



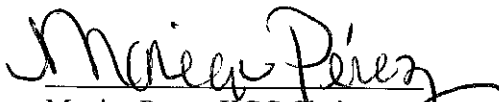
# **Kickapoo Traditional Tribe of Texas Gaming Commission Regulations**

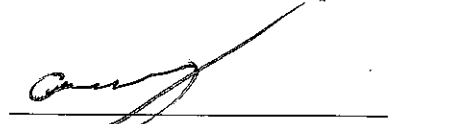
**Version 2.0**



**Kickapoo Traditional Tribe of Texas**  
**Gaming Commission Regulations**

These regulations have been written to outline the duties of Kickapoo Gaming Commission (KGC) pursuant to the Kickapoo Traditional Tribe of Texas (KTTT) Gaming Ordinance. The following regulations constitute the approved Kickapoo Traditional Tribe of Texas KGC Regulations.

  
Monica Perez, KGC Chairperson

  
Adolfo Garza, KGC Vice Chairperson

  
Frances Garcia, KGC Commissioner

## **KICKAPOO GAMING COMMISSION**

### **MISSION STATEMENT**

The Kickapoo Gaming Commission (KGC) acts to protect the assets of the Kickapoo Traditional Tribe of Texas (KTTT) Gaming Facility and regulates all forms of authorized gaming within the jurisdiction of the Kickapoo Traditional Tribe of Texas. The KGC is committed to ensuring integrity and security of gaming conducted at the Kickapoo Lucky Eagle Casino. The KGC promotes the economic development of the Tribe and the General Welfare of the Kickapoo Tribal members.

## **Kickapoo Gaming Commission Goals**

- I. Regulate Gaming Operations by ensuring compliance with:
  - A. The Indian Gaming Regulatory Act (IGRA);
  - B. Kickapoo Traditional Tribe of Texas Gaming Ordinance;
  - C. Regulations of the National Indian Gaming Commissions (NIGC); and
  - D. Tribal Internal Control Standards (TICS).
- II. Protect the Tribal Gaming Operations and assets from theft and illegal activity.
- III. Ensure applicants are granted licenses by conducting thorough background investigations and making suitability determinations in a timely manner.
- IV. Ensure integrity and fairness in all gaming activities conducted within the Gaming Facility by both the operator and the patron.
- V. Work closely with the Kickapoo Gaming Authority (KGA); Gaming Facility Management Team; and Staff of any Tribal Departments in order to enhance the communication within these departments.
- VI. Cooperate with the KTTT Tribal Council or any Council Committee in regards to gaming issues.



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## Definitions

1. **Business Day:** KGC business days are Monday thru Friday, except federally recognized holidays, from the hours of 8:00 am to 5:00 pm.
2. **Class II Gaming Systems:** all components (such as servers, virtual bank controllers, switches/hubs) whether or not technologic aids in electronic, computer, mechanical, or other technologic form, that function together to aid the play of one or more Class II Games including accounting functions.
3. **Complimentary Services:** Services and items provided to a patron at the discretion of an agent on behalf of the gaming operation or by a third party on behalf of the gaming operation. Services and items may include, but are not limited to, travel, lodging, food, beverages, or entertainment expenses.
4. **Conflict of Interest:** a situation in which the concerns or aims of two different parties are incompatible or a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity or create a separate conflict of interest regulation.
5. **Controlled Gaming Items:** poker chips, poker cards, poker shuffler, bingo cards, pull-tabs, Electronic Bingo Devices, Electronic Gaming Devices (EGD), gaming software for EGDs and Game Servers (does not include actual server operating software) , EPROM's, KIOSK Machines.
6. **Controlled Items:** drop boxes/cassettes, KGC issued ID badges, proximity cards, currency, sensitive keys, and KGC Operating License label.
7. **Coupons:** A financial instrument of fixed wagering value that can only be used to acquire non-cashable credits through interaction with a voucher system. This does not include instruments such as printed advertising material that cannot be validated directly by a voucher system.
8. **CPU:** Central Processing Unit.
9. **Disciplinary Action(s):** punitive action(s) taken against any licensee or work permit holder and may include suspensions, revocations and/or fine(s).
10. **Download(s):** Any type of installation or modification of Class II software.
11. **Electronic Gaming Devices (EGD):** Technological aid to the play of the server based bingo (player interface terminal. Any component(s) of a Class II gaming system, including an electronic or technologic aid (not limited to terminals, player stations, handhelds, fixed units, etc.), that directly enables player interaction in a Class II game.
12. **Engagement:** specific audit assignments, tasks, or review activities, such as an annual external audit.
13. **Gaming Facilities:** means all the gaming and non-gaming areas of the Kickapoo Lucky Eagle Casino building and surrounding areas and includes but is not limited to the gaming floor, card games areas, Bingo area, cashier's cages, count room, general work areas, entrances and exits, casino parking areas, any building that houses gaming records or equipment.
14. **Gaming License Application:** application required to be completed by all potential licensees in order to be issued a Gaming License, Temporary Work Permit or Work Permit.

15. **Gaming License:** a privilege granted by KGC to perform an authorized job or to do an act upon the gaming operation in a gaming or non-gaming area, which shall be illegal without such license.
16. **Gaming Operation:** operations conducted on the gaming floor which includes poker, bingo, Electronic Game Devices (EGD), and Cage and Vault Operations.
17. **Gaming Vendors:** vendors who provide gaming supplies and services including cash related services.
18. **Key Employee:** persons performing the following functions are Key Employees: Bingo Caller, Counting Room Supervisor, Director of Security, custodian of gaming supplies or cash, Floor Manager, Dealer, Croupier, approver of credit, custodian of gambling devices including persons with access to cash and accounting records within such devices. It also includes any other person in gaming operations whose total cash compensation is in excess of \$50,000 per year; or the four most highly compensated persons in the gaming operation. Any new position created that meets the requirements above and or any current employee that is subsequently given access to sensitive information would fall under this definition.
19. **Kickapoo Gaming Authority (KGA):** KLEC Board of Directors that oversees and manages the company.
20. **Kickapoo Gaming Commission (KGC):** established by KTTT Tribal Council to perform Regulatory Oversight of KTTT Gaming Operations and to monitor the Gaming Operation in order to ensure compliance with Tribal, Federal and applicable State Regulations.
21. **KGC Representative:** - KGC Employees
22. **Kiosk:** A device capable of redeeming vouchers and/or wagering credits or initiating electronic transfers of money to or from a patron deposit account.
23. **KTTT Gaming Ordinance** Gaming Ordinance of the Kickapoo Traditional Tribe of Texas; adopted March 06, 2017.
24. **KTTT:** Kickapoo Traditional Tribe of Texas.
25. **KTTT Members:** refers to Tribal Members of the Kickapoo Traditional Tribe of Texas.
26. **Licensee:** any person, entity or organization granted a Gaming License by KGC.
27. **Licensing Fee:** fee paid by an applicant.
28. **Minimum Internal Control Standards (MICS):** NIGC Minimum Internal Control Standards set forth in 25 CFR Part 543.
29. **Money Handlers:** a Key Employee whose daily functions is to work with money, tickets or chips. (i.e. Cage Cashiers, Soft Count Members, etc.)
30. **Moral Turpitude:** "conduct that is considered contrary to community standards of justice, honesty or good morals".



31. **National Indian Gaming Commission (NIGC):** Commission established pursuant to §2704 of IGRA as a Regulatory Body over Indian Gaming Operations.
32. **Non-Gaming Vendor:** a vendor that does not have the ability to impact on the integrity or outcome of a gaming operation, such as media advertising; beverage suppliers; facility maintenance workers; linen and laundry services; food and beverage suppliers or any other vendor deemed as non-gaming by KGC.
33. **Notice of Concern (NOC):** a written warning that notifies a licensee, registration holder and/or exempted vendors that Regulatory Standards or Conditions are not being met and/or have been violated. If not corrected, will lead to issuance to a NOV.
34. **Notice of Violation (NOV):** a written citation that informs a licensee, registration holder and/or exempted vendors that Regulatory Standards or Conditions are not being met and/or have been violated. Fines or other penalties may be imposed on KGC licensees; registration holders; and exempted vendors for these violations.
35. **Online Monitoring Control System (MCS):** game management system that continuously monitors each Electronic Gaming Device (EGD) via a defined communication protocol by either a dedicated line or other secure transmission method such as ethernet communications. An MCS is primarily used to provide logging, searching, and reporting of gaming significant events, collection of individual device financial and meter data, reconciliation of meter data against hard and soft counts, and systems security.
36. **Operating License:** affixed license issued in the form of a label for EGDs, kiosks, card shufflers or any other device deemed to require licensing by KGC after the devices have passed all established testing requirements.
37. **Patron Gaming Dispute:** a disagreement that arises between a Patron and the Gaming Operation over the outcome of a game play.
38. **Primary Management Official (PMO):** the person and or entity having management responsibility for a management contract; any person who has authority: to hire and fire employees; or to set up working policy for the gaming operation; or the Chief Financial Officer or other person who has financial management responsibility, and any other person designated by the tribe as a primary management official.
39. **Promotional Chip:** a chip-or token-like object (no cash value) issued by the Gaming Operation for use in promotions or tournaments at the Gaming Operations.
40. **RAM:** Random Access Memory
41. **Registered Vendor:** Non-Gaming Vendor whose estimated volume of business is more than \$5,000 and less than \$25,000 and has completed the required Non-Gaming Vendor/Supplier Registration Form.
42. **Relocation(s):** includes the “physical movement of any gaming related item(s) or device from any location on the gaming floor to a new location within the Gaming Facility with the intended purpose of not returning any gaming related item(s) or device to its original location”.

- 43. Revoke:** to permanently void and recall all rights and/or privileges to hold or obtain a KGC license or work permit.
- 44. Silver Mining:** an act of looking for EGD tickets/vouchers that were inadvertently left in or near a gaming machine. Silver mining may also involve the act of looking for coins or money left behind.
- 45. Suspend:** a temporary interruption of privileges of a KGC license and/or work permit.
- 46. Tribal Internal Control Standards (TICS):** NIGC Internal Control Standards found in 25 C.F.R. § 543 and adopted by the Kickapoo Traditional Tribe of Texas Tribal Council.
- 47. Tournament:** an organized event, sponsored by the Gaming Operation, that permits a player to either purchase or be awarded the opportunity to engage in competitive play against other players.
- 48. Tournament Chips:** Casino tokens used in any tournament that do not have any cash equivalent.
- 49. Transportation Vendor:** Non-Gaming Vendor whose area of business is that of transportation of Patrons to and from the Casino.

# **Regulation 1 - Employee Licensing/Work Permits**

## **I. Key Employees**

- A. Key and Primary Management Employees shall complete a Gaming License Application and other information as requested by KGC.
- B. Licensing for Key Employees and Primary Management Officials shall be in accordance with the Tribal Gaming Ordinance.
- C. Temporary Work Permits for Key Employees and Primary Management Officials may be issued for up to 90 days upon KGC suitability determination. Time frame for issuing will be addressed in the KGC standard operating procedures.
- D. Applicants under the age of eighteen will not be considered eligible for licensure.
- E. Types of Licenses
  - 1. Key License - Class A
    - a. Key employee and Primary Management Official
  - 2. Key License – Class B
    - a. Key employee under the age of twenty-one years.

## **II. Non Key Employees**

- A. Gaming operation employees who do not meet the definitions of Key Employee and are not otherwise excluded from the requirements that they be licensed, permitted or registered.
- B. Non Key Employees shall be issued a Work Permit to work in the KTTT Gaming Operation if the review of the background supports issuance of a work permit.
- C. Non Key Employees shall complete a Work Permit Application and any other information as requested by KGC.
- D. Applicants under the age of eighteen will not be considered eligible for a work permit.
- E. Types of Licenses:
  - 1. Non-Key License -- Class C
    - a. Non-Key Employee

2. Non-Key License – Class D

- a. Non-Key employee under the age of twenty-one years.

**III. Transfers**

- A. Non Key Employees shall complete a Gaming License Application if their job responsibilities changes from a Non Key Employee to a Key Employee or Primary Management Officials.

**IV. Gaming License and Work Permit Renewals**

- A. Class A and C licenses shall renew their Gaming License or permits every three years or sooner if;
1. The licensee or permit holder's status or background information changes; or
  2. As determined by KGC.
- B. Class B and D licenses will be required to be renewed every twelve months. Once Class B and D reach the age of twenty-one years, the licensee will be eligible for a Class A or C.
- C. If a Gaming Operation Licensee or Work Permit holder voluntarily or involuntarily separates from employment of the gaming operation and returns within a twelve month period, the applicant will only be required to update their Gaming License Application or Work Permit.
- D. When a Gaming Licensee returns for employment and his/her gaming license is set to expire six months prior to the three year expiration, then a renewal gaming license process shall apply.
- E. If a Temporary Work Permit holder of the gaming operation separates from employment and returns to the gaming operation within the ninety days of Temporary Work Permit, the applicant will be required to go through the gaming licensing process and will be responsible for fifty percent of the initial licensing fee.

**V. Fees**

- A. KGC shall periodically determine and approve fees required for any KGC approved application, renewals, registrations and /or any other applicable fees.

**VI. Withdrawal of KGC Licensing Application**

- A. An applicant may request to withdraw from the Gaming License Application process prior to issuance and/or denial of any Temporary Work Permit. Withdrawal shall be made by submitting a written request to the KGC Executive Director. The KGC Executive Director shall either accept or deny the request. All fees and costs submitted to KGC are non-refundable.

## **VII. Suitability and Eligibility Determinations**

- A. KGC shall make a determination of suitability for licensing within sixty (60) calendar days of hire date.
- B. Any applicant convicted of, or has entered a plea of “Nolo Contendere” to any crime involving gaming is not eligible for a license or work permit.

## **VIII. Conditional Licensing - Key Employees**

- A. If KGC places conditions on a gaming license, it shall be done on case by case basis in respect to all conditions placed on the gaming license including the duration of the conditional license.

Before a Conditional License maybe issued, the Applicant or Licensee shall sign a Conditional Agreement

- B. KGC may review the file of the conditional licensee at any time to determine compliance with the conditions of the license.
- C. Failure to meet the conditions of any Conditional Agreement will result in immediate review of the gaming license and determination will be made to either suspend, revoke and or fines may be assessed to the gaming licensee. An extension to the original Conditional Agreement may be added as determined by KGC.
- D. If all the conditions have been met KGC will remove the conditions and a regular license will be issued. Notification will be sent to the licensee.
- F. The KGC will notify the KLEC that an employee was issued a Conditional License.

## **IX. Conditional Work Permit - Non Key Employees**

- A. If KGC places conditions on a work permit, it shall be done on case by case basis in respect to all conditions placed on the work permit including the duration of the Conditional Agreement.

Before a Conditional License maybe issued, the Applicant or Licensee shall sign a Conditional Agreement

- B. KGC may review the file of the work permit holder at any time to determine compliance with the conditions of the agreement.
- C. Failure to meet the conditions of any Conditional Agreement will result in immediate review of the work permit and determination will be made to either suspend, revoke and or fines may be assessed to the work permit holder. An extension to the original Conditional Agreement may be added as determined by KGC.
- D. If all the conditions have been met, KGC will remove the conditions and a work permit will be issued. Notification will be sent to the licensee.

## **Regulation 2 - Vendor Licensing**

### **I. Intent to do Business**

- A. The gaming operation shall complete an "Intent to do Business Form" provided by KGC identifying the vendor and classification of requested License.
- B. Vendor License Classifications: Gaming, non-Gaming, Registration and Exempt.

### **II. Licenses for Gaming Vendors**

- A. Gaming vendors will be required to complete a Gaming License application and submit for KGC approval. Failure to submit all required documentation within sixty days will forfeit the initial licensing process. Resubmission of application and fees will be required.
- B. Licensing fees must be submitted along with the application, the licensing process will commence at the time payment is received.
- C. Licensing for gaming vendors shall be in accordance with Sections 301-306 of the KTTT Gaming Ordinance.
- D. Only ten individuals may be included in the gaming application for licensing.
- E. If information on the gaming vendor application changes while the vendor is licensed, the vendor shall report any change(s) of information in writing to KGC within ten days.
- F. Gaming vendor licenses shall be renewed every two years.
- G. A vendor renewal form must be submitted, by the gaming operation, sixty (60) calendar days prior to the license expiring.
- H. Employees not included on the original gaming vendor license application and requiring immediate licensing must apply for a Class A Gaming License. Once the application is received and complete with the appropriate fee then a temporary work permit will be issued. Once the employee's licensing requirements are completed, they will be allowed to start work.
- I. Remote access employees will be required to obtain a Class A Gaming License in order to access the gaming systems at the gaming operation.
- J. On a case by case basis, the KGC may honor a background investigation submitted for a Non U.S. resident applying for licensure from Non U.S. background investigation agencies.
- K. Any subsidiaries and/or third party entities of the gaming vendor will be required to complete the Gaming Vendor License Application process.
- L. Sales representatives, marketing personnel, consultants or other vendor employees performing work for the vendor at the gaming facilities will require a Class A license.

- M. Vendor employees under the age of 21 years, but over the age of 18, must obtain a Class B license.
- N. Company shall provide the names, addresses, and phone numbers of three business references with whom the company had regularly done business with for the last five years.

### **III. Licenses for Non-Gaming Vendors**

- A. Licensing for Non-Gaming vendors shall complete a less stringent application in accordance with Sections 301(C) and 308 of the KTTT Gaming Ordinance.

### **IV. Non Gaming Vendors \$25,000 and over Annually**

- A. Applications for Non-Gaming Vendors must include the following:
  - 1. Name of Business;
  - 2. Business address;
  - 3. Business phone;
  - 4. Federal Tax ID (or SSN if sole proprietorship);
  - 5. Main office address if different from business office;
  - 6. Other names the applicant has done business under;
  - 7. The type of service applicant will provide; and
  - 8. Whether the applicant is a partnership, corporation, Limited Liability Company, sole proprietorship or other entity.
- B. Provide any Business License(s)
- C. Trade name, other names used, names of any wholly owned subsidiaries, or other business owned by the vendor or its principles.
- D. Names, addresses, and phone numbers of three business references with whom the company had regularly done business with for the last five years.
- E. The name and address of any licensing or regulatory agency with which the business has filed an application for license or permit, whether or not such license or permit was granted.
- F. If the business has ever had a license/permit denied, suspended, or revoked for any reason and the circumstances involved.

- G. Submit any bankruptcy actions filed.
- H. Any other further information the KGC requests.

#### **V. Non-Gaming Application Process**

- A. Non-Gaming vendors will be required to complete a Non-Gaming License application and submit for KGC approval. Failure to submit all required documentation within sixty (60) calendar days will forfeit the initial licensing process. Resubmission of application and fees will be required.
- B. Licensing fees must be submitted along with the application, the licensing process will commence at the time payment is received.
- C. Non-Gaming Vendors must receive their license from the KGC prior to conducting any business with the gaming operation.
- D. Non-Gaming vendor licenses shall be renewed every two years.
- E. A vendor renewal form must be submitted, by the gaming operation, sixty (60) calendar days prior to a non-gaming license expiring.
- F. On a case by case basis, the KGC may honor a background investigation submitted for a Non U.S. resident applying for licensure from Non U.S. background investigation agencies.
- G. Any subsidiaries and/or third party entity of the Non-Gaming vendor will be required to be listed on the Non-Gaming Vendor License Application.
- H. Only ten individuals may be included in the non-gaming application for licensing.
- I. Employees not included on the original non - gaming vendor license application but require immediate licensing must apply for a Class A Key Employee license. Once the employee's licensing requirements are completed, they will be allowed to start work and perform his/her assigned tasks.

#### **VI. Temporary Authorizations for Non-Gaming Vendors**

- A. Non-Gaming Vendors with a sales value of \$25,000 or more annually who have submitted a completed Non-Gaming Vendor license Application and fee may obtain a Temporary Authorization valid for sixty (60) calendar days.

#### **VII. Non-Gaming Vendors under \$25,000 Annually (Registered Vendor)**

- A. Non-gaming vendors that sell or provide services or supplies to the gaming facilities with value less than \$25,000 shall be registered with KGC.
- B. Non-Gaming Vendors shall register on an annual basis. A vendor renewal form must be submitted by the gaming operation, sixty days prior to the license expiring.



- C. When a Registered Vendor under \$25,000 annually exceeds the amount during the previous business year, then the vendor must be licensed as a Non - Gaming Vendor over \$25,000 annually.

#### **VIII. Exempt Vendors**

- A. In accordance with Section 307 of the KTTT Gaming Ordinance:
  - 1. KGC may exempt from licensing requirements non-gaming vendors who are:
    - a. Tribal, Local, State, or Federal Government agencies; and
    - b. Are regulated by the State of Texas or the Tribe; and
    - c. Publically Traded Companies
  - 2. KGC will review an exemption form for the Vendor prior to being authorized to provide goods or services to the gaming operation.
  - 3. A vendor renewal form must be submitted, by the gaming operation, sixty (60) calendar days prior to expiration date.

#### **IX. Transportation Vendors**

- A. All bus lines, regardless of annual volume of business will be licensed as a Non-Gaming Vendor. \$25,000 and over annually.
- B. A vendor renewal form must be submitted, by the gaming operation, sixty (60) calendar days prior to expiration date.

#### **X. Withdrawal of Vendor Application**

- A. A request for a withdrawal of an application may be made by an applicant any time prior to the licensing decision by the KGC by filing a written request with KGC Executive Director. The Executive Director shall either grant or deny the request. All fees and costs submitted to KGC are non-refundable.

#### **XI. Vendor Licensing: Conflict of Interest**

- A. A current or former KGC licensee hired by a KGC licensed vendor shall not perform work for the vendor at the gaming operation for a period of one year after separation without prior approval from the KGC.
- B. A KGC licensed vendor or a temporary authorized vendor shall not directly or indirectly provide any compensation, reward, employment, gift of any form, including tickets to any sporting event, honorarium, personal travel, or subsistence expense or anything of monetary value to any licensee or any work permit holders of any KTTT gaming operation.

- C. This regulation shall exclude reasonable business related luncheons or dinners provided that said luncheon does not create undue influence on a business transaction on behalf of the gaming operation or pose a threat to the integrity of the gaming operation.
- D. Particular circumstance may allow for the gaming operation to receive certain gratuitous endowments during special occasions from outside sources provided these endowments are not intended solely for any one particular licensee who could influence the approval of any contract or contracts for conducting business on behalf of the gaming operation.
- E. In the event a vendor license holder or vendor registration holder has unintentionally violated any provision of these regulations, such vendor shall disclose the violation within ten days in writing to KGC. KGC will review the information submitted and will make a determination if any additional actions may be required.
- F. Any vendor license holder or vendor registration holder, who intentionally violates the provisions of these regulations, may be subject to fine and/or suspension or revocation of their gaming vendor license by KGC.
- G. All gaming license vendors and their employee(s) are prohibited from gambling at the gaming facility.

## **XII. Confidential Information Disclosures**

- A. Any and all information obtained while performing and providing vendor services to the gaming operation is confidential information. If confidential information is divulged by any vendor, its subsidiaries and/or third party, this may be grounds for licensing action including fines, suspension, and/or revocation of their license.

## **Regulation 3 - Denial of Gaming License**

### **I. Denial of Application - Key Employees**

- A. KGC may deny the Gaming License Application prior to a temporary work permit being issued based on a suitability determination.
- B. KGC may revoke a temporary work permit based on information obtained during the background investigation which affects the applicant's suitability to hold a license.

### **II. Denial of Application - Non Key Employees**

- A. KGC may deny the work permit application based on a suitability determination.
- B. KGC may review the work permit at any given time. KGC may revoke or suspend a work permit based on information obtained during the review which affects the applicant's suitability to hold a work permit.

### **III. In the event of Denial of Gaming License Application / Work Permit**

- A. If a Gaming License Application or Work Permit is denied, the applicant may re-apply after one year or the Gaming Commissioners may grant a shorter waiting period for special circumstances upon written request of the applicant.

## **Regulation 4 - Building Inspection Process**

### **I. Overview**

- A. The building inspection process shall apply to all Gaming Facilities constructed and to all expansions or modifications to any existing Gaming Facility.
- B. The KGC shall be responsible for the determination and certification that the Gaming Facility meets the codes adopted by the KTTT for any remodeling or new construction. For this purpose, the Commission shall rely upon the Tribe's independent qualified building and safety expert with significant experience in the industry. This individual shall then inspect such construction for the Tribe (Inspector) and will issue a final written report detailing the findings.
  - 1. Exemption; any remodeling that does not alter the structural framework of the licensed facility.
- C. Changes to the specifications, physical structure(s) and fixture(s) of the cage and vault require approval by KGC.

## **Regulation 5 - Gaming Facility License**

### **I. Overview**

- A. The Gaming Facilities shall be licensed by KGC in conformity with the Tribal Gaming Ordinance. The license will be displayed in a conspicuous and public place in the Gaming Facilities at all times. Every two years after the initial issuance of a Gaming Facility License, KLEC shall submit a Gaming Facility License renewal application to KGC for every existing place, facility or location on Tribal Land where KTTT elects to allow gaming. The renewal shall identify any changes or additions to said legal description and applicable environmental, health, and safety standards, and include current certifications of compliance therewith.
- B. KGC at its discretion may grant an extension of an existing Gaming Facility License for a period of six months during phases of construction or facility modernizations.
- C. KGC may issue a temporary Gaming Facility License to any of the Gaming Facilities upon written request from the gaming operation's management that shall not exceed an initial term of three months. Upon receipt of an application and the showing of progress in completion of required information, KGC may extend the temporary license in its discretion.
- D. Upon completion of the construction and prior to opening the new Gaming Facility, KLEC will petition KGC for a permanent Gaming Facility License.

## **Regulation 6 - Investigations**

### **I. Overview**

- A. KGC Executive Director shall investigate any alleged violations of the Gaming Ordinance, Tribal Internal Control Standards, KGC Regulations, and all applicable Tribal, Federal and state laws and regulations.
- B. Investigations may include interviews in which KGC Executive Director may take testimony or receive evidence.
- C. All licensees and/or work permit holders have an affirmative responsibility and continuing duty to be fully cooperative with KGC investigations.
  - 1. Failure or refusal to answer questions or otherwise provide requested information during any KGC investigation may be grounds for immediate suspension of their KGC Gaming license or work permit. Additional disciplinary action could include license revocation.
  - 2. Any licensee or work permit holder who has knowledge of a violation of the Gaming Ordinance, Tribal Internal Control Standards, KGC Regulations, or all applicable Tribal, Federal, state laws and regulations by another employee(s) must immediately disclose that information. Failure to do so may be grounds for immediate suspension of their KGC Gaming license or work permit. Additional disciplinary action could include license revocation.

## **Regulation 7 - Notice of Violations**

### **I. Filing a Formal Notice of Violation**

- A. After advising the Commissioners of the results of an investigation, the KGC Executive Director may file a notice of violation claiming that a person or persons has engaged or is engaged in conduct constituting grounds for action on his/their license(s).
- B. The notice of violation must be a written statement of charges which set forth in ordinary concise language the acts or omissions with which the respondent is charged. It must specify the laws and/or regulations which the respondent is alleged to have violated.
- C. KGC Executive Director shall serve a notice of violation(s) and KGC Hearing Procedures upon the respondent.
- D. The KGC Executive Director will forward a copy of the Notice of Violation to the KLEC General Manager.

### **II. Licensee Written Response**

- A. If respondent chooses to respond to the notice of violation, a response from the respondent must be submitted in writing response within fifteen business days upon receipt of the notice of violation. In response to the allegations, the respondent must: admit, deny or explain their actions.
- B. Failure to answer the notice of violation will constitute an admission by the licensee of all the facts alleged in the notice of violation. KGC may take action without further notice to the licensee. If KGC takes action based on such admission, it shall include in the record which evidence was the basis for the action.

### **III. License Suspensions**

- A. A KGC gaming license is a privilege, not a right and thus may be suspended prior to receiving the response from the licensee and without a prior hearing for good cause except as set forth below:
  - 1. A KGC gaming license may only be suspended by the Kickapoo Gaming Commissioners upon review of the violations in accordance with the requirements of these regulations and procedures.
  - 2. A KGC gaming license may be suspended in an emergency situation as defined by KGC without a prior review by:
    - a. Kickapoo Gaming Commissioner
    - b. KGC Executive Director (limited to a 48 hour period unless extended by any Kickapoo Gaming Commissioner.)

#### **IV. Notice of Suspension**

- A. KGC Executive Director shall serve a notice of suspension upon the licensee within one business day of the suspension.
- B. The licensee whose gaming license has been suspended is not permitted to be in the gaming operation or its surroundings through the duration of their suspension.

#### **V. Revocations**

- A. Unless the licensee has voluntarily submitted a statement to KGC Executive Director admitting the facts alleged in the notice of suspension are true, such facts constitute a sufficient basis of revocation of that person's license.
- B. A KGC gaming license is a privilege, not a right and thus may be revoked without a prior hearing for good cause except as set forth below:
  - 1. A KGC gaming license may only be revoked by the KGC after a review of violations in accordance with the requirements of these regulations and procedures.



## **Regulation 8 - Licensing of Electronic Gaming Devices/ KIOSK**

- I. **Licensing of Electronic Gaming Devices/Kiosk** - KGC will ensure that all Electronic Gaming Devices including hardware and software utilized by the gaming operation shall be subject to the following:
  - A. Review and approval by KGC in accordance to the following technical standards and specifications:
    1. Minimum Technical Standards for Gaming Equipment (25 CFR 547);
    2. Electronic Bingo and Keno Systems (GLI-15);
    3. Client Server System (GLI-21);
    4. Gaming Devices in Casinos (GLI-11); and
    5. Tribal Internal Control Standards Part 543.
  - B. Independent testing from a laboratory authorized by KGC.
  - C. Prior to installation of any EGD(s), the manufacturer(s) will provide the gaming operation technical specifications, interoperability certification and applicable service packs.
  - D. KGC will ensure that all Kiosks operated in the Gaming Facility comply with the following technical standards and specifications or their equivalent as approved by KGC:
    1. On-line Monitoring and Control Systems (MCS) and Validation Systems in Casinos (GLI-13);
    2. Redemption Kiosk (GLI-20); and
    3. The manufacturer(s) will provide the gaming operation technical specifications, interoperability certification against current installed IGT Advantage System and applicable service packs.
  - E. KGC will ensure that any MCS be tested by an authorized independent testing laboratory prior to installation.
  - F. The cost for required testing as directed by KGC from an independent testing laboratory shall be borne by the manufacturer licensee, or distributor of such EGD(s).
  - G. KGC requires each EGD to pass established testing procedures to be issued a KGC Operating License. After testing procedures have passed, a KGC Operating License Label and KGC Seal will be placed on the EGD(s) by a KGC representative.
  - H. KGC Operating Licensed EGDs will require a full coin test to be performed by the gaming operation. The following EGD/floor changes will require full coin testing and license label issuance:

1. New Electronic Gaming Device installation to be performed prior to going live for public game play;
  2. Floor relocations; if the machines are disconnected to the server at any time (EGDs disconnected from server)
  3. Gaming Software:
    - a. Upgrades;
    - b. Replacement (maintenance);
    - c. Re-configurations; or
  4. Game Theme Conversions;
  5. Denomination/theoretical changes;
  6. (CPU) changes;
  7. Any other configuration that may alter game play; or
  8. Any time the KGC deems it appropriate to test an EGD.
- I. Vendor server upgrades that will impact the current central determination system version and/or random number generator (RNG) will be required to have their EGDs full coin tested as deemed appropriate by KGC.

# **Regulation 9 - Transportation of Electronic Gaming Devices**

## **I. Transportation of Electronic Gaming Devices**

- A. Prior to the transportation to or from the Gaming Facility, the gaming operation shall notify KGC in writing and submit a completed KGC Shipment Notification indicating the details of the shipment. KGC will respond with an approval notification after verifying the details of the activity with the gaming operation prior to shipment being performed.
- B. The KGC EGDs Shipment Notification Form shall be submitted no later than seven business days before the EGD(s) is transported to or from the Gaming Facility and shall include but not limited to the following information:
  - 1. The name and address of the company shipping or removing the EGDs and method of transportation of shipment;
  - 2. The name and address of the vendor who owns the EGDs, if different from the person shipping or moving the EGDs;
  - 3. The quantity of EGDs being shipped or removed, the manufacture's model and serial number of each EGD.
  - 4. The expected date and time of delivery to or from the Gaming Facility (tracking information); and
  - 5. The reason for transporting to or removing the EGDs.

## **II. Receiving of Electronic Gaming Devices**

- A. A KGC inspector must be present to break the seal on the door of any carrier that is transporting EGDs. As the EGDs are being unloaded, a KGC representative shall confirm that the EGDs shipped; match the EGDs described in the KGC EGDs Shipment Notification Form submitted by the gaming operation. Surveillance must also be notified prior to the breaking of the seal.

## **Regulation 10 - Security of Class II Gaming Devices**

### **I. Overview**

- A. All central processor units (CPU), game boards, media(s) and any other associated component, device or system that affects game outcome, shall be locked by an authorized gaming operation licensee.
- B. A KGC representative will place a KGC labeled seal on the software, software compartment or where deemed necessary.
  - 1. EGDs stored at the gaming facility shall be stored in a secured location, with the CPU compartments and EGD main doors locked. Surveillance coverage is required.
    - a. Exception: Any EGD's being returned to the manufactures may have their locks removed.

## **Regulation 11 - EGD Location Map and Master File List**

### **I. Overview**

- A. The gaming operation will forward to the KGC an EGD location map and an updated Master File List upon any modifications done to the gaming floor and/or on a monthly basis when requested. This includes an updated EGD master file with corresponding KGC license and seals upon any modifications.

## **Regulation 12 - Game Software Media(s)**

### **I. Game Software Media**

- A. No Class II software certified by a gaming lab can be preloaded on EGDs, KIOSKs or gaming components.
- B. All lab certified software for gaming devices (game software media(s)) will be shipped directly to KGC. KGC representative will verify the contents of the shipment against the Software Shipment Notification Form. After ensuring that each software has been verified with the corresponding Class II certification lab report's electronic signature, the game software media(s) will be secured by KGC representative until the game software media is ready for installation. Software installed into a gaming device, if applicable, will have a KGC seal placed on the software or software compartment.
- C. If authorized by the KGC Executive Director or Commissioners KGC representative may at any time conduct tests of the software application of any gaming device to ensure compliance. Gaming operations will be notified before any testing is conducted.
- D. Access to the software port, shall require a KGC representative to remove the seal, and upon completion, reissue a seal in the manner provided above.
- E. A KGC representative shall be present when any game software media(s) is removed from a Class II gaming device.
- F. KGC will communicate with vendor to provide shipping labels or destruction authorization for their software no longer needed for floor installations.
- G. Signature verifications for all gaming software are required.
- H. The gaming operations will establish written procedures to verify and document all software downloads and variances. These procedures must be approved by the KGC prior to implementation.
- I. Downloading and/or installing of any unauthorized gaming software is prohibited.

### **II. Forensics**

- A. KGC will verify software signature(s) on the EGD(s) requiring the forensic investigation and will ship all device(s) and media(s) as required by the Independent Testing Laboratory under the vendor's expense.

## **Regulation 13 – Notification Requirements**

### **I. Overview**

- A. The gaming operation shall provide the KGC, at least seven business days advance notice of any shipment of Class II gaming control items component, software, poker shuffler or any other device that is used in conjunction with gaming or is required to be placed on the gaming floor. Arrival date of shipments must be at minimum, seven business days prior to the scheduled activity with the exception of EGD(s), KIOSK(s) and Server(s).
- B. The gaming operation will submit to KGC a seven business day notification for:
  - 1. New Installs
  - 2. Lab Certified Software Upgrades
  - 3. Relocations of Class II gaming or devices
  - 4. Gaming Software Conversions
  - 5. New Configurations
  - 6. Removal of Class II Control Items
- C. The gaming operations will submit to KGC a three business day notification for:
  - 1. Maintenance of Class II control items.
  - 2. Removals, Changes and Installs of EGDs signage.
  - 3. Reconfigurations or relocations of network equipment.
  - 4. Bank realignments, and temporary moves
  - 5. Poker table relocations or poker felt replacement
- D. The notice(s) shall identify the gaming device(s) or equipment by machine number, machine location, bank number, vendor and vendor staff member that will work on that activity. Notices will also include when and where the Gaming Facility would like to conduct the procedures and shall be sufficiently detailed, including but not limited to floor maps, testing laboratory certifications, technical specifications and par sheets.
- E. Waivers may be reviewed and granted by KGC on a case by case basis.

## **Regulation 14 – Resetting / Clearing Random Access Memory**

### **I. Overview**

- A. The gaming operation must complete all trouble shooting procedures prior to RAM clearing a machine.
- B. RAM clears shall only be performed if an EGD and a vendor technician have exhausted all other measures to correct the problem. Surveillance must be notified before any RAM clear is performed. A KGC Inspector will be present to provide software and removal/replacement of KGC seals.
- C. In the event a RAM clear is performed, it shall be in accordance with the gaming device manufacturer's RAM clear procedures, utilizing approved RAM clear software media. RAM Clear forms shall be completed for all RAM clears of EGD's on the gaming floor including before/after final meter readings. The KGC Inspector will be provided a copy of the RAM Clear form immediately following the completion of the ram clear.



## **Regulation 15 – Gifts from Patrons**

### **I. Overview**

- A. In the event that a gaming operation employee receives a gift from a customer, outside of any approved tip/toke policy, that employee or their Supervisor must notify the KLEC General Manager via email with the following information:
  - 1. Name of the employee receiving the gift;
  - 2. Name of the customer including their Players Club PASS Card who gave the gift;
  - 3. Date and time gift was received; and
  - 4. Description of the gift.
- B. The KLEC General Manager will forward the email to the KGC Executive Director when it's received.

## **Regulation 16 – Credit**

### **I. Overview**

- A. No employee of the gaming operation, and no person acting on behalf of or under the arrangement with the gaming operation, shall make a loan, or otherwise provide or allow to any person any credit or advance of anything of value or which represents value to enable any person to take part in gaming activity as a player.
- B. Nothing in these regulations shall restrict the use of any automatic device for providing cash advances in accordance with normal commercial practices.
- C. Nothing in these regulations shall restrict the use of patron checks when utilized in accordance with these standards.

## **Regulation 17 – Patron Check Cashing / Credit Cards**

### **I. Requirements**

- A. Gaming Operation Management shall establish written check cashing procedures in accordance with the approved Tribal Internal Control Standards.
- B. This policy must be approved by the KGC prior to implementation.

## **Regulation 18 - Disposal of Tribal Assets**

### **I. Overview**

- A. The disposal of Tribal Assets shall require the review and approval of both the gaming operation's General Manager and the KGC Chairperson or Executive Director. Any request for disposal shall include a description of the asset, its Tribal Asset number (if applicable), serial number (if applicable), and name of requestor and justification for disposal.
- B. In no case should any person be entitled to take possession of a Tribal Asset without written approval from the Gaming Operation's General Manager and the KGC Chairperson or Executive Director. All disposals of Tribal Assets will require Security and Surveillance notification for observation of disposal.

## **Regulation 19 – Cash Handling**

### **I. Overview**

- A. The gaming operation shall establish and follow procedures designed to prevent money handlers from mishandling funds. These procedures must be submitted to the KGC for approval prior to implementation.

## **Regulation 20 - Money Escorts**

### **I. Overview**

- A. The gaming operation will establish and follow procedures designed to prevent theft or any other irregularities while transporting funds from any area within the gaming facility. This will include procedures designed to protect currency when delivered or picked up by armored security companies and during currency refills of any monetary filled machines in the Gaming Facility.
- B. These procedures must be submitted to the KGC for approval prior to implementation.

## **Regulation 21 - Minors**

### **I. Overview**

- A. The gaming operation shall not permit patrons under the age of twenty-one years from being present in any area in which gaming activities are being conducted and in which alcoholic beverages may be consumed.
- B. Any person who enters the gaming operation will be required to show acceptable identification for proof of age upon request. An acceptable ID is an unexpired document or combination of unexpired documents that contain an individual's name and address and including a photograph. The following are acceptable forms of identification:
  - 1. Driver License;
  - 2. U.S. passport;
  - 3. Passport;
  - 4. Military, Federal, State, Tribal Membership ID;
  - 5. Resident Alien Card;
  - 6. Government Issued Foreign ID cards (Voter Registration, Driver License); or
  - 7. Concealed Weapons License

## **Regulation 22 - Patron Gaming Disputes**

### **I. Overview**

- A. This regulation applies when a disagreement arises between a patron and the gaming operation over the play or operation of any game, including any refusal to pay a patron any alleged winnings from any Gaming Activities (hereinafter referred to as "Patron Gaming Dispute").
- B. Whenever a Patron Gaming Dispute arises, the dispute must be brought to the attention of the gaming operations personnel within 24 hours from the time the incident occurred. The gaming operation shall offer the patron a "Patron Gaming Dispute Form" to complete, which will include notice to the Patron of his/her right to request a resolution from the gaming operation within seven days of the date of said dispute. The General Manager will make every possible attempt to resolve the situation. If the patron is not satisfied with the decision made by the General Manager, then the "Patron Gaming Dispute Form" with management resolution will be forwarded to KGC for review.

### **II. Dispute Process**

- A. The "Patron Gaming Dispute Form" must be completed by the patron. The form must include the patron's signature and the date when the form was completed, before providing the form to any Gaming operation employee.
- B. When a Gaming dispute is brought to the attention of the gaming operation management regarding a licensed EGD machine, the gaming operation will immediately notify a KGC Inspector. The gaming operation will provide a copy of the "Patron Gaming Dispute Form" and will place the EGD machine "Out of Service" and not attempt to troubleshoot EGD, pending KGC investigation.
- C. The Surveillance Departments shall be immediately notified of any patron dispute involving a licensed EGD. A copy of the "Patron Gaming Dispute Form" by the gaming operation must be provided so that video evidence of the area (if any) in question can be preserved.
- D. The gaming operation management, upon having gathered all information to make a determination of resolution of dispute, will complete the Patron Gaming Dispute Form and will submit a copy to the KGC.

### **III. Appeal Process**

- A. Upon notification to gaming operation management by KGC that an appeal has been timely received, gaming operation management shall forward the following information to KGC:
  - 1. All subsequent reports written or gathered regarding the complaint;
  - 2. A report from the Security/Surveillance Departments acknowledging the date and time they were informed of the complaint;



3. What video evidence has been archived (if any);
  4. Machine history report from the On-Line Accounting System;
  5. Any other information used to reach a resolution.
- B. The Executive Director will review the information and will make a recommendation to the Commissioners on whether the complaint warrants any further investigation. The Commissioners will review the recommendation and will advise Executive Director on how to proceed with the complaint.
- C. If further investigation is warranted and approved, The Executive Director will take the steps necessary to complete the investigation, which may include the following:
- D. Fully identify the patron;
  - E. Review footage (if available);
  - F. Identify and interview witnesses (if available and deemed necessary);
  - G. Obtain all pertinent available information or source documents;
  - H. Perform tests, either in house or through a third party on the equipment involved (if applicable);
  - I. Any other steps deemed necessary for the Executive Director to render a recommendation.
- J. The Executive Director will record all investigative efforts, opinions and observations in the investigation summary.
- K. Once the investigation is completed, the Executive Director will forward the investigation summary and his/her recommendation(s) to the Commissioners for final resolution.
- L. Commissioners shall render a decision based on fairness in accordance with the Kickapoo Gaming Ordinance and KGC Rules and Regulations.
- M. The Commissioners shall make written notification via certified mail to the patron of its resolution. KGC will forward a copy of its resolution to the gaming operation's General Manager.
- N. The written decision of the Kickapoo Gaming Commission shall be issued within sixty days of the patron's request. The decision shall be based on the facts surrounding the dispute and shall set forth the reason for the decision.

All decisions made by the Kickapoo Gaming Commission are final.

## **Regulation 23 - Barred Patrons**

### **I. Overview**

- A. KGC hereby declares that banishment (exclusion) from the gaming facility is necessary to carry out the policies and procedures to maintain the health, welfare, safety and security of the public and its employees.

### **II. Self-Exclusion**

- A. Any patron may self-exclude themselves from the gaming operation. Request must be made in person and a Self-Exclusion Form must be completed.

### **III. Exclusions (Barred) of Persons from Gaming Facilities**

- A. The gaming operation shall make provisions for compliance regarding ban enforcement, which shall contain procedures for compliance at all levels, including security, the cage and player's club areas.

### **IV. Reinstatement of Patron Privileges**

- A. It is the responsibility of any person petitioning KGC for the reinstatement of their patronage privileges to prove they no longer present a risk to tribal assets, the integrity of gaming on Tribal property or the safety of the public and employees. A patron who has a voluntary exclusion may petition for reinstatement at any time. A patron who has been barred for life may petition for reinstatement of patronage privileges only if the patron can prove that extenuating circumstances prevented the patron from filing a timely appeal.

### **V. Notice to Excluded Persons**

- A. When the name and description of a person is placed on the list of banned persons by the gaming operation, it shall give notice of the action to that person if possible.

### **VI. Exclusion of Former KGC Licensees**

- A. In making its determination regarding banishment from a gaming facility: the KGC shall consider the following factors in order to place KGC licensees and staff on the current exclusion list:
  - 1. Physical assault
  - 2. Sexual Harassment
  - 3. Theft
  - 4. Disorderly Conduct
  - 5. Any violation or attempt to violate the provisions of the Gaming Ordinance or these Regulations

6. Terroristic threat
  7. Drug use, possession, distribution or intent to distribute
- B. The length of exclusion will be determined on the severity of the incident, as determined by KGC on a case by case basis

## **VII. Appeals**

Following receipt of the gaming operation's decision, a patron may appeal the decision to KGC in writing within thirty (30) days of the date of said dispute. The appeal must set forth the reasons the patron disagrees with management's decision. The appeal letter may be submitted electronically to [KGCAppeals@kttribe.org](mailto:KGCAppeals@kttribe.org), post marked via certified mail or hand delivered to:

Kickapoo Gaming Commission  
279 Bishop Gracida Rd.  
Eagle Pass, TX 78852.

## **VIII. Appeal Process**

- A. Upon notification by KGC gaming operation management shall forward the following information
1. All subsequent reports written or gathered regarding the complaint;
  2. A report from the Security/Surveillance Departments acknowledging the date and time they were informed of the complaint;
  3. What video evidence has been archived (if any);
  4. Machine history report from the On-Line Accounting System; and
  5. Any other information used to reach a resolution.
- B. The Executive Director will review the information and will make a recommendation to the Kickapoo Gaming Commission on whether the complaint warrants any further investigation. The Commissioners will review the recommendation and will advise the Executive Director on how to proceed with the complaint.
- C. If further investigation is warranted and approved, the Executive Director will take the steps necessary to complete the investigation, which may include the following:
1. Fully identify the patron;
  2. Review footage (if available);
  3. Identify and interview witnesses (if available and deemed necessary);
  4. Obtain all pertinent available information or source documents;

5. Perform tests, either in house or through a third party on the equipment involved (if applicable); and
  6. Any other steps deemed necessary for the Executive Director to render a recommendation.
- D. KGC Executive Director will record all investigative efforts, opinions and observations in the investigation summary.
  - E. Once the investigation is completed, the Executive Director will forward the investigation summary and his/her recommendation(s) to the Commissioners for final resolution.
  - F. The Gaming Commission shall render a decision based on fairness in accordance with the Gaming Ordinance and its Rules and Regulations.
  - G. Kickapoo Gaming Commission shall make written notification via certified mail to the patron of its resolution. KGC will forward a copy of its resolution to the gaming operation's General Manager.
  - H. The written decision of the Kickapoo Gaming Commission shall be issued within sixty days of the patron's appeal request. The decision shall be based on the facts surrounding the dispute and shall set forth the reason for the decision.
  - I. All decisions made by the Commissioners are final.

## **Regulation 24 - Silver Mining**

### **I. Process**

- A. The gaming operation shall make provisions for compliance regarding silver mining, which shall contain procedures for compliance at all levels, including security, the cage and player's club areas. A current copy of the silver mining policy and all revisions thereto shall be submitted to the KGC prior to implementation.

### **II. Requirements**

- A. Gaming Operation Management shall implement a silver mining policy that protects all patrons gaming at the facility.
- B. Gaming Operation Management will implement a progressive discipline policy for repeat offenders.
- C. Silver Mining policy must be approved by the KGC prior to implementation.

## **Regulation 25 - Reporting Requirements**

### **I. Reporting Requirements**

- A. To enable KGC to appropriately monitor the security, financial and licensing requirements of the gaming operation, certain notices, reports and documentation will be required from the gaming operation's management. At a minimum, the following notices or reports shall be submitted to KGC:
1. Notification to KGC immediately upon the discovery of any theft or game malfunctions;
  2. Monthly Vendor Disbursement list;
  3. Weekly list of personnel terminations; including reasons for the termination;
  4. Monthly list of all personnel, their departments, and titles;
  5. A current list of people banned from the Gaming Facility.
  6. Daily flash reports and monthly financial report via email, which shall be sealed as confidential and accessed only by Commissioners and the Executive Director;
  7. Any modifications or expansions to the gaming facility; and
  8. All contracts for gaming vendors.
  9. The General Manager, or designee, shall maintain a current Organizational Chart for the gaming operation and will submit to KGC upon any changes made.
  10. A current list of cage and vault authorized personnel shall be submitted to the KGC on a monthly basis.

## **Regulation 26 - Gaming Inspections by KGC**

### **I. Overview**

- A. KGC shall have the right to inspect any portion of the Gaming Facility/Gaming Operations.
- B. Access to the areas and records, which may be inspected or examined, shall be granted to any KGC employee. Such inspections or examinations shall be unrestricted, immediate and unfettered.
- C. KGC will provide an oral and/or written report of any violations noted to the Gaming Operations management.

## **Regulation 27 - Employees Gambling on Property**

### **I. Gaming Facilities Employees**

- A. Kickapoo Gaming Commissioners and all KGC employees, KGA members, Gaming Operations Management and all gaming operation compliance personnel are prohibited from gambling.
- B. All accounting personnel having access to MCS are prohibited from gambling, including:
  - 1. Chief Financial Officer
  - 2. Financial Controller
  - 3. Casino Gaming Controller
  - 4. General Accounting Supervisor
  - 5. Financial Analyst
  - 6. Revenue Analyst
  - 7. Revenue General Ledger Accountant
- C. All EGD Personnel are prohibited from gambling on EGD machines.
- D. All poker employees are prohibited from playing poker.
- E. All IT Personnel are prohibited from gambling.
- F. All Class B and D license holders are prohibited from gambling.
- G. All other casino operation employees may participate in any gaming activity in accordance with policies and procedures established by the Gaming Facilities.

### **II. Penalties**

- A. Any employee/licensee who knowingly violates this section will be subject to disciplinary action including revocation of their gaming license



## **Regulation 28 - KTTT Members Exemption**

### **I. Overview**

- A. To promote tribal economic development and self-sufficiency, KGC with its sole discretion, may determine that a KTTT member may be exempt from all or part of KGC Regulations if it does not pose a threat to the integrity of the gaming operation or to the effective regulation and control of its gaming facilities.

## **Regulation 29 – Regulation Amendments and Additions**

### **I. Overview**

- A. KGC Regulations may be amended in the same manner in which they were adopted as authorized under the provision of the Gaming Ordinance. KGC shall provide immediate written notification to the gaming operation of any such amendment.
- C. Gaming operation management will have an opportunity to comment on any proposed amendments. This does not include emergency regulation authorized under Regulation 40.
- D. KTTT Legal department will have an opportunity to comment and review on any proposed amendments.
- E. Amendments to any KGC regulations require approval by Tribal Council before they become effective.

## **Regulation 30 – Poker Cards**

### **I. Cards**

#### **A. Receipt of cards**

1. All shipments of gaming cards require seven business days advance notice to the KGC.
2. All shipments of controlled gaming items must be routed directly from the manufacturer or distributor to the Gaming Facility.
3. The vendor will be notified that shipment is a controlled item, and requires special handling.
4. Any shipments that are not handled as controlled items will be rejected by the gaming operation.

#### **B. Arrival of gaming cards on property must be handled in the following manner:**

1. The unloading of the cards will take place at a location that will allow surveillance coverage. Surveillance will be notified immediately upon the arrival of the cards on property.
2. The shipment will not be unloaded from the carrier until the following personnel are present:
  - a. KGC Inspector
  - b. Poker Manager (or their designee)
  - c. Security
3. The personnel noted above will verify that the shipment is in accordance with the shipment notification. At no time will the sealed boxes containing the cards be opened. Once the shipment has been verified the cards will be transported into the card storage room.

#### **C. Storage of cards.**

1. Cards shall be stored in a secured area with controlled access and under surveillance coverage.

#### **D. Use and control of cards.**

1. Use of cards shall be tracked in a ledger which identifies the number of decks on hand, each time the cards are moved out of storage, the number of decks moved and the identity of the employees releasing and assuming custody will be logged into ledger.

E. Inspection of cards by gaming operation

1. Prior to their use at a table, the Poker Supervisor or designee shall inspect the decks. The Poker Supervisor or designee shall check the back of each card to assure that it is not flawed, scratched, or marked in any way. If, after checking the cards, the Poker Supervisor or designee finds that certain cards are damaged or improper, a designated employee shall sign out and bring a substitute deck from the card reserve. The damaged or improper cards shall be placed in a sealed envelope or container, identified by table number, date, and time, and signed or initialed by the dealer or the Poker Supervisor or designee.

F. Inspection of cards by Gaming Commission.

1. A KGC Inspector may request that the Gaming Operations remove all or certain designated cards from play or storage for the purpose of inspecting them for tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play. The Poker Supervisor or designee will be notified when conducting an inspection. KGC inspector may also conduct random inspections after card washes.

G. Removal of cards from use

1. Cards damaged during the course of play shall be replaced. The gaming operation shall remove cards at any time if there is any indication of tampering, flaws, scratches, marks, or other defects that might affect the integrity or fairness of the game or at the request of KGC.

H. Disposition of unsuitable or used decks.

1. The KGC shall destroy, cancel or otherwise dispose of unsuitable decks or used decks in a manner set forth in the internal control procedures or as otherwise required by KGC. Decks may be unsuitable due to damage, alteration, defects or other reason preventing their use in play. Cancelled decks shall be stored in a secured area. The gaming operation shall record the following minimum information for any disposition of decks:
  - a. The number of decks destroyed or otherwise disposed of pursuant to this section;
  - b. For unsuitable cards, the date on which the defect was discovered; for used cards, the date the cards were taken out of service;
  - c. The date, place and method of destruction or other disposition; and
  - d. The names of the persons who carry out the destruction or other disposition on behalf of the gaming operation.
- I. All decks/cards removed from the Poker department that are unsuitable or used decks ready for disposition shall be disposed of within seven (7) calendar days from time of removal.

## **Regulation 31 - Bingo Cards**

### **I. Bingo Controlled Items**

#### **A. Receipt of Bingo Controlled Items**

1. All shipments of Bingo Controlled Items require seven business days advance notice to the KGC.
2. All shipments of Bingo controlled items must be routed directly from the manufacturer or distributor to the Gaming Facility.
3. The vendor will be notified that shipment is a controlled item, and requires special handling.
4. Any shipments that are not handled as controlled items will be rejected by the gaming operation.

#### **B. Arrival of Bingo controlled items on property will be handled in the following manner:**

1. The unloading of the Bingo controlled items will take place at a location that will allow surveillance coverage. Surveillance will be notified.
2. The shipment will not be unloaded from the carrier until the following personnel are present:
  - a. KGC Inspector
  - b. Bingo Manager (or their designee)
  - c. Security
3. The personnel noted above will verify that the shipment is in accordance with the shipment notification. At no time will the sealed boxes containing the Bingo controlled items be opened.

#### **C. Storage of Bingo Controlled Items**

1. Bingo controlled items shall be stored in a secured area with controlled access and under surveillance coverage.

# **Regulation 32 - Specifications for Gaming Chips**

## **I. Overview**

### **A. Specifications for chips**

1. Unless KGC approves otherwise, chips must be disk-shaped, must be .130 inch thick, and must have a diameter of 1.55 inches.

### **B. Specifications for promotional chips.**

1. Promotional chips must be designed, manufactured, approved, and used in accordance with the provisions of this regulation applicable to chips except as follows:
2. Promotional chips must be of such shape and size and have such other specifications as KGC may approve or require;
3. The design of the promotional chip shall be distinctively different than the design of the chips approved for non-promotional use at the gaming operation.
4. No promotional chip may display a word or symbol representing a monetary denomination (e.g., "cents", "dollar", "\$", etc.)
5. Each side of each promotional chip must conspicuously display the inscription, "no cash value".
6. The chip may, but need not, display a number, which represent the number of points or units of credit that the chip represents. If such a number is used, it must appear on both sides of the chip.
7. Promotional chips may not be used and the gaming operation shall not permit their use, in transactions other than the tournaments or promotion authorized by the gaming operations.

### **C. Receipt of chips**

1. All shipments of gaming chips require seven business days advance notice to the commission.
2. All shipments of gaming chips must be done through direct shipping (manufacturer to gaming facilities).
3. Arrival of gaming chips on property will be handled in the following manner:

4. The unloading of the chips will take place at a location that will allow proper surveillance coverage. Surveillance will also be notified.
5. All the security features on the shipment will be checked and verified by a KGC Inspector.
6. The shipment will not be unloaded from the carrier until the following personnel are present:
  - a. A KGC Inspector
  - b. Gaming Controller Cage Manager (or their designee)
  - c. Security

(The personnel noted above will remain with the chips until they have been counted and included in the cage accountability.)

7. The shipment will be transported in a route that will allow surveillance to cover the shipment from the time it is removed from the carrier until it is taken into cage accountability.
8. The chips will be taken to count room where they will be opened.
9. The chips will be counted by the denomination and in total by a least two individuals.
10. All members required to be present will sign a document attesting the total of the chips received.
11. The Cage manager or (designee) will ensure that the cage's imprest amount is increased by the total of the chips received.
12. The chips will be secured in the appropriate place and manner as dictated by their intended use.
13. The Gaming Controller or (designee) will ensure that the current chips in service figure recorded on the books are increased accordingly.

D. Storage of chips not in service

1. Chips not in service (normally referred to as reserved chips) will be secured so that access will require all of the following to be present:
  - a. Gaming Controller Manager (or their designee);
  - b. Security

2. Reserve chips storage areas will be under constant surveillance coverage.
3. The surveillance coverage will be such that access could not be obtained in any manner and go undetected.
4. Security will notify dispatch and surveillance prior to allowing access to the inventory by those individuals designated in item number.
5. At least semi-annually the inventory will be accessed and re-counted to ensure that all chips are accounted for. This will include opening boxes to check for fullness and sample counts of randomly selected boxes.
6. The reserved chip inventory will be reconciled by and the Gaming Controller and the Cage Manager (or designee), each time the gaming chips are added or removed from the inventory. The Gaming Controller Cage Manager will ensure that records are updated for any movement of chips.
7. The Gaming Controller (or designee) will ensure that the current reserved chip inventory figure is recorded on the books of the Gaming Facilities.

#### E. Total Chips

1. The Gaming Controller (or designee) will ensure that records are retained which show the date, and amount by denomination and in total of the chips received and chips destroyed.
2. The Gaming Controller (or designee) will reconcile the current total chip inventory (chips received less chips destroyed) to the general ledger on at least a semiannual basis.

#### F. Use of Chips

1. The gaming operation shall:
  - a. Comply with all applicable statutes, regulation, and policies of KGC and of the United States pertaining to chips.
  - b. Issue chips only to patrons of its gaming operations and only at their request,
  - c. Promptly redeem its own chips from its patrons by cash or check drawn on an account of the gaming operation.
2. The gaming operation shall not redeem its chips if presented by a person who the gaming operation knows or reasonably should know is not a patron of its gaming operations, except that the gaming operation shall promptly redeem its chips if presented by:



- a. An employee of the gaming operation who presents the chips in the normal course of employment
  - b. The gaming operation shall not knowingly issue, use, permit the use of, redeem chips issued by another gaming facility.
3. The gaming operation will not sell chips to customers for less than face value except for the following exceptions:
  - a. Those that are used in a promotion that has received approval from KGC;
  - b. Discontinued chips that have passed the 90 day redemption period, and which are punched with a hole that is at least 1/4 inch in diameter.

#### G. Redemption and Disposal of Discontinued Chips

1. If the gaming operation permanently removes from use or replaces approved chips it must prepare a plan for redeeming discontinued chips that remain outstanding at the time of discontinuance. The gaming operation must submit plan in writing to KGC no later than 30 days before the proposed renewal, unless the cause for discontinuance cannot reasonably be anticipated, in which event the gaming operation must submit the plan as soon as reasonably possible. KGC may approve the plan or require reasonable modification as a condition of approval.
2. At a minimum, the plan must provide for:
  - a. Redemption of outstanding, discontinued chips in accordance with this regulation for at least 90 days after the removal or replacement of the chips or for such longer or shorter periods as KGC may for good cause approve or require;
  - b. Publication of notice of the discontinuance of the chips and of the redemption in at least one newspaper of general circulation in the surrounding area at least twice during each week of the redemption period, subject to KGC's approval of the method of notice, the newspaper(s) selected for publication, and the specific days of publication;
  - c. Conspicuous posting of the notice described in paragraph (b) at the gaming operation; and
  - d. Destruction and such other disposition of the discontinued chips as approved by the KGC.

#### H. Destruction of Gaming chips

1. The gaming operation shall not destroy any chips unless they have received approval from KGC.
2. Request for destruction of the chips and modifications to previous approvals must be made, processed and determined in such manner as approved by KGC.
3. Each request must include the following:
  - a. The signature of the General Manager or designee;
  - b. The proposed date and time of the destruction
  - c. Location of the destruction (If the destruction is not to take place at Gaming Facilities, then information on how the chips will be secured and transported to the location of the destruction.);
  - d. Method of destruction;
  - e. Reason for destruction;
  - f. Denomination of gaming chips to be destroyed; and
  - g. Total monetary amount of chips destroyed
  - h. The following personnel must observe the destruction of the gaming chips:
    - i. A representative of KGC;
    - j. Security; and
    - k. Gaming Controller
4. Each observer noted above will sign the destruction paperwork to attest to their presence and the destruction of chips.
5. A copy of the document will be given to KGC.
6. The Gaming Controller (or designee) will ensure that the financial records of the gaming operation are updated for the destruction of the chips.

#### I. Destruction of Counterfeit Chips

1. Unless a peace officer or a court of competent jurisdiction orders otherwise in a particular case, the gaming operation shall destroy or otherwise dispose of counterfeit chips and tokens in such manner as KGC may approve or require

2. The gaming operation shall record the following:
  - a. The number and denominations, actual and purported, of the coins and counterfeit chips destroyed or otherwise disposed of pursuant of this action;
  - b. The date which they were discovered;
  - c. The date, place, and the method of destruction or other disposition;
  - d. The names of the person(s) carrying out the destruction or other disposition; and
  - e. Such record shall be maintained for at least five years, unless KGC approves or requires otherwise.

## **Regulation 33 – Environment, Public, Health and Safety**

### **I. Compliance**

- A. The gaming operation shall comply with all environmental, health and safety requirements of KTTT.
- B. Health and safety standards shall meet standards established by the following:
  - 1. International Building Code
  - 2. Americans with Disabilities Act
  - 3. National Electrical Code (NFPA 70)
  - 4. National Fire Code (NFPA 1)
  - 5. National Fire Alarm Code (NFPA 72)
- C. Food and Beverage handling standards shall be no less stringent than the standards established by the United States Public Health Service requirements and Food Codes adopted by KTTT.
- D. Non compliance
  - 1. In the event KGC finds noncompliance with certain requirements, it shall notify the gaming operation in writing of any necessary corrections. The gaming operation shall ensure the corrections are made and resubmit the changes to KGC for further review and acceptance

## **Regulation 34 – Fees**

### **I. Fees**

#### **A. Federal**

1. The KTTT CFO or their designee shall submit a copy of the “Worksheet for Computing and Reporting Annual Fees Payable by Gaming facilities” in compliance with National Indian Gaming Commission (NIGC). Annual Fees and a copy of the check remitting said funds to the NIGC to the Kickapoo Gaming Commission. The submission will be done annually concurrently with the submission to the NIGC.

# **Regulation 35 – Internal Audit / Compliance Requirements**

## **I. MANDATE**

- A. Pursuant to MICS §543.23(c), for a Tier C gaming operation, a separate internal audit department shall be maintained whose primary function is performing internal audit work which is independent with respect to the departments subject to audit.

## **II. SCOPE OF WORK**

The scope of work of internal audit is to determine whether the gaming operation's network of risk management, controls, and governance processes as designed and represented by management is adequate and functioning as designed. The Tribal Internal Control Standards (TICS) shall provide standards for assessment. Internal audit personnel shall perform ongoing assessment of the gaming operations control activities by performing audits of the following functional areas:

### **A. Traditional Bingo/ Electronic Bingo Devices §543.8**

- 1. Including but not limited to, supervision, bingo cards, bingo card sales, draw, prize payout, cash and cash equivalent controls, technological aids to the play of bingo, operations, voucher system, variances, computer applications, game play standards, manual payouts and short pays, promotional payouts or awards, accountability form, gaming equipment, standards for statistical reports, electronic equipment, accounting/auditing standards; audit performed at least annually.

### **B. Pull tabs §543.9**

- 1. Including but not limited to, supervision, pull tab inventory, pull tab sales, winning pull tabs, pull tab operating funds, statistical records, variances, computer applications, accountability form, and electronic equipment; audit performed at least annually.

### **C. Card games §543.10**

- 1. Including but not limited to, supervision, exchanges or transfers, playing cards, standards for reconciliation of card room bank, posted rules, promotional progressive pots and pools, variances computer applications, card room contests and tournaments, computerized player tracking systems and accounting/audit standards; audit performed at least annually.

D. Gaming promotions and player tracking §543.12

1. Including but not limited to supervision, gaming promotions, player tracking systems and gaming promotions, variances, rules of play, changes to player tracking systems and external bonusing system parameters; audit performed at least annually.

E. Complimentary services or items §543.13

1. Including but not limited to, supervision, procedures whereby complimentary service and items are issued, authorized, redeemed, audited and reported; audit performed at least annually.

F. Drop and count §543.17

1. Including but not limited to, supervision, count room access, card game drop, count room personnel, card game count standards, player interface financial instrument storage component drop, player interface financial instrument storage count standards, count room security, transfers of currency during the count, key controls-general, player interface computerized key security systems, card game computerized key security systems, emergency manual override keys, emergency drop procedures, variances, player interface count equipment, computer applications; audit performed at least annually.

G. Cage, vault, kiosk, cash and cash equivalents §543.18

1. Including but not limited to, supervision, check cashing, reconciliation of cage and vault accountability, minimum bankroll, chip and token standards, promotional payments, drawings, and giveaway programs, kiosk, variances, computer applications, accounting/auditing standards; audit performed at least annually.

H. Information Technology §543.20

1. Including but not limited to, supervision, servers, peripherals for class II gaming system, installation, modifications, accounting, surveillance, essential phone system, door access, warning systems, logical and physical control to class II gaming systems, user controls, physical security of information technology infrastructure, maintenance controls, system parameters, user accounts, service and default accounts, administrative access, data backups, data restoration, recordkeeping, electronic storage of documentation, network security, changes to production environment, remote access, information technology department in-house developed systems, and purchased software programs, audit performed at least annually.

I. Surveillance §543.21

1. Including but not limited to, supervision, control room, computer applications, surveillance equipment requirements, logs, camera clarity and coverage, and recording retention; audit performed at least annually.

J. Audit and Accounting §543.23

1. Including but not limited to, annual requirements, review of internal audit, accounting records, GAAP requirements, administrative and accounting procedures, gross gaming revenue computations, periodic payment plans, voucher deductibility, unpaid credit instrument deductibility, allowable and non-allowable deductions from gross revenue, and maintenance and preservation of books, supporting documents; audit performed at least annually.

K. Part 543 §543.24 Auditing Revenue

1. Including but not limited to supervision, independence, documentation, controls and procedures to audit all functional gaming areas.

L. Title 31

1. Including but not limited to, examination of adopted internal controls for Title 31 of the Bank Secrecy Act. Perform an examination of Currency Transaction Report by Casino (CTRC), Suspicious Activity Report by Casino (SARC) and Title 31 Training Program; audit performed at least annually.

M. Any other internal audits as required by the Tribe, KGC, Audit Committee, or other entity designated by the Tribe.

### **III. ACCOUNTABILITY**

A. The Senior Audit Executive (SAE), in the discharge of his duties shall be accountable to the Audit Committee to:

1. Provide an annual assessment on the adequacy and effectiveness of the gaming operation processes for controlling its activities and managing its risks in the areas set forth under the mission and scope of work;
2. Report significant issues related to the processes for controlling the activities of the gaming operation, including potential improvements to those processes, and provide information concerning such issues through resolution;



3. Provide information periodically on the status and results of the annual audit plan and the sufficiency of department resources; and
4. Coordinate with and provide oversight of control and monitoring functions (risk management, compliance, ethics, and external audit).

#### **IV. INDEPENDENCE**

- A. To provide for the independence of the internal audit function, its personnel report to the SAE, who reports administratively to the Executive Director of the KGC and operationally to the Audit Committee in a manner outlined in the above section on Accountability. The SAE will include as part of its reports to the audit committee a status report on internal audit personnel.

#### **V. RESPONSIBILITY**

- A. The SAE and staff of the internal audit have the responsibility to:
  1. Develop a flexible annual audit plan using appropriate risk based methodology, including any risk or control concerns identified by the audit committee and submit the audit plan to the audit committee for review and approval;
  2. Implement the annual audit plan as approved, including, and as appropriate, any special task or projects requested by the audit committee;
  3. Perform consulting services, beyond internal audit assurance services, to assist management in meeting its objectives;
  4. Evaluate and assess significant consolidating functions and new or changing services, processes, and operations coincident with their development and implementation;
  5. Issue periodic reports to the Audit Committee and management summarizing results of audit activities;
  6. Keep the Audit Committee informed of emerging trends in gaming and successful practices in internal auditing;
  7. Provide a list of significant measurement goals and results to the audit committee;
  8. Assist in the investigation of significant suspected fraudulent activities within the gaming operation and notify management and the audit committee of the results; and
  9. Consider the scope of work of the external auditors and KGC, as appropriate for the purpose of providing optimal audit coverage to the Tribe at a reasonable overall cost.

## **VI. AUTHORITY/ACCESS**

A. The SAE and staff of the internal auditing department are authorized to:

1. Have unrestricted access to all functions, records, property, and personnel;
2. Have full and free access to the audit committee;
3. Allocate resources, set frequencies, select subjects, determine scope of work, and apply the techniques required to accomplish audit objectives;
4. Obtain the necessary assistance of personnel in units of the gaming operation where audits are performed, as well as other specialized services from within or outside the organization;

B. The SAE and staff of the internal auditing department are not authorized to:

1. Perform any operational duties for the gaming operation or its affiliates;
2. Initiate or approve accounting transactions external to the internal auditing function; and
3. Direct the activities of any employee not assigned to internal audit, except to the extent that such employees have been appropriately assigned to auditing teams or otherwise assist internal audit.

## **VII. INTERNAL AUDIT WORK GUIDELINES**

- A. Whenever possible, internal audit observations shall be performed on an unannounced basis (i.e., without personnel being forewarned that their activities will be observed).
- B. Documentation (e.g., checklists, programs, reports, etc.) shall be prepared to evidence all internal audit work performed as it relates to the requirements in this section, including all instances of noncompliance.
- C. The internal auditor shall operate with audit programs, which, at a minimum, address the MICS. Additionally, the internal auditor shall properly document the work performed, the conclusions reached, and the resolution of all exceptions.
- D. Reports documenting audits performed shall be maintained and made available to the KGC upon request.
- E. Such audit reports shall include the following information: Audit objectives; Audit procedures and scope; Findings and conclusions; Recommendations, if applicable; and management's response.

- F. All material exceptions resulting from internal audit work shall be investigated and resolved with the results of such being documented and retained for five years.
- G. Internal audit findings shall be reported to management.
- H. Management shall be required to respond to internal audit findings stating corrective measures to be taken to avoid recurrence of the audit exception.
- I. Such management responses shall be included in the internal audit report that will be delivered to management, the Tribe, Tribal gaming regulatory authority, audit committee, or other entity designated by the Tribe.
- J. Internal audit will strive to meet the International Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors.

## **Regulation 36 - External Audit Requirements**

### **I. Requirements**

- A. The Audit Committee will be responsible for selecting the External Auditor on an annual basis for the purpose of completing the required annual audit of KLEC.
- B. The External Auditor will be selected by a Request for Proposal (RFP) process as conducted by the audit committee.
- C. The same External Auditor cannot be used for more than five years.

## **Regulation 37 –Administrative Investigations**

### **I. Progressive Measures**

#### **A. Notice of Concern**

1. Notice of Concern will be issued on any potential violations which will serve as a written warning. Notice of Concern(s) (NOC) may be issued by the KGC to KGC licensee(s), registration holder(s), temporary work permit holder(s) and/or work permit holder(s) and exempted vendors.
2. A NOC contains:
  - a. Description of a potential violation(s);
  - b. A response from the licensee;
3. For any NOC(s) issued KGC Executive Director will deliver via hand delivery, registered or certified mail the original document of the NOC to the person or entity.

#### **B. Notice of Violation**

1. Notice of Violation(s) (NOV), may be issued by the KGC to KGC licensee(s), registration holder(s), temporary work permit holders(s) and/or work permit holder(s) and exempted vendors.
2. A NOV contains:
  - a. Citing of violations
  - b. Description of the violation(s);
  - c. Fines or other penalties; and
3. For any NOV(s) issued KGC Executive Director will deliver via hand delivery, registered or certified mail the original document of the NOV to the person or entity.
4. In the case of repeated violations, KGC may deem each infraction as a separate violation for the purpose of imposing a fine and/or penalty assessment.

### **II. Notice of Violation Classification**

- A. Violations shall be categorized in three classes (Class A, Class B, and Class C) in order of severity as determined by the KGC:
  1. Class A - These violations shall be considered the most severe and consist of, but not limited to, the following:

- a. Theft, embezzlement, conspiracy or attempt to commit same;
  - b. Offering, accepting unauthorized gratuity, bribery, compensation, conspiracy to attempt the same;
  - c. Conducting unauthorized gaming;
  - d. Failure to remit fees assessed by KGC;
  - e. Failure to adhere to approved policies and procedures;
  - f. Internal Revenue Service (IRS) tax reporting, withholding, or remittance regulation, including but not limited to a failure to file forms W-2, W-2G, 1099, and 1042-S, or to remit any tax related to such filing;
  - g. Allowing any individual or vendor to do business with, provide payment, and provide goods/services prior to obtaining the appropriate KGC License/Permit; and
  - h. Tampering with any record(s) or/and equipment utilized at the gaming facilities.
  - i. Misuse of Gaming Facility funds;
  - j. Knowingly submitting false or misleading information to the KGC.
2. Class B - Violations shall be considered of medium severity and consist of, but not limited to, the following:
- a. Refusing to allow an authorized representative of KGC to enter or inspect a gaming operation or its records;
  - b. Performing job duties in a manner that impacts the integrity of a fair game offered for play to a Gaming Facilities' patron (cheating);
3. Class C - Violations shall consider the least severe and consist of, but not be limited to, the following:
- a. Failure to fully cooperate with KGC as a witness or as a party to any investigation or process;
  - b. Violating health and safety codes, regulations or procedures, the act or omission of which poses immediate threat to the health or safety of any individual;
  - c. Working in a position without proper KGC notification and concurrence;
  - d. Working without KGC Badge; and
  - e. Failure to report criminal matters to KGC licensing department within 48 hours or the next business day after having been released.

### **III. Fines or Penalty Assessment**

**A. Class A Violation(s) are subject to gaming licensing action(s) and/or fine(s):**

1. Licensee – Minimum fines of \$500 per occurrence, and/or suspension or revocation of License/Permit;
2. Casino – Minimum fines of \$10,000 per occurrence, temporary closure of all or part of department facility;
3. Vendor – Minimum fines of \$25,000 per occurrence, and/or suspension or revocation of License/Permit.

**B. Class B Violation(s) are subject to gaming licensing action(s) and/or fine(s):**

1. Licensee – Minimum fines of \$250 per occurrence, and/or suspension or revocation of License/Permit;
2. Casino – Minimum fines of \$5,000 per occurrence, temporary closure of all or part of facility department, or both;
3. Vendor – Minimum fines of \$12,500 per occurrence, and/or suspension or revocation of License/Permit.

**C. Class C Violation(s) are subject to gaming licensing action(s) and/or fine(s):**

1. Licensee – Minimum fines of \$125 per occurrence, and/or suspension of License/Permit;
2. Casino – Minimum fines of \$2500 per occurrence;
3. Vendor – Minimum fines of \$6,250 per occurrence, and/or suspension of License.

### **IV. Appeal Hearings**

- A. If a hearing is requested, the Commission shall schedule a hearing and shall give the parties written notice of hearing specifying the date, time and place of the hearing and the particular matter to be heard.
- B. The hearing request should be received in the KGC office within seven (7) business day of the person receiving a notice of violation. Failure to timely request a hearing to appeal shall be deemed a waiver of all rights to challenge such action.
- C. Upon receipt of the request for a hearing to appeal, KGC shall within seven (7) business days set a hearing date and time. KGC Executive Director will notify the appealing party of the hearing date, time, and place by registered or certified mail. A hearing shall be held within ninety (90) days of the written request for a hearing except where the hearing would conflict with Kickapoo Tribal ceremonies.

- D. Prior to the scheduled hearing, both parties will provide information regarding the use of an attorney in the hearing, witnesses to be called, and the acceptance of documents for exhibits at least seven (7) days prior to the hearing date.
- E. When the scheduled hearing is held at a designated date and time, and the appellant fails to attend or notify of tardiness, after fifteen (15) minute the Commission will rule based on the information that they have.



## **Regulation 38 - Emergency Regulations**

### **I. Overview**

- A. The KGC with approval from the legal department may enact emergency regulations or emergency amendments to existing regulations on their own authority. Emergency regulations shall be numbered in sequence beginning with the first number higher than the last regulation issued. An emergency amendment to a regulation shall carry the same regulation number as the permanent regulation it is superseding. A list of all regulations shall be maintained by the Executive Director's office.

## **Regulation 39 – Promotion Approvals**

### **I. Overview**

- A. All gaming promotions must be approved by the KGC prior to the implementation of the promotion. Implementation would include all advertising prior to the start of the promotion.
- B. As part of the approval process, the following information will need to be submitted by the gaming operation within 60 days of the promotion:
  - 1. A detailed description of the promotion;
  - 2. Copies of all coupons to be used in the promotion;
  - 3. Complimentary Items to be issued as part of the promotion;
  - 4. All vouchers to be issued as part the promotion;
  - 5. Copies of all advertising collateral including but not limited to brochures and coupons;
  - 6. All prize codes linked to the promotion in the MCS;
  - 7. Audit procedures to be used at the conclusion of the promotion;
  - 8. Other information as requested.

## **Regulation 40 – Hours of Operation**

### **I. Requirements**

- A. The gaming operation is normally open to the public 24 hours per day, seven days a week. The gaming operation is required to provide written notification to KGC of changes to its normal hours of operation.
- B. The written notification requirement does not apply to temporary closures due to an emergency as defined under KLEC's emergency preparedness plan. Under emergency conditions, the gaming operation can provide notification via telephone, or email to the Gaming Commissioner(s); KGC Executive Director, or the Gaming Inspectors.

## **Regulation 41 – Credit Cards**

### **II. Requirements**

A. Gaming Operation Management shall implement a credit card policy that covers the following:

1. List of people authorized and issued a credit card;
2. Purchase procedures;
3. Gasoline purchases; and
4. Forms and documents to be used to record credit card transactions.

B. Credit card policy must be approved by the KGC prior to implementation.

## **Regulation 42 – Counterfeit Bills**

### **I. Requirements**

- A. Gaming Operation Management shall implement a process to identify, verify authenticity, monitor the disposition of, and report possible counterfeit bills.
- B. Counterfeit bills policy must be approved by the KGC prior to implementation.

## **Regulation 43 – Notice of Special Events**

### **I. Requirements**

- A. Gaming management shall notify KGC of any upcoming special events within 45 days of event. Special Events would include concerts, car shows and/or other nongaming promotions.

## **Regulation 44 – Title 31 / Bank Secrecy Act**

### **I. Requirements**

- A. The Gaming operation shall develop and implement a written compliance program designed to assure and monitor compliance with the provisions of the Bank Secrecy Act, 31 U.S.C. §§ 5311-5330 ("Title 31"), and the regulations found at 31 CFR Part 103 applicable to Indian Casinos as defined therein.
- B. The Gaming operation must provide a current copy of the program and any amendments to KGC for review and approval.

## **Regulation 45 - Emergency Preparedness Plan**

### **I. Requirements**

- A. Gaming operation and KGC together shall develop an Emergency Preparedness Plan that assures the protection of assets and the health and safety for patrons and employees. The Emergency Preparedness Plan is updated annually and submitted to the Kickapoo Legal Department for review.
- B. Annual exercises must be conducted in order to validate the plan which includes testing of procedures for Security and Surveillance.



## **Regulation 46 - Employee Conflict of Interest**

### **I. Requirements**

- A. A KGC Representative will not be allowed to transfer to the gaming operation.
- B. At the discretion of KGC, a gaming licensee or work permit holder may be hired by KGC if the employee has worked or is working in the Tribe's gaming facilities.
- C. To promote tribal economic development and self-sufficiency, KGC at its sole discretion, may determine that a KGC employee who is a KTTT member may be hired by the Tribe's gaming facilities.

## **Regulation 47 – Found Money / Tickets**

### **I. Overview**

- A. The gaming operation shall establish procedures for any found money or tickets.

**TRADITIONAL  
COUNCIL**

**CHAIRMAN**  
Estavio Elizondo, Menikapah

**SECRETARY**  
David Valdez, Sr., Pietoetaka

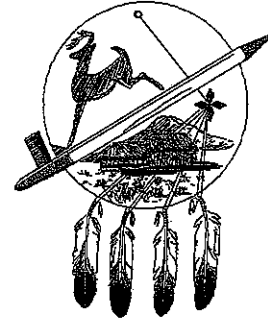
**TREASURER**  
David Treviño, Wepikaoda

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Kendall R. Scott, Metaa

**KICKAPOO**

**TRADITIONAL  
TRIBE OF TEXAS**

2212 Rosita Valley Rd.  
Eagle Pass, Texas 78852



**Traditional Council**

**RESOLUTION No. 2017 – R – 005**

**RESOLUTION DULY ADOPTED BY THE KICKAPOO TRADITIONAL COUNCIL  
APPROVING AND ENACTING THE KICKAPOO TRADITIONAL  
TRIBE OF TEXAS GAMING COMMISSION REGULATIONS  
VERSION 2.0**

**WHEREAS,** The Kickapoo Traditional Tribe of Texas is an Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), codified at 25 U.S. C. 476, et seq., and under the Tribal Constitution, which was approved by the United States Secretary of Interior on July 11, 1989; and

**WHEREAS,** The Tribal Council of the Tribe is the governing body of the Tribe as specified under Article III, Section I of the Tribal Constitution; and

**WHEREAS,** The Tribal Council has the powers necessary to act for the Tribe and to represent the Tribe in all matters under powers vested in it by Article VII of the Tribal Constitution; and

**WHEREAS,** The Kickapoo Traditional Tribe of Texas has a Class II Casino operating on Federal Trust Land known as the Kickapoo Lucky Eagle Casino; and

**WHEREAS,** The Tribal Regulations and control on gaming on Tribal Lands is necessary in order to ensure the welfare and best interest of the tribe, its members and patrons of the Tribe's gaming enterprise; and

**WHEREAS,** The Tribal Council has established the Kickapoo Traditional Tribe of Texas Gaming Commission to act as a regulatory authority charged with the oversight of gaming regulatory matters under Tribal Law; and

**WHEREAS,** The Kickapoo Traditional Tribe of Texas Gaming Commission has created and developed the Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0; and

**WHEREAS,** The Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0 outlines the duties of the Kickapoo Gaming Commission pursuant to the Kickapoo Traditional Tribe of Texas Gaming Ordinance; and

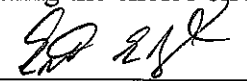
**WHEREAS,** The Tribal Council wishes to approve and enact the Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0; and

**WHEREAS,** The Tribal Council finds that it is in the Tribe's best interest to approve and enact the Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0.

**NOW THEREFORE, BE IT RESOLVED,** that the Kickapoo Traditional Tribe of Texas Tribal Council hereby approves and enacts the Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0. **FURTHER BE IT RESOLVED,** that the Kickapoo Traditional Tribe of Texas Gaming Commission Regulations Version 2.0 supersedes and previously approved Kickapoo Traditional Tribe of Texas Gaming Regulations. **FINALLY BE IT RESOLVED,** that this resolution takes effect immediately upon Tribal Council execution.


#### ATTESTATION

We, the undersigned Kickapoo Traditional Tribal Council members acting in our official capacities as the governing body of the Kickapoo Traditional Tribe of Texas certify that the above resolution is true and accurate resolution adopted at a meeting called and conducted on **May 1, 2017** at the Kickapoo Tribal Governmental offices located at the Kickapoo Village in Eagle Pass, Texas with a quorum being present. Each signatory below indicates the vote by circling the choice on Resolution **2017 - R - 005** as follows:

  
\_\_\_\_\_  
Estavio Elizondo, Council Chairman

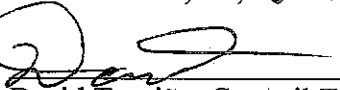
☒ FOR / AGAINST

5-1-17  
Date

  
\_\_\_\_\_  
David Valdez, Sr., Council Secretary

☒ FOR / AGAINST

5-1-17  
Date

  
\_\_\_\_\_  
David Treviño, Council Treasurer

☒ FOR / AGAINST

5-1-17  
Date

\_\_\_\_\_  
Kendall R. Scott, Council Member

FOR / AGAINST

\_\_\_\_\_  
Date

**CERTIFICATION**

I, David Valdez, Sr., the Secretary of the Kickapoo Traditional Tribe of Texas Traditional Council, or designated agent, hereby certify that a duly called meeting of the Tribal Council was held and that Resolution **2017 - R - 005** was approved and enacted on **May 1, 2017**. The Traditional Council voted as follows:

<u>  3  </u>	in favor
<u>     </u>	opposed
<u>     </u>	abstain
<u>     </u>	absent

DAVID VALDEZ, SR., Secretary

By: \_\_\_\_\_

Signature

Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_