

ST. CROIX TRIBAL GAMING COMMISSON

100.00 GAMING COMMISSION

The Tribes hereby create the St. Croix Tribal Gaming Commission which Shall be the licensing and enforcement authority of the Tribe for purposes of ensuring compliance with the tribal gaming ordinance as well as all federal and state regulations relating to gaming conducted on the St. Croix Indian Reservation.

100.01 APPOINTMENT AND MEMBERSHIP

- (1) The Gaming Commission shall be comprised of three Commissioners appointed by the Tribal Council to a two year term.
- (2) Appointment of Commissioners shall be by majority vote of the Tribal Council. Removal of a Commissioner or alternate shall require a 2/3 absolute majority vote of the Tribal Council, with not less than 48 hours advance notice to the Commissioner who is the subject of the vote.
- (3) In their application for appointment, applicants for Commissioner shall expressly state their consent to the conduct of such background investigation, as the Tribal 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 may be necessary to facilitate such checks.
- (4) Each initial Commissioner shall be appointed no later than the date of the commencement of their terms as set forth in Section 300.02 below.
- (5) At least thirty (30) days prior to the expiration of the initial term or any subsequent two year term, the Tribe shall appoint or reappoint a Commissioner to the Gaming Commission to serve for the next two-year term in the same manner as described in paragraph (1) above.

100.02 TERM

- (1) Except as provided in Section 300.02(1)(a) below, the Commissioners shall serve for two-year terms, subject to renewal and early retirement, termination or replacement as provided herein.

300.03 QUALIFICATIONS

- (1) A Commissioner
 - (a) shall be at least 21 years of age; and
 - (b) shall have experience (academic or employment) of not less than one year in:
 - (1) law, accounting or business;
 - (2) gaming
 - (3) law enforcement or security management; and
 - (c) shall have no financial or proprietary interest in any management or vendor contract, or be an employee of the Enterprise; or have any management responsibility for the gaming facility; and
 - (d) shall not have been convicted of or entered a plea of guilty or no contest to any of the following, unless the person has been pardoned:
 - (1) A felony other than a felony conviction for an Offense under Section (2) through (4) below, during the immediately preceding 10 years;
 - (2) Any gambling related offense;
 - (3) Fraud or misrepresentation in any connection;
Or
 - (4) A violation of Chapters 562 or 564, Wisconsin Statutes.

300.04 CONFLICTS OF INTEREST PROHIBITED

- (1) No member of the Gaming Commission shall:
 - (a) Be employed by the Gaming Operations, or be a Primary management Official or owner or controlling person with respect to any Management Contract, either while serving on the Gaming Commission or for a period of three months from the termination of service on the Gaming Commission.

- (b) Participate in the approval, denial or renewal of any Application for a gaming license by, or participate in the revocation or suspension of any License granted hereunder to, any Immediate family member of such member of the Gaming Commission.
- (9) Engage in any business, transaction or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering the Tribal Gaming Ordinance; Provided that a member of the Gaming Commission who may engage in a conflicting activity or incur a conflicting obligation that is not otherwise disqualified under Section 300.04(1)(a) shall promptly disclose that activity or obligation to the Gaming Commission and refrain from voting on any matter regarding which such activity or obligation may constitute a conflict.

100.05 VACANCY AND REMOVAL

- (1) Any Commissioner may be removed and replaced by the Tribe at any time in the manner set forth in Section 300.01 above, for any or no reason, prior to the expiration of his or her respective term. Any vacancy created by removal, death, retirement or withdrawal of a Commissioner shall be filled by the Tribe in the same manner as an appointment of a Commissioner.

100.06 QUORUM

A majority of two Commissioners shall constitute a quorum.

100.07 MEETINGS

- (1) The Commission shall meet at least twice a month. Any Commissioner may call a Special meeting upon three (3) Business days notice to the other two Commissioners. It is preferred that all meetings of the Commission take place at an alternate location upon the consent of all three Commissioners. An emergency meeting may be held upon the consent of all three Commissioners.
- (2) All meetings of the Commission shall be open to members of the Tribe except those related to personnel matters or those matters otherwise restricted by law. The Commission may limit public discussion and testimony as it sees fit in accordance with its hearing procedures.

100.08 VOTING

(1) All actions of the Gaming Commission must be authorized by motion and must be passed by a majority vote of the Commissioners then appointed and serving. The decisions of the Commission are final and binding, except in cases where a Commissioner has alleged the Commission has acted outside the scope of its authority, in which case such Commissioner may appeal the actions of the Commissioner to the Tribal Council.

100.09 BUDGET

(1) The first year budget of the Commission shall be established by the Tribal Council and shall run concurrently with the Commissions fiscal year. Thereafter, the Commission shall submit a proposed budget to the Tribal Council no less than ninety (90) days prior to the expiration of the Commissions fiscal year.

300.10 POWERS AND DUTIES

(1) The Gaming Commission is hereby vested with the authority and power to perform its duties and responsibilities under this Ordinance, and any regulations promulgated in connection herewith.

(2) The Gaming Commission may adopt such rules of procedure as it determines are reasonably necessary to perform its duties and responsibilities.

(3) The Gaming Commission shall:

- (a) Develop and maintain the licensing procedures for all employees of the gaming operations of the St. Croix Chippewa Indians of Wisconsin.
- (b) Issue, suspend, revoke, and renew licenses of Class II and Class III gaming employees upon completion of background investigations.
- (c) Conduct background investigations on Primary Management Officials and Key Employees.
- (d) Forward completed employment applications for Primary Management Officials and Key Employees To the NIGC that include the Privacy Act notice and notice regarding false statements.

- (e) Forward completed investigative reports on each background investigation for each Primary Management Official or Key Employees to the NIGC prior to issuing a license.
- (f) Review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of an applicant for employment in a gaming operation. Review "Waivers" if they are requested.
- (g) Notify the NIGC if, after conducting a background Investigation on a Primary Management Official or a Key Employee, the tribe does not license the individual.
- (h) Retain applications and reports of background investigations of Primary Management Officials and Key Employees for no less than three years from termination of employment.
- (i) Issue separate licenses to each place, facility or location on Indian lands where the St. Croix Chippewa Indians of Wisconsin elects to allow gaming.
- (j) Ensure that gaming facilities are constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.
- (k) Obtain annual independent, outside audits and submit these audits to the NIGC. The scope of these audits should include all gaming related contracts that result in purchases of supplies, services, or concessions as dictated by law.
- (l) Ensure that net revenues from any gaming activities are used for the limited purpose set forth in the tribal gaming ordinance.
- (m) if the Tribe authorizes individually owned gaming, issue licenses according to the requirements contained in the tribal gaming ordinance.

- (n) Promulgate tribal gaming regulations pursuant to tribal law.
- (o) Monitor gaming activities to ensure compliance with tribal law/regulations.
- (p) Interact with other regulatory and law enforcement agencies regarding the regulation of gaming.
- (q) Conduct investigations of possible violation and take appropriate enforcement action with respect to the tribal gaming ordinances and regulations.
- (r) Provide independent information to the tribe on the status of the tribe's gaming activities.
- (s) Take testimony and conduct hearings on regulatory matters, including matters related to the revocation of Primary Management Official and Key Employee licenses.
- (t) Establish or approve minimum control standards or procedures for the gaming operations, including the operation's credit policies and procedures for acquiring equipment and supplies.
- (u) Establish any supplementary criteria for the licensing of Primary Management Officials, Key Employees, and other employees that the tribe deems necessary.
- (v) Establish standards for and issue licenses or permits to persons and entities that deal with the gaming operations, such as manufacturers and suppliers of equipment and supplies.
- (w) Maintain records on licensees and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the tribe's jurisdiction.
- (x) Perform audits of business transactions to ensure compliance with regulations and/or policy.
- (y) Establish or approve rules of various games, and inspect games, tables, equipment, machines, cards,

dice, and chips or tokens used in the gaming operations. Establish or approve video surveillance standards. Establish standards/criteria for gaming machines and facilitate the testing of machines for compliance.

- (z) Resolve patron disputes, employee's grievances, and other problems, pursuant to the tribal gaming ordinance.

300.11 COMPENSATION

For their services, commissioners shall receive a fixed amount, said sum to be established at the reasonable discretion of the Tribal Council prior to the beginning of a Gaming Commission term, together with the costs and expenses associated with the performance of their duties and responsibilities.

300.11 CHAIRMAN

A Chairperson of the Gaming Commission shall be elected annually by a majority of the Commissioners and hold office for a term of one year. The Chairperson shall preside over all Gaming Commission meetings.

300.12 AGENT FOR SERVICE OF PROCESS

For matters pertaining to the NIGC only, the Chairperson of the Gaming Commission, as elected from time to time, shall be designated as the Agent for Service of Process.

SECTION II

MISCELLANEOUS PROVISIONS

200.0 PENALTIES FOR VIOLATIONS

Any person who violates any provision of Ordinance or give false testimony in any matter provided for hereunder before the Gaming Commission, shall be subject to civil penalties to be imposed by the Gaming Commission, including But not limited to, suspension and/or revocation of any license granted hereunder, termination, suspension or exclusion from employment in the Gaming Operations or other employee discipline, exclusion from employment in the Gaming Operations or other employee discipline, exclusion from

attendance at the Gaming Facility, exclusion from the Property, and/or a fine of not more than \$5,000 for each such violation; provided, however, that all actions taken with respect to persons employed by the Enterprise shall comply with the Tribes established personnel manual, policies and procedures.

200.01 EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by the Tribe pursuant to the laws and requirements of the Tribe. A written certification by a chairperson or secretary of the Tribe that this Ordinance has been duly adopted shall be absolute evidence of its approval by the Tribe.

200.03 SEVERABILITY AND NON-LIABILITY

(1) If any section, provision, or portion of this Ordinance is adjudged to be in violation or inconsistent with any applicable Tribal, State, or Federal Law, or is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and it shall remain in full force as if said section, provision or portion as adjudged unconstitutional or invalid was nonexistent.

(2) The Tribe asserts that there is no liability on the part of the Tribe, or its agencies, enterprises, elected officials, officers, directors, or employees, for damages that may occur as a result of reliance upon and conformance with any of the provisions of this Ordinance.

200.04 SOVEREIGN IMMUNITY

(1) Nothing in this Ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the St. Croix Chippewa Indians of Wisconsin.

(2) Only the Tribal Council of the Tribe, shall be authorized to waive, by express written resolution, the sovereign immunity of the Tribe regarding matters pertaining to the Gaming Commission.

Specific Gaming Ordinance Concerns:

Section 12 (d) - Powers of Gaming Commission are too broad.

Section 12 (k) (7) - Needs to be clear. Clearly defined what a violation is, what levels of (k) (11) severity, and what is the appropriate punishment.

Section 13 (d) (1) - Set specific time to respond to request. Should be reasonable for operations and not make the gaming operation less efficient.

Section (e) – Reports could be sent to Tribal Council. Decide when these reports are needed, quarterly, annually, etc.

~~Section (f) – Omit this from the gaming ordinance. Approval already required from Tribal Council, no need for Gaming Commission to be involved.~~

Section 19 (a), (b), (c), (d) – Decisions on suspension or terminating of employee gaming licenses should not be appealed back to Gaming Commission. Find appropriate office or persons who would hear an appeal other than Gaming Commission.

General Gaming Ordinance Concerns:

- (1) Gaming Commission needs specific powers and responsibilities and direct guidelines on how to accomplish its purpose. As stated in the National Indian Gaming Commission Bulletin No. 94-3, “the regulatory entity should have no involvement in the operational or managerial decisions of a gaming facility, except to the extent that such issues may involve tribal law or regulations”. Oversight is needed to maintain the separation of the gaming operation (Casino) and regulatory agency (Gaming Commission).
- (2) Clear criteria for severity of violations and what appropriate punishments are. In the past, employees have had licenses suspended indefinitely. This is the worst possible decision that could be made, if violation is worthy of termination than Gaming Commission should make a clear and concise ruling. There is a tremendous gray area that could allow for abuse of power and personal vendettas.
- (3) The appeal process for Gaming Commission rulings should not be to the Gaming Commission themselves. This is not an appropriate process for an appeal to be heard by the same agency that has issued the punishment. This again allows for the possibility of misuse of power and personal vendettas, by eliminating the appeal process to an outside office or persons for decisions made by the Gaming Commission.

Other relevant concerns

- (1) Any revisions to the Minimum Internal Control Standards of the gaming operation should be approved by Tribal Council. Gaming Commission should not be able to make revisions to the MICS without oversight.
- (2) Gaming Commissioners should be required to conduct themselves in the highest manner of professionalism and integrity. This is a position that is given an

incredible amount of autonomy and power; the commissioners should conduct themselves in a manner that is befitting the position. Failure to do so should be grounds for removal from the position.

- (3) Job descriptions including required qualifications should be given for each position that Gaming Commission chooses to create. Duties and responsibilities of each position and a clear set of procedures on how each position interacts with the gaming operation should be set.
- (4) Procedures and changes in procedures should be in the best interest of the gaming operation. Unreasonable requests for reports, such as for Internal Audit, or changes to the Minimum Internal Control Standards above the required NIGC minimum internal control standards should not be allowed to interrupt the efficiency of the gaming operation. The process for such reports and/or changes to the MICS should be considered for the efficiency of the gaming operation and not for the efficiency of the Gaming Commission.

Specific Gaming Ordinance Concerns:

We need to revise several areas in the gaming ordinance by omitting some areas for the casino to run effectively without interruption, the current plan does put a strangle hold on daily operations.

List below is areas that need adjustments.

Page 17 Section M

Page 19 Section 5

Page 20 Sections E, F

Page 23 Section i ii,iii,iv,v

**ST. CROIX CHIPPEWA INDIANS OF WISCONSIN
GAMING COMMISSION JOB INTERVIEW REPORTS**

1. Please tell us about yourself: _____

2. What past experiences in your life would benefit you as a Gaming Commissioner? _____

3. What training or classes have you taken that would benefit the Gaming Commission Office? _____

4. Are you familiar with tribal casino operations? _____

5. Are you familiar with the Indian Gaming Regulatory Act? Are you familiar with the gaming compact between the St. Croix Chippewa and State of Wisconsin?

6. How do you handle conflict? Please give us an example of how you have dealt with conflict in the workplace. _____

7. What are some of your strengths as an employee? What are some of your weaknesses?

8. How would you rate your verbal and communication skills? _____

written

9. Are you an efficient independent worker? Are you good working in a team environment?

10. How would you rate your computer skills? _____

11. Do you have any questions for us? _____

Signature

Date