



April 14, 2025

***VIA E-MAIL***

Jeff Wacoche, Chief  
United Keetowah Band of Cherokee Indians in Oklahoma  
18300 W. Keetoowah Circle  
Tahlequah, OK 74464

**Re: 2025 United Keetoowah Band of Cherokee Indians in Oklahoma Gaming Code**

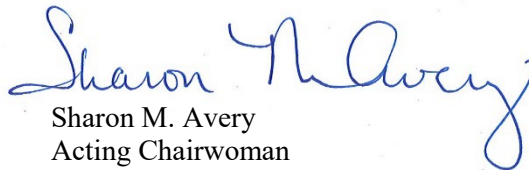
Dear Chief Wacoche:

This letter responds to your request received March 3, 2025, on behalf of the United Keetoowah Band of Cherokee Indians in Oklahoma (UKB or Tribe) for the National Indian Gaming Commission (NIGC) Chairwoman to review and approve the submitted 2025 UKB Gaming Code.

Resolution 25-UKB-27 rescinds any and all prior gaming ordinances and codes previously adopted by the Tribe thus substituting the Tribe's last NIGC approved gaming ordinance, Resolution 94-UKB-28, with a wholly revised and updated version. The 2025 UKB Gaming Code reflects updates to the NIGC regulations, and other updates deemed necessary by the Tribe since the last NIGC approved gaming ordinance.

The 2025 UKB Gaming Code is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations and is hereby approved. If you have any questions concerning this letter or the ordinance review process, please contact NIGC Staff Attorney Gigi Modrich at [gigi.modrich@nigc.gov](mailto:gigi.modrich@nigc.gov).

Sincerely,

  
Sharon M. Avery  
Acting Chairwoman

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

**REGIONAL OFFICES** Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK; Oklahoma City, OK; Rapid City, SD  
[WWW.NIGC.GOV](http://WWW.NIGC.GOV)



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# UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA

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## RESOLUTION

### COUNCIL

Jeff Wacoche  
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CHIEF

Amos Ketcher  
WP/1 SVS O'E@G.A  
ASSISTANT CHIEF

Caleb Grimmatt-Smith  
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Sonja Gourd  
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Frankie Still  
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Willie Christie  
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Janelle Adair  
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ILLINOIS

Charles Smoke  
D.S.A @SSV  
SALINE

Donald Adair  
L.V@T @SSV  
SEQUOYAH

Sammy Allen  
L.P.T @SSV  
TAHLEQUAH

March 1<sup>st</sup>, 2025

25-UKB-27

### APPROVE REVISED 2025 UKB GAMING ORDINANCE FOR TYPOGRAPHICAL AND/OR SCRIVENER'S ERROR

**WHEREAS,** THE UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA ("UKB", "Band", or "Tribe") is a federally recognized Band of Indians, organized and incorporated under the Oklahoma Indian Welfare Act (49 Stat. 1967), the Act of August 10, 1946 (60 Stat. 976), and the Indian Reorganization Act (48 Stat. 984), insofar as that Act applies to Oklahoma Indians and is a self-governance tribe; and,

**WHEREAS,** Article III, Section 1 of the Constitution of the UKB provides that the objective of said Band shall be to secure the benefits, rights, privileges and powers as provided for by the above cited laws of the United States of America; and,

**WHEREAS,** Article III, Section 2 of the Constitution of the UKB provides further that the objective of the Band shall to be secure the benefits, rights, and privileges and powers as provided for by any laws of the United States now existing or that may hereafter be enacted for the benefit of Indians or other citizens of the United States and administered by various government agencies; and,

**WHEREAS,** The UKB, in pursuit of these goals, desires to improve and advance the economic status of its members; and,

**WHEREAS,** Article V, Section of said Constitution provides that the supreme governing body of the Band shall be the Council of the UKB; and,

**WHEREAS,** Sections 3(a) through 3(v) of the UKB Corporate Charter, approved by the Commissioner of Indian Affairs and the Assistant Secretary of the Interior, provides that the UKB Council is charged with conducting business and finance and preserving the property, natural resources, and traditions of the Band; and,

**WHEREAS,** UKB Council enacted a new gaming ordinance on February 1, 2025, known as the 2025 UKB Gaming Code to promote economic development within the UKB's jurisdiction on the Oklahoma Cherokee Reservation; and,

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**BE IT FINALLY RESOLVED** that Resolution No. 25-UKB-27 hereby rescinds any and all preceding resolutions that may be inconsistent with the matter.

**Caleb Grimmatt-Smith, JAꞑPoꝢY - Tribal Secretary**

2025

# UKB GAMING CODE



## **UKB Gaming Code**

### **Section 1. Purpose**

The Tribal Council of the United Keetoowah Band of Cherokee Indians in Oklahoma (“UKB” or “Tribe”), empowered by the Tribe’s Constitution and Federal Corporate Charter to enact laws and ordinances, hereby enacts this Gaming Code to promote tribal economic development, self-sufficiency and sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operators and the players.

### **Section 2. Applicability**

This Gaming Code shall apply to Class I, Class II and Class III gaming on Indian Lands within the UKB’s Tribal Jurisdiction, as defined below.

### **Section 3. Definitions**

The following terms shall have the meanings as set forth below. Any terms not defined below, but defined in the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. §§ 2701 *et seq.*, or the National Indian Gaming Commission (“NIGC”) regulations, 25 C.F.R. §§ 500 *et seq.*, shall have the same meaning and effect as those same terms are defined in IGRA or the NIGC’s regulations.

- A. **Cherokee Reservation.** All land within the exterior boundaries of an area that was set aside by treaties with the federal government for the Cherokee people, including the predecessors of those Cherokees who Congress would later recognize as a separate tribe called the “Keetoowah Indians of the Cherokee Nation of Oklahoma,” and which would organize as the United Keetoowah Band of Cherokee Indians in Oklahoma, which includes all, or a portion, of fourteen counties in today’s eastern Oklahoma.
- B. **Class I gaming.**
  - 1. Social games played solely for prizes of minimal value; or
  - 2. Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.
- C. **Class II gaming.**
  - 1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:

- a. Play for prizes with cards bearing numbers or other designations;
  - b. Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and
  - c. Win the game by being the first person to cover a designated pattern on such cards;
- 2. Pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo, if played in the same location as bingo or lotto;
- 3. Non-banking card games that:
  - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
  - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.
- D. **Class III gaming.** All forms of gaming that are not Class I or Class II gaming, including, but not limited to:
  - 1. Any house banking game, including but not limited to –
    - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
    - b. Casino games such as roulette, craps, and keno;
  - 2. Any slot machines, as defined in 15 U.S.C. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
  - 3. Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
  - 4. Lotteries, including any lottery owned or operated by the State of Oklahoma, whether offered online, by paper ticket, or otherwise.
- E. **Directly related to.** A spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.
- F. **Facility License.** A separate license issued by the UKB Licensing Commission to each place, facility or location on Indian Lands over which the Tribe has jurisdiction and where the Tribe elects to allow Class II or Class III gaming.

- G. **Gaming Enterprise.** The entities through which the Tribe conducts, regulates, and secures gaming on Indian lands within the Tribe's jurisdiction pursuant to the Indian Gaming Regulatory Act.
- H. **Gaming Facility.** Each structure or location on Indian Lands over which the Tribe has jurisdiction where any Class II or Class III gaming takes place, or is proposed to take place.
- I. **Gaming Operation.** Each economic entity on Indian Lands under the Tribe's jurisdiction that is licensed by the UKB Licensing Commission to operate games, receive gaming revenue, issue prizes, and pay expenses. A Gaming Operation may be operated by the UKB Corporate Board or a division thereof; by a Gaming Enterprise Board created by the Tribal Council; by a third-party management contractor pursuant to a management contract approved by the NIGC; or, under certain conditions, by another person or entity (individually owned gaming).
- J. **Indian Lands.** Land over which the UKB exercises governmental power and that is held in trust by the United States for the benefit of the UKB or the UKB Federal Corporation, a federal corporation chartered under the Act of June 26, 1936 (49 Stat. 1967) and the Act of August 10, 1946 (60 Stat. 976) approved on May 8, 1950.
- K. **Key Employee.**
1. A person who performs one or more of the following functions:
    - 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. Approver of credit; or
    - j. Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
    - k. Custodian of surveillance systems or surveillance system records;
    - l. Any gaming operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Tribal Gaming Regulatory Authority;
  2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;



3. If not otherwise included, the four most highly compensated persons in the gaming operation; or
  4. Any other person designated by the Tribe as a key employee.
- L. **Licensee.** A tribally licensed Class II or Class III gaming facility or a person licensed by the UKB Licensing Commission as a primary management official or key employee under the provisions of this Gaming Code.
- M. **Management Contract.** Any contract, subcontract or collateral agreement between the Tribe, or any subordinate entity thereof, and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a Gaming Operation.
- N. **Net Revenues.** Gross gaming revenues of a Gaming Operation less:
1. Amounts paid out as, or paid for, prizes; and
  2. Total gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.
- O. **Primary Management Official.**
1. The person(s) having management responsibility for a management contract;
  2. Any person who has authority:
    - a. To hire and fire employees;
    - b. To set up working policy for the gaming operation; or
    - c. The chief financial officer or other person who has financial management responsibility;
    - d. The general manager or a position with duties similar to a general manager; or
  3. Any other person designated by the Tribe as a primary management official.
- P. **UKB Licensing Commission or Commission** means the UKB Licensing Commission established by tribal law, which is granted authority by this Gaming Code to license, monitor and regulate all primary management officials, key employees, non-key gaming employees, gaming vendors, Gaming Operations, and Gaming Facilities on Indian Lands within the Tribe's jurisdiction.



- Q. **Tribal Jurisdiction.** All Indian Country as defined in 18 U.S.C. § 1151, whether within or outside of the Cherokee Reservation, that is subject to the jurisdiction of the Tribe, but excluding all lands held by the United States in trust for the Cherokee Nation, or owned in fee by the Cherokee Nation.
- R. **Tribal-State Compact.** An agreement between the Tribe and the State of Oklahoma concerning Class III gaming, approved under 25 U.S.C. § 2710(d) as published in the Federal Register.
- S. **Tribe.** The United Keetoowah Band of Cherokee Indians in Oklahoma.
- T. **UKB Corporate Board.** The entity created by the UKB Tribal Council in the UKB Corporate Board Act of 2015, Council Resolution 15-UKB-57, as it may be amended.
- U. **UKB Federal Corporation.** The federal corporation created by the Corporate Charter of the United Keetoowah Band of Cherokee Indians in Oklahoma, approved by the Secretary of the Interior on May 8, 1950, and ratified on October 3, 1950, under the Oklahoma Indian Welfare Act, 49 Stat. 1967.

#### **Section 4. Gaming Authorized**

- A. Class I, Class II, and Class III gaming are authorized to be conducted on Indian Lands over which the Tribe has jurisdiction, if such gaming is conducted in accordance with this Gaming Code, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.
- B. Any Class II or Class III gaming conducted under this Gaming Code must be licensed by the UKB Licensing Commission, according to any rules or regulations issued by the UKB Licensing Commission. No person or entity shall conduct Class II or Class III gaming without obtaining a license from the UKB Licensing Commission, and no person or entity shall cause or allow Class II or Class III gaming to occur in any facility without a facility license issued by the UKB Licensing Commission.
- C. Any Class III gaming conducted under this Gaming Code must comply with a tribal-state gaming compact entered between the Tribe and the State of Oklahoma, which was approved by the Secretary of the Interior or deemed approved by operation of IGRA, with notice of such approval published in the Federal Register.

## **Section 5. Ownership and Management of Gaming**

- A. The Tribe shall have the sole proprietary interest in, and responsibility for, the conduct of any Gaming Operation authorized by this Gaming Code, except as expressly provided in this Gaming Code.
- B. Unless and until the Tribal Council establishes a separate Gaming Enterprise Board, the UKB Corporate Board, or a division thereof, shall have the following business management oversight responsibilities concerning all of the Tribe's Gaming Operations. The UKB Corporate Board shall determine whether any Gaming Operation should be managed by a third-party management company pursuant to a management contract approved by the Chairman of the NIGC, and if so, it shall select the management contractor and enter into the management contract. During the term of the management contract, the UKB Corporate Board will fulfill any management oversight role or comply with any other tribal responsibilities set forth in the management contract. If the UKB Corporate Board decides against using a third-party management company, then the UKB Corporate Board will select a General Manager for each Gaming Operation and shall perform a management oversight role over all General Managers to ensure optimal business performance.
- C. In fulfilling its management oversight role over all General Managers, the UKB Corporate Board shall:
  - 1. Examine, on a periodic basis, all business and financial records of the Gaming Operation;
  - 2. Approve or disapprove operating and capital budgets proposed by the General Manager(s);
  - 3. Develop and help implement an Indian preference hiring policy;
  - 4. Make distributions of net gaming revenues to the Tribal Council;
  - 5. Physically observe each Gaming Facility, with access to all areas, upon request;
  - 6. Make personnel decisions regarding the General Manager(s), including hiring decisions, work hours, vacation policies, salary level, bonuses, promotions, demotions, and terminations.
  - 7. Hear any employee complaints against the General Manager(s); and
  - 8. Periodically discuss with the General Manager(s) the following decisions to be made by the General Manager(s): game selection, hours of operation, wager limits, marketing plans, employee policies, personnel

decisions, vendor contracts, special events, floor plans, smoking policies, internal control and security policies, emergency preparedness, construction projects, restaurant and hotel management decisions, environmental and cultural stewardship, and any other business-related decisions being made by the General Manager(s).

D. The Tribe requires that, at a minimum:

1. Each member of the UKB Corporate Board who will participate in any of the management responsibilities outlined in this Gaming Code must first be backgrounded and have a valid, current license issued by the UKB Licensing Commission;
2. Members of the UKB Corporate Board are prohibited from gambling at any Gaming Operation within the Tribe's jurisdiction; and
3. Members of the UKB Corporate Board are prohibited from accepting complimentary things of value ("comps") from any General Manager, Gaming Operation employee, management company, or gaming vendor.

E. A Gaming Operation not owned by the Tribe (*i.e.*, individually owned gaming) may be licensed by the UKB Licensing Commission, so long as:

1. The individually owned gaming operation is licensed and regulated pursuant to this Gaming Code;
2. The income to the Tribe from an individually owned gaming operation is used only for the purposes listed in this Gaming Code;
3. Not less than 60 percent of the net revenues of the individually owned gaming operation is income to the Tribe;
4. The owner of the individually owned gaming pays an annual assessment to NIGC pursuant to 25 C.F.R. § 514.1;
5. The UKB Licensing Commission applies licensing standards that are at least as restrictive as those established by State law governing similar gaming; and
6. The UKB Licensing Commission determines that the owner of the individually owned gaming would be eligible to receive a State license to conduct the same activity within the jurisdiction of the State of Oklahoma.

## **Section 6. Use of Net Gaming Revenues**

Net revenues from Tribal gaming shall be used only for the following purposes:

- A. To fund Tribal government operations or programs;
- B. To provide for the general welfare of the Tribe and its members;
- C. To promote Tribal economic development;
- D. To donate to charitable organizations; or
- E. To help fund operations of local government agencies.

## **Section 7. Per Capita Payments**

Net revenues from any Class II or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal citizens if:

- A. The Tribe has prepared a Revenue Allocation Plan (“RAP”) that allocates revenues to one or more of the five uses authorized by section 6 of this Gaming Code;
- B. The RAP is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 6(A) and 6(C) of this Gaming Code;
- C. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person; and
- D. The per capita payments are subject to Federal taxation and the Tribe notifies its citizens of such tax liability when payments are made.

## **Section 8. UKB Licensing Commission**

- A. The Tribal Council hereby authorizes the UKB Licensing Commission (“Commission”) to license, monitor, regulate, and ensure compliance with all applicable laws and regulations concerning gaming on Indian Lands within the Tribe’s jurisdiction.
- B. The Commission will serve as the licensing authority for individuals employed in the Gaming Operations and will administer background investigations as part of the licensing process. The Commission will also monitor compliance with the Gaming Operations’ internal controls and in tracking gross and net gaming revenues. In order to carry out its regulatory duties, the Commission and its staff shall have immediate and unrestricted access to all areas of the Gaming Operations and to all financial records, both within the Gaming Operations and as to the distribution and spending of net gaming net revenues by the Tribe. The Commission shall have authority to

issue subpoenas, take depositions, bring enforcement actions, suspend and revoke licenses, refer matters to other law enforcement agencies, and levy civil fines.

- C. The Commission shall ensure that all records and information obtained as a result of an employee background investigation, including but not limited to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Gaming Operation on a need-to-know basis only, for actions taken in their official capacities.
- D. Subject to all NIGC and FBI requirements for the protection of Criminal History Records Information, the confidentiality requirements in Section 8(C) do not apply to requests for such records or information from any tribal, federal or state law enforcement or regulatory agency, or for the use of such records or information by the law enforcement or regulatory agency in the performance of their official duties.
- E. To avoid potential conflicts of interest, the Tribe requires that, at a minimum:
  - 1. Members of the Commission and its staff are prohibited from gambling at any Gaming Operation within the Tribe's jurisdiction; and
  - 2. Members of the Commission and its staff are prohibited from accepting complimentary things of value ("comps") from any Gaming Operation or gaming employee.
- F. The UKB Licensing Commission is authorized to:
  - 1. Issue regulations to implement the provisions of this Gaming Code, so long as the regulations are not in conflict with any provisions of this Gaming Code or any other law of the UKB, and so long as the Commission gives prior notice to the Tribal Council, the Gaming Operation(s) and the affected public, and considers any comments received;
  - 2. Issue, audit and enforce Class II Tribal Internal Control Standards ("TICS") that are at least as stringent as the NIGC's Class II Minimum Internal Control Standards ("MICS");
  - 3. Issue, audit and enforce Class III TICS, using the NIGC's Class III MICS as nonbinding guidance;

4. Collect licensing fees and taxes to be paid by individual license applicants, gaming vendors, and/or the Gaming Operations, sufficient, when combined with other sources of revenue, to fund Commission operations;
5. Conduct a background investigation, or cause such investigation to be conducted, regarding every applicant for a license to be employed at any Gaming Operation;
6. Designate a law enforcement agency to obtain and process fingerprints and conduct a criminal history check that shall include a check of criminal history records maintained by the Federal Bureau of Investigation for every primary management official and key employee to be employed at any Gaming Operation;
7. Submit a Notice of Results (“NOR”) to the NIGC of each background investigation done for each primary management official and key employee applicant;
8. Make licensing eligibility determinations, issue gaming licenses, and ensure that every employee at each Gaming Operation is properly licensed during all times of employment;
9. Establish standards for licensing Gaming Facilities, including standards to ensure public health and safety, and to protect the environment;
10. Issue Facility Licenses to each Gaming Facility operating on Indian lands over which the Tribe has jurisdiction, and ensure that each Gaming Facility is properly licensed during all times of gaming operation;
11. Establish standards for licensing Gaming Operations, including audit and other reporting requirements;
12. Issue operating licenses to each Gaming Operation operating on Indian Lands over which the Tribe has jurisdiction, and ensure that each Gaming Operation is properly licensed during all times of gaming operation;
13. Establish standards for licensing gaming vendors that seek to do business with any Gaming Operation, and ensure that each gaming vendor is properly licensed before conducting any business with any Gaming Operation or in any Gaming Facility on Indian Lands over which the Tribe has jurisdiction, which standards may exempt vendors from otherwise applicable licensing requirements if they have received a license from another regulatory authority recognized as trustworthy by the UKB Licensing Commission;

14. Inspect, examine and monitor all Gaming Facilities and Gaming Operations within the Tribe's jurisdiction, with immediate access to all areas of each Gaming Facility, and the right to review, examine, copy and audit all records of each Gaming Operation;
15. Investigate potential violations of this Gaming Code or UKB Licensing Commission regulations, including the authority to conduct interviews, issue subpoenas, and take depositions;
16. Hold hearings and make determinations as to whether any particular individual, gaming vendor or Gaming Operation violated this Gaming Code or a UKB Licensing Commission regulation, levy civil fines, suspend and revoke licenses;
17. Establish procedures for appeals of any determination that an individual, gaming vendor or Gaming Operation violated this Gaming Code or a UKB Licensing Commission regulation, the amount of any civil fine levied, or the suspension or revocation of a license;
18. Unless in conflict with any applicable tribal-state compact, establish procedures for resolving patron complaints, and hold hearings to resolve patron complaints;
19. Comply with any and all applicable reporting requirements under IGRA, the NIGC's regulations any tribal-state compact to which the Tribe is a party, and any other applicable law;
20. Establish a list of persons not allowed to enter any Gaming Facilities under Tribe's jurisdiction, and issue regulations for enforcing the exclusions;
21. Establish a list of persons who have voluntarily agreed to be prohibited from gaming at all Gaming Facilities under the Tribe's jurisdiction, and issue regulations for enforcing such prohibitions;
22. Refer matters and provide information to appropriate federal, state, or tribal law enforcement officials when such information indicates a violation of federal, state or tribal law, whether civil or criminal; and
23. Perform such other duties the Commission deems appropriate for the proper regulation of the Gaming Operations and Gaming Facilities within the Tribe's jurisdiction.

## **Section 9. Audits**

- A. The Tribe shall cause to be conducted annual, independent audits of all Gaming Operations under the Tribe's jurisdiction and shall submit the results of those audits to the NIGC.



- B. Annual audits shall conform to generally accepted auditing standards.
- C. All gaming-related contracts that result in the purchase of supplies, services or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this Gaming Code.
- D. Copies of the annual audit of each licensed Gaming Operation, and each audit for supplies, services or concessions of each Gaming Operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the Gaming Operation.

## **Section 10. Environment and Public Health and Safety**

- A. Each Gaming Facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public.
- B. The UKB Licensing Commission shall identify or issue laws, resolutions, codes, regulations, policies, standards, or procedures to ensure adequate protection of the environment and the health and safety of the public at each Gaming Facility.

## **Section 11. Patron Dispute Resolution**

If the Tribe's applicable tribal-state gaming compact contains dispute resolution procedures, those procedures control. In the absence of controlling patron dispute procedures in the applicable tribal-state gaming compact, the following procedures apply:

Patrons with complaints against a Gaming Operation shall have as their sole remedy the right to file a petition for relief with the UKB Licensing Commission. Complaints shall be submitted in writing. The Commission shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have counsel present at the hearing. The petitioner may be allowed to present evidence, at the discretion of the Commission. After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued. Any patron complaint must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of five hundred dollars per occurrence, and a cumulative limit of five thousand dollars per patron in any 12-month period, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The Commission's decision shall constitute the complainant's final remedy.

## Section 12. Facility Licenses

- A. The UKB Licensing Commission shall issue a separate license to each place, facility or location on Indian Lands over which the Tribe has jurisdiction where Class II or Class III gaming is conducted under this Gaming Code.
- B. The UKB Licensing Commission is responsible for issuing new or renewed facility licenses to each place, facility or location.
- C. The UKB Licensing Commission shall require that a facility license application be completed by the chief management official of each Gaming Facility.
- D. The UKB Licensing Commission shall identify the environmental, health and public safety standards with which the Gaming Facility must comply, and specify the form, conditions and content of a facility license application. The application shall include:
  - A legal description of the lands upon which the Gaming Facility is located, and a certification that the site constitutes gaming eligible “Indian lands,” as defined in IGRA and the NIGC’s regulations, as interpreted in the NIGC Office of General Counsel and DOI Solicitor Offices’ Indian lands legal opinions, judicial decisions and any other applicable law.
- E. The UKB Licensing Commission shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the Tribe.
- F. The Tribe or UKB Licensing Commission shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the UKB Licensing Commission. This notice must be submitted at least 120 days before the opening of any new place, facility or location on Indian Lands where Class II or Class III gaming will occur.
- G. The UKB Licensing Commission shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- H. The UKB Licensing Commission shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a Gaming Facility closes or reopens.

### **Section 13. Agent for Service of Process**

The Tribe designates the Chief, the Chairperson of the UKB Corporate Board, and the Chairperson of the UKB Licensing Commission as the agents for service of any official determination, order, or notice of violation, and requests that copies of any official determination, order, or notice of violation be sent to all three officials.

### **Section 14. Tribal Access to Financial Information**

A copy of each Tribal Gaming Operation's annual audit will be made available to each officer/member of the Tribal Council, each officer/member of the UKB Corporate Board (or Gaming Enterprise Board), and each officer/member of the UKB Licensing Commission.

### **Section 15. License Application Forms**

- A. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe being unable to license you for a primary management official or key employee position.

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

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

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

## **Section 16. License Fees**

The Tribe may charge a license fee, to be set by the UKB Licensing Commission, to cover its expenses in investigating and licensing key employees and primary management officials of the gaming operation.

## **Section 17. Background Investigations**

- A. The Tribe shall perform a background investigation for each primary management official, key employee, and non-key employee working for each Gaming Operation. The investigation must be sufficient to allow the UKB Licensing Commission to make an eligibility determination under Section 20 of this Gaming Code.
- B. The UKB Licensing Commission is responsible for conducting the background investigations of gaming employees. The background investigation for all primary management officials and key employees shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- C. The UKB Licensing Commission shall request fingerprints from each primary management official and key employee. The law enforcement agency designated to take fingerprints is the UKB Lighthouse, or an approved state law enforcement agency.
- D. The UKB Licensing Commission shall request from each primary management official and key employee all of the following information:
  - 1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages (spoken and/or written);
  - 2. Currently, and for the previous five (5) years; business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
  - 3. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph (D)(2) of this section;

4. Current business and residential telephone numbers, and all cell phone numbers;
  5. A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses;
  6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date of disposition, if any;
  9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
  10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (D)(8) or (D)(9) of this Section, the criminal charge, the name and address of the court involved, and the date and disposition, if any;
  11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  12. A photograph;
  13. Any other information the UKB Licensing Commission deems relevant; and
  14. Fingerprints obtained in accordance with procedures adopted by the UKB Licensing Commission.
- E. When a primary management official or key employee is employed by the Tribe, a complete application file, containing all of the information listed in Section 17(D), shall be maintained.

- F. The UKB Licensing Commission, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

## **Section 18. Procedures for Conducting Background Investigations**

- A. The UKB Licensing Commission, or its agent, shall employ or engage an investigator to conduct a background investigation of each applicant for a gaming license. The investigator shall:
  - 1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
  - 2. Contact each personal and business reference provided in the license application, when possible;
  - 3. Conduct a personal credit check;
  - 4. Conduct a civil history check;
  - 5. Conduct a criminal history records check for all primary management officials and key employees;
  - 6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
  - 7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
  - 8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
  - 9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.

## **Section 19. Investigative Reports**

- A. The UKB Licensing Commission shall create and maintain an investigative report for each background investigation of a gaming license applicant.
- B. Investigative reports shall include all of the following information:

1. Steps taken in conducting the investigation;
2. Results obtained;
3. Conclusions reached; and
4. The basis for those conclusions.

## **Section 20. Eligibility Determinations**

- A. Before a license is issued to a gaming license applicant, an authorized official with the UKB Licensing Commission shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.
- B. If the authorized official with the UKB Licensing Commission, in applying the standards adopted in this Gaming Code, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming, he or she shall not license that person.
- C. Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee.

## **Section 21. Notice of Results of Background Investigations**

- A. Before issuing a license to a primary management official or key employee, the UKB Licensing Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- B. The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe.
- C. The notice of results shall include the following information:
  1. The applicant's name, date of birth and social security number;
  2. The date on which the applicant began, or will begin, working as a primary management official or key employee;
  3. A summary of the information presented in the investigative report, including:
    - a. licenses that have previously been denied;
    - b. gaming licenses that have been revoked, even if subsequently reinstated;



- c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
- d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and

4. A copy of the eligibility determination made in accordance with Section 20.

## **Section 22. Granting Gaming Licenses**

- A. All employees of each Gaming Operation must have a gaming license issued by the UKB Licensing Commission.
- B. The UKB Licensing Commission is responsible for granting and issuing gaming licenses.
- C. The UKB Licensing Commission may license a primary management official or key employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by Section 21.
- D. The UKB Licensing Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- E. The Tribe shall not employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at a Gaming Operation.
- F. The UKB Licensing Commission must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation.
- G. The UKB Licensing Commission shall take the NIGC's objections into account when reconsidering a license application.
- H. The UKB Licensing Commission will make the final decision whether to issue a gaming license to an applicant.
- I. If the UKB Licensing Commission has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 24.

## **Section 23. Denying Gaming Licenses**

- A. The UKB Licensing Commission shall not license a gaming employee if the UKB Licensing Commission determines, in applying the standards in Section 20 for making a license eligibility determination, that licensing the person:
  - 1. Poses a threat to the public interest;
  - 2. Poses a threat to the effective regulation of gaming; or
  - 3. Creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the UKB Licensing Commission does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued licenses after reconsideration, it shall:
  - 1. Notify the NIGC; and
  - 2. Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

#### **Section 24. Gaming License Suspensions and Revocations**

- A. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the UKB Licensing Commission shall do the following:
  - 1. Immediately suspend the license;
  - 2. Provide the licensee with written notice of the suspension and proposed revocation; and
  - 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- B. Following a revocation hearing, the UKB Licensing Commission shall decide whether to revoke or reinstate the license at issue.
- C. The UKB Licensing Commission shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

## **Section 25. Records Retention**

- A. The UKB Licensing Commission shall retain, for no less than three years from the date that a gaming employee's employment ends, the following documentation:
  - 1. Application for licensing;
  - 2. Investigative Reports; and
  - 3. Eligibility Determinations.
- B. This Section does not apply to any Criminal History Records Information ("CHRI") that is subject to policies and procedures adopted by the UKB Licensing Commission for such purposes.

## **Section 26. Licenses for Vendors**

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

## **Section 27. Submission of a Vendor License Application**

In order to obtain a gaming vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.

## **Section 28. Contents of the Vendor License Application**

- A. Applications for gaming vendor licenses must include the following:
  - 1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
  - 2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship or other entity;

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

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

- C. A vendor may submit to the UKB Licensing Commission a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribe not contained in the other application.

## **Section 29. Vendor Background Investigations**

- A. The UKB Licensing Commission shall employ or otherwise engage an investigator to complete an investigation of a gaming vendor. This investigation shall include, at a minimum, the following steps:
  - 1. Verification of the vendor's business' incorporation status and qualifications to do business in the state where the gaming operation is located;
  - 2. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
  - 3. Conducting a check of the vendor's business' credit history;
  - 4. Calling and questioning each of the references listed in the vendor application; and
  - 5. Conducting a background investigation of the principals of the vendor's business.

## **Section 30. Vendor License Fees**

The UKB Licensing Commission may charge a license fee, to be set by the UKB Licensing Commission, to cover its expenses in investigating and licensing vendors of each Gaming Operation.

## **Section 31. Vendor Background Investigation Reports**

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the UKB Licensing Commission.

## **Section 32. Vendors Licensed by Recognized Regulatory Authorities**

The UKB Licensing Commission may adopt regulations naming other licensing authorities that it recognizes as strong regulators, and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

### **Section 33. Compliance with Federal Law**

In conducting and regulating gaming, every arm of the Tribe shall comply with all applicable federal laws, including IGRA and the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

### **Section 34. Ethics**

- A. The Tribe recognizes that the duties of the UKB Corporate Board (or Gaming Enterprise Board) and the UKB Licensing Commission include making important decisions on highly sensitive issues. As such, the Tribe has determined that the UKB Corporate Board (or Gaming Enterprise Board) and the UKB Licensing Commission shall be held to extremely high ethical standards. Prior to performing any function under this Gaming Code, Board and Commission officers/members (“Members”), shall agree to be bound by the following principles:
1. Members shall not hold financial interests that conflict with the performance of their duties as managers or regulators.
  2. Members shall not engage in financial transactions using nonpublic information or allow the improper use of such information by others for any private interest.
  3. Members shall not solicit or accept any gift or other item, including complimentary items or services (“comps”), from any Gaming Operation, anyone seeking official action or inaction from the Member’s organization, anyone doing business with the Member’s organization, or whose interests may be substantially affected by the performance or nonperformance of the Member’s duties.
  4. Members shall make no unauthorized commitments or promises purporting to bind the Tribe.
  5. Members shall not use their positions for private gain, except for compensation as approved by Tribal Council.
  6. Members shall act impartially, in accordance with all relevant Tribal and State laws (where applicable), and shall not give preferential treatment to any organization or individual, including to any persons directly related to Members.
  7. Members shall ensure that Tribal property and gaming assets shall be properly segregated and safeguarded, and that such property and assets are not used for unauthorized activities.

8. Members shall not engage in outside employment or activities that conflict, or give the appearance of a conflict, with their official responsibilities.
9. Members shall not seek or negotiate for future employment with anyone doing business with, or seeking to do business with, any arm of the Tribe, without prior notice to Tribal Council, which may institute proper recusals.
10. Members shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
11. Members shall endeavor to avoid any actions that create the appearance that they are violating the law or the ethical standards listed herein.
12. Members shall disclose any real or apparent financial or personal conflict to the Tribal Council.

### **Section 35. Repeal**

All prior Tribal gaming ordinances are hereby repealed upon the effective date of this Gaming Code.

### **Section 36. Effective Date**

This Gaming Code shall take effect immediately upon its approval by the NIGC Chairperson.