and not more than sixty (60) days thereafter, at which time the subject shall have an opportunity to be heard and present evidence. Following such hearing the Gaming Commission shall, within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the License in question should be granted, continued, suspended, revoked, conditioned, or limited and whether any other action recommended to or by the Gaming Commission including, but not limited to, forfeitures or fines should be taken. Within three (3) days following its determination the Gaming Commission shall inform the subject, in writing, of that determination.

17.15.12 Appeal. All final decisions of the Gaming Commission involving the imposition of fines or forfeiture of property shall be appealable to the Red Cliff Tribal Court in accordance with the provisions of the Red Cliff Code of Laws, Chapter 4.

17.16 **SECTION 16: PUBLIC HEALTH AND SAFETY**

17.16.1 The following provisions of the Wisconsin Statutes (Wis. Stat.) and the Wisconsin Administrative Code (Wis. Adm. Code) including all amendments made to said sections, are hereby adopted and shall be applicable to any Class III gaming facility:

(a) Public Buildings

1. Wis. Stat. sec. 101.025 - Ventilation requirements for public buildings and places of employment.
2. Wis. Stat. sec. 101.11 - Employer's duty to furnish safe employment and place.

3. Wis. Stat. sec. 101.12 - Approval and inspection of public: buildings and places of employment and components.
4. Wis. Adm. Code sec. ILHR 160 - Existing Buildings.
5. Wis. Adm. Code sec. ILHR 163 - Theaters and Assembly Halls.

(b) Electrical Wiring

1. Wis. Stat. Sec. 101.865 - Regulation of electric wiring.
2. Wis. Adm. Code sec. ILHR 16 - Electrical Wiring.

(c) Fire Prevention and Smoke Detectors

1. Wis. Stat. sec. 101.14 - Fire inspections, prevention, detection, and suppression.
2. Wis. Adm. Code sec. ILHR 14 - Fire Prevention.
3. Wis. Adm. Code sec. ILHR 28 - Smoke Detectors.

(d) Plumbing and Sanitation

1. Wis. Stat. sec. 101.07 - Flushing devices for urinals.
2. Wis. Adm. Code sec. ILHR 81 - 86 - Plumbing.

17.16.2 All Class III gaming facilities shall be inspected by an inspector certified by the State of Wisconsin at least every twelve (12) months to insure compliance with section 17.16.1 of this ordinance. Any deficiencies noted by said inspector shall be promptly repaired or corrected.

17.16.3 Class II gaming facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.

17.17 **SECTION 17: BINGO AND RAFFLES**

17.17.1 DEFINITION. As used in this section:

- (a) "Bingo" means a game of chance (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 object(s), 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) "Bingo Manager" means a person authorized by the Tribe to conduct, organize and supervise all bingo and raffle occasions.
- (c) "Bingo Occasion" means a single gathering or session at which a series of successive bingo games are conducted.
- (d) "Bingo Supplies and Equipment" means all cards, boards, sheets, markers, pads or other devices or other equipment designed for use in the conduct or play of bingo.
- (e) "Conduct" means, as to bingo, the drawing of the numbers and the announcement or visual display of the numbers so drawn; and as to raffles, the selling of raffle tickets and drawing for prizes. The marking of a bingo card by a player shall not be considered an essential element of the conduct of a bingo game.

- (f) "Gross Receipts" means total receipts received from the conduct of, bingo or a raffle.
- (g) "Lotto" has the same meaning as "bingo" in subsection (a) of this section.
- (h) "Premises" means any Tribal building, room, hall, enclosure, tent or outdoor area in which bingo or a raffle is being conducted on Tribal land.
- (i) "Profit" means the gross receipts collected from one or more bingo occasions, less reasonable sums necessary and actually expended for conducting the occasions, supplies, equipment, prizes, utilities, and the like.
- (j) "Raffle" means a game of chance in which tickets or calendars are sold and a drawing for prizes is held, provided, that in order to qualify as a Class II game, all raffles must be conducted in accordance with the rules set forth at Chapter 563, Wisconsin Statutes, as amended from time to time.

Otherwise, any raffle not so conducted shall be considered a Class III game, as that term is defined in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. sec. 2701 et seq. (1990), and any regulations promulgated there under.

- (k) "Tribal Council" means the governing body of the Tribe elected pursuant to the Tribe's Constitution and By-laws.
- (l) "Tribal Court" means the Red Cliff Tribal Court.
- (m) "Tribal Land" means land held in trust by the United States for the Tribe.

(n) "Tribal Organization" means any organization duly recognized by the Tribe.

(o) "Tribe" means the Red Cliff Band of Lake Superior Chippewa Indians.

17.17.2 BINGO MANAGER. The Tribal Bingo Manager shall be appointed by the Tribal Council and may be removed for cause by the Tribal Council. The Tribal Bingo Manager shall be subject to the personnel policies and procedures of the Tribe and shall be supervised by the Tribal Administrator. The Tribal Bingo Manager shall have the following powers and duties.

(a) To conduct bingo operations in conformity with this ordinance;

(b) To conduct raffles consistent with this ordinance;

(c) To receive and deposit monies generated from bingo and raffle operations with the Tribe's accounting office;

(d) To supervise all personnel necessary to conduct bingo and raffle operations.

17.17.3 GENERAL BINGO PROVISIONS.

(a) Only the Tribal Bingo Manager or a person authorized by the Tribal Bingo Manager shall conduct bingo or act as a caller in the conduct of bingo.

(b) Bingo shall be conducted only on Tribal premises.

(c) Purchase of a bingo card shall entitle each purchaser to a place on the Tribal premises where bingo is conducted with sufficient room in which to work the bingo card.

(d) The Tribal Bingo Manager may, in his/her discretion, limit the number of persons

allowed to purchase bingo cards at any one bingo occasion.

- (e) The Tribal Bingo Manager shall hold such bingo occasions as s/he deems suitable in his/her discretion.
- (f) The Tribal Bingo Manager shall accept only a cash payment for any bingo card. The Tribal Bingo Manager may, however, in his/her discretion; establish a check cashing service in conjunction with the operation of bingo occasions, with such limits, safeguards, and charges therefore as s/he deems appropriate.
- (g) The Tribal Bingo Manager shall purchase such supplies and equipment as necessary for the operation of bingo and consistent with the budget approved by the Tribal Council. All equipment and supplies used in the conduct of bingo shall be owned by the Tribe. The bingo equipment shall be maintained in good repair and sound condition.
- (h) Only the Tribal Bingo Manager and persons employed by him/her shall participate in the management or operation of any bingo occasion. No other person, firm, corporation, consultant, or similar entity shall participate in the management of any bingo occasion without the express prior approval by resolution of the Tribal Council.
- (i) No person under the age of 18 shall purchase or make a bingo card for any bingo game conducted pursuant to this ordinance unless accompanied on tribal premises by such person's parent or guardian. No person under the age of 8 shall be allowed in the tribal premises in which bingo is conducted during a bingo occasion.
- (j) No alcoholic beverages or illegal drugs shall be allowed on tribal premises where

bingo is conducted during a bingo occasion. Any person found possessing or using alcoholic beverages or illegal drugs during bingo occasions shall be removed from the premises and barred from further bingo occasions.

- (k) Bingo occasions shall be advertised by whatever lawful methods the Tribal Bingo Manager deems suitable and appropriate to attract a maximum number of players.
- (l) The Tribal Bingo Manager may provide for the sale of food or refreshments at concessions during bingo occasions as a part of the bingo operation or may, in his/her discretion, authorize the operation of concessions for the sale of food or refreshments by Tribal organizations under such terms and conditions as s/he deems appropriate.

No person or organization may sell any other merchandise on the premises where bingo is being conducted during a bingo occasion unless authorized by resolution of the Tribal Council.

- (m) Bingo cards shall be sold or rented by the Tribal Bingo Manager in the first instance only on the premises at which the bingo occasion is being conducted. The Tribal Bingo Manager shall keep an accurate, separate count of the number of bingo cards which are sold, rented, or used.
- (n) No person employed in the operation of a Tribal bingo occasion shall be permitted to purchase bingo cards for that occasion or participate in any other way as a player during that bingo occasion.
- (o) Nothing herein shall prevent the broadcast or televising of Tribal Bingo occasions. The Tribal Bingo Manager is hereby authorized to enter into a contract for the broadcast or

televising of Tribal bingo occasions, provided that any such contract shall be approved by resolution of the Tribal Council before taking effect.

17.17.4 BINGO PRIZES.

- (a) The amount and nature of prizes offered shall be determined for each bingo occasion by the Tribal Bingo Manager, provided that the prizes offered shall be commensurate with the generally accepted odds in bingo operations.
- (b) Either cash prizes or merchandise prizes shall be allowed. If a merchandise prize is offered, its stated value shall be the current retail price. No merchandise prize shall be redeemable or convertible into cash, either directly or indirectly, by the Tribe.
- (c) Prizes of alcoholic or fermented malt beverages, securities, or interests in real property are prohibited.

17.17.5 METHOD OF CONDUCTING BINGO.

- (a) The Tribal Bingo Manager shall determine the type of game and prize for each game conducted during a bingo occasion. The particular arrangement of numbers required on a bingo card in order to win and the amount of the prize for the game shall be clearly described and audibly announced to the players immediately before each game.
- (b) Each bingo game shall be conducted in such a manner that the results are random and each person purchasing a card is afforded an equal opportunity to win, and all equipment and supplies used in the conduct of each game shall be designed and used in such a manner as to secure such result.
- (c) The objects to be drawn shall be as near the same size, shape, weight, balance, and all other relevant characteristics as is

practicable so that at all times during the conduct of bingo each object possesses the capacity for equal agitation with any other object within the receptacle.

- (d) Seventy-five (75) objects, numbered consecutively "1" through "75" inclusive, shall be used for the conduct of each game. All 75 objects, and only 75 objects, shall be present in the receptacle at the beginning of each bingo game.
- (e) The number on each object drawn shall be announced in a manner clearly audible to the persons present during the conduct of the game and shall be visually displayed as well.
- (f) Once removed from the receptacle during the conduct of a game, no object shall be returned to the receptacle until after the conclusion of that game.
- (g) The receptacle and the caller shall be visible to the majority of persons present during the conduct of a game at all times.

17.17.6 WINNERS.

- (a) The winner of a bingo game shall be the person in possession of the bingo card with the numbers on it arranged in the manner announced for that game achieved with the least number of objects drawn.
- (b) The bingo winner for each game shall be determined on the same day on which the bingo occasion is conducted. Each prize shall be awarded within one week of the bingo occasion for which the prize was offered.
- (c) The numbers appearing on the winning card at the time a winner is determined shall be verified in the immediate presence of at least one disinterested person.

- (d) At the time a winner is determined, any person may call for verification of all numbers and of the objects remaining in the receptacle not drawn. Such verification shall be made in the presence of the Tribal Bingo Manager and at least one disinterested person.
- (e) When more than one person is found to be the winner of a bingo game, a cash prize shall be divided equally among the winners. When equal division of a merchandise prize is not possible, identical substitute prizes whose aggregate retail value is approximately equal to that of the designated prize shall be awarded.

17.17.7 GENERAL RAFFLE PROVISIONS.

- (a) Only the Tribal Bingo Manager or a person authorized by the Tribal Bingo Manager shall conduct a raffle.
- (b) Raffles shall be conducted only on Tribal premises, and may be conducted in conjunction with a bingo concession.
- (c) The Tribal Bingo Manager shall accept only a cash payment for a raffle ticket.
- (d) The Tribal Bingo Manager shall purchase such supplies and equipment as is necessary for the operation of raffles and consistent with the budget approved by the Tribal Council. All equipment and supplies used in the conduct of bingo shall be owned by the Tribe.
- (e) The Tribal Bingo Manager may, with the concurrence of the Tribal Council, authorize a Tribal organization to hold a raffle, upon such terms and conditions as the Tribal Bingo Manager may deem appropriate. Raffle tickets used for such occasions shall be purchased by the Tribal Bingo Manager and

shall be readily distinguishable from raffle tickets used in Tribal raffles.

- (f) Except as provided in sec. 17.17.7(e) only the Tribal Bingo Manager and persons in his/her employ shall participate in the management or operation of any raffle. No other person, firm, corporation, consultant, or similar entity shall participate in the management of any raffle without the express prior approval by resolution of the Tribal Council.
- (g) No person under the age of 18 shall be allowed to purchase a raffle ticket.
- (h) Raffles shall be advertised by whatever lawful methods the Tribal Bingo Manager deems suitable and appropriate, consistent with the budget approved by the Tribal Council.
- (i) No person employed in the operation of a raffle or of a bingo occasion during which a raffle is being conducted shall be permitted to purchase a raffle ticket for such raffle.

17.17.8 RAFFLE PRIZES.

- (a) The amount and nature of prizes offered for raffles shall be determined for each raffle by the Tribal Bingo Manager, provided that the prizes offered shall be commensurate with the odds generally accepted for raffle operations.
- (b) Either cash prizes or merchandise prizes shall be allowed. If a merchandise prize is offered, its stated value shall be the current retail price. No merchandise prize shall be redeemable or convertible into cash, either directly or indirectly, by the Tribe.

(c) Prizes of alcohol or fermented malt beverages, securities or interests in real property are prohibited.

17.17.9 TYPES OF RAFFLES. Two types of raffles may be conducted:

(a) Raffles in which tickets are sold to individuals, placed in a container, and drawn to determine the winner; and

(b) Raffles in which a fixed number of tickets, some of which indicate the winners, are sold to and drawn by the purchaser.

17.17.10 TYPES OF TICKETS. Two types of raffle tickets shall be used:

(a) For raffles described in Section 17.17.9(a), the tickets shall be identical in form and contain the name and address of the Tribe or sponsoring organization, the price of the ticket, the date and place of the drawing, and a place for the purchaser's name and address.

(b) For raffles described in Section 17.17.9(b), raffle tickets shall be purchased in lots, with a fixed number of tickets and winning tickets in each lot, shall be of similar outward appearance, and shall have concealed within it indicia of winning which may be revealed by manipulation of the ticket after purchase.

17.17.11 PLAY OF RAFFLES.

(a) The Tribal Bingo Manager shall determine the type of raffle and the price of prizes for each raffle, which shall be clearly described and available to raffle ticket purchasers at the time of purchase. For raffles described in Section 17.17.9(a) the odds per lot of tickets shall also be available.

- (b) Each raffle shall be conducted in such a manner that the results are random and each person purchasing a ticket is afforded an equal opportunity to win, and all equipment and supplies used in the conduct of each raffle shall be designed and used in such a manner as to secure such a result.
- (c) Winners shall be determined according to the type of raffle and the rules of each raffle set by the Tribal Bingo Manager. The purchaser of a ticket need not be present at the drawing to win a prize. Each prize shall be awarded within one week of the raffle.
- (d) All raffle drawings shall be held in public.
- (e) All prizes shall be awarded.

17.17.12 ANNUAL OPERATING BUDGET. The Tribal Bingo and raffle operation shall be carried out in accordance with an annual operating budget adopted for that purpose. Such budget shall detail the operational expenses of the operation and shall be prepared by the Tribal Bingo Manager. No expenses may be incurred by the Tribal Bingo Manager except as provided in and in conformity with the annual operating budget so adopted.

17.17.13 MONTHLY FINANCIAL REPORT. The Tribal Bingo Manager shall prepare, sign, and submit to the Tribal Council a monthly financial report which shall include the following information for the preceding month:

- (a) The names of all persons employed in the conduct of bingo and/or raffles;
- (b) The number and dates of all bingo occasions and raffles;
- (c) An itemized statement of gross receipts from all bingo occasions and raffles;
- (d) An itemized list of all expenditures; and

(e) A statement showing the balance in the bingo account.

17.17.14 BINGO ACCOUNT. The Tribal Bingo Manager shall create a special account into which all bingo and raffle receipts shall be deposited within three (3) days of the bingo occasion or raffle. Gross receipts derived from the conduct of bingo shall not be commingled with any other Tribal funds.

17.17.15 PROHIBITED ACTIVITIES. It shall be unlawful and a prohibited activity for any person to:

- (a) Violate the terms of this ordinance in any way; or
- (b) Conduct a bingo game or occasion within the boundaries of the Tribe's reservation except in conformity with this ordinance; or
- (c) Conduct a raffle within the boundaries of the Tribe's reservation except in conformity with this ordinance; or
- (d) Act or scheme in any way to influence the conduct or result of any bingo game or raffle or the determination of the winner thereof; or
- (e) Act or scheme in any way to deprive the Tribe of the income or proceeds or any portion thereof from any bingo game, bingo occasion, concession, raffle, or the operational expenses related thereto.

17.17.16 PENALTIES. For commission of any of the prohibited activities in Section 17.17.15, the violator shall be subject to the following penalties:

- (a) A civil remedial forfeiture of up to \$5,000.00;
- (b) Seizure and forfeiture of all property used in the violation;
- (c) Discipline or discharge from Tribal employment;

- (d) Referral to state or federal authorities for criminal prosecution; and/or
- (e) Such civil remedies as the Tribe may have available to recover any losses caused by or associated with such violations.

17.18 SECTION 18: ANNUAL AUDIT.

17.18.1 Financial Audit. At least annually, the Tribe shall engage a certified public accountant to conduct an independent audit of all gaming operations and shall submit the resulting audit report(s) to the Tribal Council, the National Indian Gaming Commission, the Wisconsin Department of Administration Office of Indian Gaming and Regulatory Compliance and the General Manager for the Gaming Facility. The audit shall be completed within ninety (90) days after the close of the fiscal year, and shall comply with any requirements of the Compact.

17.18.2 All gaming related contracts that 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 that is described in section 17.18.1. Nothing contained in section 17.18.1 shall be construed to require the reporting of information pertaining to Class II Gaming to the Wisconsin Department of Administration Office of Indian Gaming and Regulatory Compliance

17.18.3 Security Audit. At least every two years, the Tribe shall engage an independent auditor with demonstrated experience to conduct a security audit to meet the requirements of section XII of the Compact. Results of the audit report(s) shall be provided to the Tribal Council, the Wisconsin Department of Administration Office of Indian Gaming and Regulatory Compliance and the General Manager for the Gaming Facility. The audit shall be completed on a timely basis, and shall comply with any requirements of the Compact.

17.18.4 Gaming Commission. The Gaming Commission shall

be authorized to contract for audit services required by this section.

17.19

SECTION 19: REPEAL.

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.