



## LICENSING REGULATIONS

### *Section 1. General Regulations for Licensing*

#### 1.0 Authority and Responsibility

The Citizen Potawatomi Nation Gaming Commission (Commission) is authorized, mandated and empowered by the Indian Gaming Regulatory Act (IGRA) 25 U.S.C. 2710, the Citizen Potawatomi Nation and State of Oklahoma Gaming Compact (Compact), and the Citizen Potawatomi Nation Ordinance No. 07-01 (Gaming Ordinance), to conduct background investigations, determine suitability, and license employees of the Tribe's gaming operations as well as vendors conducting business with the Tribe's gaming operations.

#### 1.1 Definitions

Unless otherwise defined within a section, the definitions of the following terms shall apply:

**Bad Debt** shall mean and include, with the exclusion of medical bills and educational loans, all liens, judgments, collections, past due credit card debt, past due loans and any other past due debt or financial liability.

**CHRI** shall mean Criminal History Record Information maintained by the FBI. This is information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising there from, including acquittal, sentencing, correctional supervision, and release.

**CPN** shall mean the Citizen Potawatomi Nation Indian tribe of Oklahoma.

**Commission** shall mean the Citizen Potawatomi Nation Gaming Commission.

**DBA** shall mean "Does Business As", referring to the "fictitious name" the company or person is conducting business under if different than the actual name.

**Employee License or Permit**, shall mean the license given by the Commission to any employees of a gaming facility that meet the definition of a General Employee and do not meet the definition of Primary Management Officials, Key Employees or Non-Key Employees.

**FBI** shall mean the Federal Bureau of Investigation.

**Gaming License** shall mean a license to work in a gaming facility given by the Commission to employees who meet the definition of a Primary Management Official, Key Employee, or Non-Key Employee.

**Gaming Facility or Enterprise** shall mean any building, facility, establishment, operation or enterprise owned by the Citizen Potawatomi Nation in which tribal gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming facility are maintained (except for offsite facilities primarily dedicated to storage of those records and financial institutions), and all rooms, buildings, and areas including hotels, restaurants and other ancillary businesses, parking lots and walkways in which the principal purpose of which is to serve the activities of the tribal gaming facility.

**General Employee** shall mean any employee of a gaming facility that does not fit the definition of a Primary Management Official, Key Employee or Non-Key Employee. These may include but are not limited to non-management positions in the Food and Beverage department, Housekeeping department, Maintenance department, Warehouse, Uniform department, and Receptionists.

**Key Employee** shall mean:

- (a) A person who performs one or more of the following functions:
  - 1) Bingo employees;
  - 2) Vault, main bank, cage and count room employees;
  - 3) Security and surveillance employees and anyone who directs other employees engaged in providing security or surveillance services;
  - 4) Table games and card games employees including but not limited to dealers, croupiers, pit bosses, supervisors and pit clerks;
  - 5) Slot Department employees;
  - 6) Keno employees;
  - 7) Custodians of gaming devices, supplies or cash, which includes:
    - i. Certain purchasing and receiving and warehouse employees;
    - ii. All finance and accounting employees;
  - 8) General manager, floor manager, or any other director or manager;
  - 9) Custodians of gambling devices including persons with access to cash and/or accounting records of such devices;
  - 10) Certain Human Resource Department employees;

- 11) Internal or Operational Compliance employees; and
  - 12) Any employee with access to or control over servers or computers and the ability to exercise a significant influence over some portion of the facility.
- (b) If not otherwise included, any other person whose total cash compensation is in excess of fifty-thousand dollars (\$50,000) per year; or
  - (c) If not otherwise included, any other person who supervises or directs other employees engaged in the control of gaming assets, revenues and record keeping, including the recording of cash and evidences of indebtedness, and the maintenance, review or control of the records, accounts, and reports of transactions; or
  - (d) If not otherwise included, the top four (4) most highly compensated persons in the gaming facility; or
  - (e) Any employee with hiring and firing authority; and
  - (f) Any applicant or person the Commission deems important, key or necessary to the operation of the gaming facility.

**License**, used in a general sense, shall mean any license or permit issued by the Commission.

**Licensee** shall mean any person or company who is granted a license or permit of any type by the Commission.

**Management Contractor** shall mean a contractor or subcontractor if such contract or agreement with the Tribe provides for the management of all or part of a gaming operation.

**MOU** shall mean Memorandum of Understanding, a formal document describing a bilateral or multilateral agreement between parties.

**NIGC** shall mean the National Indian Gaming Commission, an independent federal regulatory agency of the United States established pursuant to the Indian Gaming Regulatory Act of 1988 (Act) to regulate gaming activities on Indian lands for the purpose of shielding Indian tribes from organized crime and other corrupting influences; to ensure that Indian tribes are the primary beneficiaries of gaming revenue; and to assure that gaming is conducted fairly and honestly by both operators and players.

**Non Gaming Vendor License** shall mean a license issued by the Commission to a person or company who, directly or indirectly, provides or are likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to a gaming facility in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the gaming facility in any consecutive twelve-month period.

**Non-Key Employee** shall include but may not be limited to the following jobs: administrative assistant, file clerk, communication dispatcher, safety manager, valet personnel, supervisory warehouse personnel, non-managerial HR personnel, even coordinator non-supervisory player's club personnel, supervisory positions in the

Uniform, Housekeeping and Maintenance departments, supervisory positions and any positions in the Food and Beverage department that allow the withdrawal or deposit of funds into the Vault, IT personnel such as database administrators and networking technicians, and retail sales personnel (i.e. gift shop, smoke shop, etc.).

**Principal** shall mean any officer, director or primary management official of a company.

**Primary Management Official** shall mean any person(s) in the gaming facility having management responsibility for a management contract and/or any person(s) who has authority to hire and fire employees, set up working policy for the gaming operation, or person(s) with financial management responsibility.

**Registered Vendor** shall mean any person or company that does not otherwise meet the criteria of a vendor requiring a Vendor Gaming License or a Non Gaming Vendor License.

**Representative** or **Vendor Representative** shall mean any person employed by a company to represent them in an official or business capacity.

**SEC** shall mean the U.S. Securities and Exchange Commission; an independent agency of the United States government which holds primary responsibility for enforcing the federal securities laws and regulating the securities industry, the nation's stock and options exchanges, and other electronic securities markets.

**Service Technician** or **Technician** shall mean any person who has access to the gaming facility, whether onsite or remote, and the ability to exercise a significant influence over some portion of the facility.

**SSN** shall mean Social Security Number. The nine-digit number issued to U.S. citizens, permanent residents, and temporary (working) residents under section 205(c)(2) of the Social Security Act, codified as 42 U.S.C. § 405(c)(2) by the Social Security Administration for identification and taxation purposes.

**Vendor or Company** shall mean any company that has entered, or desires to enter, into an agreement, whether verbal or written, with a gaming facility, or management or an agent thereof, for the purpose of providing goods and/or services to the gaming facility.

**Vendor Gaming License** shall mean a license issued by the Commission to a person or company that provides gaming or gaming related equipment, devices or supplies regardless of amount or value of equipment supplied.

**Vendor Permit** shall mean the permit issued by the Commission to any person or company that does not otherwise meet the requirements for a Vendor Gaming License or Non Gaming Vendor License.

## ***1.2 Revocable Privilege***

A License is a deniable and revocable privilege and no holder thereof shall be deemed to have acquired any vested rights therein or there under. The burden of proving qualifications to hold any license rests at all times on the licensee. The Commission is charged by law with the duty of observing the conduct of all licensees to ensure continued suitability for licensure.

## ***1.3 Violation of Law or Regulations***

Violation of the Citizen Potawatomi Nation gaming laws, applicable Federal, State or local laws and regulations, Commission regulations or directives by a licensee determined to be illegal, present a threat to Tribal assets or the integrity of the gaming facility, or to be contrary to the public health, safety, and general welfare of the public may be grounds for placement of conditions on, suspension or revocation of a license.

Acceptance of a license or renewal thereof, constitutes an agreement on the part of a licensee to be bound by the Citizen Potawatomi Nation gaming laws, applicable Federal, State or local laws and regulations, and Commission regulations or directives. It is the responsibility of the licensee to keep informed of the content of all such Commission matters and amendments. Ignorance thereof will not excuse violations.

## ***1.4 Licenses Required***

- (a) Prior to engaging in activities or business related to a gaming facility the following are required to have a valid license issued by the Commission:
  - (1) Each gaming facility.
  - (2) All employees and management of a gaming facility.
  - (3) All vendors (and their service technicians/representatives) of equipment, devices or supplies related to gaming regardless of amount or value of equipment supplied. This shall be referred to as a Vendor Gaming License.
  - (4) All non-gaming vendors who, directly or indirectly, provide or are likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to the enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the enterprise in any consecutive twelve-month period. This shall be referred to as a Non-gaming Vendor License.
  - (5) All non-gaming vendors who provide goods or services to a gaming facility not included in paragraphs (c) or (d) above. This type of licensure shall be referred to as a "Vendor Permit" or a "Registered Vendor".
  - (6) All management contractors for a gaming facility.

- (7) All other persons or entities as the Commission deems necessary.
- (b) A gaming facility shall not employ any management personnel or employee or any other person deemed necessary unless that person is first licensed by the Commission.
- (c) A gaming facility shall not enter into a contract or conduct business with any person or entity who, directly or indirectly, provides or is likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to the enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the enterprise in any consecutive twelve-month period within the immediately preceding twenty-four-month period, or any person or entity who provides through sale, lease, rental or otherwise covered games, or parts, maintenance or service in connection therewith to the tribe or the enterprise at any time and in any amount, unless that person or entity is first licensed by the Commission.

### ***1.5 Duty to Display and Surrender of Licenses***

- (a) **Duty to Display License.** Pursuant to the Gaming Ordinance Section 14(b), persons issued a license by the Commission shall wear the license in a visible manner at all times while on duty in a gaming facility. Visible manner shall be defined as the upper one-half of the body.
- (b) **Duty to Surrender License.** If any licensee loses a license badge, the licensee shall file a sworn statement verifying the loss and the circumstances thereof and pay the fee, if any, for a replacement license badge. Upon suspension, resignation or termination of employment, an employee shall immediately surrender the license badge to the Commission or to management of the gaming facility to be forwarded to the Commission.

### ***1.6 Standards for Licensing***

- (a) **In General:**
  - (1) The Commission shall make a determination on an individual's suitability for licensing based on information obtained from all reasonable sources that shows the individual's character, honesty and integrity.
  - (2) The Commission shall make a determination on a vendor's suitability for licensing based on information obtained from all reasonable sources that confirms the character, honesty and integrity of the owner(s) and/or principals, financial stability, and legitimacy of the company
- (b) **Favorable Suitability Determination.** The Commission shall not issue a license or make a favorable suitability determination on an individual or entity unless and

until the applicant has completed the application process, paid any fee required, and has satisfied the Commission that the applicant meets the general standards in paragraph (a) above and any other requirements for obtaining or retaining a license.

(c) **Grounds for Unfavorable Suitability Determination.** The Commission shall render an unfavorable suitability determination and deny a license for any grounds deemed reasonable by the Commission including, but not limited to, the following:

- (1) There is evidence of an untrue or misleading statement of material fact or willful omission of any material fact in any application, statement, or notice filed with the Commission or made in connection with any investigation, including the background investigation;
- (2) the applicant has been convicted of (either by plea or by verdict) or has entered a plea of guilty or nolo contendere to any gambling-related crime regardless of the amount of time passed or any felony charge;
- (3) the applicant has been convicted of (either by plea or by verdict) any misdemeanor violation involving theft or dishonesty that has been upheld or is pending within the preceding ten (10) years of the date of the application for license;
- (4) the applicant has offered something of value to bribe, threatened to blackmail or, by some other means, has improperly sought to influence any Commissioner, Commission employee, any Tribal official or gaming facility official in an effort to obtain favorable action on a license application or any regulatory decision;
- (5) the applicant has promoted, played or participated in any gaming activity that applicant knows or should have known was being operated in violation of applicable law;
- (6) the applicant has been denied a license, had a license revoked, or was not renewed by any governmental entity engaged in the regulation of gaming activity, except where the denial was based on a technical deficiency that was subsequently corrected by the applicant or for a reason not related to licensing that the Commission feels is not material to its licensing requirements;
- (7) the applicant has been known to associate with persons reliably believed by law enforcement agencies to be presently, or previously, engaged in corrupt or criminal activities or with persons identified by the NIGC or any other gaming regulatory agency as being disqualified from gaming activity;

- (8) if for any reason, including but not limited to, the applicant's prior conduct background, reputation, activities or associations the Commission determines that licensing of the applicant could:
- i. pose a threat to the public interest or to the effective regulation of gaming activity on tribal land,
  - ii. create or enhance the dangers of unsuitable, unfair or illegal practices, methods or activities in the conduct of gaming activity,
  - iii. adversely affect the general credibility, security, honesty or fairness of tribal gaming, generally or relating to the Tribe's gaming facilities,
  - iv. result in adverse performance, misconduct or misbehavior by the applicant, or
  - v. result in adverse publicity for the Tribe and its gaming facilities.
- (9) The Commission shall have the discretion to render an unfavorable suitability determination for any employee of a gaming facility or vendor or any other person deemed necessary for a license on the basis of other unfavorable information, regardless of whether any of the criteria in this regulation is expressly satisfied.
- (10) The Commission may consider, but shall not be limited to, the following information pertaining to an applicant's criminal history when making a licensing suitability determination:
- i. the nature and severity of the conduct that constituted the offense or crime;
  - ii. the length of time that has passed since conviction;
  - iii. any criminal activity since last conviction;
  - iv. completion or satisfaction of the sentence; probation, parole or payment of the fine;
  - v. the number of offenses or crimes;
  - vi. impact on job duties;
  - vii. documents submitted by applicant to clarify background investigation information.

### ***1.7 Applications and Fees***

- (a) **Generally.** The Commission shall require all persons and entities seeking a license from the Commission for any purpose to complete an application form and



may require that person or entity to pay to the Commission a processing, licensing and regulation fee.

The burden of proving qualification and suitability to obtain and/or retain any license is at all times on the applicant. An applicant accepts any and all risk of adverse public notice, embarrassment, criticism, or other action or financial loss that may result from the application process and the applicant expressly waives any and all claim(s) for damages as a result thereof.

An application for a license shall constitute a request for a decision upon the applicant's general suitability, honesty, character, integrity, and ability to participate or engage in, or be associated with gaming or a gaming facility in the manner or position sought by the applicant. By filing an application with the Commission, the applicant specifically consents to the Commission making that decision.

No employee of a gaming facility shall simultaneously hold more than one active gaming license. The Commission shall not issue a license to an employee while another Tribal Gaming Commission's records show an employee's license as currently active.

- (b) **Application Forms.** All gaming license application forms will require certain information to be provided by the applicant in order to perform a thorough background check and suitability determination.
  
- (c) **Background Investigation Fees.** The Commission may include fees related to the Commission's direct and indirect costs incurred in conducting and processing background investigations, reviewing an applicant's license application in the Licensing fee. The Commission shall inform each applicant and/or the Gaming Facility of the fee required for the license sought.

### ***1.8 Failure to Complete Initial License Application Process***

If any applicant fails to complete and submit the application and fingerprinting process (as applicable), including failure to appear for scheduled appointments with Commission staff without good cause, the applicant shall be deemed to have withdrawn their application from consideration and shall not be eligible to reapply for a period of three (3) months from the date the Commission determined the applicant failed to complete the application process. The Human Resources Department and Gaming Facility or the Vendor shall be notified of such failure on the part of the applicant to complete the application process and the prohibition to reapply. The Commission may allow the applicant to reapply before the expiration of the prohibited time period if good cause is shown for the failure to complete the application process.

## ***1.9 Background Investigations***

- (a) **When Background Investigations Are Required.** The Commission must conduct a background investigation of some type on all persons or entities submitting applications for any of the following licenses:
- (1) Management or Key Employee Gaming License
  - (2) Non-Key Employee Gaming License
  - (3) Employee License or Permit
  - (4) Gaming Vendor License
  - (5) Gaming Vendor Technician/Representative License
  - (6) Non-Gaming Vendor License
  - (7) Non-Gaming Vendor Technician/Representative License
  - (8) Registered Vendors and their on-site representatives
  - (9) In relation to any Management Contractor License and in addition to any background investigation performed by the National Indian Gaming Commission (NIGC) pursuant to federal regulations:
    - i. each person with management responsibility for management contract;
    - ii. each person who is a director of a corporation that is a party to a management contract;
    - iii. the ten (10) persons who have the greatest direct or indirect financial interest in a management contract; and
    - iv. any entity with a financial interest in a management contract (in the case of institutional investors or lenders, the Commission may reduce the scope of the background investigation).
  - (10) Any other Licenses issued to those persons or entities deemed by the Commission as requiring a license.
- (b) **Standards for Background Investigations.** The Commission shall conduct a background investigation of the applicant to determine whether the applicant is suitable for the license applied for. During the background investigation, the Commission shall seek information from all reasonable available sources and shall consider any competent information that comes to its attention during the background investigation, including information submitted by the applicant. The Commission shall have the discretion to give whatever weight to the information it receives concerning an applicant as it believes the information merits under the circumstances. For every applicant for a license, the background investigation shall, at a minimum, include the following:

- (1) An inquiry into the applicant's prior activities, including criminal record if any, reputation, habits and associations;
  - (2) Interviews with persons knowledgeable about the applicant's character and background;
  - (3) Verification of the information contained in the completed application;
  - (4) Documentation of all potential problem areas noted; and
  - (5) Any disqualifying or derogatory information obtained.
- (c) **Failure to Allow Investigation into Background.** Failure of any applicant to allow an investigation into their background or to disclose all information requested by the Commission is grounds for denial of the license.
- (d) **Inaccurate Information Obtained in Background Investigation.** The Tribe, the Commission, and its staff shall not be held liable for any inaccurate information that may be obtained through a background investigation.

### ***1.10 Production of Records or Evidence***

No applicant or licensee shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by the Commission or any employee or authorized agent of the Commission, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by the Commission or any employee or agent of the Commission to obtain the information.

### ***1.11 Initial License***

The Commission may issue an initial license to an applicant after a favorable suitability determination. Each licensee who has been issued an initial license shall have an updated background investigation done periodically after the license has been issued and in subsequent years, in accordance with the CPN Gaming Ordinance, Oklahoma Tribal-State Compact, and any other applicable Tribal, Federal, or State gaming laws or regulations, or at the discretion of the Commission. An initial license must be renewed, and it may be changed by adding new conditions, using procedures described in Regulation 1.23 or suspended or revoked, using procedures described in Regulations 1.19 and 1.21.

### ***1.12 Licensing Procedures for Initial Licenses***

#### **(a) Suitability Determination.**

- (1) Generally. The Commission shall determine each applicant's suitability for a license in accordance with these regulations. The Commission shall not determine the applicant's suitability for a license until after the background investigation is completed.

- (2) Additional Investigation. If the background investigation or other information provided in the application raises questions about the applicant's suitability for a license, the Commission shall conduct any additional investigation necessary to resolve any questions.
- (b) **Gaming License Granted, Issuance.** Within ten (10) business days after a favorable suitability determination of an application for a license, the Commission shall issue a license to the applicant.
- (c) **Gaming License Denied, Reconsideration Request.** If the Commission renders an unfavorable suitability determination and denies the license application, the Commission shall give the applicant and the gaming facility written notice specifying the grounds for the denial of the license and advising the applicant of the right to request an appeal to the Commission. An applicant who is denied a license may file a written request for reconsideration with the Commission within ten (10) business days following receipt of notice of the Commission's action.
- (d) **Good Cause to Reconsider; Appeal Hearing Request.** The written request shall state in detail the reason for reconsideration of the license denial and submit any pertinent documents in support of the request. The Commission shall review the written reconsideration request, along with any pertinent documents that may have been submitted by the requestor, to determine if good cause exists to reconsider the decision to deny the license.
- (1) Good cause shall be deemed to exist if there exists additional evidence, which is material and reasonably calculated to change the decision and sufficient reason existed for the applicant's failure to present such evidence at the time of the initial application.
- (2) If the Commission determines there is not sufficient cause to reconsider its decision, the decision to deny the license shall stand and the requestor shall be notified of the Commission's decision not to reconsider the denial. No further appeal of the license denial is allowed.
- (3) If the Commission determines that good cause exists to reconsider its decision, the Commission shall notify the requestor that the Commission will reconsider its initial decision and that the requestor will be notified in writing of the Commission's reconsideration decision. The Commission shall reconsider all documents and information reviewed when making the initial decision, along with the reconsideration request and any submitted documents, and renders a decision as to whether to grant or deny the license. The reconsideration decision of the Commission shall be final.
- (e) **Eligibility to Reapply for License.** If the Commission determines that the license denial shall be permanent, that person is prohibited from ever reapplying

for a license with the Commission. If the Commission does not determine the denial to be permanent or does not specify that the denial is to be permanent, the individual is eligible to reapply for a license after one (1) year from the date of such denial.

### ***1.13 License Term; Renewal***

- (a) **Term.** Gaming licenses issued under these regulations shall have a term not to exceed two (2) years from date of issuance and may vary in length depending upon the type of license.
- (b) **Termination of a license.** A license terminates immediately upon any of the following:
  - (1) the effective date of the employee's resignation or termination from employment with the gaming facility or vendor licensed as applicable;
  - (2) the expiration of the stated license term; or
  - (3) the date of revocation by the Commission.
- (c) **Renewal Timeframe.** All licensees must submit an application for license renewal and pay any required fee no more than sixty (60) days, but not less than thirty (30) days, before the license expiration date.
- (d) **Expiration Date, Licensee Responsibility to Reapply.** The licensee shall be responsible to reapply with the Commission for a renewal of their license before the expiration date of that license. The Commission may, but is not required to, notify licensees of their license expiration date and the need to reapply. Failure to reapply within the timeframe specified by these regulations may result in a suspension of the license, a fine, or both.
- (e) **Renewal Application Process.** All licensees shall submit an application for license renewal and pay any required fee to the Commission in accordance with the stated timeframes for renewal of the particular license. Failure to submit a renewal application in a timely manner so that a background investigation may not be completed before the expiration date of the license may result in the expiration of the license and require the licensee to cease work or gaming activities pending completion of the background investigation and a suitability determination. The Commission, in its discretion, may issue a temporary permit pending the suitability determination for renewal upon a showing of extraordinary circumstances.
  - (1) The Commission shall conduct an updated background investigation with respect to any license renewal application and shall make a decision to grant a renewal or deny license renewal based on the findings of the background investigations and the application.

- (2) If the Commission determines that the renewal is denied based on an unfavorable suitability determination, the licensee shall be given written notice thereof, and be advised of the right to a hearing before the Commission. The licensee may file a written request for a hearing with the Commission within ten (10) business days following receipt of notice of the Commission's decision. The Commission's decision after the hearing shall be final.

#### ***1.14 Duty to Report Criminal Charges, Arrests, Warrants, Incarceration***

- (a) **Individual Licensee's Duty.** Any person holding a valid license issued by the Commission has a duty to notify the Commission of:

- (1) any criminal charges brought or pending against that person within five (5) business days of the date of such arrest, charge, summons or conviction. The notice time period may be extended by the Commission in extraordinary circumstances;
  - i. Notice is not required for any non-felony traffic violation unless the violation results in suspension or revocation of a driver's license, issuance of a warrant, or is based on allegations of driving under the influence of alcohol or drugs.
- (2) any and every warrant issued for that person. The Commission shall suspend a license for any person upon notice of the outstanding warrant and allow five (5) business days for the licensee to cure any warrant problem. The Commission shall revoke a license for any person who does not have a warrant dismissed within the five (5) day cure period. The Commission may extend the time to cure in extraordinary circumstances. Except for the right to cure provided by these regulations, no person may hold a gaming license with any warrant outstanding;
- (3) any and every period of incarceration for that person within five (5) business days of the date the person was first incarcerated. The notice time period may be extended by the Commission in extraordinary circumstances;
- (4) any periods of work release from detention or other periods where the licensee is or may be absent from work at the gaming facility that may affect the status of the license held by the individual.

- (b) **Failure to Notify.** Failure of the licensee to notify the Commission of incidents listed in this section within the timeframe specified above may result in suspension of the license pending further investigation, a fine, or both.

### ***1.15 Duty to Report Suspension, Resignation or Termination***

The Human Resources Department, Gaming Facility, or Licensed Vendor as applicable shall notify the Commission of any resignation, suspension or termination of a licensed employee within two (2) business days after the employee's resignation, suspension or the employee's final day of employment.

### ***1.16 Employment Status Report***

(a) **Suspension, resignation or termination.** Upon suspension, resignation or termination of a licensed employee of a gaming facility, the Human Resources Department must submit a written report\* certifying the employment status of the employee within five (5) working days of the last date of the individual's employment. The report shall advise the Commission of the following:

- (1) successful completion of an exit interview, if applicable; and
- (2) return of all equipment, keys, badges, etc (as applicable);
- (3) identify any monies owed to the Gaming Facility or Tribe by the individual;
- (4) performance issues that may impact any future licensing determination by the Commission, including reason for suspension or termination;
- (5) whether the person would be deemed hireable by the Gaming Facility or Licensed Vendor as applicable in the future; and
- (6) any other information the Commission deems necessary.

\*Note: This submission may be made via fax or email in a format approved by the Commission.

### ***1.17 Additional, Reopened or Random Investigations During Licensure***

(a) **Commission's Right to Conduct Investigations.** The Commission is responsible for observing the conduct of all licensees for the purpose of ensuring that licenses will not be held by unsuitable persons, unqualified persons, persons who conduct gaming operations in an unsuitable manner or entities who conduct business with the gaming facilities that are corrupt, fail to follow CPN regulations or put the assets or integrity of the gaming facilities at risk. The Commission retains the right to conduct background investigations of any person or entity required to be licensed at any time while the license is valid. The Commission also maintains the authority to periodically or continuously audit contracts or transactions of persons or entities licensed to conduct business with the tribal gaming facilities.

- (b) **Reopening or Additional Investigation.** If, at any time after a license is issued, the Commission becomes aware of any information bearing on a licensee's suitability to hold the license, the Commission may conduct such investigation as the Commission deems warranted because of new information and any other relevant matters that may come to the Commission's attention.
- (c) **Random Investigation.** The Commission may conduct random background investigations of any licensed person or entity using whatever method of random selection the Commission deems necessary.
- (d) **Status of License During Such Investigation.** The license shall remain in effect during the investigation unless the information reliably indicates that a licensee is not suitable for licensing and the facts before the Commission require immediate suspension or revocation of the license. In that situation, the Commission may immediately suspend or revoke the license as provided in Regulations 1.19 and 1.21.
- (e) **Determination at Conclusion of Such Investigation.** At the conclusion of the investigation, the Commission shall determine whether the license should remain in effect, be suspended, or revoked.

### ***1.18 Criminal Charges or Convictions as Grounds for License Suspension, Revocation, or Conditions***

Based on the reliability of evidence or information received the Commission may suspend, revoke, or place conditions on a gaming license of a person who is charged with or convicted of a crime occurring while licensed by the Commission even if the person's rights and remedies have not been fully exhausted.

### ***1.19 Suspension of License***

- (a) **License Suspension.** A license may be suspended after a determination by the Commission that a licensee is unsuitable for continued licensing based on reliable information from any source including, but not limited to, the NIGC. Upon such a determination, the Commission may suspend the license and may take actions toward revocation of the license.
- (b) **Notice of Suspension.** The Commission shall give the licensee and the gaming facility or licensed vendor as applicable, immediate written notice of the suspension and the specific reasons for the suspension, unless the information could interfere with an ongoing investigation. The notice shall also notify the licensee if the Commission will take actions toward revocation of the license and that the licensee may request a hearing with the Commission on the suspension and proposed revocation of the license within ten (10) business days after receipt of the suspension notice.



- (c) **Cease Work Activities or Business Transactions, Surrender of License.** A licensee whose license is suspended shall immediately cease all work related activities and/or business transactions with tribal gaming facilities upon receiving notice of suspension. All licensees must immediately surrender their license to the Commission at the time of receipt of the suspension notice. Continued use of a suspended license by a licensee may be grounds for immediate revocation of the license. Licensed employees of a gaming facility shall immediately cease work activities upon receiving notice of suspension of their license and shall not be allowed to work in the gaming facility during the time of the license suspension.
- (d) **Hearing Request; Failure to Request Hearing.** If the licensee timely requests a hearing, all such hearings shall be held in accordance with Commission regulations. The Commission's decision after the hearings shall be final. If the licensee does not request a hearing with the Commission within the specified time period, the license shall be revoked and any right to an appeal is forfeited.
- (e) **Status of Suspended License Pending Determination.** A suspended license shall be considered as a valid license but is not usable or acceptable for employee or vendor purposes and shall be kept by the Commission during the suspension period. This period begins from the date of the suspension notice and runs through the date of a final determination pending investigation by the Commission, not to exceed forty-five (45) days unless otherwise specified by the Commission.

### ***1.20 License Reinstatement for Suspended License***

- (a) **Good Cause Shown.** Upon a showing of good cause The Commission may reinstate a suspended gaming license.
- (b) **Term.** The term of a reinstated license cannot run longer than the term of the license as originally issued.

### ***1.21 Revocation of License***

- (a) **License Revocation.** A license may be revoked after a determination by the Commission that a licensee is unsuitable for continued licensing based on reliable information from any source including, but not limited to, the NIGC. If the Commission determines that immediate revocation of a license is necessary based upon the facts before it, the Commission may immediately revoke the license and is not required to suspend the license prior to taking any revocation action.
- (b) **Notice of Revocation.** The Commission shall give the licensee and the gaming facility immediate written notice of the revocation and the specific reasons for the revocation. The notice shall also state that the licensee may request a hearing with the Commission on the revocation of the license within ten (10) business days after receipt of the revocation notice.

- (c) **Cease Work Activities or Business Transactions, Surrender of License.** A license becomes invalid immediately upon notice of revocation. A licensee whose license is revoked shall immediately cease all gaming related activities on Tribal land upon receiving notice of revocation. All licensees must immediately surrender their license to the Commission at the time of receipt of the revocation notice. Licensed employees of a gaming facility shall immediately cease work activities upon receiving notice of revocation of their license.
- (d) **Hearing Request; Failure to Request Hearing.** If the licensee timely requests a hearing, all such hearings shall be held in accordance with Commission regulations. If the licensee does not request a hearing with the Commission within the specified time period, the decision to revoke the license shall stand and any right to appeal shall be forfeited.
- (e) **Revocation Period.** The Commission shall determine if a license revocation shall be permanent. If the Commission determines that the revocation is to be permanent, the individual is prohibited from ever reapplying for a license with the Commission. If the Commission does not determine that the revocation shall be permanent or does not specify that the revocation is permanent, the individual is eligible to reapply for a license after one (1) year from the date of such revocation.

### ***1.22 Revoked License, Issuance of a New License upon Reapplication***

The Commission, in its sole discretion, may issue a new license to a former licensee whose license had been revoked when:

- (a) the license revocation was not deemed to be permanent. The Commission shall not accept an application for, or issue a new license, when the former license revocation was determined to be permanent;
- (b) the one (1) year period has expired since the date of the revocation;
- (c) the former licensee has applied for and been selected for employment in the gaming facility;
- (d) the former licensee has completed a licensing application and paid any applicable fees;
- (e) the application, an initial background investigation and the background investigation do not reveal any information that would disqualify the applicant or result in an unfavorable suitability determination; and
- (f) the former licensee demonstrates good cause for the Commission to grant issuance of a new license.

### ***1.23 Conditional License***

- (a) **Conditions, Monitoring.** The Commission, in its discretion, may issue a license with conditions or impose conditions on an existing license. Such conditions shall be specific to allow proper monitoring by Commission staff to ensure the licensee is complying with the conditions imposed by the Commission and may require the licensee to appear before the Commission to address issues of concern. Failure of the licensee to comply with the conditions shall result in immediate suspension or revocation of the license, depending upon the facts surrounding the failure to comply.
- (b) **Notice of Conditions.** If the Commission issues a conditional license or imposes conditions on an existing license, the Commission shall give the licensee and the gaming facility or licensed vendor as applicable, written notice specifying the grounds for the conditions and that the licensee's continued licensure is contingent upon compliance with the imposed conditions. Furthermore, the Commission shall advise the licensee of the right to request a hearing on the conditions. A licensee who is issued a license with conditions may file a written request for a hearing with the Commission within ten (10) business days following receipt of notice of the issuance of a conditional license in accordance with Commission regulations.
- (c) **Term.** The term of a conditional license cannot run longer than the term of the license as originally issued.
- (d) **Removal of Conditions.** The Commission may remove conditions and issue a license upon a showing that the licensee has successfully complied with the conditions. The term of such license without conditions shall only be for the time remaining for a license.

### ***1.24 Licensee Responsibility to Update and Correct Information***

It shall be the responsibility of the licensee to update or correct information necessary for licensing during the term of their license to ensure that Commission licensing files are current and accurate. Changes in material information must be disclosed to the Commission within ten (10) business days. Material information includes name, social security number, drivers license number, address, phone number, marital status, changes in roommates or other co-habitants in household, other employment or business interests.

### ***1.25 Confidentiality and Handling of Licensing Information***

- (a) **Information Received and Maintained on Individuals.** Any information about an individual that is received and maintained by the Commission, including education, financial transactions or records, criminal and employment history, or other information used for licensing purposes that contains any identifying

information about the individual, shall be considered private and confidential and shall be used for the sole purpose of determining the suitability of the individual to be licensed by the Commission.

- (b) **Information Received and Maintained on Vendors and Others.** The information requested or required by the Commission may contain commercial or financial information of a confidential, proprietary or privileged nature. All information submitted by a person, corporation, or entity seeking a vendor license or obtained by the Commission during a background investigation shall be used for the sole purpose of determining the suitability of the applicant to be licensed by the Commission.
- (c) **Handling of Confidential Information.** The information received and maintained by the Commission shall be handled and used only by the Commission, its members and Commission staff and the NIGC and State of Oklahoma Gaming Agency or its agents for licensing purposes. Certain information, such as Criminal History Records Information (CHRI) and other criminal history information shall be strictly restricted to only these persons or agencies directly involved in the investigative, licensing, or regulatory process.
- (d) **Disclosure to Outside Agencies.** Information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions, or when pursuant to a requirement by a Tribe or the NIGC in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming facility, or when required by law.
- (e) **Access by Individual.** An individual about whom the Commission has received and maintained information may request in writing to review his or her file. The Commission is unable to provide access to the full file because of strict information sharing agreements with other entities, such as the FBI MOU regarding CHRI, so the individual would need to request release of such information directly from those entities. The Commission cannot disclose the identity of informants and individuals contacted during the course of the investigation. The Commission reserves the right to deny all or any part of a request for access or disclosure of information maintained in the Commission's licensing files as required by law, regulation or policy.

### ***1.26 Maintenance of Files and Records***

- (a) **Retention Period.** The Commission shall retain all records pertaining to all licensing applications, background investigations, and related matters for at least six (6) years from the date of the Commission's decision on the initial license application, except for records pertaining to primary management and key employee licenses where the licensee has been employed for six (6) years, all

applications, background investigations, and related matters shall be maintained for not less than three (3) years from the date that employment terminates.

- (b) **Destruction of Documents.** All Commission files and records pertaining to licensing applications, background investigations, and related matters shall be discarded only in a manner that results in destruction of the file and obliteration of the information in the file before release from the authority of the Commission. The Commission shall maintain a record of all files so destroyed, showing the subject matter of the file, the date of destruction, and by whom destroyed.
- (c) **CHRI and Documents.** Documents and information consisting of CHRI received from the FBI, NIGC, any other gaming commission, or other law enforcement agency shall be kept in a secure file and shall not be released or made available to any person not directly involved in licensing deliberations, and in all other respects, the release of CHRI shall be subject to the terms of the MOU entered into with the National Indian Gaming Commission.

### ***1.27 Fees and Civil Fines***

- (a) **Fees.** The Commission may adopt a schedule of fees related to the Commission's direct and indirect costs incurred in conducting and processing background investigations and reviewing an applicant's license application or taking any other action relating to licensure and regulation.
- (b) **Fines.** The Commission may adopt a schedule of, and impose, fines for violations of any regulation contained herein.

## ***Section 2. Regulations for Employee Licensing***

### ***2.0 Employee Licensing***

The following are regulations to be used for the licensing of individuals working for, or applying to work for, a gaming facility.

#### ***2.1 License Required***

A gaming operation shall not employ any person as an employee unless that person is licensed by the Commission or has at a minimum completed an application for a license. The following are types of licenses issued to employees of gaming facilities:

- (a) Primary Management Official gaming license;
- (b) Key employee gaming license
- (c) Non-key employee gaming license
- (d) Employee Permit or Employee License (non-gaming related)

#### ***2.2 Applications, Fingerprints***

- (a) **Application Forms.** All gaming license application forms will require certain information to be provided by the applicant in order to perform a thorough background check and suitability determination.

- (1) Primary Management Official and Key Employee Gaming License Application Forms shall at a minimum require the following information:

- i. A notice stating the following:

"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.A. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming facility. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming facility. Failure to consent to the disclosures indicated in this notice will result in a tribe's

being unable to hire you in a primary management official or key employee position.

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

ii.A notice stating the following:

“A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.” (U.S. Code, Title 18 Section 1001).

iii.Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

iv.Currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

v.The names and current addresses of five personal references;

vi.Current business and residence telephone numbers;

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

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

ix.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;

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

xi.For each misdemeanor for which there is a conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the

charge, name and address of the court involved and the date and disposition as applicable;

xii. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is not otherwise listed above in (x) or (xi) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

xiii. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

xiv. A current photograph;

xv. Any other information the Commission deems relevant; and

xvi. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted by the Commission to check the criminal history records information maintained by the Federal Bureau of Investigation.

(2) Non-Key Employee Gaming License Application Forms shall at a minimum require the following information:

i. A notice stating the following:

"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.A. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming facility. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming facility. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary.



However, failure to supply a SSN may result in errors in processing your application.”

ii.A notice stating the following:

“A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.” (U.S. Code, Title 18 Section 1001).

iii.Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

iv.Currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

v.The names and current addresses of five personal references;

vi.Current business and residence telephone numbers;

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

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

ix.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;

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

xi.For each misdemeanor for which there is a conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the charge, name and address of the court involved and the date and disposition as applicable;

- xii. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is not otherwise listed above in (x) or (xi) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
  - xiii. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  - xiv. A current photograph;
  - xv. Any other information the Commission deems relevant; and
  - xvi. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted by the Commission to check the criminal history records information maintained by the Federal Bureau of Investigation.
- (3) “Employee Permit” or “General Employee License” Application Forms shall at a minimum require the following information:

i. A notice stating the following:

"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.A. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming facility. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming facility. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

ii.A notice stating the following:

“A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.” (U.S. Code, Title 18 Section 1001).

iii.Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

iv.Currently and for the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

v.The names and current addresses of five personal references;

vi.Current business and residence telephone numbers;

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

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

ix.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;

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

xi.For each misdemeanor for which there is a conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), the charge, name and address of the court involved and the date and disposition as applicable;

xii.For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is not otherwise listed above in (x) or (xi) of this section, the criminal

charge, the name and address of the court involved and the date and disposition;

xiii. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

xiv. A current photograph;

xv. Any other information the Commission deems relevant; and

xvi. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted by the Commission to check the criminal history records information maintained by the Federal Bureau of Investigation.

(b) In addition to the provisions required in the application forms, every applicant shall provide the Commission with the following items along with a completed application for license before beginning work at any gaming facility:

i. copies of two acceptable forms of identification.

ii. a signed statement attesting to their knowledge and understanding that their employment is subject to immediate termination for failure to successfully complete a background and obtain licensure by the Commission.

### ***2.3 Failure to Complete Initial License Application Process***

Any individual failing to complete the initial license application process, including failure to appear for scheduled appointments with Commission staff without good cause or failure to provide requested documentation in a timely manner, shall be deemed to have withdrawn their application from consideration and shall not be eligible to reapply for a period of three (3) months from the date the Commission determined the applicant failed to complete the application process. The Human Resources Department and Gaming Operation shall be notified of such failure on the part of the applicant to complete the application process and the prohibition to reapply. The Commission may, at its discretion, allow an applicant to reapply before the expiration of the prohibited time period only with good cause shown for the failure to complete the application process.

## ***2.4 Background Investigations***

For every individual applying for a license to work in a gaming facility, the Commission shall conduct a background investigation, which shall, at a minimum, include the following:

- (a) an inquiry into the applicant's prior activities, including criminal record if any, reputation, habits and associations;
- (b) interviews with persons knowledgeable about the applicant's character and background, such as former co-workers, supervisors, personal references and others;
- (c) reviewing relevant financial records of primary management officials and certain key applicants for three (3) years preceding the application;
- (d) verification of the information contained in the completed application;
- (e) documentation of all potential problem areas noted;
- (f) any disqualifying or derogatory information obtained; and
- (g) for primary management officials, key employees and non-key employees, a review of any CHRI received from the NIGC in strict conformity with the requirements of the MOU.

## ***2.5 Standards for Employee Licensing***

- (a) **Generally.** The Commission shall make a determination on an individual's suitability for licensing based on information obtained from all reasonable sources that shows the individual's character, honesty and integrity.
- (b) **Favorable Suitability Determination.** The Commission shall not issue any type of license or make a favorable suitability determination on an individual unless and until the applicant has satisfied the Commission's requirements showing that the applicant is a person of good character, honesty and integrity and therefore suitable to work in the gaming facility.
- (c) **Grounds for Unfavorable Suitability Determination.** The Commission shall render an unfavorable suitability determination for any grounds deemed reasonable by the Commission as stated in Section 1.6 (c). In addition to those criteria the Commission shall also consider the following for Primary Management Officials, Key Employees and Non-Key Employees:

- (1) Evidence that the applicant has accumulated excessive bad debt that the Commission believes creates or could create financial pressure deemed to pose a risk by the Commission. The following criteria shall be used:
  - i. a primary management official or key employee license applicant shall not be licensed if at the time of the application or renewal has accumulated bad debt totaling more than fifteen thousand dollars (\$15,000).
  - ii. a primary management official or key employee license applicant who, if at the time of the application or renewal, has accumulated bad debt totaling between seven thousand five hundred dollars (\$7,500) and fifteen thousand dollars (\$15,000), if determined to be otherwise suitable, shall be issued a conditional license.
  - iii. a non-key employee license applicant shall not be licensed if at the time of the application or renewal has accumulated bad debt totaling more than twenty thousand dollars (\$25,000).
  - iv. a non-key employee license applicant who, if at the time of the application or renewal, has accumulated bad debt totaling between fifteen thousand dollars (\$15,000) and twenty-five thousand dollars (\$25,000), if determined to be otherwise suitable, shall be issued a conditional license.

The Commission shall have the discretion to take into consideration special circumstances of applicants unable to be licensed due to the criteria in subsections (i) and (iii) above. In such circumstances, the Commission may issue a conditional license with strict documented requirements agreed to by the applicant. The duration of this type of conditional license shall not exceed one (1) year.

## ***2.6 License Term and Renewal Timeframe***

- (a) **License Term.** A regular license for employees of the Gaming Facility shall have a two (2) year term from the date of issuance and shall terminate upon the expiration of the stated license term or upon the effective date of the licensee's resignation or termination from employment with the Gaming Facility or the date of revocation by the Commission.
- (b) **Renewal Timeframe.** Employees must submit an application for license renewal and pay any required fee at least sixty (60) days, but no less than thirty (30) days, before the license expiration date.

### ***2.7 Failure to Complete License Renewal Application Process***

Any individual failing or refusing to complete the license renewal application process, including failure to appear for scheduled appointments with Commission staff without good cause or failure or refusal to provide requested documentation in a timely manner, shall be denied the renewal of their license. The Human Resources Department and Gaming Operation shall be notified of such failure on the part of the applicant. The Commission may, at its discretion, allow an applicant to reapply only with good cause shown for the failure to complete the license renewal application process.

### ***2.8 Duty to Display and Surrender of License***

- (a) An employee issued a license by the Commission shall wear the license in a visible manner at all times while on duty. If any employee loses a license, the employee shall file a sworn statement verifying the loss and the circumstances thereof and pay the fee, if any, for a replacement license.
- (b) Upon suspension, resignation or termination of employment, an employee shall immediately surrender the license to the Commission or to a Human Resources representative to be forwarded to the Commission.

### ***2.9 Responsibility to Report Suspension, Resignation or Termination***

The Human Resources Department and Gaming Operation shall notify the Commission of any resignation, suspension or termination of an employee within two (2) business days after the employee's resignation, suspension or the employee's final day of employment.

### ***2.10 Employment Status Report***

- (a) **Suspension, resignation or termination.** Upon suspension, resignation or termination of an employee, the Human Resources Department must submit a written report\* certifying the employment status of the employee within five (5) business days of the last date of the individual's employment. The report shall advise the Commission of the following:
  - (1) successful completion of an exit interview, if applicable; and
  - (2) return of all equipment, keys, badges, etc (as applicable);
  - (3) identify any monies owed to the Gaming Facility or Tribe by the individual;
  - (4) performance issues that may impact any future licensing determination by the Commission, including reason for suspension or termination;

- (5) whether the person would be deemed hireable by the Gaming Facility or Licensed Vendor as applicable in the future; and
- (6) any other information the Commission deems necessary.

\*Note: This submission may be made via fax or email in a format approved by the Commission.

### ***2.11 Duty to Report Criminal Charges, Arrests, Warrants, Incarceration***

- (a) **Licensee's Duty.** All licensed employees must notify the Commission of any incidents listed in Section 1.14 (a).
- (b) **Gaming Operation's Duty.** To ensure that the Commission is notified of all reportable incidents involving licensed employees, the Gaming Operation shall also be responsible for notifying the Commission whenever an employee has a warrant issued or criminal charges brought against them or have been incarcerated for any period, within five (5) business days of the date when the Gaming Operation first becomes aware of the reportable incident.

### ***2.12 Production of Records or Evidence***

No applicant or licensee shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by the Commission or any employee or agent of the Commission, or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by the Commission or any employee or agent of the Commission to obtain the information.

### ***2.13 Fines***

The Commission may impose, as necessary, civil fines for violations of any regulations promulgated by the Commission including, but not limited to, those contained herein.



### ***Section 3. Regulations for Vendor Licensing***

#### ***3.0 Vendor Licensing***

The regulations in this Section shall be used for the licensing of Vendors and their principals, technicians, and/or representatives working in, or applying to be licensed to perform work within or conduct business with a gaming facility.

#### ***3.1 Licenses Required***

The following are required to have a license issued by the Commission:

- (a) All vendors (and their principals, service technicians and representatives) of gaming equipment, devices or supplies regardless of amount or value of equipment supplied. This type of license shall be referred to as a Class D Gaming License.
  - (1) Principal shall be defined as any officer, director or primary management official;
  - (2) Technician shall be defined as any person, remote or onsite, who has access to the gaming facility and the ability to exercise a significant influence over the gaming operation;
  - (3) Representative shall be defined as any sales representative or similar that the licensed vendor has assigned to regularly visit the gaming facility, or meet with gaming facility management in order to conduct business or attempt to sell gaming equipment, devices or supplies or services for such.
- (b) All non-gaming vendors who, directly or indirectly, provide or are likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to the enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the enterprise in any consecutive twelve-month period. This type of license shall be referred to as a Non-Gaming Vendor License.
  - (1) Field Technicians and/or Representatives making four (4) or fewer onsite visits to the gaming facility in any thirty (30) day period will be treated as visitors and must check in with security when entering the gaming facility and to be escorted as visitors; Representatives making greater than five (5) onsite visits to the gaming facility in any thirty (30) day period will be subject to background investigations by the Tribal Gaming Commission prior to performing services onsite; (NOTE: the licensed Vendor shall be responsible for onsite representative(s) background investigation and licensing fees).
- (c) All non-gaming vendors who provide goods or services to a gaming facility not included in paragraph (b) above shall need a Vendor Permit. This type of vendor may also be referred to as a "Registered Vendor".

- (d) All management contractors for gaming operations.
- (e) All other persons or entities as the Commission deems necessary.

### **3.2 Applications and Fees**

- (a) **Generally.** The Commission shall require all persons and entities seeking a vendor license from the Commission for any purpose to complete an application form and may require that person or entity to pay to the Commission a processing and licensing fee.
  - (1) The burden of proving qualification and suitability to obtain and/or retain any license is at all times on the applicant. An applicant accepts any and all risk of adverse public notice, embarrassment, criticism, or other action or financial loss that may result from the application process and the applicant expressly waives any and all claims for damages as a result thereof.
  - (2) An application for a vendor license shall constitute a request for a decision upon the applicant's general suitability, honesty, character, integrity, and ability in order to enter a contract or conduct business with a gaming facility in the manner sought by the applicant. By filing an application with the Commission, the applicant specifically consents to the Commission making that decision.
- (b) **Vendor Application Forms.** All license application forms will require certain information to be provided by the applicant in order to perform a thorough background check and suitability determination.
  - (1) Gaming Vendor License - Class D. All vendor license application forms for a Class D vendor company shall at a minimum require the following information:
    - i. Official company name, company trade name (DBA);
    - ii. Federal identification number and State tax identification number;
    - iii. Physical address, mailing address, company telephone number, company fax number;
    - iv. A brief description of business activity, state the type of equipment, goods and services that will be provided specifically to the casino;
    - v. For publicly traded companies: copies of the past three years Annual and Quarterly Reports to Stockholders, Forms 10-K, 10KSB and 8-K, and amendments thereto, and all other material documents considered to be confidential or furnished to the holders of debt or equity securities of the Publicly Traded Company (PTC) which may be filed by a PTC with the SEC or any other national or regional securities exchange; and

- a. A list of the holders of a PTC's voting securities and submission of any amendments that are created after the vendor is licensed;
  - b. Copies of all press releases issued by the PTC or subsidiary thereof;
  - c. Notification after the election or appointment of any director, executive officer, or any other officer actively and directly engaged in the administration or supervision of the activities associated with the PTC;
  - d. A profit or loss statement and balance sheet for the OTC for the previous year;
- vi. The name, address, phone and fax number of any licensing or regulatory agency with which the Company or any of its Principals has filed an application for a license, permit or other authorization to participate in or conduct business with any gaming operation;
  - vii. A list of any license for the Company or any of its Principals that have ever been denied, suspended, or revoked;
  - viii. If the company or any of its Principals ever filed, or had filed against it, a proceeding for bankruptcy and the details thereof;
  - ix. Provide the name, address, title, telephone and fax number of any and all individuals who prepare the company's tax returns, government forms and/or reports;
  - x. List the details of any family members of the Principals who have any financial interest in any business related to gaming;
  - xi. List all other name(s) the company has done business under for the last five (5) years;
  - xii. Provide three business references and one financial reference. Include name of business, contact name, phone and fax number;
  - xiii. If the company is currently a party to any civil lawsuits, submit a description of all existing civil litigation to which the company or any subsidiary is presently a party, whether in Oklahoma or another jurisdiction;
  - xiv. In the past 10 years if any of the company's officers, executives, or managers have been accused of misconduct, provide details thereof;
  - xv. Release of All Claims, Verification of Identity, and Authorization to Release Information must be signed and notarized by a management official;
  - xvi. The Consent to Disclose Tax Information must be completed by a principal of the company;

xvii. Any other information the Commission deems relevant;

(2) Gaming Vendor - Field Technician and Representative License Application Forms. All gaming vendor technician license application forms shall at a minimum require the following information:

i.A notice stating the following:

"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.A. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is NOT voluntary. Failure to supply a SSN will result in your application being denied."

ii.A notice stating the following:

"A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment." (U.S. Code, Title 18 Section 1001).

iii.Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;

iv.Currently and for the previous ten years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

- v. The names and current addresses of five personal references;
- vi. Current business and residence telephone numbers;
- vii. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- viii. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- ix. 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;
- x. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
- xi. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten years of the date of the application, the name and address of the court involved and the date and disposition;
- xii. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to (b) (8) or (b) (9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- xiii. A current photograph;
- xiv. Any other information the Commission deems relevant; and
- xv. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which Vendor Field Technicians and Principals shall be submitted by the company to a law enforcement agency in their state of residency to check the criminal history records information maintained by the Federal Bureau of Investigation with results sent to the Commission.

- (3) In addition to the application information stated in subsection (1) above, the applicant shall also be required to provide, at a minimum, the following:
- i. Copies of two acceptable forms of identification
  - ii. A signed statement attesting to their knowledge and understanding that their approval to perform work within a gaming facility is subject to immediate revocation for failure to successfully complete a background check and obtain and maintain licensure by the Commission.
- (4) Gaming Vendor - Principal Applications. All gaming vendor principal license application forms shall at a minimum require the following information:
- i. Full name, any other names used (oral and/or written), social security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
  - ii. Currently and for the previous ten years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
  - iii. Residential history for the past 10 years;
  - iv. The names and current addresses of five personal references;
  - v. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - vi. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  - vii. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  - viii. Criminal history needs to be disclosed and details provided;
  - ix. A current photograph;
  - x. Release of All Claims, Verification of Identity, and Authorization to Release Information must be signed and notarized by a management official;
  - xi. Any other information the Commission deems relevant; and
  - xii. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h) which shall be submitted by the company to check the criminal history records information

maintained by the Federal Bureau of Investigation, results sent to the Commission;

xiii. Any other information the Commission deems relevant;

(5) Non-Gaming Vendor License. All non-gaming vendor license applications shall at a minimum require the following information:

- i. Official company name, company trade name (DBA);
- ii. Federal identification number and State tax identification number;
- iii. Physical address, mailing address, company telephone number, company fax number;
- iv. Provide a brief description of business activity, state the type of equipment, goods and services that will be provided specifically to the casino;
- v. The name of any licensing or regulatory agency with which the Company or any of its Principals has filed an application for a license, permit or other authorization to participate in any gaming operation;
- vi. List any license for the Company or any of its Principals that have ever been denied, suspended, or revoked;
- vii. List all other name the company has done business under for the last five (5) years;
- viii. Provide full name, any other names used (oral and/or written), social security number(s), birth date, place of birth of any partners/corporate principals and or managing members;
- ix. Authorization to Release Information must be signed and notarized by a management official;
- x. Any other information the Commission deems relevant;

(6) Non-Gaming Vendor - Field Technician or Representative License. All non-gaming vendor field technician and representative license applications shall at a minimum require the following information:

- i. Full name, any other names used (oral and/or written), social security number(s) and birth date;
- ii. Current address; and
- iii. Any other information the Commission deems relevant.

(7) Non-Gaming Vendor Permit or Registered Vendor. All Non-Gaming Vendor Permit (Registered Vendor) applications shall at a minimum require the following information:

- i. Full name, any other names used (oral and/or written), social security number(s) and birth date;
  - ii. Current address;
  - iii. Any other information the Commission deems relevant;
- (c) **Fees.** The Commission shall set application and licensing fees, as applicable, and inform each vendor of the fee required for the license sought. Except as otherwise provided herein, all fees and costs incurred in conjunction with the investigation of any application to the Commission must be paid by the applicant.
  - i. Fines will be issued to any vendor, technician and/or principal who do not complete the initial application process or renewal process within the time required.
- (d) **License Badges.** The Commission shall issue badges to licensed Gaming and Non-Gaming Vendor Technicians and Representatives. The Commission shall set badge fees, as applicable, and inform each vendor of the fee required for the license badge required.

### **3.3 Background Investigations**

- (a) **When Background Investigations Are Required.** The Commission must conduct a background investigation on all persons or entities submitting applications for any of the following licenses:
  - (1) Gaming Vendor License
  - (2) Gaming Vendor Technician/Representative License
  - (3) Non-Gaming Vendor Registration
  - (4) Non-Gaming Vendor Technician/Representative License
  - (5) In relation to any Management Contractor License and in addition to any background investigation performed by the National Indian Gaming Commission (NIGC) pursuant to federal regulations:
    - i. each person with management responsibility for management contract;
    - ii. each person who is a director of a corporation that is a party to a management contract;
    - iii. the ten (10) persons who have the greatest direct or indirect financial interest in a management contract; and
    - iv. any entity with a financial interest in a management contract (in the case of institutional investors or lenders, the Commission may reduce the scope of the background investigation).



(6) Licenses issued to those persons or entities deemed by the Commission as requiring a license.

(b) **Standards for Background Investigations.** The Commission shall conduct a background investigation of each applicant to determine whether the applicant is suitable for the license applied for. During the background investigation, the Commission shall seek information from all reasonable available sources and shall consider any competent information that comes to its attention during the background investigation, including information submitted by the applicant. The Commission shall have the discretion to give whatever weight to the information it receives concerning an applicant as it believes the information merits under the circumstances.

(1) For every individual applying for a gaming vendor license to work in a gaming facility, the Commission shall conduct a background investigation, which shall, at a minimum, include the following:

- i. an inquiry into the applicant's prior activities, including criminal record if any, reputation, habits and associations;
- ii. interviews with persons knowledgeable about the applicant's character and background, such as former co-workers, supervisors, personal references and others;
- iii. verification of the information contained in the completed application;
- iv. documentation of all potential problem areas noted;
- v. any disqualifying or derogatory information obtained; and
- vi. for gaming vendor principals, field technicians and representatives: a review of any CHRI received from the FBI in strict conformity with the requirements of the MOU.

(2) For every individual applying for a non-gaming vendor license to work in a gaming facility, the Commission shall conduct a background investigation, which shall, at a minimum, include the following:

- i. an inquiry into the applicant's prior activities, including criminal record if any, reputation, habits and associations;
- ii. verification of the information contained in the completed application;
- iii. documentation of all potential problem areas noted; and
- iv. any disqualifying or derogatory information obtained;

(c) **Failure to Allow Investigation into Background.** Failure of any applicant to allow an investigation into their background or to disclose all information requested by the Commission is grounds for denial of the license.

- (d) **Inaccurate Information Obtained in Background Investigation.** The Tribe, the Commission, and its staff shall not be held liable for any inaccurate information that may be obtained through a background investigation.

### **3.4 Standards for Vendor Licensing**

- (a) **Generally.** The Commission shall make a determination on an individual's suitability for licensing based on information obtained from all reasonable sources that shows the individual's character, honesty and integrity.
- (b) **Favorable Suitability Determination.** The Commission shall not issue any type of license or make a favorable suitability determination on an individual unless and until the applicant has satisfied the Commission's requirements showing that the applicant is a person of good character, honesty and integrity and therefore suitable to perform work in or conduct business with the gaming facility.
- (c) **Grounds for Unfavorable Suitability Determination.** The Commission shall render an unfavorable suitability determination for any grounds deemed reasonable by the Commission as stated in Section 1.6 (c). In addition to those criteria the Commission shall also consider the following for Gaming Vendor Principals, Field Technicians and Representatives:
  - (1) Evidence that the applicant has accumulated excessive bad debt that the Commission believes creates or could create financial pressure deemed to pose a risk by the Commission. The following criteria shall be used:
    - i. a gaming vendor license applicant shall not be licensed if at the time of their application or renewal has accumulated bad debt totaling more than fifteen thousand dollars (\$15,000).
    - ii. a gaming vendor license applicant who, if at the time of their application or renewal, have accumulated bad debt totaling between seven thousand five hundred dollars (\$7,500) and fifteen thousand dollars (\$15,000), if determined to be otherwise suitable, shall be issued a conditional license.

The Commission shall have the discretion to take into consideration special circumstances of applicants unable to be licensed due to the criteria in subsection (i) above. In such circumstances, the Commission may issue a conditional license with strict documented requirements agreed to by the applicant. The duration of this type of conditional license shall not exceed six (6) months from the date of issue.

### ***3.5 Initial License***

The Commission may issue an initial license to an applicant only after a favorable suitability determination. Each licensee who has been issued an initial license shall have an updated background investigation done periodically after the license has been issued and in subsequent years or at the discretion of the Commission. An initial license may be renewed, and it may be changed by adding new conditions, using procedures described in Regulation 1.23 or suspended or revoked, using procedures described in Regulation 1.19 and 1.21.

### ***3.6 Licensing Procedures for Vendor Licenses***

Licensing Procedures for Vendor Licenses shall be in accordance with those stated in Section 1.12.

### ***3.7 License Term and Renewal***

- (a) **Term.** A regular license for a vendor shall have a one (1) year term from the date of issuance and shall terminate upon the expiration of the stated license term or the date of revocation by the Commission. A regular license for principals, field technicians and representatives shall have a one (1) year term from the date of issuance and shall terminate upon the expiration of the stated license term or the date of revocation by the Commission, or upon termination of employment by the vendor.
- (b) **Expiration Date and Responsibility to Reapply.** The licensee shall be responsible to reapply with the Commission for a renewal of their regular license before the expiration date of that license. The Commission may, but is not required to, notify licensees of their license expiration date and the need to reapply.
- (c) **Renewal Timeframe.** Vendor licensees must submit an application for license renewal and pay any required fee at least sixty (60) days, but no less than thirty (30) days, before the license expiration date.
- (d) **Renewal Application Process.** All licensees shall submit an application for license renewal and pay any required fee to the Commission in accordance with the stated timeframes in subsection (c) above for renewal of the particular license. Failure to submit a renewal application in a timely manner will result in suspension of the license, assessment of a fine, or both. The Commission, in its discretion, may issue a temporary permit pending the suitability determination for renewal upon a showing of extraordinary circumstances.
  - (1) The Commission shall conduct an updated background investigation with respect to a vendor license renewal application and shall make a decision to grant a renewal, place conditions on or deny a license renewal based on the findings of the background investigations and the application.

- (2) If the Commission determines that the renewal is denied based on an unfavorable suitability determination, the licensee shall be given written notice thereof, and be advised of the right to a hearing before the Commission. The licensee may file a written request for a hearing with the Commission within ten (10) business days following receipt of notice of the Commission's decision. The Commission's decision after the hearing shall be final.

### ***3.8 Duty to Display and Surrender of License***

- (a) All vendor field technicians and representatives issued a license by the Commission shall wear the license badge in a visible manner at all times while on duty. If any licensee loses a license badge, the licensee shall file a sworn statement verifying the loss and the circumstances thereof and pay the fee, if any, for a replacement license badge.
- (b) Upon suspension, resignation or termination of employment, the licensed vendor employee shall immediately surrender the license to the Commission or to a Human Resources representative of the licensed vendor to be forwarded to the Commission.

### ***3.9 Responsibility to Report Suspension, Resignation or Termination***

The Human Resources Department, Regulatory Compliance Department, or other designee of a licensed gaming vendor shall notify the Commission of any resignation, suspension or termination of an employee licensed by the Commission within two (2) business days after the employee's resignation, suspension or the employee's final day of employment.

### ***3.10 Additional, Reopened or Random Investigations***

Regulations and procedures for additional, reopened or random investigations relating to Vendor Licensing shall be identical to those stated in Section 1.17 of these regulations.

### ***3.11 Suspension of Vendor License***

- (a) **License Suspension.** A vendor license may be suspended after a determination by the Commission that a licensee is unsuitable for continued licensing based on reliable information from any source. Upon such a determination, the Commission may suspend the license and may take actions toward revocation of the license.
- (b) **Notice of Suspension.** The Commission shall give the licensee and the licensed vendor immediate written notice of the suspension and the specific reasons for the suspension. The notice shall also notify the licensee if the Commission will take actions toward revocation of the license and that the licensee may request a hearing with the Commission on the suspension and proposed revocation of the license within ten (10) days after receipt of the suspension notice.

- (c) **Cease Work Activities or Business Transactions, Surrender of License.** A licensee whose license is suspended shall immediately cease all work related activities and/or business transactions with tribal gaming facilities upon receiving notice of suspension. Vendors shall immediately cease all business transactions with the gaming facilities and shall not provide goods or services to the gaming facilities. All licensees must immediately surrender their license to the Commission at the time of receipt of the suspension notice. Continued use of a suspended license by a licensee may be grounds for immediate revocation of the license.
- (d) **Hearing Request; Failure to Request Hearing.** If the licensee timely requests a hearing, all such hearings shall be held in accordance with Commission regulations. The Commission's decision after the hearings shall be final. If the licensee does not request a hearing with the Commission within the specified time period, the license shall be revoked and any right to an appeal is forfeited.
- (e) **Status of Suspended License Pending Determination.** A suspended license shall be considered as a valid license but is not usable or acceptable for vendor purposes and shall be kept by the Commission during the suspension period. This period begins from the date of the suspension notice and runs through the date of a final determination pending investigation by the Commission, not to exceed forty-five (45) days unless otherwise specified by the Commission.

### ***3.12 Vendor License Reinstatement for Suspended License***

- (a) **Good Cause Shown.** Upon a showing of good cause The Commission may reinstate a suspended license.
- (b) **Term.** The term of a reinstated license cannot run longer than the term of the regular license as originally issued.

### ***3.13 Revocation of Vendor License***

- (a) **License Revocation.** A vendor license may be revoked after a determination by the Commission that a licensee is unsuitable for continued licensing based on reliable information from any source. If the Commission determines that immediate revocation of a license is necessary based upon the facts before it, the Commission may immediately revoke the license and is not required to suspend the license prior to taking any revocation action.
- (b) **Notice of Revocation.** The Commission shall give the licensee and the licensed vendor immediate written notice of the revocation and the specific reasons for the revocation. The notice shall also state that the licensee may request a hearing with the Commission on the revocation of the license within ten (10) days after receipt of the revocation notice.

- (c) **Cease Work Activities or Business Transactions, Surrender of License.** A license becomes invalid immediately upon notice of revocation. A licensee whose license is revoked shall immediately cease all business related activities with the gaming facilities upon receiving notice of revocation. Vendors shall immediately cease all business transactions with the gaming facilities and shall not provide goods or services to the gaming facilities. All licensees must immediately surrender their license to the Commission at the time of receipt of the revocation notice.
- (d) **Hearing Request; Failure to Request Hearing.** If the licensee timely requests a hearing, all such hearings shall be held in accordance with Commission regulations. If the licensee does not request a hearing with the Commission within the specified time period, the decision to revoke the license shall stand and any right to appeal shall be forfeited.
- (e) **Revocation Period.** The Commission shall determine if a license revocation shall be permanent. If the Commission determines that the revocation is to be permanent, the applicant is prohibited from ever reapplying for a license with the Commission. If the Commission does not determine that the revocation shall be permanent or does not specify that the revocation is permanent, the applicant is eligible to reapply for a license after one (1) year from the date of such revocation.

### ***3.14 Revoked License - Issuance of a New License upon Reapplication***

The Commission, in its sole discretion, may issue a new license to a former vendor licensee whose vendor license had been revoked when:

- (a) the license revocation was not deemed to be permanent. The Commission shall not accept an application for, or issue a new license, when the former license revocation was determined to be permanent;
- (b) the one (1) year period has expired since the date of the revocation;
- (c) the former licensee has completed a licensing application and paid any applicable fees;
- (d) the application, an initial background investigation and the background investigation do not reveal any information that would disqualify the applicant or result in an unfavorable suitability determination; and
- (e) the former licensee demonstrates good cause for the Commission to grant issuance of a new license.

### ***3.15 Conditional Vendor License***

- (a) **Conditions, Monitoring.** The Commission, in its discretion, may issue a license with conditions or impose conditions on an existing regular vendor license. Such

conditions shall be specific to allow proper monitoring by Commission staff to ensure the licensee is complying with the conditions imposed by the Commission and may require the licensee to appear before the Commission to address issues of concern. Failure of the licensee to comply with the conditions shall result in immediate suspension or revocation of the license, depending upon the facts surrounding the failure to comply.

- (b) **Notice of Conditions.** If the Commission issues a conditional license or imposes conditions on an existing license, the Commission shall give the licensee and the licensed vendor, as applicable, written notice specifying the grounds for the conditions and that the licensee's continued licensure is contingent upon compliance with the imposed conditions. Furthermore, the Commission shall advise the licensee of the right to request a hearing on the conditions. A licensee who is issued a license with conditions may file a written request for a hearing with the Commission within ten (10) business days following receipt of notice of the issuance of a conditional license in accordance with Commission regulations.
- (c) **Term.** The term of a conditional license cannot run longer than the term of the regular license as originally issued.
- (d) **Removal of Conditions.** The Commission may remove conditions and issue a regular license upon a showing that the licensee has successfully complied with the conditions. The term of such regular license without conditions shall only be for the time remaining for a regular license.

### ***3.16 Licensee Responsibility to Update and Correct Information***

It shall be the responsibility of the licensee to update or correct information necessary for licensing during the term of their license within ten (10) business days of any material changes to ensure that Commission licensing files are current and accurate. Failure to do so may result in suspension of license, monetary fines, or both. This shall include:

- (a) **Changes in an individual's material information.** Material information shall include name, social security number, drivers license number, address, phone number, marital status, changes in roommates or other co-habitants in household, other employment or business interests.
- (b) **Changes in a vendor's material information.** This includes any changes in company name, principals, ownership, address changes, mergers or acquisitions and contact information;
- (c) **Updates in a vendor's information.** Licensed vendors shall also be required to notify, or update, the Commission of any:
  - (1) lawsuits or litigation,
  - (2) SEC or similar filing information,
  - (3) negative actions taken by other regulatory agencies including but not limited to fines and suspensions, or

- (4) investigations by any regulatory or law enforcement agency (whether formal or informal) into the company or any of its licensed principals, representatives, or technicians.

### ***3.17 Duty to Report Criminal Charges, Arrests, Warrants, Incarceration***

- (a) **Licensee's Duty.** All licensed principals, field technicians and representatives must notify the Commission of any incidents listed in Section 1.14 (a).
- (b) **Licensed Vendor's Duty.** To ensure that the Commission is notified of all reportable incidents involving licensees, the Licensed Vendor shall also be responsible for notifying the Commission whenever a licensed employee has a warrant issued or criminal charges brought against them or have been incarcerated for any period, within five (5) business days of the date when the licensed Vendor first becomes aware of the reportable incident.

### ***3.18 Criminal Charges or Convictions as Grounds for License Suspension, Revocation, or Conditions***

Based on the reliability of evidence or information received The Commission may suspend, revoke, or place conditions on the license of any licensee who is charged with or convicted of a crime occurring while licensed by the Commission even if the person's rights and remedies have not been fully exhausted.

### ***3.19 Confidentiality and Handling of Licensing Information***

Confidentiality and handling of vendor application and licensing information shall be in conformity with the regulations stated in Section 1.25.

### ***3.20 Maintenance of Files and Records***

The maintenance of all Commission files and records pertaining to vendor licensing applications, background investigations, and related matters shall be in conformity with the regulations stated in Section 1.26.

### ***3.21 Fees***

The Commission may adopt a schedule of fees reasonably related to the Commission's costs incurred in conducting and processing background investigations and reviewing an applicant's license application and taking any other action relating to licensure and regulation.

### ***3.22 Fines***

The Commission may adopt a schedule of, and impose as necessary, civil fines for failure to comply with any regulations promulgated by the Commission including those contained herein.

Approved: \_\_\_\_\_