

UPDATED DRAFT (10/18/16) - OUT FOR PUBLIC COMMENT

[Underlined words indicate proposed, new language or where large Sections of current law are moved. Proposed deletions are struck-through]

**HO-CHUNK NATION CODE (HCC)
TITLE 5 – BUSINESS AND FINANCE CODE
SECTION 1 – AMENDED & RESTATED GAMING ORDINANCE**

AMENDMENTS ENACTED BY LEGISLATURE: TBD

Amendments Approved by NIGC on TBD

CITE AS: 5 HCC § 1

This Ordinance supersedes the Amended and Restated Gaming Ordinance of the Ho-Chunk Nation HCC #94-001 enacted by Legislative Resolution 5/11/99L and amended by Legislative Resolution 8/3/05 B and, last amended by Legislative Resolutions 12-18-07 A and 1-28-08 D, and herein amended by Legislative Resolution 00-00-2014.

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1. Authority.

- a. Article V, Section 2(a) of the Constitution gives the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes.
- b. Article V, Section 2(f) of the Constitution gives the Legislature the power to set the salaries, terms and conditions of employment for all governmental personnel.
- c. Article V, Section 2(h) of the Constitution gives the Legislature the power to enact all laws prohibiting and regulating conduct and imposing penalties upon all persons within the jurisdiction of the Nation.
- d. Article V, Section 2(q) of the Constitution gives the Legislature the power to issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities.
- e. The Indian Gaming Regulatory Act (“IGRA”) 25 U.S.C. §§ 2701-2721 provides the statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.

2. Purpose. The purpose of this Ordinance is to:

- a. Provide a statutory basis for the operation of gaming by the Nation as a means of promoting tribal economic development, self-sufficiency and a strong tribal government.
- b. Provide a statutory basis for the regulation of gaming by the Nation to ensure gaming is shielded from organized crime and other corrupting influences; ensure that the Nation is the primary beneficiary of the gaming operations; and ensure that gaming is conducted fairly and honestly by both operators and players.
- c. Establish the Ho-Chunk Nation Gaming Commission (“Commission”) as the independent regulatory authority charged with oversight and enforcement of gaming regulatory matters under the Nation’s laws.
- d. Establish the Ho-Chunk Nation Gaming Commission as an entity charged with providing regulatory training to licensed gaming facilities and employees to ensure ~~that licensed employees actions are in~~ understanding and conformance with IGRA, any Tribal/State Gaming Compact, and other gaming regulatory matters under the Nation’s laws.
- e. Provide appropriate regulations and rules which will be enforced throughout the jurisdiction of the Nation to ensure the close control by the Ho-Chunk Nation Legislature (“Legislature”) of all phases of the conduct of gaming operations on the Nation’s lands.

3. Policy.

- a. The Nation will have the sole proprietary interest in and responsibility for the conduct of any gaming activity authorized by this Ordinance or conducted on the Nation's lands.
- b. The regulations and rules set forth in this Ordinance will govern all gaming activity conducted on the Nation's lands. To the extent that the Nation's existing or subsequently amended *Employee Relations Act* (6 HCC § 5) or other employment manuals, policies and procedures are inconsistent with this Ordinance, this Ordinance will supersede such regulations, manuals, policies and procedures pertaining to gaming activity.
- c. This Ordinance may be amended by an affirmative vote of ~~eight (8)~~ two thirds (2/3) of the seated members of the Legislature ~~at any time~~ at a duly called meeting ~~at which a quorum is present~~.

4. Effect of Headings. Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent or the provisions of any Section of the Ordinance.

5. Liberal Interpretation. The provisions of the Ordinance, being necessary for the welfare of the Nation and its members, shall be liberally construed to affect the purpose and objective hereof, but in all cases, consistent with the provisions of the IGRA.

~~6. Severability.~~ [moved to end of document]

6. Definitions. Except where otherwise defined in this Ordinance, words used will have their commonly understood meaning.

- a. "*Applicant*" means any person or entity having an application on file with the Commission in connection with any gaming operation.
- b. "*Application*" means all forms, documents and other information required by the Commission from any individual or entity for the issuance of a gaming license or the registration of a non-gaming entity.
- c. "*Attorney General*" means the individual designated as the Executive Director of the Department of Justice of the Ho-Chunk Nation.
- d. "*Charitable gaming*" means any authorized gaming conducted by a Ho-Chunk Nation organization on the Nation's lands for the benefit of the general welfare programs or for the benefit of Tribal Members.

e. “*Class I gaming*” is defined in accordance with the IGRA, 25 U.S.C. §2703(6); 25 C.F.R. § 502.2 and means:

- (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.

f. “*Class II gaming*” is defined in accordance with the IGRA, 25 U.S.C. §2703 (7); 25 C.F.R. § 502.3 and means:

- (1) Bingo or lotto (whether or not electronic, computer, or other technological 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;

g. “*Class III gaming*” is defined in accordance with the IGRA, 25 U.S.C. §2703 (8); 25 C.F.R. § 502.4 and means 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.

h. "*Collateral agreement*" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Nation (or any of its members, entities or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor).

i. "*Commission*" or "*Gaming Commission*" means the Ho-Chunk Nation Gaming Commission.

j. "*Compact*" or "*Tribal/State Compact*" means any Tribal/State Gaming Compact concerning Class III gaming entered into pursuant to the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2710 (d).

~~k. "Court" means the Ho-Chunk Nation Trial Court.~~

k. "*Department of Justice*" means the Ho-Chunk Nation Department of Justice, its subdivisions and authorized officials, agents, and representatives.

l. "*Eligibility*" means a standard whereby the Gaming Commission looks to an applicant's, licensee's, or vendor's prior activities, criminal record, if any, or reputation, habits and or associations to determine whether or not these prior actions pose a threat to the public interest or to the effective regulation and control of gaming conducted under this Ordinance, or create or enhance the dangers of unsuitable, unfair, or illegal practices, and methods, and activities in the conduct of such gaming.

lm. "*Executive Manager*" or ~~"General Manager"~~ means the individual who has overall responsibility for day-to-day management of operations in a gaming facility.

n. "*Executive session*" means the portion of a meeting or hearing not open to the public.

o. "*Ex parte communication*" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given and in which not all parties subject to the hearing are present, but it will not include requests for status reports on any matter or proceeding covered by this Ordinance.

~~p. "Fitness" means the state of being qualified or competent to perform a given job function.~~

~~q. "Game" or "Gaming" means any activity in which a person places valuable consideration at risk, based on the outcome of any event concerning chance, skill, speed,~~

~~strength, endurance, sport, or any combination thereof, wherein an award of value may be granted or lost depending on said outcome.~~

~~p. "Gaming activity" means all activities performed by any person for the purpose of conducting or assisting with the conducting of any game or gaming, including promotions, marketing, or any direct or indirect assistance at the site/facility or remotely. The term "gaming activity" includes such things as marketing, transportation of chips or cash, maintenance or repair of gaming related machinery, but excludes associated commercial activity such as hospitality and retail activity that does not involve the performance of gaming activity (i.e., food and beverage, hotel, gift shop sales, and similar operations).~~

~~q. "Gaming facility" means the building and associated real property within which the Nation conducts Class II or Class III gaming, but will not include any adjacent or attached non-gaming enterprises such as hotels, retail shops and eating establishments.~~

[*possible alternative*: ... means the building and associated real property within which the Nation conducts Class II or Class III gaming on Indian Lands]

~~r. "Gaming operation" means an economic entity that is licensed by the Nation, to operates Class II or Class III the games, receives the revenues, issues the prizes, and pays the expenses of operating said Class II or III games. A gaming operation may be operated by the Nation directly; by a management contractor; or, under certain circumstances, by another person or entity.~~

s. "Gaming-related contract" means any agreement under which the Nation procures gaming materials, supplies, equipment or services which are unique to the operation of gaming and not common to ordinary tribal operations (such as accounting or legal services); the term includes, but is not limited to:

- (1) Management contracts related to Class II or Class III gaming.
- (2) Management consultation services regarding the administration, supervision, or training of one or more functions related to Class II or Class III gaming management, activities, or operations.
- (3) Contract security services related to Class II or Class III gaming.
- (4) Prize payout agreements or annuity contracts related to Class II or III gaming.
- (5) Procurement (including lease) of Class II or Class III gaming materials, supplies, equipment or services involving marketing, maintenance or repair of gaming related equipment, tickets and other gaming supplies or materials, the receiving or recording of a player's gaming selections or wagers, and the determination of winners.
- (6) Financing of facilities in which gaming is operated, except financing by a

state or federally chartered financial institution.

t. “IGRA” means the *Indian Gaming Regulatory Act*, Pub. L. 100-497, 25 U.S.C. §2701, et seq., including any amendments thereto. Where appropriate, “IGRA” also means regulations duly promulgated by the NIGC under the IGRA, which are valid interpretations of the IGRA.

u. “Key employee” means:

(1) ~~Any persons~~ performing or supervising in one or more of the following functions ~~for~~ ~~in~~ ~~any~~ ~~of~~ ~~the~~ Ho-Chunk Nation gaming operations:

- (a) Any Class II or Class III gaming activities; and
- (b) Count room activities; and
- (c) Marketing or promotional activities; and
- (d) Security activities; and
- (e) Surveillance or compliance activities; and
- (f) Information technology (IT) activities; and
- (g) Approver of credit; and
- (h) Couriers transporting cash or gaming receipts; and
- (i) Custodian of gaming supplies, cash, or cash equivalent; and
- (j) Custodian of gaming devices including persons with access to cash and accounting records within such devices; and
- (k) Persons authorized to make on-site repairs; installation, removal, adjustments, or alterations to any piece of gaming equipment; and
- (l) Person having possession, control or access to keys or other means of access to secure areas of a gaming facility.

(2) The Executive Director of the Department of Business, Executive Managers and other persons who have the chief responsibility for the management of gaming operations including persons employed to work primarily in a location outside the gaming facilities who have responsibility for the operation of gaming within a facility; maintains or examines gaming data, analysis, or audits; persons who have access to, or responsibility for, gaming revenue and expenses; or persons who maintain or have responsibility for the conduct of gaming employee background records.

(3) If not otherwise included, any other person employed in the gaming operation whose total compensation exceeds \$50,000 per year.

(4) If not otherwise included, the four most highly compensated persons in each gaming operation, or

(5) Any other person who the Legislature may classify by resolution as a key employee.

v. “*Legislature*” means the Ho-Chunk Nation Legislature.

w. “*License*” or “*gaming license*” means a privilege granted for a limited time to a person or entity to perform certain acts; a ~~L~~ license will not convey any property or liberty interest to the licensee.

x. “*Management contract*” means any contract, subcontract or collateral agreement between the Nation and a contractor or between a contractor and subcontractor if such contract or agreement provides for the management of all or part of any gaming operation.

y. “*Nation*” or “*HCN*” means the Ho-Chunk Nation, any of its subdivisions, enterprises, agencies or instrumentality, subdivisions of such enterprises, agencies or instrumentality, corporations chartered under federal, state or tribal law which are not wholly owned by any of the foregoing, and authorized officials, agents and representatives of any of the foregoing.

z. “*Nation’s lands*” solely for purposes of this statute means:

(1) All lands held in trust by the United States for the benefit of the Nation as of October 17, 1988; and

(2) All lands which may be acquired in trust by the United States for the benefit of the Nation after October 17, 1988, over which the Nation exercises governmental power, and which meet the requirements of the IGRA, 25 U.S.C. §2719.

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

bb. “*Net revenues*” means gross 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.

cc “*OIGRC*” means the Office of Indian Gaming and Regulatory Compliance, a division of the State of Wisconsin Department of Administration, and its successors.

dd. “*Ordinance*” means this Ho-Chunk Nation Gaming Ordinance (5 HCC § 1).

ee. “*Owner or controlling person*” or “*Person having a direct or indirect financial interest in a management contract*” means:

(1) When a person is a party to a management contract, or any person having a direct financial interest in such management contract;

(2) When a trust is a party to a management contract, any beneficiary or trustee;

(3) When a partnership is a party to a management contract, any partner;

(4) When a corporation is a party to a management contract, any person who is ~~an officer or a~~ director or who holds at least five percent (5%) of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child, or sibling; ~~or, when the corporation is publicly traded, or the top ten (10) shareholders for a privately held corporation;~~

(5) ~~With respect to any~~ When an entity with other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all beneficiaries, trustees, partners, directors or five percent (5%) shareholders of such entities parties of that entity are deemed to be persons having a direct financial interest in a management contract; or

(6) Any person or entity who will receive a portion of the direct or indirect interest of any person or entity listed above through attribution, grant, pledge, or gift.

ff. “*Person*” means any individual and any partnership (general and limited), association, corporation, or other legal entity.

gg “*Person having management responsibility for a management contract*” means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof.

hh. “*President*” means the President of the Ho-Chunk Nation.

ii. “*Premises*” or “*licensed premises*” means any place, facility, or location on the Nation’s lands at which Class II or Class III gaming is conducted.

jj. “Primary management official” means:

(1) The person having management responsibility ~~of all or any part of any gaming operation; for a management contract;~~

(2) Any person who has ~~the~~ authority:

(a) To hire and fire employees ~~of a gaming operation;~~ or

(b) To set up working policy for a gaming operation; or

(~~c~~3) The chief financial officer or other person who has ~~immediate~~ financial management responsibility ~~for any gaming operation.~~

(43) Any other person designated by the Legislature as a primary management official.

kk. “Relative of” or “directly related to” means any person’s ~~immediate family such as individuals who are related as a (biological, foster, adopted, or step) parent, grandparent, sibling, child, spouse or cohabitant.~~

ll. “Respondeat superior” means the doctrine that an employer or supervisor of an employee is responsible for the actions of the employee while the employee works within the scope of employment.

mm “Treasurer” means the individual designated as the Executive Director of the Treasury Department of the Ho-Chunk Nation.

nn. “Trial Court” means the Trial Court of the Ho-Chunk Nation.

oo. “Vendor” means any person or legal entity ~~including, but not limited to: a merchant; retail dealer; supplier; importer; wholesale distributor~~ who transfers property, goods or other services by sale or lease to a gaming facility, whether gaming or non-gaming related; ~~provided, that the definition of “Vendor” will not include those above persons or entities who provide entertainment services at a gaming facility or operation.~~

pp. “Vice President” means the Legislator designated as the Nation’s Vice President, ~~who serves as the Executive Administrative Officer of the Legislature;~~ who serves as the supervisor of the Gaming Commission.

7. Authorization of Gaming Activities.

a. Class I and Class II Gaming. The Nation is hereby authorized to conduct all forms of Class I and Class II gaming on the Nation's trust lands.

b. Class III Gaming.

(1) The Nation is hereby authorized to conduct Class III gaming on the Nation's lands pursuant to the terms of the Compact.

~~the following types of Class III gaming on the Nation's lands:~~

~~(a) Electronic games of chance with video facsimile displays;~~

~~(b) Electronic games of chance with mechanical displays;~~

~~(c) Authorized Table Games;~~

~~(d) Pull tabs or break open tickets when not played at the same location where bingo is being played; and~~

~~(e) Any other type of Class III gaming conducted pursuant to the terms of the Compact.~~

(2) The Compact is hereby incorporated within and enacted as an integral part of this Ordinance with respect to all forms of Class III gaming as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein will be deemed to affect the operation by the Nation of any Class I or Class II gaming, whether conducted within or without the gaming facilities, or to confer upon any state and jurisdiction over such Class I or II gaming conducted by the Nation on the Nation's lands.

c. Contracts and Agreements. The Nation is hereby authorized to enter into any contracts or other agreements to further its gaming interests, including management contracts. Each management contract will designate the person or persons having management responsibility of all or part of any gaming operation:

(1) Management contracts and other gaming-related contracts will:

(a) Contain such provisions as are required under the IGRA, 25 U.S.C. § 2711, and the Compact;

(b) Be submitted to the NIGC or other appropriate federal regulatory body for approval as required by the IGRA;

(c) Be submitted to the OIGRC or other appropriate state regulatory body, if required by the Compact; and

(2) Management contracts will not be entered into, unless the Legislature first

approves the contract by passing a resolution.

(3) Except as provided in the contract, all such contracts will be effective pending review or receipt of required approvals by the NIGC, or any other appropriate federal regulatory body.

8. Conformance with IGRA. This Ordinance will be constructed in a manner which conforms to the IGRA in all respects, and if inconsistent with the IGRA in any manner, the provisions of the IGRA will govern:

a. Class I Games. The Legislature hereby authorizes the Commission to adopt standards of operation and management for all Class I gaming on the Nation's lands.

b. Class II Games. The Legislature will adopt standards of operation and management for Class II gaming and, pending such adoption, may impose such interim standards as it may determine necessary to protect the integrity of such games. The standards of operation and management for Class II gaming will provide, at a minimum, that:

(1) No person under the age of eighteen (18) will be permitted to participate in any non-charitable Class II gaming as a player or contractor, provided, that all persons may participate in charitable Class II gaming approved by the Gaming Commission, and any person may be employed by any Class II gaming operation if at least sixteen (16) years of age.

(2) The rules by which the game will be conducted and the predetermined winning patterns will be established in advance of the game and will be visibly displayed or available in pamphlet form in the gaming facility.

c. Class III Games. The standards of operation and management for Class III games will be those set forth in the Compact. The Legislature may adopt standards of operation and management for Class III games that are no less stringent than, or not otherwise inconsistent with, the Compact.

9. Authorized Use of Gaming Revenue.

a. The net revenues from any gaming activities will be exclusively devoted to the purposes s authorized by the Legislature.

b. The net revenues are to be used for the following purposes only:

(1) To fund tribal government operations or programs;

(2) To provide for the general welfare of the Nation 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.

c. Per capita payments will only be made pursuant to the Nation's *Per Capita Distribution Ordinance* (2 HCC § 12) as approved by the Secretary of the Interior as required under the IGRA.

10. Conflicts of Interest Prohibited.

a. No member of the Legislature or Commission, the Treasurer, or the President of the Nation will:

- (1) Be employed by any gaming operations, be a primary management official or owner or controlling person with respect to any management contract.
- (2) Participate in the approval, denial or renewal of any application for a gaming license by, or participate in the revocation or suspension of any license granted hereunder to, any immediate family **relative** of such member of the Legislature, the President, or the Commission.
- (3) Engage in any business, transaction or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering this Ordinance; provided that a member of the Legislature who may engage in a conflicting activity or incur a conflicting obligation that is not otherwise disqualified under Section 10, subparagraph a (1) above, will promptly disclose that activity or obligation to the Legislature and refrain from voting on any matter regarding which such activity or obligation may constitute a conflict.

b. No employee of the Nation in any of its gaming operations will own, be employed by or have any direct or indirect **pecuniary financial** interest in any management contract or other gaming-related contract of the Nation. However, nothing in this paragraph will prevent the Nation from employing a person with a direct or indirect financial interest in a gaming-related contract which has been submitted to the Bureau of Indian Affairs ("BIA") or other federal regulatory body for review and approval during the period of such review, provided that any such employment will terminate upon approval of the contract by the BIA or other federal regulatory body.

c. Participation as a Player Prohibited.

- (1) The following are prohibited from participating as a player of any games at any of the Nation's gaming facilities:

~~(a) The President;~~

~~(b) Any member of the Legislature;~~

(a) Any member of the Gaming Commission department;

(b) No Attorney of the Department of Justice;

(c) Surveillance personnel;

(d) Executive Director of Business;

(e) Management contractors;

(f) Information Technology personnel;

(g) Executive Managers of the Nation's Gaming Facilities.

(2) Legislators or the President may engage in Class II gaming, Class III gaming, or charitable games. Legislators and the President may not participate in any gaming related marketing promotions, promotional drawings, rewards play, or cash/non-cash complimentary items or services.

(3) Gaming is prohibited by persons employed by the Nation at any site of employment or in the case of management contractors, at any site on the Nation's Lands where gaming is conducted.

(a) No licensed person will participate in games at their site of employment.

(4) All prohibitions on participating as a player cited in this Section shall persist for 15 days following termination, separation or transfer from office or employment.

11. Powers and Duties of the Executive Branch. The Executive Branch of the Ho-Chunk Nation will have primary responsibility for managing the business affairs of the Nation's gaming operations. In addition to other activities specifically assigned to the Executive Branch in this Ordinance, the Executive Branch and its officers and designated agents will have the following powers and duties:

a. The Executive Branch and/or its designated agents will ~~be~~:

(1) be responsible for making any decisions called for on behalf of the Nation for the gaming operations subject to the Legislature's constitutional authority to review such actions;

(2) be responsible for ensuring compliance with the public health, welfare, safety and environmental standards required by the Compact and all applicable standards enacted by the Legislature-; and

(a) The construction and maintenance of any gaming facility, and the gaming operations, will be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose will comply with the requirements of the Compact and all applicable health, safety and environmental standards enacted by the Nation. Those public health and safety standards for public buildings, electrical wiring, fire protection, plumbing and sanitation that are set forth in Wis. Stat. ch. 101 (Department of Commerce – Regulation of Industry, Buildings and Admin. Code, chs COMM 14 (Fire Prevention), 16 (Electrical), 28 (Smoke Detectors), 77 (Theaters and Assembly Halls), and 81-87 (Plumbing), as they may be amended from time to time, will be deemed to be incorporated by this Ordinance as the laws of the Nation applicable to the Nation’s gaming facilities located in the State of Wisconsin.

(b) Pursuant to the requirements of the Compact, the Department of Labor will engage a state certified inspector to conduct inspections of all facilities for Class III gaming on a periodic basis, but not less than annually, and will promptly repair or correct any and all instances of non-compliance with Section 11, subparagraph a, above. An inspection report shall be prepared by the Tribe in connection with each inspection and copies of said reports shall be forwarded to the OIGRC (formerly known as the Lottery Board).

(3) ensure that all purchases and contracts by or on behalf of any of the Nation’s gaming operations will be subject to the Nation’s *Material Management Policies and Procedures Manual* (5 HCC § 9) and other policies and subsequent amendments thereto, provided that any contract or purchase also comply with applicable law or Compact terms and conditions.

b. The Treasurer will:

(1) participate in the Nation’s annual process for the development and approval of budgets of such gaming operations, except as limited under any management contract or other gaming-related contracts, in order to assist the Legislature to evaluate proposed budgets and approve final budgets-; and

(2) prescribe standard accounting practices and procedures to be observed by the chief financial officers of the Nation’s gaming operations-; and

- (3) r reconcile the Nation's quarterly fee assessment reports made to the NIGC with the annual audit of the gaming operations and shall make such reconciliation available to the NIGC upon request. Prior to the Treasurer reconciling the Nation's quarterly fee assessment reports, the Department of Business will provide all necessary information to the Treasurer to prepare these reports.
- c. The President, Treasurer, and the Executive Director of the Department of Business will perform such activities as are delegated by the Ordinance.

d. Accounting, Monthly Reports and Audits. [language from current Sec. 21]

(1) the Treasurer will maintain or contract for the maintenance of a permanent single entry or double entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of games and the disbursement of profits derived thereof. Printed copies of all information will be in the possession of the Commission and the Legislature. The permanent books of account or records will include inventory records of gaming supplies and will be sufficient to establish information including, but not limited to, the amount of gross and net income, deductions and expenses, and receipts and disbursements and will be kept at all times available for inspection by the NIGC's authorized representatives. Such books of account or records will be retained for at least seven (7) years after the record is created.

(2) No later than fifteen (15) days after the end of each month, the Executive Managers of each of the gaming operations will prepare and submit to the Commission and to the Legislature, through the Department of Treasury, a comprehensive report for the month completed of the gaming operations for which such Executive Manager has overall responsibility. Monthly reports will be made on a form prescribed by the Treasurer and signed by the responsible Executive Managers. The Executive Managers will retain a copy of the report for the permanent records of the Nation. The report will include, but not be limited to:

- (a) An itemized statement of the gross receipts.
- (b) An itemized statement of expenditures, including amounts paid for salaries and benefits, prizes, supplies and equipment, and other expenses.

(3) In compliance with 25 U.S.C. §2710 (b) (2) (C) and (D), all gaming operations are subject to an audit by independent certified public accountants conducted in accordance with generally accepted accounting principles (GAAP) and with the "AICPA - Gaming Audit and Accounting Guide," with findings reports submitted to the Legislature and the Commission. Copies of the annual audit will be provided to the NIGC and the Wisconsin State Auditor (OIGRC) within one-hundred twenty (120) days after the end of the fiscal year. All

gaming-related contracts that result in purchases of supplies, services or concessions for more than \$25,000.00 in any year, except contracts for professional legal or accounting services, will be specifically included within the scope of such audit.

(4) In accordance with the State Compact, a security audit shall be conducted at least once every two years. The Tribe shall engage a qualified independent auditor to conduct the security audit. The audit shall be completed within 120 days, and the Tribe shall forward copies of any audit reports and management letters to the OIGRC State Auditor and the Lottery Board. The purpose of the security audit shall be to review and evaluate the effectiveness, adequacy and enforcement of at least the following:

- a. Physical systems and administrative policies and procedures controlling access to non-public offices, warehouses, and computer rooms relating to the conduct of gaming under the Compact.
- b. Physical systems and administrative policies and procedures for handling cash and for redemption of winning tickets or credit statements issued by electronic games of chance from their receipt by the Tribe to payment of the player, including procedures for receiving and routing incoming prize claims.
- c. Policies, procedures and practices to prevent theft, loss or destruction of materials, equipment, or supplies associated with any of the games authorized by the Compact, including records required to be created and maintained by the Compact.
- d. Policies, procedures and practices to ensure the randomness, accuracy, integrity and reliability of games operated pursuant to the Compact.
- e. Fitness and integrity of computer software utilized for financial accounting and conduct of gaming under the Compact.

12. Powers and Duties of the Legislature.

- a. The Legislature will adopt policies, guidelines and regulations for Class II and Class III gaming on the Nation's lands, including any amendments to this Ordinance.
- b. The Legislature will refer any apparent violations of the Nation's laws of general applicability, such as, but not limited to, the *Employment Relations Act* (6 HCC § 5), the *Appropriations and Budget Process Act* (2 HCC § 4), *Finance Manual* (5 HCC § 5), or law impacting on the Nation's contracting authority in the operation of the Nation's gaming facilities to the Office of the President and the Executive Director of the Department of Business for their consideration and action as they may determine appropriate.

c. The Legislature, or its authorized designee, will initiate an annual external audit, and will engage a qualified certified public accounting firm to conduct financial and compliance audits for each of the Nation's gaming operations; provided, however, that the Legislature shall re-bid such audits every two (2) years. No firm will perform such audits for more than two consecutive bid cycles. The Legislature will refer the results of the external audit to the Gaming Commission for compliance.

d. Supervision of Gaming Commission. The Vice President or Vice President pro tempore will have supervision and authority pertaining to the Gaming Commission's daily administrative functions, such as, but not limited to, signature authority for time sheets, disbursement vouchers, mileage and per diem submittals, leave applications, and supervision over personnel matters.

e. Jurisdiction.

(1) The Ho-Chunk Nation Legislature will have the jurisdiction to review all decisions of the Commission denying or revoking a license under Section 16, subparagraph c (2) where an applicant or licensee has petitioned for such review in accordance with the provision set forth in Section 17, subparagraph (d).

(2) The Legislature will conduct all hearings consistent with the procedures set out within Section 17. The Legislature may, in its discretion, waive by legislative resolution any requirements set forth in Section 17, subparagraph c (2) for any person applicant when the person-applicant has met the requirements established pursuant to Section 17, subparagraph e-(4)d.

(3) The Legislative decision regarding any waiver cannot be appealed to the Trial Court.

g. Ex Parte Communication, Threat, or Offer of Reward Prohibited. [Moved to new Section 17]

13. Gaming Commission

a. Establishment of Gaming Commission. The Ho-Chunk Nation Gaming Commission is hereby established as an independent regulatory authority responsible for oversight, training, and enforcement of gaming regulatory matters under Ho-Chunk Nation law. The Commission will consist of five (5) members appointed by a majority vote of the Legislature acting at a duly convened meeting at which quorum is present.

b. Qualifications. In order to qualify for appointment to the Commission, an applicant must:

- (1) Be an enrolled member of the Ho-Chunk Nation; and
- (2) Be at least 25 years of age or older; and
- (3) Have at least a high school diploma or equivalent; and

~~(4) Possess working experience in the gaming industry~~

(4) Have a minimum of five (5) years of any combination of the following:

- (a) Post-secondary education
- (b) Gaming experience in one or more of the following areas:

- i. Gaming regulation
- ii. Gaming operations
- iii. Gaming licensing
- iv. Auditing
- v. Gaming law or Indian law
- vi. Administrative hearings or decision-making
- vii. Background investigations
- viii. Surveillance
- ix. ~~Law enforcement~~ Security
- x. Business administration or business management
- xi. Information Technology (IT/MIS)

(5) Submit to and successfully comply with background investigations and meet the Nation's eligibility standards which will be at least as stringent as the standards established in Section 4716, for key employees and primary management officials.

(6) Have no prior criminal record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any jurisdiction, unless pardoned:

- (a) A felony.

(b) Any gaming-related offense.

(c) Any crime of dishonesty, including, but not limited to, fraud, misrepresentation, theft or deception in any form.

(d) A violation of any provision of Wis. Stat. chs. 562 or 565, any rule promulgated by the State of Wisconsin Division of Gaming, this Ordinance, or any other Ordinance of the Nation regulating or prohibiting gaming.

(7) Be a person whose prior activities, criminal record, if any, or reputation, habits and associations will not 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.

(8) Submit to and successfully comply with the Ho-Chunk Nation Drug, Alcohol and Controlled Substance Policy (*Employment Relations Act*, 6 HCC § 5, Ch. VI).

(9) For purposes of this section, any release related to employment signed hereunder shall be deemed sufficient to compel the Nation's Personnel Department and Department of Justice to provide all information related to an applicant's employment record.

(10) Possess a valid driver's license, dependable transportation and proper insurance.

(11) Not be a relative of any member of Legislature, or serving as a Legislator.

(12) Not be a primary management official, or owner or controlling person with respect to any management contract, and will not be a relative of a primary management official, or owner or controlling person with respect to any management contract.

(13) Not be employed by any of the Nation's gaming operations during his or her term of office.

(14) Not be serving on any elected or appointed committee of the Nation.

(15) Other-All duties and qualifications as may be designated by the Legislature as indicated defined within the "Job Description" approved by the Legislature.

c. Term of Office. A Commissioner will ~~each~~ serve for a term of ~~four (4)~~ six (6) years commencing on July 1st of the year of appointment, except as provided in paragraph f. below. Seats 1, 3, and 5 will be appointed within the same year and Seats 2 and 4, will be appointed in the next alternate year to ensure the maintenance of staggered terms.

(1) At least sixty (60) days prior to the expiration of a Commissioner's term in office, the Legislature will post the seat as open.

(2) The current Commissioner is eligible to apply and be appointed to the open seat.

(3) ~~If the Legislature does not complete the appointment to the open seat, the~~The current Commissioner may continue to serve past the expiration of his or her term until such time as the current or new Commissioner is appointed and takes office.

~~(4) If the Legislature does not complete the appointment to the open seat within 60 days following the expiration of a Commissioner's term, the current Commissioner will be deemed reappointed to the seat.~~

d. The Commission shall adopt bylaws which shall address matters such as the selection of a Chairperson and Vice Chairperson, as well as meeting protocols and office administration; provided, such bylaws are subject to approval by the Legislature.

e. Meetings and Quorum. Meetings duly convened by the Commission will require a quorum of Gaming Commission members. Meetings shall be subject to the Ho-Chunk Nation *Open Meetings Act* (2 HCC § 2) except as otherwise provided in this Ordinance.

f. Employment Status and Compensation. Commissioners will be Exempt Employees of the Nation for the purposes of compensation and employee benefits. Compensation will be established annually by the Commission and as approved by the Legislature in accordance with the *Employment Relations Act* (6 HCC § 5) and *Budget and Appropriations Act* (2 HCC § 4). Commissioners will not be compensated based on a percentage of gaming revenue to ensure the Commission is not improperly influenced.

g. Vacancies. A vacancy on the Commission through death, resignation, incapacity, or removal from office will be filled by a majority vote of the Legislature at a duly convened meeting. The newly appointed Commissioner will complete the unexpired term of the Commissioner being replaced.

gh. Removal.

(1) Removal will be initiated upon a petition being presented to the Vice President Legislature by any member of the Legislature or the President. Such removal will be for the following:

(a) Malfeasance. For the purpose of this section "Malfeasance" shall mean:

i. the commission of an act that is positively unlawful; or

ii. the doing of an act which a person ought not do at all; or

iii. the unjust performance of some act which the party had the right to commit; or

iv. any wrongful conduct, which affects, interrupts, or interferes with the performance of official duty; or

v. an act for which there is no authority.

(b) Dereliction or neglect of duty;

(c) Unexcused absence from three (3) consecutive meetings of the Commission;

(d) Failure to continue to meet the qualifications for appointment to the Commission;

(e) Willful and persistent misconduct reflecting on the dignity and integrity of the Nation; or

(f) Failure to comply with any provisions of the Nation's Constitution and/or laws of the Nation.

(2) Upon determination by the Legislature that a petition for removal will be considered, the Commissioner subject to the removal petition will be provided a written notice for removal by the Legislature and the Commissioner will be afforded the right to respond in person and/or writing, which explanation will be considered by the Legislature prior to a vote on the removal question. While the removal petition is pending, the Commissioner will be placed on Administrative Leave.

(3) The petition for removal will be served upon the Commissioner within seven (7) days after issuance of the petition for removal. All removal questions will be considered by the Legislature in open session within thirty (30) days after issuance of the petition. The Commissioner's attorney will have the right to be present and to participate on his or her behalf. Failure to appear by the Commissioner or the Commissioner's representative will not bar hearing the petition or the termination of the Commissioner.

(4) Upon a petition being presented to the Legislature, a Commissioner may be removed by an affirmative vote of more than two thirds ($\geq 2/3$) of the seated members of the Legislature acting at a duly convened meeting.

(5) Judicial review by the Trial Court of such determinations may be obtained by bringing an appeal in Trial Court within fifteen (15) days after the date the determination was served on the party/ies.

~~hi. Office of the Tribal Inspector(s). This Code is establishing the The Office of the Tribal Inspector(s) position(s). is established within the office of the Gaming Commission.~~ Tribal Inspectors will be selected and supervised by the Commission ~~and will comply with the job duties and responsibilities within the Legislative approved job description and will shall~~ have the following powers and duties:

(1) The ~~Office of the Tribal Inspector-Inspector(s) have~~ ~~has~~ the ~~power~~ authority to conduct audits, observations and investigations as provided in the Ordinance. The Tribal Inspector(s) may retain outside auditors, ~~investigators,~~ and other agents to assist in conducting these audits and investigations. ~~The Tribal Inspector(s) will be responsible for the supervision of all staff internal auditors within its office.~~

(2) The ~~Office of the Tribal Inspector(s)~~ will have full access to all areas related to the gaming operations for inspections, audits, observations, and investigations at any time without notice to management. ~~While performing its designated duties under this Ordinance, the Tribal Inspector and staff will strive to avoid interfering with the day to day operations of the gaming facilities.~~

~~(3) The Tribal Inspector(s) will adhere to all Tribal, State and Federal gaming regulations.~~

14. Powers and Duties of the Gaming Commission. The Commission will be responsible for enforcing this Ordinance and will ensure compliance with this Ordinance, IGRA, the Compact, any licenses issued, and any orders of the Commission or Legislature. In addition to other duties specifically delegated to the Commission in this Ordinance, the Commission will have the following powers and duties:

a. The Commission may recommend gaming-related policies and guidelines to the Legislature and other appropriate regulatory authorities, including any amendments to the Ordinance.

b. The Commission will monitor all Class I, Class II and Class III gaming on the Nation's lands, and all monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance, IGRA, the Compact and other applicable laws and report to the Nation's Treasurer.

c. The Commission will have the authority and responsibility to interpret this Ordinance and its rules. If an enforcement action is taken against a licensee by the Commission, the Ho-Chunk Nation Court will have final authority to interpret this Ordinance and its rules.

d. Except as otherwise provided, the Commission will make determinations on an application for a gaming license in accordance with this Ordinance.

e. The Commission will refer any apparent violations of this Ordinance, Order of the Commission, IGRA, the Compact, or violations of license conditions to the Department of Justice and/or the Office of the Tribal Inspector for investigation.

f. The Commission will refer any apparent violations of the Nation's laws of general applicability, such as the *Employment Relations Act* (6 HCC § 5) and the *Appropriations and Budget Process Act* (2 HCC § 4), in the operation of the Nation's gaming facilities to the Office of the President and the Executive Director of the Department of Business for their consideration and action as they may determine appropriate. The Commission will also notify the Vice President or Vice President pro tempore in his or her capacity as their administrative supervisor.

g. The Commission may enjoin or otherwise prevent any violation of this Ordinance, any Order of the Commission, any license condition or other laws relating to gaming on the Nation's lands and/or seek to impose penalties or fines for such violation(s) in accordance with [Section 21 of this Ordinance](#). [Furthermore, to enforce gaming regulatory violations the Commission may apply the doctrine of respondeat superior.](#) The Commission [may](#) use the doctrine of respondeat superior to seek to impose sanctions on a supervisor [only](#) if it can be shown that:

- (1) the Commission has informed the supervisor in writing of the violation, [and](#) the supervisor has failed within a reasonable time to instruct his or her employees, agents, or officers of appropriate action to remedy the violation in the future; or
- (2) the violation committed by the supervisor's employees, agents, or officers is so egregious that the supervisor should have known about the violation and taken corrective action.

h. . Nothing in this Section will prevent the Commission from attempting to obtain voluntary compliance through warning, conference or any other appropriate means.

i. . If the Commission determines to enjoin or prevent a violation pursuant to this Ordinance, the [Commission](#) will be empowered to impose fines or penalties against a licensee.

j. . The Commission will develop and make public, criteria to determine general categories of licensee violations and [the corresponding penalty](#) to be imposed.

k. ~~1.~~ [The Commission may summarily suspend a license for up to thirty \(30\) days without prior hearing for good cause. For the purpose of this statement, good cause shall mean the discovery of an alleged violation of any provision in this Ordinance and/or is relevant to a person's suitability to hold a license, which persists as an ongoing requirement for the existing license holder.](#) [See current Sec. 16.a(4) of Ordinance for similar language.]

l. . The Commission will use the Department of Justice as its counsel, or such other counsel to whom the Department of Justice may refer such matters.

m. . Except as otherwise provided in this Ordinance or any management contract, the Commission will comply with all policies, guidelines, laws, resolutions and regulations of the Legislature.

n. . The Commission will have such other powers as are delegated to it from time to time by the Legislature.

o. . In accordance with the *Appropriations and Budget Process Act* (2 HCC § 4), the Commission will prepare and recommend an annual budget for the purpose of allocating funds to the Commission for its necessary activities and expenses, which must be approved by the Legislature. The Commission may, in accordance with any approved budget, employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance.

15. Background Investigations. [Current Sec. 19 of Ordinance.]

a. Required Background Investigations. Background investigations will be conducted on all persons or entities specified in Section 16, subparagraph b of this Ordinance:

(1) Except for as provided for in Section 15, subparagraph a (2) below, records of the background investigations will be retained for at least seven (7) years after the record is created.

(2) With respect to key employees and primary management officials, reports of background investigations, will be retained:

(a) Pursuant to the Compact entered into with the State of Wisconsin for at least seven (7) years after the record is created; and

(b) For inspection by the Chairperson of the NIGC, or his or her designee, for no less than three (3) years from the date of termination of employment.

b. Standards for Background Investigations.

(1)The Nation will conduct an investigation sufficient to make an eligibility determination. All background investigations will be conducted under the supervision and direction of the Department of Justice. To make a determination concerning the eligibility of a key employee or primary management official for granting a license, an authorized agent of the Nation shall review a person's:

(a) Prior activities;

(b) Criminal record, if any;

(c) Reputation, habits and associations

(2) If the Nation's Gaming Commission, in applying the standards adopted in the Ordinance, determines the licensing of 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 and methods and activities in the conduct of gaming, the Commission shall not license that person in a key employee or primary management official position.

(3) Nothing herein shall prevent the Nation from conducting a more comprehensive background investigation than required under the IGRA, the NIGC, or the Compact.

c. Required Information.

(1) The Nation shall request from each primary management official and from each key employee all the following information:

(a) Full name, other names used (oral or written), Social Security Number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

(b) Currently and for the previous five years: Business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver license numbers;

(c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Section 15, subparagraph c (1) (b) of this section;

(d) Current business and residence telephone numbers;

(e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

(g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(h) For each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(i) For each misdemeanor for which there is an ongoing prosecution or conviction (excluding minor traffic violations), within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition;

(j) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to Section 15, subparagraphs c (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit including, but not limited to, whether or not such license or permit was granted;

(l) A current photograph;

(m) Fingerprints consistent with procedures adopted by the Nation according to 25 C.F.R. § 522.2(h); and

(n) Any other information the Commission or Legislature deems relevant.

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

(3) In conducting background investigations, the Nation, or its agents, will keep confidential the identity of each person interviewed in the course of the investigation.

d. Notification of Results to the NIGC. The procedures and standards of this part apply only to background investigations for primary management officials and key employees. This part does not apply to any license that is intended to expire within 90 days of issuance.

(1) Review of Notice of Results for a Key Employee or Primary Management Official.

(a) Upon receipt of a complete notice of results for a key employee or primary management official, the NIGC Chair has 30 days to request additional information from the Nation's Gaming Commission concerning the applicant or licensee and to object.

(b) If the NIGC has no objection to issuance of a license, it shall notify the Nation's Department of Justice ~~Gaming Commission~~ within thirty (30) days of receiving notice of results.

(c) If, within the 30-day period the NIGC provides the Nation's Gaming Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official applicant for whom the Nation has provided a notice of results, the Nation's Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Nation's Gaming Commission shall make the final decision whether to issue a license to such applicant.

(d) If the Nation's Gaming Commission has issued the license before receiving the NIGC's statement of objections, notice and hearing shall be provided to the licensee.

(2) Notification to NIGC of License Decisions and Retention Obligations.

(a) After the Nation's Department of Justice ~~Gaming Commission~~ has provided a notice of results of the background check to the NIGC, the Gaming Commission may license a primary management official or key employee.

(b) Within 30 days after the issuance of the license, the Nation's Department of Justice ~~Gaming Commission~~ shall notify the NIGC of its issuance.

(c) A gaming operation shall not employ a key employee or primary management official who does not have a license after ninety (90) days.

(d) If the Gaming Commission does not license an applicant—

i. The Department of Justice ~~Gaming Commission~~ shall notify the NIGC; and

ii. Shall forward copies of ~~its~~ the eligibility determination and notice of results to the NIGC for inclusion in the Indian Gaming Individuals Record System.

(e) The Nation shall retain the following for inspection by the NIGC Chair or his or her designee for no less than three years from the date of termination of employment:

i. Applications for licensing;

ii. Investigative reports; and

iii. Eligibility determinations.

(3) NIGC Notice of Information Impacting Eligibility and Licensee's Right to a Hearing.

(a) If, after the issuance of a gaming license, the NIGC receives reliable information indicating that a key employee or a primary management official is not eligible for employment, the NIGC shall notify the Nation's Gaming Commission of the information.

(b) Upon receipt of such notification under paragraph (a) of this section, the Nation's Gaming Commission shall immediately suspend the license and shall provide the licensee with written notice of suspension and proposed revocation.

(c) The Nation's Gaming Commission shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(d) A right to a hearing under this part shall vest only upon receipt of a license granted under this Ordinance.

(e) After a revocation hearing, the Nation's Gaming Commission shall decide to revoke or to reinstate a gaming license. The Department of Justice Gaming Commission shall notify the NIGC of its decision within 45 days of receiving notification from the NIGC pursuant to Section 15, subparagraph d (3) (a) of this section.

(4) Submission of Notices.

(a) All notices under this part shall be provided to the NIGC through the appropriate Regional office.

(b) Should the Nation wish to submit notices electronically, it should contact the appropriate Regional office for guidance on acceptable document formats and means of transmission.

16. Licensing

a. Licenses issued hereunder will be issued according to requirements that are as stringent as those set forth in regulations promulgated by the NIGC in 25 C.F.R. parts 556, 558, and 559, including any amendments thereto; and also, in the case of Class III gaming, according to requirements that are as stringent as those set forth in the Compact.

b. License Required.

(1) Persons. The following persons are required to obtain a gaming license, and to maintain the standards required by this Ordinance in obtaining such license, as a condition to employment in any gaming operations on the Nation's lands:

- (a) Owner or controlling person;
- (b) Primary management official;
- (c) Key employees; and
- (d) Any other employee or class of employees as determined by the Legislature.

(2) Vendor. In accordance with [Section 18](#) of this Ordinance, all [gaming](#) vendors will be subject to licensing by the Commission as a condition [precedent](#) to conducting business with the Nation's gaming operations.

(3) Facilities. The [Gaming Commission](#) will issue a separate license [to conduct gaming for](#) each place, facility, or location on the Nation's lands where gaming [will be](#) conducted under this Ordinance.

(4) Any individual Class II gaming license issued by the Nation will be valid for any Class II gaming facility located on the Nation's lands; and any individual Class III gaming license issued by the Nation will be valid for any Class III gaming facility located on the Nation's lands.

c. Licensing Standards.

(1) No license will be issued except upon a sworn application filed with the Commission, in such form as may be prescribed by the Commission, containing a full and complete showing, at a minimum, of the following:

- (a) Satisfactory proof that the applicant is of good character, [and good reputation, and is financially responsible.](#)
- (b) A description of the premises at which the games are to be conducted, with proof of the contractual or other basis upon which the applicant will conduct the games, or be employed, at such premises.
- (c) The applicant has fulfilled any applicable requirements of IGRA and the Compact.
- (d) Agreement by the applicant to accept and abide by all conditions of the license as provided in this Ordinance.

(2) No person will be employed in the operation or conduct of gaming, nor will the Nation permit a gaming-related contractor to employ any person in the course of performance under the contract, if that person has been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person has been pardoned:

- (a) A felony, other than a felony conviction for an offense under subparagraphs (b), (c) or (d), during the immediately preceding ten (10) years;
- (b) Any gaming-related offenses;
- (c) Fraud or misrepresentation in any connection; or
- (d) A violation of any provision of Chs 562 or 565, Wis. Stats., a rule promulgated by the Lottery Board, or Wisconsin Racing Board, or a Tribal ordinance regulating or prohibiting gaming.

(3) No person will be employed in the operation or conduct of gaming, nor will the Nation permit a gaming-related contractor to employ any person in the course of performance under the contract, if that person has been convicted of, or entered a plea of guilty or no contest in regards to a theft related conviction during the immediately preceding ten (10) years.

(4) No person will be employed in the operation or conduct of gaming, and the Nation will not permit a gaming-related contractor to employ any person in the course of performance under the contract, if that person has been determined by the Commission or the Legislature 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. However, the alleged violation of the laws of general application not principally enacted to regulate gaming, such as the Nation's *Employee Relations Act* (6 HCC § 5) and the Nation's *Appropriations and Budget Process Act* (2 HCC § 4), will not be the basis of eligibility to be licensed unless such conduct is part of a pattern of consistent ~~intentional~~ disregard for tribal, state or federal laws. For purposes of the preceding sentence, a person shows a pattern of consistent disregard for applicable laws when the person knows, or should know, of his or her obligation and chooses to consistently ignore such obligation.

(4) Legislative Waiver. [Move to new Sec. 17 of Ordinance.]

(5) The issuance of licenses hereunder will be subject to the provisions of Section 15 regarding background investigations.

(6) The following notices will be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

(a) Privacy Notice. In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties.- The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation.- Failure to consent to the disclosures indicated in this notice will result in a tribe's 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) Notice Regarding False Statements. 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. A false statement may also be punishable by fine or imprisonment as provided in U.S. Code, Title 18, Sec. 1001.

(7) No license will be issued to, or held by, a person who has been determined by the Commission or Legislature to have knowingly and willfully provided materially important false information to the Gaming Commission, or has refused to respond to questions offered pursuant to the licensing and background requirements established or required by this Ordinance, the Compact, or the NIGC, 25 C.F.R. parts 556 and 558.

d. Procedures. All applications will be considered by the Commission in accordance with this Ordinance.

e. Authority to Grant or Deny an Application for Gaming License.

(1) The Commission will grant or deny all applications for a license, except that the Commission will deny an application for a license where the applicant or licensee does not meet the standards under Section 1716, subparagraph c (2).

(2) A license will be effective upon the date the Commission grants it. The Commission will provide written notice to the Legislature of the granting of any licenses, and the Legislature will have the power to overturn the granting of any license on its own motion at any time provided the Legislature has conducted a hearing consistent with the provisions established in Section 12. If overturned by the Legislature, a license issued by the Commission will have no force or effect. Any such denial may be appealed to the Trial Court.

f. Appeal of License Denial. An applicant may appeal any denial of a license as provided for in Section 17 of this Ordinance.

g. Term of License. The Nation will conduct a review of all licenses every two (2) years from the date the license was issued to ensure the licensee continues to meet the standards to hold a license. A license will become inactive when a Licensee leaves employment in a licensed position with the Nation. Prior to rehire into a licensed position, the licensee will be subject to the license eligibility requirements, an updated background investigation and pay the appropriate fee for reactivation of the license.

h. Records Retention.

(1) Pursuant to the State Compact, employee license records will be kept for a period of seven (7) years; and

(2) The Nation shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Nation, the following documentation:

(a) Applications for licensing;

(b) Investigative Reports; and

(c) Eligibility Determinations and Licensing Decisions.

i. License Fees. In order to recover the costs to the Nation of complying with tribal, state and federal regulations, license fees will be imposed by the Gaming Commission in accordance with the established fee schedule.

j. Conditions of License.

(1) Any person, entity or facility who receives a license issued pursuant to this Ordinance will not purposefully disregard any reasonable conditions contingent on maintaining the license be imposed within the affirmed decision rendered by the Commission.

(a) If the decision and contingency in subsection i. (1) is not maintained or completed, the Commission retains the authority and right to immediately suspend the license until an investigation and hearing are completed pursuant to Section 21 and 22 of this Ordinance.

(2) Every licensee has the responsibility to assure that there exists a continuous disclosure of facts and information relating to his or her eligibility to hold a gaming license. Failure to disclose pertinent information on a continuing basis, pursuant to Section 16, subparagraph c (2) and/or Section 10 in its entirety will be cause for penalties imposed, up to and including suspension or revocation of a gaming license. Licensees shall submit such facts and information within thirty (30) calendar days.

k. Required Notifications. The Commission will promptly notify the NIGC or other appropriate federal regulatory body of the issuance or denial of licenses, as required under IGRA and applicable regulations of the NIGC.

l. Provisional Employment Pending Issuance of License. Primary management officials and key employees may be employed in the gaming operations on the Nation's lands prior to the issuance of a license hereunder, but such employment will be subject to the requirements of this paragraph. Any person required to apply for a waiver under Section 16, subparagraph c (2) is not eligible for a license or employment in the Nation's gaming operation unless the Legislature grants a waiver. Employment will be terminated upon the occurrence of any of the following:

- (1) Denial of a license by the Commission or the Legislature;
- (2) Unsatisfactory completion of background investigations or NIGC review resulting in denial of the license application and employment status, as described in Section 16, subparagraph g; or
- (3) To the extent required under regulations promulgated by the NIGC in 25 C.F.R., part 558, including any amendments thereto, if at the end of ninety (90) days after the starting date of provisional employment no license has been issued hereunder, or as provided in Section 16, subparagraph g.

m. Gaming License Identification Requirements. All licensed employees of the Nation's gaming operations will:

- (1) Wear his or her gaming license identification badge on the upper exterior portion of their body while on employment duty; and
- (2) Maintain his or her gaming license identification badge in good condition and appearance. No gaming license identification badge will be intentionally defaced, altered or obstructed in any way. Any unauthorized duplication or alteration of a license identification badge is hereby prohibited.

n. All provisions and preconditions for the issuance of a license persist as ongoing requirements for existing license holders. This will mean that any discovery of events or conditions that might be cause for the denial of a license, upon discovery, may be grounds for suspension, revocation, or other appropriate sanction as deemed reasonable and necessary by the Commission.

17. Eligibility Preliminary Waiver Hearings

a. General.

(1) License Denial. A decision of the Commission denying a gaming license for any reason, other than the restrictions provided in Section 4716, subparagraph c (2), may be appealed to the Commission. The request to appeal must be submitted on a form provided by Commission with a brief explanation for the appeal within 10 calendar days of receipt of its decision.

(2) Hearings are subject to the Nation's *Open Meetings Act* (2 HCC § 2), unless otherwise provided for in this Ordinance.

(3) Upon written request, an applicant, will be afforded an opportunity to appear and participate in a hearing prior to any final licensing action.

(4) The burden of proving suitability-eligibility for a license will be on the applicant.

(5) Notice of Hearing.

(a) A written notice of the hearing will be provided to the applicant at least fourteen (14) calendar days prior to the date set for the hearing. The notice will be sent in a verifiable manner, which includes but is not limited to, certified mail, electronic mail, or personal service. The notice will state the date, time, location and purpose of the hearing.

(b) Public notice for all hearings scheduled will be posted in a prominent location within the Executive Tribal Office Building.

(6) Ex Parte Communications, Threat, or Offer of Reward Prohibited.

(a) Ex parte communication, threat, or offer of reward relative to any matters being considered by the Commission or Legislature will be prohibited between an applicant, his or her legal counsel, representative, agent or employee, and any member of the Commission, Legislature or the President before a decision is rendered.

(b) For the purpose of this Section only, "any matters being considered by the Commission," means those matters identified in the written notice as well as any other matters that are actually considered by the Commission

during a hearing. All matters identified in the written notice will be subject to the prohibition against ex parte communications. All matters identified in the written notice will be subject to the prohibition against ex parte communications. All matters not identified in the written notice that are considered during a hearing become subject to the prohibition against ex parte communications as soon as they are discussed during the hearing.

(c) Any member of the Commission, Legislature, or the President who receives an ex parte communication, threat, or offer of reward relative to any matters being considered will immediately report such communication in writing to the Attorney General. The Commissioner, Legislator or President shall not participate in the hearing unless his or her inability to participate would make it impossible to obtain a quorum.

(d) Nothing in this Section will prohibit the applicant or its authorized agent from communicating with the Department of Justice or its authorized agents.

(e) The Commission or Legislature will have the power to impose any sanction pursuant to this Ordinance upon its determination that an applicant, his or her legal counsel, agent, representative or employee has violated this Section.

(7) Appearance through Counsel.

(a) Parties to all hearings governed by this Section of the Ordinance may appear personally or through an attorney, except that a party must personally attend any hearing on the merits unless attendance has been waived in writing by the Commission.

(b) When a party has appeared through an attorney, service of all notices, motions, orders, decisions, and other papers, including verbal communications, will thereafter be made upon the attorney, unless the party requests or permits otherwise in writing.

(c) When a party is represented by an attorney, the attorney will sign all motions, notices, requests, and other papers on behalf of the party.

(d) An attorney retained to represent an applicant, his or her representative, agent or employee, will file proof of eligibility to practice law in the Ho-Chunk Nation with the Commission prior to the scheduled hearing.

(8) Discovery.

(a) The Department of Justice and the applicant (respondent) will exchange a list of persons that each party intends to call as witnesses no

later than five (5) calendar days before a scheduled hearing. Each witness will be identified by name, if known, position, and business address. If no business address is available, a home address for the witness will be provided. Any witness not identified in accordance with this Section may be prohibited from testifying at a hearing in the Commission's discretion.

(b) The Department of Justice and the applicant (respondent) will exchange a copy of all documents or tangible evidence that they intend to offer as evidence in support of the party's case in chief. This exchange will be made to the opposing party no later than five (5) calendar days before a scheduled hearing. Failure to make available any document or tangible evidence in accordance with this Section may, in the Commission's discretion, be grounds to deny the admission of such document or tangible evidence.

(9) Evidence.

(a) In hearings governed by the Ordinance, the Commission will not be bound by technical rules relating to evidence and witnesses. The Commission will admit all testimony that tends to prove a relevant issue to the hearing, but will exclude immaterial, irrelevant or unduly repetitious evidence or testimony. The Commission will give effect to the rules of privilege unless such privilege is waived. The submission of evidence or taking of testimony shall be controlled by basic principles of relevancy, materiality and whether or not the evidence or testimony relates to a relevant issue of the hearing. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and will be noted.

(b) All evidence, including records and documents in the possession of the Commission or which the Commission desires to avail itself, will be duly offered and made a part of the record in the case. Each party will be afforded adequate opportunity to rebut or offer countervailing evidence.

(c) The Commission may take official notice of any generally recognized fact or any established technical or scientific fact; but parties will be notified either before or during the hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they will be afforded an opportunity to contest the validity of the official notice.

(d) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties will be given an opportunity to compare the copy to the original.

(e) The record in a hearing governed by this Ordinance will include:

(i) All applications, pleadings, intermediate rulings and exhibits and appendices thereto;

(ii) Evidence received or considered, stipulations and admissions, including but not limited to confidential evidence under Section 1517, subparagraph g of this Ordinance;

(iii) A statement of matters officially noticed;

(iv) Questions and offers of proof, objections and ruling thereon;

(v) Any findings of facts or decisions and exceptions;

(vi) Any decision, opinion or report; and

(vii) The transcript.

(10) Administrative Subpoenas. The Commission is hereby authorized to issue administrative subpoenas within its jurisdiction of authority when considering license applications.

(a) Administrative Subpoenas may be issued to cause a witness to appear and give oral testimony, or to produce documents or other tangible evidence.

(b) If a party wishes to have an administrative subpoena issued by the Commission within its jurisdiction of authority, a properly prepared administrative subpoena will be furnished by the party, including information necessary for service of process, at least five (5) calendar days prior to the hearing. When service has been completed, the Commission will provide proof of service to all parties.

(c) If a party or Commission wishes to include witnesses who are not within the Commission's jurisdiction of authority, but wishes to personally request the appearance of the intended witness on his or her behalf, the party is required to provide notice of the intended witness.

(d) If a party does not timely request an administrative subpoena, the party will not be entitled to a postponement because of the absence of the witness.

(e) If the administrative subpoena has been timely issued, the Commission may, in its discretion, postpone the hearing due to the absence of the witness.

b. Confidential Materials.

(1) Prior to making any documents available to the Department of Justice, the applicant (respondent) may designate any document he or she believes to contain confidential information as “Subject to a Confidentiality Claim” by so marking the document prior to providing a copy of the document to the Department of Justice.

(2) No document provided to the Department of Justice, the Commission or the Legislature, which has been marked in accord with Section ~~45~~17, subparagraph b (1) above, and no non-public information contained with the document will be made a part of the public record or otherwise be disclosed to any person other than its authorized agents (or except as may be required under any law, regulation, court order, or the Compact), without first providing the respondent with the opportunity to seek a ruling by the Commission that the documents and/or non-public information contained therein should not be made public. The request for such a ruling and any discussion relating to the document will be heard and ruled upon by the Commission in an executive session, the hearing session will be adjourned and the Commission will conduct an executive session meeting in order to hear and rule upon the respondent’s request. The applicant may present to the Commission, in executive session, written and oral arguments regarding the confidentiality claim, along with any facts the applicant believes to be relevant to such argument.

(3) When weighing the public’s right to be informed of the information before the Gaming Commission, the Commission in executive session will evaluate the evidence present as “Subject to a Confidentiality Claim” as follows:

(a) The Commission will balance the applicant’s claims of confidentiality against the materiality of the information to the license application;

(b) The Commission will balance the Ho-Chunk public’s right to know the information against the applicant’s claim of confidentiality;

(c) The Commission will balance its own accountability as a public service regulatory body to create a public record for the licensure against the applicant’s claim of confidentiality; and

(d) The Commission will consider all facts and circumstances relevant to making a proper ruling, this will include but is not limited to the public’s safety, tradition and custom of the Ho-Chunk Nation, the standard evidentiary privileges which includes but is not limited to doctor-patient privilege, clergy privilege, and/or attorney-client privilege.

(4) After considering the record “Subject to a Confidentiality Claim” in executive session and determining that the record will be made a part of the public record of

the applicant's application or licensure, the Commission will rule in public session on the record as to which documents are "Subject to a Confidentiality Claim."

(5) If the Commission rules against the Confidentiality Claim and the applicant continues to contest that the record or document should continue to be "Subject to a Confidentiality Claim," the applicant will be permitted to:

(a) withdraw his or her license application from consideration by the Commission; or

(b) withdraw the record or document from the Commission's proceeding.

(6) If the applicant selects the option provided in Section ~~4517~~, subparagraph b (5) (b) above, the Commission when making the licensure decision will weigh the withdrawal of the record or document along with other evidence in making the determination. Withdrawal of the documents from the application process ordinarily will be considered with disfavor and, depending on the facts and circumstances of the public record, the Commission may deem the withdrawal of the record or document to be sufficient cause in and of itself for denial of the license application.

(7) In the event that the Commission rules during executive session that the document and/or information contained therein should not be made part of the public record, but will be considered in the license application, the record or document shall be designated "Confidential," sealed, and will not be made part of the public record. The Commission may consider the document and information contained within the confidential record or document, in executive session in making its determination.

(8) At the conclusion of the proceedings, the Commission will return to the applicant all documents marked as "Subject to a Confidentiality Claim" which were not:

(a) made part of the public record; or

(b) designated as "Confidential" and considered by the Commission in executive session.

(9) The Legislature will apply these principles with respect to:

(a) any license application required to be considered by the Legislature, due to the fact that the license applicant is seeking a waiver of any requirements set forth in Section ~~4716~~, subparagraph c (2) of the Ordinance; and

(b) any appeal to the Legislature from any denial of a license by the Commission pursuant to Section ~~15~~17, subparagraph ~~f~~d of the Ordinance.

(10) Postponement. The Commission may postpone a hearing upon the request of a party, upon agreement of all parties, or at the Commission's discretion for good cause, and on such terms as the Commission deems just.

c. Hearings.

(1) The Commission will preside over all hearings, call the proceedings to order, control the presentation of evidence, the appearance of witnesses, and the order of the proceedings.

(2) The Commission has the authority to require any person including, but not limited to, any agent, employee or representative of any person, to appear and testify before the Commission with regard to any matter within the Commission's jurisdiction at such time and place as it may designate. Such testimony will be under oath and may include any matters which the Commission deems relevant to the discharge of the Commission's official duties. Testimony will be recorded by a duly certified court reporter and may be used by the Commission as evidence in any proceeding or matter before the Commission. Failure to appear and testify fully at the time and place designated will result in sanctions. Failure to appear may constitute grounds for:

(a) The refusal to grant a license to the person summoned, and/or that person's principal or employer;

(b) The suspension or revocation of a license held by the person summoned, and/or that person's principal or employer; or

(c) The inference that the testimony of the person summoned would have been adverse to that person and/or that person's principal or employer.

(3) Any party to the hearing may call and examine witnesses. The Commission will exercise its discretion to limit the testimony of witnesses where that testimony is irrelevant, argumentative or repetitive.

(4) Any party to the hearing may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

(5) The Commission may ask questions of witnesses, and may request or allow additional evidence at any time.

(6) Persons will be permitted to speak only when recognized by the Commission.

(7) The Commission will have the authority to eject from the hearings any person who is disruptive, disorderly, or who shows a lack of proper respect for the Commission or the nature of the proceedings.

(8) All hearings held under this Ordinance will be open to all members of the Ho-Chunk Nation and to such other persons who, in the discretion of the Commission or the Attorney General of the Department of Justice, should be allowed to attend.

(9) The Commission, in its discretion, has the power to sequester witnesses.

(d) Legislative Waiver. The Legislature may in its discretion, waive by legislative resolution any requirements set forth in Section 17, subparagraph c (2) for any suitability eligibility waiver applicant when the applicant has demonstrated on the record before the Commission evidence of sufficient rehabilitation and present fitness to hold a license.

(1) A recommendation to grant a waiver will be submitted by the Commission to the Legislature for their consideration and final decision. A decision of the Legislature under this subparagraph cannot be appealed to the Trial Court.

(2)(b) For the Legislative consideration of the resolution for the suitability eligibility waiver, submitted by the Commission, at the Legislative meeting:

(ia) Legislature will provide Notice to the applicant 10 calendar days prior to the meet for review, and the applicant, with or without legal representation, will have the right to be in attendance and to participate on his or her behalf.

(iib) The Legislature will give proper deference to the administrative expertise of the Commission and to the Commission's determinations of credibility.

(iic) The Legislature will not set aside or modify any recommendation unless it finds that the decision was arbitrary and capricious, unsupported by substantial evidence, or contrary to law.

(e) Appeal Commission's Decision or Request for Legislative Waiver. Provisions for appeal to the Legislature are provided in Section 12, subparagraph f, of the Ordinance.

(1) Filing Appeal. An applicant or licensee may file a petition with the Legislature requesting that it review a decision of the Commission with a duplicate copy provided to the Attorney General. The petition must be filed within forty-five (45) calendar days of the decision, unless additional time is granted by the Legislature, and will identify the decision being appealed and contain a short statement of the reason for the appeal.

(2) Review of the Record. Upon receiving a petition for review, which conforms to the requirements of this Section, the Legislature will notify the Commission,

which will have thirty (30) calendar days to transmit the record of its decision and to respond to the petition. The Legislature, within thirty (30) calendar days of the receipt of the Commission's record, will consider the petition and either grant or deny the petition for review. The Vice President or Vice President pro tempore will preside when the petition is considered.

(3) Statements. If the petition for review is granted, the applicant or licensee may file a statement in support of the appeal with the Legislature within ten (10) calendar days after the applicant or licensee has been notified by the Legislature. The Legislature will provide a copy to the Commission and the Department of Justice. The Commission will have ten (10) calendar days to file a written statement in response. The Legislature may extend the time allowed at its own discretion.

(4) Hearings. The Legislature will schedule a hearing within thirty (30) calendar days of receipt of the Commission's statement. The applicant or licensee will be afforded the right to be present and to participate on his or her behalf. The Legislature will limit the hearing to a review of the record of the Commission's proceedings, the applicant's or licensee's petition statement, or oral arguments, if any, and any other written statements provided.

(5) Decisions.

(a) Decisions of the Legislature will be made by a majority vote by resolution and will be based upon a review of the record of the Commission's proceedings, oral arguments, if any, and any written statements submitted.

(b) The Legislature will give proper deference to the administrative expertise of the Commission and to the Commission's determinations of credibility.

(c) The Legislature will not set aside or modify any decision unless it finds that the decision was arbitrary and capricious, unsupported by substantial evidence, or contrary to law.

18. Vendor License Provisions.

a. All vendors, whether conducting business with the Nation's gaming facilities must be classified as by the Commission as either gaming or non-gaming. All non-gaming vendors will be required to register with the Commission in accordance with the provisions provided in paragraph c., of this section; and all gaming vendors will be subject to licensing by the Commission as a condition precedent to conducting business with the Nation's gaming operations, except as provided in paragraph b., of this Section.

b. Exemptions. The following are excluded from the provisions of this Section:

- (1) Professional legal and accounting ~~service~~service providers.
- (2) Entertainers, including their supporting personnel and services as stated in the contract.
- (3) Insurance companies excluding annuity companies.
- (4) All Ho-Chunk Nation, state and federally chartered financial institutions.
- (5) Law enforcement agencies.
- (6) Utility providers.
- (7) Federal and state government agencies.
- (8) Non-profit ~~organizers~~organizations who can provide proof of tax exempt status.
- (9) Travel agencies.
- (10) Training and seminars.
- (11) Public or private accredited institutions of education.
- ~~(12) Food and beverage providers.~~
- ~~(13)~~ Any other person or entity as determined by the Legislature.

c. Non-Gaming Administrative Fees.

- (1) Any classified non-gaming vendor, supplier, general/construction contractor conducting business with the Nation's gaming facilities in an amount equal to or exceeding \$100,000.00 in any year will register with the Commission and pay an initial registration fee of \$100.00 and a biennial administrative fee of \$100.00.
- (2) Any classified non-gaming vendor, supplier, general/construction contractor conducting business with the Nation's gaming facilities in an amount equal to or exceeding \$10,000.00 in any year will register with the Commission and pay an initial registration fee of \$50.00 and a biennial administrative fee of \$50.00.
- (3) Any non-gaming vendor, supplier, general/construction contractor conducting business with the Nation's gaming facilities in an amount below \$10,000.00 in any year will be exempt from payment of any biennial administrative fees.

~~e. Any other vendor conducting business with the Nation's Class II or Class III gaming facilities as determined by the Legislature will be subject to these provisions.~~

d. Gaming Vendor.

(1) ~~Standard~~Licensing Standards. The standards and procedures for considering and issuing a vendor licenses will be those set out in Sections 13 through 17-18 of this Ordinance, and any other applicable provisions of this Ordinance.

(2) Determination by Other Jurisdictions. In addition, the Commission may consider issuing licenses to gaming vendors possessing valid licenses from other tribal or state jurisdictions until such time that the Nation completes its own background investigation. In the event that other jurisdictions suspend, revoke, or refuse to renew a license or certificate to a gaming vendor, the Commission will consider the determination of that jurisdiction and may suspend, revoke, or refuse to renew any license issued by the Commission.

(3) Submission of a Gaming Vendor License Application. In order to obtain a vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include its officers, directors, management, owners, partners, non-institutional stockholders who either own five percent (5%) or more of the stock or are the five (5) largest stockholders, and the on-site supervisor or manager under the agreement with the Nation, if applicable.

(4) Contents of the Gaming Vendor Application.~~(4)~~ Applications for vendor licenses must include, at a minimum, the following:

(a) Name of business, business address, business phone, federal tax ID number (or Social Security Number if a sole proprietorship), main office address if different from business address, any other names under which the applicant has done business, and the type of service the applicant will provide;

(b) Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;

(c) If the applicant is a corporation: the state of incorporation or name of tribe incorporated in, and the qualification to do business in the state or a tribe if the gaming operation is in a different state than the state of incorporation;

(d) Trade name, other names ever used, names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;

(e) General description of its activities;

- (f) Whether the applicant will be investing in or loaning money to the gaming operation and, if so, how much;
- (g) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (h) A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial, or management interests in non-gaming activities. If the vendor has had extensive interaction with Indian tribes, the list will include the ten (10) largest contracts;
- (i) Names, addresses, and phone numbers of three (3) business references with whom the company had regularly done business in the last five (5) years;
- (j) 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;
- (k) If the business has ever had a license revoked or denied for any reason and a written justification of the reason for the license being revoked along with the circumstances involved;
- (l) 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;
- (m) A list of the business's funding sources and any liabilities of \$50,000.00 or more;
- (n) A list of the principals of the business, their Social Security Number, (voluntary), address, telephone number, title, and percentage of ownership in the company; and
- (o) Any further information the Nation deems relevant.

(5) The following notice will 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 Nation's vendor license."

(6) A vendor may submit a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit (in writing) any changes in the information since the other

license application was filed and any information requested by the Nation not contained in the other application.

(7) Gaming Vendor Background Investigation and Report. Background investigations will be conducted as part of the licensing process. ~~h. Vendor Background Investigation Report.~~ The report will cover each of the steps taken in the completed background investigation of the vendor and its principals and submitted to the Gaming Commission. Compliance shall forward a ~~A~~ copy of the report ~~shall be forwarded~~ to the Vice President or Vice President pro tempore of the Legislature.

(8). Term of License and Fees. ~~(4).~~ Licenses will be for a term of two (2) years, and will expire on the anniversary of the date of issue.

(9) Gaming Vendor License Fees. In order to recover the costs to the Nation of complying with the tribal, state and federal regulatory processes applicable to Class II and Class III gaming, biennial license fees will be imposed upon the filing of any application for a gaming vendor license, and upon every license renewal thereafter. Any actual costs and expenses associated and incurred with additional background and suitability eligibility investigations will be assessed to the vendor as per an actual cost billing. The schedule of fees for licensing of gaming vendors will be as follows:

(a) Existing vendors will be assessed a non-refundable license fee based on the amount of business with the Nation's gaming facilities. A fee of ~~\$200.00~~ \$500.00 or one (1%), whichever is greater, will be charged based on the gross dollar amount received from the previous fiscal year.

(b) Classified gaming vendors who have not previously conducted business with the Nation's gaming facilities will be assessed a fee of ~~\$2500.00~~ or one (1%), whichever is greater, according to the gross dollar amount of the initial proposal of business with the Nation's gaming facilities. At the end of the Nation's fiscal year, the amount of the fee will be adjusted based on the actual gross dollar amount of business conducted by the classified gaming vendor.

(c) The Gaming Commission will not take any final action to approve any vendor license application, unless all license and investigative fees and costs have been paid in full and the vendor has complied with all applicable Ho-Chunk Nation laws.

19. Miscellaneous Provisions.

a. Right to Exclude Any Person from Premises at Any Time. Any person may be excluded from the gaming facility premises at the discretion of the Executive Director of Business, the Executive Manager or their appointed designee.

b. Minimum Age.

(1) Class II Gaming Facilities. No person under the age of eighteen (18) years will be permitted on any of the Class II gaming floors at any time, except those agents, employees, or contractors of the Nation who are actively engaged in employment duties or are performing authorized services for or on behalf of the Nation. A Class II gaming operation may not employ any person under the age of sixteen (16) years.

(2) Class III Gaming Facilities. No person under the age of twenty-one (21) years will be permitted on any of the Class III gaming floors at any time, except those agents, employees, or contractors of the Nation who are actively engaged in employment duties or are performing authorized services for or on behalf of the Nation. A Class III gaming operation may not employ any person under the age of eighteen (18) years.

(3) If any underage person, pursuant to [Section 19, subparagraph b \(1\) and \(2\)](#), plays and otherwise qualifies for the prize or winnings, the prize or winnings will not be paid and the estimated amount wagered during the course of the game will be returned to the underage person.

(4) Any underage person (minor) may pass to and from any of the Nation's Class II and III gaming facility hotels, retail shops, and eating establishments on the premises when accompanied by a supervising adult.

c. Permissible Alcoholic Beverages. No person will have in his or her possession any alcoholic beverages on any premises, except for such beverages as are purchased from the Nation or its authorized agents for on-premises consumption in accordance with licensing and other requirements of the Compact and laws of the Nation such as the *Alcohol Beverage Control Ordinance* (5 HCC §4), with possession and consumption of such beverages to be confined to such areas as are specifically defined by the Legislature.

d. Prohibited Substances. No person will have in his or her possession any substance prohibited by federal or state laws while on any Ho-Chunk Nation premises.

e. Persons Under the Influence of Alcohol or Prohibited Substances. No person who is visibly intoxicated will be permitted to participate in any gaming activity.

f. Firearms or Other Weapons. No person, including the Nation's Security Department personnel, will possess or be permitted to possess any firearm or other weapons within any Ho-Chunk Nation gaming facility. This provision will not apply to law enforcement officers who are acting in an official capacity and have jurisdiction; or to an armored car representative [employed by the Nation](#) for the transfer of [the Nation's](#) funds to or from financial institutions, or upon notice or special conditions set by the Commission for specific purposes or events.

g. Disorderly Conduct. No person will engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide a disturbance on any Ho-Chunk Nation's lands.

h. Nation's Property. No person may intentionally cause damage to any of the Nation's physical property without authorization from the Nation, nor may any person intentionally steal or defraud the Nation of property.

i. Enforcement. Any person who violates any provision of this Section will be asked to leave the premises. Authorized law enforcement officers or security personnel will be called to escort persons who refuse to leave the premises. In addition, any person who violates any provisions in this Section, as with any provision of this Ordinance, will be subject to penalties provided under [Section 2521](#).

20. Patron Disputes.

a. Patron Rights Regarding Disputes.

(1) Procedures, approved by the Gaming Commission, ~~will provide procedures~~ for impartial resolution of a patron's dispute will be posted by management and readily available to the patron.

(2) Any person who has a dispute concerning the conduct of a game(s) may raise such dispute with the following persons and in the following order:

(a) A member of the staff of the gaming facility.

(b) The supervisor in the area in which the dispute arose.

(c) The Executive Manager or their appointed designee of the gaming facility.

(d) The Gaming Commission.

(3) At each level, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegation.

(4) At each level, if the dispute remains unresolved, the complainant will be given a copy of the impartial dispute resolution procedures required under [Section V. E. of the Compact](#), and informed of the right to take the dispute to the next higher level as set forth in [Section 2420, subparagraph a \(2\)](#), above.

(5) Resolution of any dispute by staff of the gaming facility will always involve two or more staff members.

(6) All disputes, whether resolved or not, will be the subject of a detailed report by all staff involved to their supervisor. A copy of the detailed report(s) will be forwarded to the Executive Manager and to the Commission.

b. Gaming Commission Action on Patron Disputes. All unresolved disputes which are submitted to the Gaming Commission will be decided by the Commission based on information provided by the complainant, any witnesses for or documents provided by the complainant, or by the Executive Manager of the gaming facility or any other person who has relevant information to provide. The decision of the Commission will be in writing and issued within fourteen (14) calendar days of the completed investigation of the dispute. Copies will be provided to the Executive Manager of the gaming facility and the complainant.

21. Enforcement, Penalties and Investigations.

a. Enforcement. Any person will be subject to penalties as provided in Section 2521, subparagraph b, below, if such person entity and/or individual:

(1) Violates any provision of this Ordinance, or any applicable tribal, state and federal regulations; or

(2) Makes any false or misleading statements or omissions in any and all documentation filed with the Commission or in connection with any matter provided for hereunder; or

(3) Gives false testimony in any matter provided for hereunder before the Commission; or the Legislature, or the Court; or

(4) Fails to observe license conditions imposed by the Commission or Legislature, or decisions of the, Legislature, or Court rendered pursuant to this Ordinance.

b. Penalties. The Commission ~~through an enforcement action as provided in Section 16~~ will be empowered to impose any of the following penalties or fines: ~~in accordance with the provisions in Section 15;~~ pursuant to the Gaming Commission's Administrative Review Procedures.

(1) Suspension, revocation or other condition to an existing gaming license after a formal hearing and decision.

(2) Monetary fines, subject to the following:

(a) Except for individuals or entities listed in ~~the Section 2521~~, subparagraph b (2) (b) immediately below, not more than ten percent (10%) of the licensee's yearly gross wages from the Nation. The maximum penalty of ten percent (10%) of the licensee's yearly gross

wages from the Nation will not be imposed for each violation, but for all violations being considered ~~by the Court~~ per case brought with respect to the licensee.

(b) Any licensed gaming vendor, its licensed employees, or ~~controlling person or any~~ party to a management contract will be subject to a fine of not more than \$25,000.00 for each violation, and actual damages to the Nation or its gaming operations.

(3) Exclusion from attendance at any gaming facilities; or

(4) Exclusion from the Nation's lands if not a member of the Nation, as approved by Legislature; ~~or.~~

c. Investigations.

(1) The Department of Justice ~~of the Ho-Chunk Nation~~ has the power to conduct investigations as provided in this Section. The Department of Justice may retain outside counsel and other agents to assist it in conducting its investigation. All references to the Department of Justice hereafter include the Department of Justice and/or any designated agent of that Department.

(2) The Department of Justice may investigate without limitation the background and suitability eligibility of any applicant or licensee ~~to ensure that the applicant's or licensee's prior activities, criminal record, if any, or reputation, habits and associations do not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the danger of unsuitable, unfair or illegal practices and methods, or activities in the conduct of gaming.~~

(3) The Department of Justice may also investigate, without limitation, any suspected violation of the Ordinance, the Compact, the IGRA, the conditions of any license issued by the Commission, any violation of an order by the Commission, the Legislature, or the Trial Court or any other applicable laws, regulations or agreements, including, but not limited to any agreement with the Ho-Chunk Nation.

(4) No applicant or licensee will neglect or refuse to produce records or evidence or to give information upon written request by the Department of Justice within seven (7) days of receipt of such request. No applicant or licensee will interfere with any proper and lawful efforts by the Department of Justice to obtain such information. Every applicant, licensee, and all licensed manufacturers, distributors and vendors will make their business premises, books and records available for inspection by the Department of Justice for purposes of conducting its investigation. Failure of any person or entity to comply with this Section may result in the denial or revocation of a license, or the imposition of other penalties and sanctions.

(5) Tribal Inspector(s) Investigations.

22. Administrative Review Hearings

a. Powers of Gaming Commission. The Gaming Commission may:

(1) Issue administrative subpoenas;

(2) Administer oaths;

(3) Rule on the admissibility of evidence;

(4) Convene a conference between the parties to resolve issues or disputes;

(5) Regulate the course of the hearing;

(6) Make or recommend decisions; and

(7) Exercise any other functions consistent with the Ho-Chunk Nation Constitution and this Act.

b. Rules of Evidence

1. Rules of Evidence. The Gaming Commission shall not be bound by the common law, Federal Rules of Evidence, or Ho-Chunk Nation Rules of Civil Procedure, but he or she may rely upon them to guide his or her decision.

(a) Formal rules of evidence do not apply at the hearing but evidence which is irrelevant, cumulative or which would be unfair or prejudicial may be excluded by the Chair or admitted by the Chair under special conditions or stipulations. Basic rules of relevancy, materiality and probative force will be used by the Chair as a guide to admissibility. The Chair will rule on the admissibility of evidence.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, opportunity will be granted to compare the copy to the original. At the discretion of the Commission, a reasonable amount of time will be provided to review the evidence.

2. Official Notice of Facts. The Gaming Commission may take official notice of any generally recognized fact or any established technical or scientific fact; but parties shall be notified, and they shall be afforded an opportunity to contest the validity of the official notice.

3. Administrative Subpoena. The Gaming Commission, a party's attorney of record, or a pro se litigant may issue an administrative subpoena to compel the attendance of a witness, the production of evidence, or both.

4. Technical Data. When evidence to be presented consists of data so complex as to make oral presentation difficult to follow, or if information can be more effectively presented visually, the data may be presented in exhibit form and supplemented and explained by oral testimony.

c. Exhibits and Prepared Testimony.

1. Copies to all Parties. The Gaming Commission may order parties offering documentary exhibits or prepared testimony to furnish copies to the Commission in advance of the hearing and to provide a reasonable amount of time to enable review of the prepared testimony and exhibits.

2. Exclusion of Exhibits. The Gaming Commission at his or her discretion may exclude from the record exhibits offered into evidence that are bulky, dangerous, perishable, or otherwise not suitable for inclusion in agency records. Parties shall make reasonable efforts to use photographs, recordings, or other mechanical or electronic means to substitute physical evidence excluded by the Gaming Commission.

d. Transcripts.

1. Method and Copies. Hearings shall be recorded either steno graphically or electronically. A transcript will be made when it is determined that one is necessary by the Gaming Commission. If a transcript is made, copies shall be furnished to all persons upon request and prepayment of a reasonable fee should be made by the requesting party, as determined by the Gaming Commission. If no transcript is deemed necessary by the Gaming Commission and a party requests that one be prepared, that party shall be responsible for costs of transcript preparation. If several parties request transcripts, the Gaming Commission may divide the costs of transcription equally among the parties. In lieu of a transcript, the Gaming Commission may provide any person requesting a transcript with a copy of the tape recording or an electronic reproduction of the hearing upon payment of a reasonable fee. All requests for transcription shall be made at the hearing or in writing and sent to the Gaming Commission.

e. Service of Documents.

1. By the Gaming Commission. The Gaming Commission shall serve Decisions, Administrative Subpoenas, Orders, Notices and other documents via first class certified mail return receipt requested, or a functionally-equivalent commercial service. A party shall be responsible for updating the Gaming Commission whenever his or her telephone number, address, email address, or facsimile number changes.

2. By a Party. Materials filed by a party with the Gaming Commission shall be served personally or via first class, certified, registered mail or a functionally-equivalent commercial service, or by facsimile transmission. No affidavit of mailing, certification, or admission of service need be filed with the Gaming Commission.

(a) Materials mailed to the Gaming Commission shall be considered filed on the date of the postmark. Materials submitted by personal service shall be considered filed on the date the documents are received by the Gaming Commission.

(b) For materials transmitted to the Gaming Commission by facsimile, the date and time imprinted by the Gaming Commission's facsimile machine on the document shall determine the date and time of filing or service. Documents received after midnight local time shall be deemed filed on the following calendar day.

f. Place of Hearings. Unless otherwise specifically provided by order of the Gaming Commission, all hearings shall be held at the Tribal Executive Building. At the discretion of the Gaming Commission, conferences may be conducted via telephone and witness may testify by telephone, if necessary and desirable.

g. Changes in Time or Place of Hearing; Adjournments; Failures to Appear.

1. Changes. Requests for changes in the time and place of a scheduled hearing will be granted only for good cause. A request received after any required legal notice will be rescheduled only if the person requesting the change bears the cost of such change and the Gaming Commission deems such change appropriate under the circumstances presented.

(a) If a party fails to appear at a hearing following due notice, the Gaming Commission may rule against the party who fails to appear unless the party shows good cause for failure to appear.

2. Adjournment. . The Gaming Commission may adjourn a hearing for good cause and the hearing shall be reset or reconvened at his or her discretion.

3. Telephone or Video Hearing. For a hearing or conference being conducted by telephone or video or other telecommunication device, the Gaming Commission may find a failure to appear grounds for default.

h. Witnesses and Administrative sSubpoenas.

1. Appearance of Witness. An attorney or pro se litigant may issue an administrative subpoena to compel the attendance of witnesses. The attorney or pro se litigant may only exercise this power under the following circumstances:

(a) The Gaming Commission rules that it is appropriate to require the witness to appear at the hearing. In making this determination, the Gaming Commission shall not be required to hold a hearing before all of the parties.

(b) An attorney or pro se litigant uses forms provided by the Gaming Commission.

2. Administrative Subpoenas for appearance of Witness with Required Material. An attorney or pro se litigant may issue an administrative subpoena requiring the production of material if he or she specifies the material to be presented by the subpoenaed witness. The attorney or pro se litigant may only exercise this power under the following circumstances:

(a) The Gaming Commission rules that it is appropriate to require the witness to appear at the hearing and for the witness to bring the requested material. In making this determination, the Gaming Commission shall not be required to hold a hearing.

(b) The pro se litigant uses forms provided by the Gaming Commission.

3. Administrative Subpoenas By the Gaming Commission. The Gaming Commission may also issue administrative subpoenas to compel the attendance of witnesses at hearings, required material, or both.

i. Conferences.

1. Call and Purpose. The Gaming Commission may call a conference at any time prior to or during the course of a hearing, and may require the attendance of all persons who are or wish to be parties to the proceeding. At the discretion of the Gaming Commission, a conference may be conducted by telephone or similar telecommunication device. The purposes of such conferences shall be to consider the following matters:

(a) The clarification of issues;

(b) Any amendments to documents submitted to the Gaming Commission;

(c) The admissibility of evidence;

(d) The possibility of obtaining admissions or stipulations of fact and of documents that will avoid unnecessary delays in the proceedings for one party to provide proof of facts;

(e) The limitation of the number of witnesses;

(f) The identification of all parties to the proceeding; and

(g) Other matters as may aid in the disposition of the matter.

2. Recording Stipulations. The Gaming Commission may record any stipulations or other agreements made at a conference. Stipulations or other agreements made at a conference shall bind the parties in the subsequent course of the proceeding.

3. Decision after Conference. If a conference is held and the parties agree that there is no material dispute of fact, the Gaming Commission may cancel the hearing and may decide the matter on the basis of the conference.

j. Conduct of hearings.

1. Procedure. The Gaming Commission shall open the hearing and may make a concise statement of its scope and purposes. Appearances shall be entered on the record. Parties may make motions or opening statements.

2. Opening Statements. When opening statements are made they shall be confined to:

(a) Clear and concise summary of the evidence intended to be offered; and

(b) A statement of any legal points relied upon.

3. Unruly – use from Preliminary Waiver Hearing

4. Sequestration of Witnesses. At the request of a party, or on the Gaming Commission's own motion, the Gaming Commission may order witnesses sequestered.

5. Telephone and Audiovisual Testimony. The Gaming Commission may permit oral argument and oral testimony communicated on the record by telephone or live audiovisual means.

k. DECISIONS

1. Time-frame for issuance of decision. The Gaming Commission shall issue a decision within ten (10) calendar days of the final hearing or conference on a matter.

2. Review. A final decision shall include a notice of any right of the parties to petition for judicial review of adverse decisions. The notice shall also provide that the party has thirty (30) days to file a petition for review with the Trial Court and shall identify the party(ies) to be named as respondent in such an action.

3. Decision.

(a) Form. After the record is closed in each proceeding, the Gaming Commission shall prepare written findings of fact, conclusions of law, and a final decision.

(b) Burden of Proof. Unless the law provides for a different standard, the quantum of evidence for a hearing decision shall be by the preponderance of the evidence.

(c) Content of Decision. Every final decision of the Gaming Commission following a hearing shall be in writing accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise and separate statement of the ultimate conclusions upon each material issue of fact without recital of evidence. Every final decision shall include a list of the names and addresses of all persons who appeared before the Gaming Commission in the proceeding who are considered parties.

4. Appeal of Gaming Commission's Decision.

(a). Appeal to Trial Court. Decisions resulting from a hearing brought pursuant to Subsection 3 above, may be appealed to the Trial Court:

(i) The party wishing to appeal a decision of the Gaming Commission shall have thirty (30) days to file an appeal.

(ii) The party wishing to appeal a decision of the Gaming Commission shall be responsible for providing the Trial Court with copies of the Gaming Commission's decision and, if requested by the Trial Court, a transcript of the hearing in front of the Gaming Commission.

(iii) The Trial Court may only overturn the decision of the Gaming Commission if the Trial Court determines that the decision was:

(a) Arbitrary and capricious,

(b) Unsupported by substantial evidence; or

(c) Contrary to law.

2623. Existing Procedures. All proceedings commenced before the effective date of this Ordinance, or any Amendments to it, will be conducted under the Ordinance then in effect.

2724. Sovereign Immunity.

a. In accordance with Article XII of the Constitution of the Ho-Chunk Nation, the Legislature hereby expressly waives the sovereign immunity of the Nation for the purposes of securing any right or punishing any offense under this Act.

b. In accordance with paragraph a, above, the Legislature hereby declares that any person violating any provision of this Act is acting beyond the scope of their duties or authority and is therefore to be held personally liable for violations of this Act.

2825. Severability. The provisions of this Ordinance are severable; if any part or provision hereof shall be held void by a court of competent jurisdiction or federal agency, the decision of the court or agency so holding will not affect or impair any of the remaining provisions of this Ordinance. Citation of potential court action in this Section will not be deemed a waiver of the Nation's sovereign immunity from suit.

2726. Effective Date. This Ordinance, and any Amendments to it, supersedes prior Gaming Ordinances, resolutions, and motions pertaining thereto and will take effect on:

- a. The passage of a resolution by the Ho-Chunk Nation Legislature to amend the Ordinance; and
- b. The approval of the Amendments to the Gaming Ordinance by the Chairman of the NIGC as provided for by 25 U.S.C. §2710 (e). The date of passage of the Resolution by the Legislature and approval of the Amendments by the Chairman of the NIGC will be notated within the Legislative History of the Ordinance.

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History

- 10/07/89 WWBC adopts amended and restated Gaming Ordinance of the Ho-Chunk Nation.
- 06/26/92 WWBC Resolution No. 6/26/92E, to amend and supersede the Gaming Ordinance adopted on October 7, 1989.
- 11/11/92 WWBC Resolution No. 11-11-92 G, to amend and supersede the Gaming Ordinances adopted on October 7, 1989 and June 26, 1992.
- 04/26/93 WWBC Resolution No. 4/26/93A, (Attachment as “Appendix A”).
- 04/09//94 WWBC Resolution No. 4/9/94-C, to amend and supersede the Gaming Ordinance adopted on November 11, 1992, and subsequent amendments thereto.
- 06/08/94 WWBC Resolution No. 6/8/94B, to amend Sections 1104 and 1105.
- 06/14/95 Legislature Res. No. 6/14/95C, to amend Sections 1102 (a) (i) and (ii).
- 10/24/95 Legislature Res. No. 10/24/95A, to amend by adding Section 1301(a).
- 02/20/96 Legislature Res. No. 2/20/96B.
- 09/06/96 Legislature Res. No. 9/6/96A, to amend Sections 901(a) and (d).
- 12/17/96 Amendments by Res. No. 2/20/96B and 9/6/96A, are approved by NIGC.
- 04/14/98 Legislature Res. No. 4/14/98I, to amend Section 1203(a) (iv)(c) by addition of (i).
- 05/11/99 Legislature Res. No. 5/11/99L, Amendments A – I, to amend and supersede the Gaming Ordinance adopted on September 6, 1996 and subsequent amendments thereto.
- 03/07/00 Legislature Res. No. 3/7/00B, to amend Section 213(a), classification of key employee positions.
- 06/22/00 Legislature Res. No. 6/22/00B, to amend Sections 210, 213(b), 803, 1201(a), (b) and (c).
- 06/22/00 Legislature Res. No. 6/22/00D, to amend Sections 801(a) and (b), Section 803, and Section 1201.
- 05/20/02 Legislative Res. No. 5/20/02F, to amend Sections 230 and 1301(a).
- 08/03/05 Legislature Res. No. 8/3/05B, to amend Section 802.
- 08/30/05 Legislative Off-Site.
- 10/04/05 Legislature approves the Ordinance for 45-Day Public Review and Comment.
- 11/28/05 Public Review and Comment period ends.
- 01/11/06 Final Draft of Ordinance sent to Gaming Commission for final review.
- 07/05/06 Legislature approves 45-Day Public Review and Comment Period.
- 08/18/06 Public Review and Comment period ends.
- 01/22/07 Legislative Off-Site.
- 05/08/07 Legislature approves the Ordinance for 45-Day Review and Comment.
- 07/19/07 Development Committee made a Motion to hold a Legislative Off-site on August 15, 2007 to review the Ordinance. The only comments received during the 45-Day Review and Comment period were from the Gaming Commission.
- 08/15/07 Pursuant to the Legislative Organization Act (2 HCC §11), the Legislature conducts an Off-Site.
- 09/6/07 Pursuant to the Legislative Organization Act (2 HCC §11), the Legislature conducts an Off-Site.

- 10/05/07 Meeting held between Gaming Commission and Legislature to discuss changes to Off-Site.
- 10/15/07 Meeting held with Legislative Staff and Gaming Commission to go over technical changes to Gaming Ordinance recommended by the Gaming Commission.
- 10/18/07 Development Committee refers proposed changes to the full Legislature.
- 12/18/07 Legislature passes Resolution 12-18-07 A - [Submitting proposed Amended and Restated](#) Gaming Ordinance to the NIGC for approval.
- 01/28/08 Legislature passes Resolution 1-28-08 D, amending the Gaming Ordinance to address concerns of NIGC with respect to proposed definition of “Nation’s lands” and requirements of information to be submitted as part of reports to NIGC.
- 02/07/08 NIGC issues approval of [the Amended and Restated Gaming Ordinance.](#)
- 00/00/15 Gaming Commission submits an Amended and Restated Gaming Ordinance for review to the Legislative Development Committee.
- 00/00/15 Legislature passes Resolution 00-00-15X, approving the Amended and Restated Gaming Ordinance, and is submitting proposed amendments to NIGC for its approval.
- 00/00/15 NIGC issues approval of the Amended and Restated Gaming Ordinance.

Procedural History Note:

This document is the result of Legislative Workgroup meetings that were held on September 29 and 30, 2016, as well as October 11, 2016 to review the Draft Ordinance that went out for public comment on August 9, 2016. During these meetings, comments submitted were reviewed and discussed in light of the Draft document that had gone out to the public. Based on the comments submitted, the Draft Ordinance was revised. The Legislature authorizing placing the revised Draft out for another public review and comment period in the above form (by action taken on October 18, 2016).