

# Oneida Tribe of Indians of Wisconsin

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Oneida, Wi 54155



UGWA DEMOLUM YATEHE  
Because of the help of  
this Oneida Chief in  
cementing a friendship  
between the six nations  
and the colony of  
Pennsylvania, a new  
nation, the United States  
was made possible.

Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

## **RESOLUTION # BC-4-5-95-D**

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

WHEREAS, the Oneida Business Committee adopted on April 27, 1994 a resolution creating emergency amendments to the Oneida Comprehensive Gaming Ordinance as a result of communication from the National Indian Gaming Commission, and

WHEREAS, the Oneida Business Committee affirmed the adoption of the emergency amendments on October 5, 1994 by resolution to allow time for Public Hearings under the Oneida Administrative Procedures Act, and

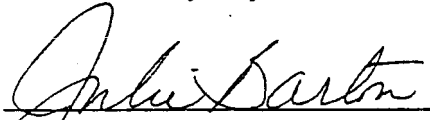
WHEREAS, the Public Hearing regarding those emergency amendments included in the October 5, 1994 resolution has been held, and

NOW THEREFORE BE IT RESOLVED: the Oneida Business Committee, under the authority granted in Article XIV of the Oneida Comprehensive Gaming Ordinance, adopts the attached Amended Oneida Comprehensive Gaming Ordinance, and

NOW THEREFORE BE IT FINALLY RESOLVED: that these amendments shall be effective immediately and remain in effect unless revoked by the General Tribal Council upon review at the July 1995, Semi-Annual General Tribal Council meeting where these amendments shall be reviewed according to Article XIV of the Oneida Comprehensive Gaming Ordinance.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 7 members were present at a meeting duly called, noticed and held on the 5th day of April, 1995; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for; 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Julie Barton, Tribal Secretary  
Oneida Business Committee

## COMPREHENSIVE GAMING ORDINANCE

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<p>Preamble</p> <p>Article I.</p> <p style="padding-left: 20px;">A. Title</p> <p style="padding-left: 20px;">B. Definitions</p> <p>Article II. General Principles</p> <p>Article III. Authority</p> <p>Article IV. Commission; Powers, Duties And Limitations</p> <p>Article V. Gaming Management; Powers, Duties And Limitations</p> <p>Article VI. Gaming Security; Powers, Duties And Limitations</p> <p>Article VII. Games</p>	<p>Article VIII. Investigations</p> <p>Article IX. Enforcement and Penalties</p> <p>Article X. Reports and Procedures for Receipt and Holding of Money</p> <p>Article XI. Audits</p> <p>Article XII. Allocation of Gaming Funds.</p> <p>Article XIII. Agreements</p> <p>Article XIV. Amendments</p> <p>Article XV. Tribal Gaming Facilities</p> <p>Article XVI. Licensing Procedures</p> <p>Table of Terms</p>
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### PREAMBLE

It is the intent of the Ordinance to clearly set for the laws and requirements of promulgation of regulations of the Oneida Tribe regarding all gaming conducted on the Oneida Indian Reservation. It is intended to govern the gaming activities of all persons, employees, consultants, and vendors as well as the Oneida Gaming Commission. It is further intended that all internal departments, enterprises and officials and employees of the Oneida Tribe shall work cooperatively to advance the best interests of the Oneida Tribe in protecting its gaming resources as well as its patrons.

### ARTICLE I.

#### A. TITLE

This Ordinance shall be known as the COMPREHENSIVE ONEIDA GAMING ORDINANCE

#### B. DEFINITIONS

1. "BACKGROUND CHECK" means a standard and thorough investigation conducted by Oneida Gaming Security, Oneida Public Safety or other authorized delegate of the Oneida Tribe pursuant to applicable federal laws or regulations. Said checks may be in cooperation with federal, state or other tribal law enforcement agencies.
2. "BINGO" means a game (whether or not electronic, computer, or other technologic aids are used) when players:
  - (1) play for prizes with cards bearing numbers or other designations; and
  - (2) cover numbers or designations, when object, similarly numbered or designated, is drawn or electronically determined; and
  - (3) win the game by being the first person to cover a designated pattern on such cards.
3. "BINGO OCCASION" means a single gathering or session at which a series of successive bingo games are played.
4. "BINGO SUPPLIES & EQUIPMENT" means all cards, boards, sheets, markers, pads or

other supplies, devices or equipment designed for use in the play of bingo.

5. "BUSINESS PLAN" means a plan extended over a period of years to be determined by the Oneida Business Committee or Oneida Gaming commission with narratives and financial projections including operating budgets which serve as a planning guideline for all gaming operations. The plan includes sections devoted to management, organization, legal background, operations, market, financial analysis, and contingency planning.

5a. "CLASS III GAMING" means all forms of gaming that are not Class I or Class II gaming, including, but not limited to:

- (1) card games such as baccarat, chemin de fer, and blackjack (21); or
- (2) casino games such as roulette, craps, and keno; or
- (3) any other house banking game (except pull tabs, punch boards, tip jars, instant bingo and other games similar to bingo, when played in the same location as bingo); or
- (4) any slot machines as defined in 15 U.S.C. 1171(a)(1); or
- (5) any electronic or electromechanical facsimiles of any game of chance; or
- (6) any sports betting and parimutuel wagering, including, but not limited to, wagering on horse racing, dog racing, or jai alai; or
- (7) lotteries.

6. "CONDUCT OF GAMES" means all games of chance conducted pursuant to this ordinance.

7. "CONFLICTS OF INTEREST" means personal, financial, family nepotism or any other circumstances in which a person has an interest in the outcome of a decision or action.

8. "CUSTOMIZED TRAINING PROGRAM" means training specifically related to the employee duties and responsibilities as gaming employees, i.e. customer relations, operation of equipment, accounting procedures and other training.

8a. "DESIGNATED KEY EMPLOYEE" means any position, identified by Job Description, which must be filled by an enrolled member of the Oneida Tribe.

9. "EMPLOYEE" means a person employed by the Oneida Tribe.

10. "EXTRA REGULAR CARD" means an indispensable card which affords additional opportunities to play in a regular bingo game at a bingo occasion.

11. "FELONY" means a crime which has been proven in a court of competent jurisdiction which is more than a misdemeanor and for which the convicted person may be subject to fines or imprisonment.

12. "FRAUD" means any act of trickery or deceit used to gain control or possession of the property of another.

13. "GAMES" means all games of chance authorized and/or conducted by the Oneida Tribe. Classes of games shall be as defined in IGRA and the Tribal/State Compact.

14. "GAMING EXPANSION PLAN" means a plan for any future gaming activities not defined or provided for in the annual Business Plan.

15. "GAMING MANAGEMENT" means the Gaming Manager, Directors of individual games, Supervisors and all personnel involved in the processing of Lotto tickets for sale or selection of winners.

16. "GAMING RETAIL LICENSE" means the license the Commission shall issue to each authorized retailer. Each retailer shall conspicuously display the certificate of authority, on the premises where lottery tickets are sold, for public inspection.

17. "GROSS RECEIPTS" means total receipts received from the conduct of each gaming operation.
18. "INCENTIVE SYSTEM" means a reward/ recognition system that will encourage good employee morale in the gaming area.
19. "INCIDENT" means an accident or event involving any person on the premises where gaming is conducted which results in injuries, damages to property or any unusual occurrence in the conduct of any game or machine.
20. "INSTANT TICKETS" means factory covered tickets which are purchased and opened by customers revealing predetermined winning arrangement.
21. "KEY EMPLOYEE" means,
- A. A person who performs one or more of the following functions:
    - (1) Bingo caller;
    - (2) Counting room supervisor;
    - (3) Chief of security;
    - (4) Custodian of gaming supplies or cash;
    - (5) Floor manager;
    - (6) Pit boss;
    - (7) Dealer;
    - (8) Croupier;
    - (9) Approver of credit; or
    - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
  - B. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
  - C. If not otherwise included, the four most highly compensated persons in the gaming operation.
22. "LOTTERY" means a game in which numbers are randomly selected for a predesignated total in combinations determined by the Oneida Tribe as winners. This shall include scratch off tickets.
23. "LOTTERY GAME RETAILER" means a person and/or business with whom the Gaming Commission has contracted for the purpose of selling Lotto tickets to the public.
24. "MACHINES" means all devices, mechanical or electronic, used by the Oneida Gaming enterprise to facilitate gaming operations. This includes Class III games of chance defined in the Oneida/ Wisconsin Class III Gaming Compact.
- 24a. "NET REVENUES" means gross gaming revenues of the Oneida gaming enterprise less:
- (1) Amounts paid out as, or paid for, prizes; and
  - (2) Total gaming-related operating expenses, excluding management fees.
25. "NEW GAME" means any game not specifically set forth in Article V, or any variation of an existing game for which additional expenditures will be required which have not been previously provided for in the Business Plan or Approved Budget.
26. "ONEIDA BUSINESS COMMITTEE" means the elected representatives of the Oneida General Tribal Council, composed of nine (9) Oneida Tribal members who perform duties authorized by the Oneida General Tribal Council.
27. "ONEIDA GENERAL TRIBAL COUNCIL" means the governing body of the Oneida

Tribe of Indians of Wisconsin composed of all the qualified voters of the Oneida Tribe of Indians of Wisconsin as determined by Article III, Section 2 of the Oneida Tribal Constitution.

28. "ON-LINE LOTTERY" means Point of Sale, the online system is a series of computer terminals which are similar in appearance to cash registers and are geographically dispersed. The terminals are linked up by dedicated phone lines to a central computer. A player picks six numbers out of a specified array of numbers, the agent enters the digits at their terminal and that play is recorded at the central site via a dedicated phone line. A player may select to have the computer randomly select the numbers.

29. "OVERSEE" means to review, investigate, hold hearings, find facts, report, review and recommend amendments to the Gaming Ordinance, rules and regulations, the annual gaming budget, recommendation on prosecution if necessary.

30. "PARIMUTUEL" means of system of betting on races in which the winners divide the total amount bet after deducting management expenses in proportion to the sums they have wagered individually.

31. "PLAN OF OPERATIONS" means of comprehensive document of operating authorities including all codes, resolutions, policies, regulations, and a summary of operating procedures.

32. "PREMISES" means any building, room, hall, enclosure, tent, or outdoor area in which gaming is being conducted.

32a. "PRIMARY MANAGEMENT OFFICIAL" means,

A. The person having management responsibility for a management contract; or

B. Any person who has authority:

(1) to hire and fire employees; or

(2) to set up working policies for the Oneida gaming enterprise; or

C. The chief financial officer or other person who has financial management responsibility.

33. "RAFFLES" refers to games that result in random winners, whereby each person purchasing a raffle ticket is afforded an equal opportunity to win a prize whether cash or merchandise.

34. "REGULAR BINGO CARD" means a card issued to a person upon payment of the admission fee which affords a person the opportunity to participate in all regular bingo games played at a bingo occasion.

35. "REGULAR BINGO GAME" means a bingo game in which a person, upon payment of the admission, is issued a regular bingo card and may purchase or rent extra regular cards.

36. "REMOVAL FOR CAUSE" means suspension or terminating the employment of any person connected with any aspect of the Oneida gaming operations for:

a. Behavior or conduct which may in any way affect local perceptions of the Oneida Gaming Enterprises in a negative manner, causing suspicion to be raised as to the actual conduct of said games, and which may lead to an inordinate decline in revenues actually received from the gaming operations.

1) Such behavior shall include theft, embezzlement, conversion and/or fraud.

2) Such behavior shall include under the influence of drugs or alcohol.

b. Direct noncompliance with any rule or regulation pertaining to gaming control or causing another either directly or indirectly to disregard such rules and regulations.



- c. Violation of any rule or policy of the Oneida Tribe as set forth in the Oneida Personnel Policies and Procedures.
  - d. All procedures under this provision shall be as provided for in the Tribe's Personnel Policies and Procedures.
37. "REVENUES" means the gross receipts collected from one or more gaming occasions, less sums necessarily and actually expended for conducting said games, supplies, equipment, prizes or utilities.
38. "REVIEW PROCESS" means a process whereby gaming management is evaluated on performance criteria.
39. "SECURITY" means the protection of the equipment, money, anything of value and the premises and the occupants thereof for all gaming activities, and personnel policies and procedures used to assert such protection.
40. "SPECIAL BINGO CARD" means a disposable, specially marked bingo card which affords a person the opportunity to participate in a special bingo game to be played with special bingo cards for special prizes.
41. "SPECIAL BINGO GAME" means any bingo game which is not a regular bingo game and which is played with special bingo cards for special prizes.
42. "STANDARD OPERATIONAL PROCEDURES" means rules and processes set forth separately but deriving from authority stated in this ordinance.
43. "TRIBAL LAND" means all lands within the exterior boundaries of the Oneida Indian reservation as defined by the 1838 Treaty, or otherwise possessed by the Oneida Tribe.

## ARTICLE II. GENERAL PRINCIPLES

- A. The purpose of this ordinance is to regulate the conduct of all gaming operations of the Oneida Tribe of Indians of Wisconsin. All gaming operations of the Oneida Tribe shall be conducted pursuant to this ordinance. All gaming operations shall be conducted in accordance with Article V below and duly authorized regulations set forth in a Standard Operational Procedures Manual.
- B. This Ordinance shall supersede all previous Ordinance, Resolutions and any and all Memorandum of Agreements or other tribal law governing the conduct of gaming by the Oneida Tribe. All provisions are effective upon enactment by the Oneida Business Committee.
- C. Licenses shall be required of the Gaming Manager, primary management official and key employee, vendors and/or contractors in accordance with the duly enacted license policy and procedure.
- D. Gaming addiction disorders are recognized as a potential hazard to a successful gambling operation. There will be provided referrals and educational services addressing this issue. Annual reporting of the incidence and prevalence of this malady will be by the various departments and programs who address it and made directly to the Commission.

## ARTICLE III. AUTHORITY

- A. This Ordinance is authorized by the Oneida Constitution, Article IV which has been delegated by the Oneida General Tribal council to the Oneida Business Committee.
- B. The Oneida Business Committee, subject only to review of the Oneida General Tribal Council, may further delegate responsibilities under the Oneida Constitution to subordinate organizations which have been directed by the General Tribal Council or which in the discretion of the Business Committee are in the best interests of the Oneida Tribe.

- C. This Ordinance addresses as required all provisions of the Indian Gaming Regulatory Act of 1988, P.L. 100-497.
- D. The Oneida Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming on Oneida Tribal Lands.
- E. The Oneida Business Committee shall retain the exclusive power to enter into agreements or compacts with states, any other governments or any other entity for gaming purposes.
- F. The Oneida Business Committee shall retain the exclusive power to enter into contracts and agreements effecting any sale, disposition, leases or encumbrances of tribal lands, interests in lands, or other assets of the Tribe.
- G. The Oneida Business Committee delegates to the Oneida Gaming commission duties and responsibilities as set forth in Article IV of this ordinance.
- H. This Ordinance authorizes the Standard Operational Procedures Manual which shall set forth the various procedures required by this ordinance.
- I. The Oneida Tribal Chairperson is hereby designated the agent for service of any official determination, order, or notice of violation.

#### ARTICLE IV. COMMISSION; POWERS, DUTIES AND LIMITATIONS

A. There shall be a commission to insure the integrity of all games authorized by this ordinance. Seven (7) members of the Gaming Commission shall be elected by the Oneida General Tribal Council for a term of three (3) years. The terms shall be staggered pursuant to a procedure duly enacted by the Oneida Business Committee. Vacancies shall be filled by appointment by the Oneida Business Committee until the next election.

1. Purpose. The purpose of the commission is to provide the basis for regulation and operation of gaming pursuant to this ordinance.

2. Qualifications for Election

a. Must be an enrolled tribal member, 21 years of age or older.

b. Must meet one (1) of the following criteria: Experience of at least one (1) year in;

1) Marketing

2) Accounting

3) Business Management

4) Previous Tribal Board, Committee, or Commission,

5) Gaming,

6) Law Enforcement and/or

7) Formal training in any of the above areas

c. No individual shall be eligible for election to, or to continue services on, the Commission, who:

1) Has been convicted of a felony or crime of fraud as defined in this ordinance or gaming offense unless pardoned by the Business Committee

2) Has any financial interest in, or management responsibility for any gaming activity that would be in direct competition with gaming authorized by this ordinance.

3) Has any Conflict of Interest as defined in this Ordinance and the Tribal policy defining Conflicts of Interest.

d. Compensation, if any, shall be paid for attendance at each meeting and consistent with common tribal practice and policy as set forth in the Standard operational



Procedures by the Commission and approved by the Business Committee.

B. Election of Commission

1. All candidates shall submit to a thorough background investigation initiated by the Gaming Security Director or Oneida Public Safety Department and completed prior to election as required pursuant to the Election ordinance.
2. All candidates shall complete a form requiring disclosure of conflicts of interest prior to the election as required by the Oneida Election ordinance.
3. Elections shall be made by the Oneida General Tribal Council pursuant to the Oneida Election ordinance and the requirements of this ordinance.
4. Installation shall be administered by oath at a regular meeting of the Oneida Business Committee.
5. Upon installation, all Commission members shall be issued a Tribal Gaming security Card setting forth their title and term of office.
6. There shall be an annual meeting within thirty (30) days after the election at which the commission shall select from amongst its members a chairperson, a vice-chairperson and a secretary and shall inform the Business Committee, Gaming Manager and Kalihwisaks of its membership.

C. Responsibilities of Commission

1. No Commissioner shall act independently of the Commission. Any such acts may be grounds for removal.
2. Shall promulgate such rules, regulations, procedures, and guidelines as it deems appropriate to implement and enforce the provisions of this ordinance to be approved by the Business Committee, including and consistent with all directives of the Oneida General Tribal Council. These shall be set forth in the Standard Operational Procedures, specifically including meeting rules and internal elections for officers. These may be amended at the discretion of this Commission and approved by the Business Committee.
3. The Commission shall review and approve all contracts and agreements prior to execution deemed necessary in implementing the annual business plan according to the approved budget following the same general policies and contract review procedures used by the Oneida Business Committee for all other contracts and agreements.
4. The Commission shall meet quarterly unless otherwise required.
5. Report activities to Business Committee to coordinate corrective measures.
6. Monitor and regulate gaming activities on a continuing basis as it relates to this Gaming Ordinance.
7. May inspect and examine all premises where gaming is conducted.
8. May conduct such hearings, sit and act at such times and places, take such testimony and receive such evidence as the Commission deems necessary.
9. Shall submit a report semi-annually to the Secretary of the General Tribal Council.
10. May review licenses as may be deemed necessary as well as the licensing procedure.
11. Shall review the investigation of the background of and issue a license to the Gaming Manager.
12. Monitor and review all activities of gaming management plans, budgets, projects, and progress and implementation of all directives of the Oneida Business Committee and provisions of this ordinance.

D. Commission Reports to Business Committee or Oneida General Tribal Council:

1. Approved minutes of all meetings shall be sent to the Secretary of the Oneida General Tribal Council within thirty (30) days.
2. Financial reports referred to in Article X of this ordinance shall be reported as set forth in that Article.
3. Summary reports of investigations or matters shall be made at the discretion of the commission or as requested, provided that confidentiality is not breached in criminal investigations or otherwise.

#### **ARTICLE V. GAMING MANAGEMENT; POWERS, DUTIES AND LIMITATIONS**

A. There is hereby authorized a Gaming Management Structure as set forth under Article IV, Sec. 1, (G) of the Oneida Tribal Constitution which shall be defined in the Standard Operational Procedures Manual.

1. All Primary Management personnel and designated primary management official shall be enrolled members of the Oneida Tribe of Indians of Wisconsin, 18 years of age or over. These positions shall be listed by job title in the Standard operational Procedures Manual. All other gaming personnel shall be employed pursuant to the Standard operational Procedures, specifically Gaming Personnel Policies and Procedures which will provide for Oneida and Indian preference.
2. Gaming management must be licensed as provided for in this ordinance and Standard operational Procedures.
3. Any gaming management member or employee may be removed for cause as provided for in the tribe's Personnel Policies and Procedures or this ordinance.
4. All management and employees must be bondable under the Tribe's policy.
5. Background checks will be made on all applicants prior to employment and on employees as necessary as set forth in the Standard Operational Procedures Manual.
6. Conflicts of Interest are to be avoided, but in any case require full disclosure.
7. Gaming Management shall cooperate with the Gaming Commission in all investigations whether criminal or otherwise and other responsibilities.
8. All management and employees shall execute necessary disclosure statements regarding conflicts of interest.

#### **B. Powers of Gaming Manager**

1. The Gaming Manager shall have full jurisdiction for daily operations of gaming conducted under this Ordinance as well as corollary services provided to patrons.
2. The Gaming Manager shall draft and propose regulations and rules governing licenses. Such regulations and rules are to be reviewed by the commission with recommendations, if any, and subject to approval of the Oneida Business Committee. Such rules and regulations shall be set forth in the Standard Operational Procedures Manual.
3. Conduct gaming operations by personal supervision as set forth in Article VI, below and the Standard Operational Procedures.
  - a. Personnel policies shall conform to Tribal Personnel Policies and Procedures unless otherwise required.
  - b. All such policies shall be reviewed by the Gaming commission and approved by the Business committee.
4. The Gaming Manager shall supervise the receipt and deposit of monies realized as revenues from gaming operations in the Oneida Gaming account as directed at banks

designated by the Oneida Business Committee.

**ARTICLE VI. GAMING SECURITY; POWERS, DUTIES AND LIMITATIONS**

A. A Director of Security will supervise a separate arm of the Public Safety Department which shall have jurisdiction over all security activities including all surveillance equipment. This person shall have a background as a police officer, federal officer, criminal investigator, and/or gaming security specialist. As a condition of employment, the candidate shall receive training in all of the above areas in which he is not fully qualified at the time of employment.

B. The Director of Security shall report directly to the Oneida Gaming Commission on a monthly basis or as required. The Director of Security shall communicate with the Chief of Public Safety on daily matters, if any, for security, and with the Gaming Manager on daily requirements, if any, for operational purposes.

C. The Director of Security shall maintain written policies and procedures for the conduct of security operations. These policies and procedures shall be reviewed by the Chief of Public Safety, the Oneida Gaming commission, and Gaming Manager for approval by the Oneida Business Committee.

*Articles  
Compact*

→ D. The Director of Security shall conduct or cause to be conducted such background investigations of contractors and vendors, as may be necessary prior to the accomplishment of any contracts and agreements by Gaming Management. Procedures governing for obtaining, recording and reporting background investigations shall be promulgated by the Director of Security, approved by the Oneida gaming Commission and set forth in the Standard Operational Procedures.

→ E. Reports of incidents shall be the responsibility of the Director of Security. Procedures governing the use or release of reports or investigations shall be promulgated by the Director of Security and approved by the Gaming Commission and included in the Standard operational Procedures Manual.

F. The Oneida Police Department shall be the designated authority of the Oneida Tribe of Indians of Wisconsin responsible for the fingerprinting of persons subject to background checks, or other licensing procedures.

**ARTICLE VII. GAMES**

A. All games of chance shall be designated as class II or class III games and consistent with agreements or compacts executed by the Oneida Tribe or the Indian Gaming Regulatory Act or other federal law determined by the federal courts.

B. The following games are hereby authorized by this Ordinance:

1. Bingo
2. Raffles
3. Lottery
4. Machines
5. Table Games
  - a. Black Jack
6. Parimutuel wagering

C. The following games shall be authorized and designated as class III games if permitted by federal and state laws:

1. Table Games
  - a. Craps
  - b. Roulette

2. Card Games
    - a. Poker style games
    - b. Other games authorized and defined by the Gaming Commission as set forth in the Standard operational Procedures.
  3. Electronic games of chance with video facsimiles or mechanical displays.
  4. Pull-tab or break open tickets, if not played at the same location where bingo is played.
- D. New Games: New games shall not be commenced unless and until such game has specifically met the following criteria:
1. New games must be proposed by the Gaming Manager, reviewed by the Oneida Gaming Commission and approved by the Business Committee.
  2. Rules for each new game must be included in the Standard Operational Procedures Manual.
  3. The Gaming Business Plan must be amended as required.
  4. The gaming budget for the fiscal year shall be amended to provide therefore.
  5. If the new game is defined as Class III, such games may not be commenced unless provide therefore.
- E. Standard of Gaming Procedure
1. Standard Operational Procedures Manual
    - a. This Manual shall specify detailed rules and procedures for the conduct of each game. The Manual shall also include necessary procedures for security, reporting and any other related areas.
  2. All games shall be separately operated with rules for each set forth in the Standard Operational Procedures Manual.
  3. The Standard Operational Procedures shall be drafted by the Gaming Manager or responsible entity or department and reviewed by the Gaming commission and approved by the Business Committee.
  4. Revision of rules for any reason shall conform to the same process.
- F. Prohibitions:
1. Gaming may not be conducted by any Indian or Oneida Tribal member, not employed by the Oneida Tribe of Indians of Wisconsin to specifically conduct gaming on the Oneida Indian Reservation.
  2. No person who has been convicted of a felony or a violation of any provision of the Personnel Policies and Procedures Manual resulting in dismissal or any misdemeanor crime of fraud or theft of any kind may be employed in the conduct of any game defined in this Ordinance unless such person has been formally pardoned by the Oneida Business Committee upon the recommendation of the Gaming Commission. Provided, however, that V.A.4. requirements of this Ordinance are adhered to.
  3. Prohibited Prizes: There shall be no prize consisting of alcoholic or fermented malt beverage or an interest in relisted or securities.
  4. Alcohol and Drugs: No alcoholic beverages and /or illegal drugs shall be allowed on tribal premises where gaming is conducted. Anyone caught possessing and /or using alcoholic beverages or illegal drugs shall be removed from the premises and barred from participating in any gaming activity on tribal premises. Violators may be subject to criminal prosecution.
  5. Sale of Supplies and Refreshments:

a. No person shall sell any merchandise on the premises where bingo is being conducted unless authorized by the bingo management. This does not include the sale of food or refreshments.

b. Customers are prohibited from the premises where bingo is conducted other than what is purchased on the premises.

#### 6. WHO MAY NOT PLAY

a. No member of the Oneida Business committee, Oneida Gaming Commission, Gaming Security and surveillance personnel, Machine Technicians or Repair persons, Accounting Personnel, primary management official, key employee or Primary Gaming Management employees or Professional Advisors or consultants may play.

b. Except as provided elsewhere in this Ordinance, any person 18 years of age or over may participate as a player in games conducted by the Oneida Tribe.

c. Age Limitations:

1) No person under the age of 18 shall play any game authorized by this Ordinance.

2) No person under the age of 18 shall be present on or in tribal premises where games are conducted, unless otherwise authorized.

d. No Tribal employee may participate or be a patron alone or in partnership with any other person or employee during their normal hours of employment.

e. No consultant or vendor, their associates or members of their immediate families shall be a patron or player at any game authorized by this Ordinance.

7. No manager or employee of the Oneida Tribe or for one (1) year following employment may participate in any personal business venture or other endeavor which competes with any enterprise governed by this Ordinance or undermines said enterprise, or utilizes expertise gained by virtue of their employment by the Oneida Tribe, except by prior disclosure and approved by the Oneida Business Committee.

#### F. Rules for All Games

1. Sufficient space to Play: Each play is entitled to a place with sufficient room in which to play.

2. Limitation on Players: Limited to the capacity of the premises/facility as defined by applicable safety standards.

3. Payouts: Shall be as authorized and as set forth in the Standard Operational Procedures Manual. Limitations on payouts shall be conspicuously posted and specific notice of such pay proved to all persons to whom such limitations apply. Payouts by annuities shall be as set forth in the annuity agreement.

4. Advertisement of Games: All gaming advertising shall be consistent with this Ordinance, the provisions of the Indian Gaming Regulatory Act, and the Compact and shall be set forth in the Standard Operational Procedures Manual.

5. Bus Regulations: Shall be promulgated by the Manager and reviewed by the Gaming Commission to insure the following:

a. Applications for permits including IRS taxpayer I.D. numbers

b. Orderly procedures for the bus patrons, parking

c. Consistency with the laws and policies of the Oneida Tribe and this Ordinance

d. Compliance with the Ordinance, the IGRA and the Oneida/Wisconsin Compact.



**ARTICLE VIII. INVESTIGATIONS**

**A. General**

1. All investigations shall be coordinated pursuant to procedures set forth in the Standard Operational Procedures Manual.

B. All management personnel shall be trained in appropriate investigative processes.

**ARTICLE IX. ENFORCEMENT AND PENALTIES**

A. No Indian shall conduct gaming operations within the borders of the Oneida Indian Reservation except as prescribed above.

**B. Violations/Prosecutions:**

1. Violators of these rules may be subject to disciplinary action and civil/criminal prosecutions where circumstances so indicate.

**C. Remedies:**

1. Any person violating any provision of this Ordinance may be subject to:

a. Forfeit not more than \$2,000.00 per each violation to the Oneida Tribe.

b. Make restitution for all losses as may be indicated.

c. The Oneida General Tribal Council or other authorized body shall conduct a hearing to enforce this provision consistent with due process and equal protection to tribal law.

d. The Oneida Business Committee shall direct and authorize commencement of an action in any court of competent jurisdiction to recover losses, restitution and forfeitures previously adjudged by the Oneida Business Committee or appropriate tribal forum, and invoke other appropriate tribal remedies.

**ARTICLE X. REPORTS AND PROCEDURES FOR RECEIPT AND HOLDING OF MONEY**

A. A monthly financial report shall be submitted to the Oneida Gaming Commission and the Oneida Business Committee.

**ARTICLE XI. AUDITS**

A. Annual audits shall be conducted pursuant to the financial policies of the Oneida Tribe.

1. Special audits as set forth in the Standard Operational Procedures Manual, including surprise cash counts and other unannounced verification procedures may be authorized at any time by:

a. Oneida General Tribal Council, or

b. Oneida Business Committee, or

c. Oneida Gaming Commission, or

d. Audit Committee.

2. The gaming enterprise shall be subject to an annual audit by independent, certified public accountant, and copies of the audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions, for a contract amount in excess of \$25,000.00 (except for contracts for professional legal and accounting services) relating to Class II or Class III gaming shall be subject to such audits.

**ARTICLE XII. ALLOCATION OF GAMING FUNDS.**

A. Application of net revenues. Net revenues are not to be used for purposes other than:

1. to fund tribal government operations or programs;
2. to provide for the general welfare of the Oneida Tribe and its members;
3. to promote tribal economic development;
4. to donate to charitable organizations; or,
5. to help fund operations of local government agencies;
6. other legitimate purposes determined by the Oneida General Tribal Council, or the Oneida Business Committee, in accordance with the Oneida Tribal Constitution and the Indian Gaming Regulatory Act.

**ARTICLE XIII. AGREEMENTS**

Pursuant to this Ordinance, the Oneida Tribe may enter into agreements or compacts to further its gaming interests with any of the following:

- A. Other tribes, this shall mean cooperative gaming with other tribes on their reservations or trust lands, or consultation on gaming issues.
- B. State and local governments, this shall mean Tribal-State Compacts pursuant to this Indian Gaming Regulatory Act, (P.L. 100-497).
- C. Other private or corporate entities, this shall mean any private company, business or group and such agreements may be subject to provisions of the Indian Gaming Regulatory Act.

**ARTICLE XIV. AMENDMENTS**

This Ordinance may be revised only by the Oneida Business Committee and reviewed by the General Tribal Council pursuant to procedures duly enacted for the purpose of enacting, revising, amending, or revocation of the laws of the Oneida Tribe. Such revisions and amendments shall be based upon Gaming Commission recommendations.

**ARTICLE XV. TRIBAL GAMING FACILITIES**

A. The construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment, and the public health and safety, and shall comply with requirements of the Compact and all other applicable health, safety, and environmental standards enacted by the Tribe.

B. Licensing of Gaming Facilities. All premises where gaming is to be conducted on Tribal Land must be licensed by the Oneida Business Committee, after showing the following;

1. That the premises meet Oneida, State, and local health and safety standards. This may be shown by submitting certified copies of certification by the agencies responsible for enforcing those standards.
  - a. If health and safety standards are not being met, proof must be shown that the property on which gaming is being conducted is in the process of improvements which will bring the property up to the applicable standards.
2. That the premises meet applicable Tribal, State, and local environmental standards. This may shown by submitting a copy of an environmental assessment of the property on which the premises are located.
  - a. If the property on which the premises where gaming is being conducted do not meet applicable environmental standards, proof that remediation of the property is

- being actively sought must be submitted with the environmental assessment.
3. Existing Tribal Gaming facilities which are not presently licensed shall become licensed within ninety (90) days of the implementation of these amendments.

## ARTICLE XVI. LICENSING PROCEDURES

A. Statement of Policy. In order to comply with the provisions of the Indian Gaming Regulatory Act and 25 CFR Part 558, the Oneida Gaming Commission hereby promulgates the following procedure for the licensing of all employees of Oneida gaming enterprises.

### B. Primary Management and Key Employees

#### 1. Definitions

a. Key Employee means a person who performs one or more of the following functions:

- i. Bingo Caller
- ii. Counting Room supervisor
- iii. Chief of Security
- iv. Custodian of gaming supplies or cash
- v. Floor manager
- vi. Pit Boss
- vii. Dealer
- viii. Croupier
- ix. Approver of Credit
- x. Custodian of gambling devices including persons with access to cash and accounting records within such devices,
- xi. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year, or
- l. If not otherwise included, the four most highly compensated persons in the gaming operation.

b. Primary Management Official means:

- i. The person having management responsibility for a management contract.
- ii. Any person who has authority to hire and fire employees, to set up working policy for the gaming operation, or the Chief Financial Officer or other person who has financial management responsibility.

#### 2. Privacy Notice

a. Federal Notice Requirements. The following notice shall appear on all application forms for employment as a primary management or key employee with Oneida gaming enterprises, as required by 25 C.F.R. 556.2.

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 employees in a gaming operation. The information will be used by 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 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 National Indian

Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

b. The following shall appear on all application forms for employment as a primary management or key employee with Oneida gaming enterprises:

The Licensing Background Division will be requesting a credit report in connection with any licensing necessary for working in the Oneida Gaming Commission. If you are denied a license based on information contained in a credit report, you will be informed of the name and address of the Credit Reporting Agency which provided the information.

You have the right to request a copy of that credit report from the Credit Reporting Agency within 60 days of notice of adverse action.

c. Tribal Privacy Policy Notice Requirements. In addition to the above notices, the following notice regarding the Oneida Tribe's privacy procedures shall accompany the application:

The Oneida Gaming Commission also requires the disclosure of the information requested on this application for its own licensing decisions and its personnel files. This information shall remain confidential, and shall not be disclosed to any person, except as provided for in the Oneida Gaming Commission's own privacy policy.

### 3. Privacy Act Compliance for Current Employees

Pursuant to 25 C.F.R. 556.2 (b), the Oneida Gaming Commission shall inform all current primary management and key employees that they must complete a new application form containing the privacy notices.

### 4. Notice Regarding False Statements

a. The Oneida Gaming Commission shall include with the application form for primary management and key employees the following statement:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. [18 U.S.C. 1001]

b. Pursuant to 25 C.F.R. 556.2 (b), the Oneida Gaming Commission shall inform all current primary management and key employees that they must complete a new application form containing the notice regarding false statements.

### 5. Background Checks:

a. The Oneida Gaming Commission shall require the following information on applications for all primary management or key employees:

i. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written), and all drivers license numbers;

ii. 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 iii. of this subsection;

- iii. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residential addresses;
- iv. Current business and residence telephone numbers;
- v. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- vi. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- vii. 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;
- viii. 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 and disposition if any;
- ix. 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 and disposition;
- x. For each municipal ordinance conviction or ongoing ordinance 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 and disposition.
- xi. 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 viii. or ix. of this subsection, the criminal charge, the name and address of the court involved and the date and disposition;
- xii. 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;
- xiii. Two current photographs;
- xiv. Disclosure of conflicts of interest as defined by Oneida Business Committee Resolution 9-28-90-A, and
- xv. Fingerprints consistent with procedures adopted by the Oneida Tribe.

b. Background Check Procedures

The Oneida Gaming Commission shall review the completed background check, in compliance with the requirements of 25 CFR 556.4 prior to the date that the key or primary management employee begins the position and forward the completed investigation to the National Indian Gaming Commission.

6. Compact Limitations on Who May Be Licensed

Under 25 CFR 558, licensing authority of gaming employees rests with the Tribe pursuant to these procedures and the Oneida Gaming Ordinance. The Tribe's authority to license personnel is, however, limited by the Oneida Tribe - State of Wisconsin Gaming Compact of 1991, which places the following restrictions upon the Oneida Tribe in the licensing of primary management and key employees:



- a. No person shall be licensed by the Oneida Gaming Commission who has been convicted of, entered a plea of guilty or no contest to any of the following, unless the person has been pardoned:
  - i. A felony, other than a felony conviction under subdivisions b, c, or d of this paragraph during the preceding 10 years;
  - ii. Any gambling related offense;
  - iii. Fraud or misrepresentation in any connection;
  - iv. A violation of any provision of Chapters 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board or the Wisconsin Racing Board, or a tribal ordinance regulating or prohibiting gaming.
- b. The Oneida Gaming Commission shall not license any person that it determines 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.
- c. Records retention: The Licensing Background Division of the Oneida Bingo & Casino shall keep records of all investigations and determinations confidential, provided that authorization is given to personnel giving a written request to view, but not copy, the investigative records or determinations, pursuant to these procedures or any privacy procedures or policies adopted by the Oneida Tribe of Indians of Wisconsin, for seven years.
- d. Periodic Review: The Compact requires that all persons subject to these procedures shall be reviewed every 2 years, by the Oneida Gaming Commission, to determine their continued meeting of the Compact's terms and conditions.

#### 7. Conflicts of Interest

- a. For purposes of this ordinance, "conflict of interest" is defined according to Oneida Business Committee Resolution 9-28-90-A.
- b. The Oneida Gaming Commission may, in its discretion, grant a gaming license to a primary management or key employee who has disclosed a conflict of interest.
- c. Primary management and key employees found to have an undisclosed conflict of interest as defined in Resolution 9-28-90-A shall be subject to immediate suspension without pay and, pending an investigation by the Oneida Gaming Commission, may be terminated when indicated. After any such action by the Oneida Gaming Commission, the terminated employee shall have the same rights of appeal as all other employees pursuant to Oneida Personnel Policies and Procedures.

#### 8. Licensing Procedures

- a. The Oneida Gaming Commission shall review the information obtained from the background investigation of the potential employee and make a recommendation concerning their eligibility for employment with Oneida gaming enterprises.
- b. The Oneida Gaming Commission may, in its discretion, grant a license to any person other than those whose employment would not be allowed pursuant to paragraphs 6(a) and 6(b) above.
- c. The Oneida Gaming Commission shall forward its recommendation to the National Indian Gaming Commission, along with the employee's application for

employment and the completed background investigation pursuant to 25 CFR 556.5 and Subsection 5(b) of this Section.

d. The Oneida Gaming Commission shall forward any additional information requested by the National Indian Gaming Commission during the 30 days after the transmission of its recommendations the National Gaming Commission.

e. The Oneida Gaming Commission may license a key or primary management employee upon receiving the approval of the National Indian Gaming Commission. If objections to the granting of a license are received from the National Indian Gaming Commission, the Oneida Gaming Commission may, nevertheless, license any employee after consideration of any objections.

f. The Oneida Gaming Commission may establish a fee schedule in connection with the processing of license applications.

#### 9. License Suspension

a. If the National Indian Gaming Commission communicates to the Oneida Gaming Commission that it has information that a key or primary management employee is ineligible for their position, the Oneida Gaming Commission shall suspend that employee's license, after notifying the employee in writing.

b. The Oneida Gaming Commission shall hold a hearing on the revocation of the license within 15 days of the notice being sent to the employee in question. The hearing shall be conducted pursuant to the Oneida Administrative Procedure Act.

c. The Oneida Gaming Commission has the authority to reinstate or revoke a gaming license, subject to the limitations placed upon it by the Tribal-State Compact. The Oneida Gaming Commission shall inform the National Indian Gaming Commission of its decision.

10. Appeals. In the event that an employee's license is suspended or revoked by the Oneida Gaming Commission, that employee shall have the right to appeal the decision to the Oneida Appeals Commission in accordance with the Oneida Administrative Procedure Act. In no event, however, can an employee be reinstated in violation of the Tribal-State Compact.

~~11.1~~ License Duration. A gaming license granted by the Oneida Gaming Commission shall be valid for as long as the primary management or key employee is in his or her position, subject to review every two years for continued compliance with federal regulations, the Compact, and these procedures.

#### ~~12.1~~ Enforcement and Penalties

a. No person who has provided materially false or misleading information on a license application shall be granted a gaming license by the Oneida Gaming Commission.

~~12.1~~ Any primary management or key employee committing any act which would preclude the individual from being granted a license shall be subject to immediate suspension without pay and, pending an investigation by the Oneida Gaming Commission, may be terminated where indicated. After any such action by the Oneida Gaming Commission, the terminated employee shall have the same rights of appeal as all other employees pursuant to Oneida Administrative Procedure Act.

#### C. Requirements for Employees Other than Primary Management or Key Employees

Employees other than primary management or key employees are not subject to the requirements of 25 C.F.R. 558 for a gaming license. Nevertheless, for the Oneida Tribe to obtain a certificate of

self-regulation, a procedure for screening such employees needs to be in place.

a. The Oneida Gaming Commission shall require every potential employee to submit to a background check as provided in Section B(5) above. The Oneida Gaming Commission shall review the complete background check, and, in its discretion, grant a license to the prospective employee. The Oneida Gaming Commission need not send a report to the National Indian Gaming Commission for employees other than primary management or key employees.

b. The Oneida Gaming Commission shall not issue a license to any employee if the issuance of such a license is forbidden under the Compact and Section B(6) above.

c. License Duration: A license for an employee other than a primary management or key employee shall be valid for the amount of time that the licensee is employed by Oneida gaming enterprises, subject to review every two years as provided in Section B(11) above.

d. All other conditions governing the licensing of primary management and key employees shall apply equally to all other employees of Oneida gaming enterprises.

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GTC-7-6-92-A - Amendments

BC-4-27-94-B - Emergency Amendments

BC-10-15-94-A - Re-authorization of Emergency Amendments

BC-4-5-95-D - Final Approval of Amendments with GTC Ratification

**Table of Terms**

**Bingo**

- Bingo
- Bingo Occasion
- Bingo Supplies and Materials
- Extra Regular Card
- Extra Regular Game
- Special Bingo Card
- Special Bingo Game

**Business**

- Business Plan
- Conduct of Games
- Conflicts of Interest
- Customized Training Program
- Gaming Expansion Plan
- Gaming Management
- Incentive System
- Incident
- New Game
- Plan of Operations
- Security
- Standard Operational Procedures

**Employee, Employment**

- Background Check
- Conflicts of Interest
- Customized Training Program
- Designated Key Employee
- Felony
- Fraud
- Gaming Management
- Incentive System
- Key Employee
- Lottery Game Retailer
- Primary Management Official
- Removal For Cause
- Review Process

**Equipment**

- Bingo Supplies and Materials
- Extra Regular Card
- Gaming Retail License
- Instant Tickets
- Machines
- Regular Bingo Card
- Special Bingo Card

**Finances**

- Gross Receipts
- Net Revenues
- Revenues

**Games**

- Bingo
- Class III Gaming
- Games
- Instant Tickets
- Lottery
- New Games
- Pari-mutuel
- Raffles

**Governmental**

- Oneida Business Committee
- Oneida General Tribal Council
- Oversee

**Locations**

- Gaming Retail License
- Lottery Game Retailer
- Tribal Land