

Santa Clara Pueblo Gaming Commission



Employee Licensing Regulations

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CHAPTER II: LICENSING

SECTION 6: LICENSING OF GAMING EMPLOYEES

| | | |
|------|------------------------------------------------------------------------|------|
| 6.1 | License Requirement | 6-1 |
| 6.2 | License Application | 6-1 |
| 6.3 | Waiver of Liability..... | 6-1 |
| 6.4 | Applicant Claim of Privilege | 6-2 |
| 6.5 | Withdrawal of Application | 6-2 |
| 6.6 | Gaming and Non-Gaming Employees | 6-3 |
| 6.7 | Class of Licenses | 6-3 |
| 6.8 | Temporary Licenses..... | 6-4 |
| 6.9 | Limited and Conditional Licenses | 6-4 |
| 6.10 | License Fees | 6-5 |
| 6.11 | Applicants and Licensees Penalty for Bribes and Rewards..... | 6-5 |
| 6.12 | Application Forms | 6-5 |
| 6.13 | Information Required from Gaming License Applicants..... | 6-6 |
| 6.14 | Supplemental or Additional Information | 6-7 |
| 6.15 | Licensing Prior to Employment | 6-7 |
| 6.16 | License in Compliance with Applicable Laws | 6-7 |
| 6.17 | Continuing Duty to Provide Information..... | 6-7 |
| 6.18 | License Information/Confidentiality..... | 6-7 |
| 6.19 | License Investigations – General | 6-8 |
| 6.20 | License Investigations – Authority, Responsibility, and Standards..... | 6-8 |
| 6.21 | Commission Staff | 6-9 |
| 6.22 | Commission Office..... | 6-9 |
| 6.23 | Conduct of Investigations | 6-9 |
| 6.24 | Conditions of Issuance..... | 6-10 |

| | | |
|------|---------------------------------------------------------------------|------|
| 6.25 | Investigation Commencement | 6-11 |
| 6.26 | KEY and PMO License Review Process | 6-12 |
| 6.27 | NON-KEY License Review Process..... | 6-13 |
| 6.28 | Eligibility Determinations..... | 6014 |
| 6.29 | Investigative Reports | 6-15 |
| 6.30 | Notice of Results..... | 6-15 |
| 6.31 | NIGC Review of Licensing | 6-16 |
| 6.32 | Grounds for Denial, Suspension or Revocation of License | 6-17 |
| 6.33 | License Suspension or Revocation | 6-18 |
| 6.34 | Reopening of Investigation; License Suspension and Revocation | 6-18 |
| 6.35 | Appeal of Denial, Suspension or Revocation of License; Hearing..... | 6-19 |
| 6.36 | Hearings Open to Public | 6-19 |
| 6.37 | Notification of Licensing Decision..... | 6-20 |
| 6.38 | License Term; Renewal | 6-20 |
| 6.39 | Licenses | 6-21 |
| 6.40 | Other Licensee Duties and Responsibilities..... | 6-22 |
| 6.41 | Maintenance of Files..... | 6-22 |
| 6.42 | Noncriminal Justice Agency Policies and Procedures | 6-22 |

CHAPTER II: LICENSING

SECTION 6: LICENSING OF GAMING EMPLOYEES

6.1 License Requirement. The Commission requires an investigative licensing process under which applicants for a KEY or PMO gaming license and for a NON-KEY gaming license to work in a non-gaming related position in a gaming facility, are evaluated against the standards set forth in, and subject to applicable provisions of the following: Gaming Code, and Commission regulations; the IGRA and regulations promulgated thereunder; and any other applicable law or provisions of the Compact. An applicant that meets the standards for licensing will be approved for a gaming license and will be subject to relicensing in accordance with provisions as approved by the Commission Board. No person under the age of eighteen (18) shall be employed in any position related to the conduct of Class II gaming activity and no person under the age of twenty-one (21) shall be employed in any position related to the conduct of Class III gaming activity within the Santa Clara Pueblo. No Gaming Enterprise, management contractor or other person or entity operating a gaming facility on Santa Clara lands shall employ any person in any position related to the conduct of Class III or Class II gaming activities without a valid classification gaming license for that gaming activity issued by the Commission in accordance with these regulations.

6.2 License Applications. A gaming license applicant must submit all application materials, including any fees required, to the office of the Commission. Gaming license applications are subject to the following requirements:

- (1) Every person hired for a position for which a gaming license is required by these regulations shall, prior to commencing work in such position, submit an application on forms approved by the Commission. An application is not considered complete until all information requested is provided to the Commission. If the application is incomplete or if the applicant fails to promptly provide any additional materials requested or the failure to submit required fees, the gaming license may be denied. If the applicant does not respond to written notification of an incomplete application within thirty (30) days of the written notice, the Commission may close the applicant's file.
- (2) Applications must be signed under oath by an individual attesting that the information provided in the application and any accompanying materials is true, accurate and complete.
- (3) Applicants must provide a general release and waiver of any privilege in connection with the release of all information required to conduct the review and investigation, so that the Commission may obtain from any and all sources that information which otherwise may be privileged.
- (4) The Commission shall require fingerprinting and background checks as part of the licensing investigation for gaming license applicants (to include any key employee or primary management official, as defined in IGRA). The Commission may submit fingerprints to the FBI, the NIGC, or another tribal, federal, local, or state agency for the purpose of searching their records for any criminal background information.

- (5) Applicants must submit a signed statement that contains the Privacy Act Notice and a signed statement that contains the Notice Regarding False Statements, unless such statements are included on the application form signed and submitted by the applicant.
- (6) Applicants must submit a signed statement that contains the FBI Privacy Act Statement and a signed statement that contains the Noncriminal Justice Applicant's Privacy Rights, unless such statements are included on the application form signed and submitted by the applicant.
- (7) The Commission will only consider applications which are fully completed and submitted on the forms approved by the Commission. Application forms are available from the office of the Commission or will be provided alternatively upon request.
- (8) All applicant materials and information received by the Commission will be reviewed fairly, handled in a professional manner, and utilized solely for the purpose of determining applicant's eligibility for licensing.

6.3 Waiver of Liability. The application to receive a gaming license constitutes a request for determination of the applicant's general character, integrity and ability to participate or engage in, or to be associated with the Gaming Enterprise. Any written or oral statement made in good faith in the course of an investigation, proceeding or process of the Commission by any member, employee or agent of the Tribe or by any witness, testifying under oath, which is relevant to the investigation, proceeding or process, is privileged and shall not impose liability for slander, libel or defamation, or constitute any grounds for recovery in any legal action.

6.4 Applicant Claim of Privilege. At any time during the licensing process or later investigation, the applicant may claim any privilege afforded by law in connection with the application or investigation. The applicant's claim of privilege, however, with respect to any testimony or evidence, or the applicant's failure to produce documents or information required for licensing, may be grounds for denial, suspension or revocation of the gaming license.

6.5 Withdrawal of Application.

- (1) An applicant may request to withdraw the application by submitting to the Commission a written request for withdrawal. To be effective, the written request to withdraw must be received by the Commission at least twenty-four (24) hours prior to the Commission's approval or denial of a permanent gaming license.
- (2) An applicant who has resigned, been terminated, or never began employment prior to the issuance of a permanent gaming license may have their application automatically withdrawn, unless the Commission is obligated to report the results of an investigation of an applicant, as to be included in Commission records and/or the NIGC licensing records.

- (3) The Commission reserves the right to approve the withdrawal of an application at any time. The decision of the Commission regarding such requests shall be final and non-appealable.
- (4) Upon the withdrawal of an application, an applicant will be ineligible to apply for a license for a period of one (1) year. The Commission reserves the right to waive or adjust this period.

6.6 Gaming and Non-Gaming Employees.

- (1) An individual employed by a Gaming Enterprise to engage in any Class II or Class III gaming activities or in a gaming-related capacity, shall be considered a gaming employee and may apply for a KEY or PMO gaming license. Any key employee or primary management official (as defined by the NIGC, 25 C.F.R §502.14 and §502.19) shall obtain a KEY or PMO gaming license.
- (2) An individual employed by a Gaming Enterprise in a non-gaming related capacity but whose duties require such individual to have access to sensitive information or sensitive areas where Class II or Class III gaming activities occur, and not identified in Subsection (1), shall be considered a gaming employee and may apply for a NON-KEY gaming license. The Commission reserves the right to require any such individual to be licensed under the KEY and PMO gaming licensing criteria and requirements.
- (3) An individual employed by a Gaming Enterprise in a non-gaming related capacity, and not identified in Subsection (1) and (2), shall be considered a non-gaming employee and not subject to the licensing criteria and requirements.
- (4) Minors employed by a Gaming Enterprise shall be considered a non-gaming employee and not subject to the licensing criteria and requirements. Minors may not operate, conduct, participate in, or supervise any gaming activities. For purposes of Section 6.6, the term "minor" shall mean any person who is under the age of eighteen (18) with regards Class II gaming activities and any person who is under the age of twenty-one (21) with regards to Class III gaming activities.

6.7 Class of Licenses. The Commission will license all persons employed in gaming related activities, whether working within or outside of the gaming facility, and all employees working in a gaming facility in a non-gaming related position, unless specifically exempted by the Commission.

- (1) Class KEY. Employees in any Class II or Class III gaming facility including, but not limited to, those who perform one or more of the following functions are considered to be key gaming employees, and must qualify for and be licensed as a class KEY gaming license: Bingo personnel; Cage personnel; Security personnel; Finance personnel; Table Games personnel; Slots personnel; Marketing personnel; IT personnel; Surveillance personnel; or custodian of gambling devices, including persons with access to cash and accounting records within such devices; and Executive Administrative assistants or other assistants with access to proprietary information. If not otherwise included, all persons whose total cash compensation exceeds \$50,000 per year and the four (4) most highly compensated persons in the Gaming Operation must qualify for and obtain a class KEY gaming license.

(2) Class PMO. Employees in any Class II or Class III gaming facility including, but not limited to, those who perform one or more of the following functions are considered to be primary management officials, and must qualify for and be licensed as class PMO gaming license: any person 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; and the chief financial officer or other person who has financial management responsibility.

(3) Class NON-KEY. Employees in any Class II or Class III gaming facility including, but not limited to, a position unrelated to any gaming activity, unless specifically exempted by the Commission, must qualify for and hold a class NON-KEY gaming license.

6.8 Temporary Licenses. Pending the payment of initial fees and the completeness of a gaming license application, any person applying for a gaming license under these regulations may, at the sole discretion of the Commission be issued a temporary gaming license; except where grounds sufficient to disqualify the applicant are apparent on the application or preliminary background investigation. For key gaming employees and primary management officials, a preliminary background investigation shall be conducted by the Commission before issuing a temporary gaming license. A valid gaming license issued by another tribe or state which permits Class II or Class III gaming, and which is in good standing with that jurisdiction, may be used to satisfy this requirement. Any temporary license shall be valid for ninety (90) days, or five (5) days after a no objections letter from the NIGC has been provided to the Commission, whichever the Commission determines is in the best interest of gaming at Santa Clara Pueblo. The Commission will not authorize the continuation of employment of any person as a key gaming employee or primary management official for more than ninety (90) days, unless that person holds a permanent gaming license (issued under the criteria and requirements for licensing), approved by the Commission.

6.9 Limited and Conditional Licenses. The Commission may limit a gaming license to a specified period and, unless otherwise waived, such limitation will require the licensee to appear before the Commission prior to the license being extended. Inherent in a limited gaming license is the assumption that future testimony is required from the applicant to address issues of concern to the Commission. Unless determined otherwise, the failure of a licensee to appear before the Commission upon expiration of a limited gaming license will result in the license expiring and becoming invalid. The Commission may impose conditions upon its licensing determination and in doing so; the Commission shall notify the licensee that its continued licensure is contingent upon satisfying the imposed conditions. Failure of the licensee to comply with imposed conditions may result in the Commission rescinding the original licensing decision. The Commission may amend the original terms of the conditional gaming license upon proper notification to the licensee. The Commission may suspend the conditional gaming license at any time for cause.

6.10 License Fees.

- (1) License fees are established by the Commission and may be changed without prior notice at any time, for any class of gaming license. The Commission will determine and publish notice of an approved license fee schedule to include PMO, KEY and NON-KEY employees. License fees shall be based on a reasonable estimate of the cost of investigation and processing the license.
- (2) If the cost of investigation and processing the license exceeds the fee schedule established, the Commission may request that additional fees be paid prior to issuance of the gaming license.
- (3) The Gaming Enterprise must comply with a request for an initial fee to cover the estimated cost of investigation and processing. The failure to pay any licensing fee when reasonably requested may result in denial of the gaming license. The licensing fee shall be paid by the Gaming Enterprise by check. The Commission, in its sole discretion, may delay the issuance of a license for a sufficient period of time to ensure that a check has been processed and cleared.
- (4) The Gaming Enterprise shall be responsible for the payment of any license fees provided on an invoice, regardless of employment status, if the investigation and processing has commenced or any license has been issued.
- (5) The Commission reserves the right to waive or adjust any license fees. The decision of the Commission regarding such requests shall be final and non-appealable.

6.11 Applicants and Licensees Penalty for Bribes and Rewards. No applicant or licensee shall give or provide, or offer to give or provide, either directly or indirectly, to any official of the Santa Clara Pueblo, the Commission or any other officer or agents of the Santa Clara Pueblo any compensation or reward or share of the money received through gambling activities, in consideration for obtaining any license, authorization or privilege to participate in any gaming activity or Gaming Enterprise. Any violation shall result in denial or immediate suspension of any license sought or held.

6.12 Application Forms

- (1) The Commission shall provide application forms and instructions, as applicable, to any individual or entity seeking to be licensed.
- (2) All gaming license applicants unless specifically exempted by the Commission, must acknowledge in writing the applicability of the Privacy Act of 1974 and sign a notice regarding the penalty for making false statements on the application. The following notices shall be placed on the application form: (25 C.F.R. §556.2 and §556.3)
 - (a) In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et. seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by National Indian Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The

information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial or revocation of a gaming license, or investigations of activities while associated with a tribe or a Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in the tribe's being unable to license you for a primary management official or key employee position.

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

- (b) A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, § 1001).
- (3) Any gaming employee identified in Subsection (2), who has not signed an application containing the above notices, must either: Sign a statement which contains the notices; or complete and sign a new application form which contains the notices.

6.13 Information Required from Gaming License Applicants. All gaming license applicants, unless specifically exempted by the Commission, shall provide information to the Commission to include the following: (25 C.F.R. §556.4(a))

- (1) Full name, other names used (oral or written), social security number(s), birth date and place of birth, citizenship, gender, and all languages (spoken or written);
- (2) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- (3) Names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence listed in Subsection (2);
- (4) Current business and residence telephone numbers;
- (5) Description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (6) Description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (7) Names and address of any licensing or regulatory agency (federal, tribal, state, local or foreign) with which the person has ever filed an application for a license or permit related to gaming, and whether or not such license or permit was granted;
- (8) Military service history, if applicable;
- (9) For each felony for which there is an ongoing prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
- (10) For each misdemeanor conviction or on-going prosecution (excluding minor traffic charges/violations for which the fine is no more than one hundred dollars (\$100.00)), within at least ten

- (10) years of the date of the application: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
- (11) For each criminal charge (excluding minor traffic charges/violations), whether or not there is or was a conviction, if such criminal charge is within no less than ten (10) years of the date of the application and is not otherwise listed in Subsections (8) or (9): the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;
- (12) A current photograph;
- (13) Any other information the Tribe or the Commission deems relevant; and
- (14) Fingerprints consistent with procedures adopted by the Commission consistent with 25 C.F.R. § 522.2(h).

6.14 Supplemental or Additional Information. A licensee shall submit to the Commission any supplemental or additional information requested. Supplemental or additional information must be submitted within thirty (30) days from the request, or within such other time as the Commission may direct. Failure to submit any of the requested information in a timely manner shall be grounds for denial of the gaming license sought, and for revocation of any license held.

6.15 Licensing Prior to Employment. Unless otherwise exempted by the Commission, or as provided for in the Gaming Code or regulations promulgated thereunder, an individual required to be licensed must obtain the required gaming license, whether permanent, temporary, conditional or limited, prior to the commencement of their employment at any gaming facility or gaming activities.

6.16 License in Compliance with Applicable Laws. No gaming license shall be approved in violation of any provision of the Gaming Code and Commission regulations, IGRA and regulations promulgated thereunder, and any other applicable law or provisions of the Compact. The Commission shall deny a gaming license to any individual or entity based on such criteria.

6.17 Continuing Duty to Provide Information. Any applicant or licensee shall have a continuing duty to provide any materials, assistance or other information required by the Commission, and to fully cooperate in any investigation conducted by or on behalf of the Commission. Any information relevant to the application or to the licensee or applicant's character or fitness to be involved with the gaming activity or enterprise, shall be delivered to the Commission, with or without a formal request from the Commission. If any information provided on the application changes or becomes inaccurate, the applicant or licensee shall notify the Commission of such changes or inaccuracies.

6.18 License Information/Confidentiality. The Commission may disclose or discuss at a meeting closed to the public all information set forth in the application and all supplemental information

provided. All licensing information submitted becomes the property of the Commission and is subject to inspection and disclosure unless otherwise protected under provisions of a tribal law or regulation, or under an applicable exception as indicated below:

- (1) Documents Designated as Confidential. An applicant may designate specific materials or documents it reasonably believes to contain confidential information by clearly marking, prior to providing the information to the Commission, the materials or documents as "Confidential". These materials and documents shall not be subject to disclosure or made part of a public record of the Commission without first providing the gaming license applicant notice and an opportunity to seek a ruling by the Commission that the materials or documents or information contained therein should not be released. The Commission will balance the gaming license applicant's confidentiality concerns against the materiality of the information to the gaming license application, the Tribe's need to be made aware of the information, and the Commission's need to make the information part of the record in order to remain fully accountable for the licensing decision. The Commission shall consider all facts and circumstances relevant to making a proper licensing decision.
- (2) Protection of Arrest and Conviction Records. Information or statements regarding arrests or convictions of any person will not be disclosed to the public, except as relevant to the applicant's eligibility in an adjudicative hearing to appeal denial, revocation, or suspension; or other legal proceeding.
- (3) Protection of Persons Interviewed. The identity of each person interviewed in the course of a gaming license applicant background investigation shall be kept confidential.

6.19 License Investigations – General

- (1) All gaming license applicants, unless exempted by the Commission, shall be subject to a complete background investigation, including fingerprinting, prior to granting of a gaming license. The Commission is authorized to take fingerprints for limited purposes under provisions of the Gaming Code. The Commission will coordinate with the NIGC regarding criminal history check procedures. The Commission shall use any information available to it in conducting such investigation.

6.20 License Investigations – Authority, Responsibility, and Standards

- (1) The Commission shall have the responsibility for the conduct of any required background investigations, development and transmittal to the NIGC of the eligibility determination and investigative reports, and the licensing of all gaming employees as well as other individuals involved in gaming activities. For each gaming license applicant, unless exempted by the Commission, the Commission will conduct, or cause to be conducted, a background investigation. After independent review of all background investigation materials, the Commission will approve or deny the gaming license requested.
- (2) Each applicant for a gaming license will be assessed and evaluated and the investigation shall be conducted under standards at least as stringent as those contained in the provisions of the Gaming Code

and Commission regulations, IGRA and regulations promulgated thereunder, and any other applicable law or provisions of the Compact. All background investigations will be conducted to ensure that the Gaming Enterprise does not employ any persons whose prior activities, criminal record, reputation, habits and associations pose a threat to the public interest or the effective regulation of gaming, or create or enhance the danger of unfair, unsuitable or illegal practices, methods and activities in the conduct of such gaming. The Commission reserves the right to conduct a more comprehensive background investigation than required by other licensing jurisdictions or any applicable law.

(3) The background investigation shall, in particular, include review of any criminal history records information (“CHRI”) received from the NIGC as a result of the analysis of the applicant's fingerprints by the FBI, except that all such information shall be handled, and its use restricted, in accordance with the terms and provisions of the agreement between the Commission and the NIGC with respect to the processing of fingerprint cards.

(4) The applicant shall be provided procedures and afforded a reasonable amount of time the opportunity to correct, change, update or challenge the accuracy of any FBI criminal record history.

6.21 Commission Staff. The Commission staff responsible for reviewing of gaming license applications, either directly or by outside investigators, includes the Licensing Department, its agents, and the Executive Director. The Commission staff selected must be qualified for such review and investigatory work to ensure accurate and complete review and investigation of all applicants. The Licensing Department will be qualified by experience or training to review law enforcement matters. All candidates for Commission staff positions must apply through the Commission office. The Commission may request any potential employee to submit an application and authorize a background investigation to be conducted. At the discretion of the Commission, such investigation of potential employees may include a review of the individual's personal, criminal and financial history.

6.22 Commission Office. In addition to the responsibility of the Commission staff in background investigations and licensing of applicants, the office will distribute application materials, process fingerprints, provide information regarding the application and licensing process, and accept license applications for processing. Any individual seeking a gaming license to work in the Gaming Enterprise may contact the Commission for application information and required materials.

6.23 Conduct of Investigations. The Commission is authorized to conduct investigations and develop eligibility determinations using the Licensing Department; by contracting for such services with a qualified independent investigatory entity (either private or public entity) to perform all or any portion of the work required in completing the background investigation and providing information for the eligibility determination. The Commission shall make such determinations regarding how investigations are conducted based on requirements under applicable law, availability of staff and resources, and other

considerations and requirements. In the event the Commission contracts with an independent investigatory entity for such investigative work, the Commission will review each background investigation report from the independent investigator (whether public or private), approve or disapprove the investigative work, compile the eligibility determination materials, and make a preliminary recommendation to deny or approve a gaming license. This recommendation, together with the application materials, shall be forwarded to the Executive Director for a final determination. The decision regarding the initial approval or denial of the gaming license remains with the Commission staff.

6.24 Conditions of Issuance

(1) An applicant for a gaming license as a non-key gaming employee shall not be approved for such license if the Commission determines, on the basis of reliable information obtained in the course of the Commission's investigation into the applicant's background, that such person:

- (a) Knowingly misrepresented a material fact on the gaming license application, or deliberately omitted any material fact called for by the application;
- (b) Attempted in any way to influence the decision on such persons gaming license application by offering or providing to any member of the Commission or any person employed by the Commission any gift, favor or other thing or service having any value whatsoever;
- (c) Is not yet twenty-one (21) years of age, unless that category of employment has been approved by the Commission as available to those at least eighteen (18) years of age as set forth in these regulations;
- (d) Has been convicted in any court (either by plea of guilty or by verdict) or has entered a plea of *nolo contendere* of any crime involving theft or money or goods having a value in excess of two hundred and fifty dollars (\$250), or of dishonesty or of any offense involving gaming;
- (e) The applicant has promoted, played or participated in any gaming activity that the applicant knows or should have known was being operated in violation of the laws of the Santa Clara Pueblo; or
- (f) Is for any other reason a person whose activities, criminal record, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the danger of unsuitable, inappropriate or illegal practices, methods or activities in the conduct of gaming or the handling or accounting for the proceeds of gaming;

(2) An applicant for a gaming license as a key employee shall not be eligible for such license if the Commission determines, on the basis of reliable information obtained in the course of its investigation into the applicant's background, the Commission makes any of the determinations set forth under Subsection (a) above, or determines that the applicant:

- (a) Has been convicted in any court (either by plea of guilty or by verdict) or has entered a plea of *nolo contendere* (no contest) to any felony charge within the ten (10) years preceding the date of the application;
- (b) Has been convicted in any court (either by plea of guilty or by verdict) or has entered a plea of *nolo contendere* (no contest) to any misdemeanor charge, (excluding minor

- traffic offenses charges/violations for which the fine is no more than two hundred and fifty dollars (\$250)) within the five (5) years preceding the date of the application;
- (c) Has ever been found in non-compliant or who has been denied a license by any governmental entity engaged in the regulation of gaming activities, except where such denial was on the grounds of some technical deficiency that was subsequently corrected by the applicant; or
 - (d) Has been known to associate with known criminals or with persons reliably believed by law enforcement agencies to be engaged in corrupt or criminal activities, or with persons identified by the NIGC or any other gaming regulatory agency as being disqualified from gaming activities.
 - (e) Has an unacceptable credit report if it contains, but not limited to, the following:
 - (i) An incident of Bankruptcy, Repossession, or Foreclosure in the last year from the date of hire;
 - (ii) A finding of delinquency, notice, or lien filed against the individual for non-payment of federal, state, or local taxes and/or regulatory fees, federal student loans, and/or child support payments; and
 - (iii) A finding of excessive past due accounts, including collections totaling more than five thousand dollars (\$5,000) excluding medical and student loan accounts for an individual applicant.
- (3) An applicant for a gaming license as a primary management official shall not be eligible for such license if, on the basis of information obtained in the course of its investigation into the applicant's background, the Commission makes any of the determinations set forth under Subsection (a) and (b), above, or determines that the applicant:
- (a) Has been convicted of (either by plea of guilty or by verdict) or has entered a plea of nolo contendere (no contest) to any civil litigation applicable to theft, embezzlement, fraud within the ten (10) years preceding the date of the application;
 - (b) Has an unacceptable credit report if it contains, but not limited to, the following:
 - (i) An incident of Bankruptcy, Repossession, or Foreclosure in the last five (5) years from the date of hire;
 - (ii) A finding of delinquency, notice, or lien filed against the individual for non-payment of federal, state, or local taxes and/or regulatory fees, federal student loans, and/or child support payments; and
 - (iii) A finding of excessive past due accounts, including collections totaling more than two thousand five hundred dollars (\$2,500) excluding medical and student loan accounts for an individual applicant.
- (4) The Commission after a thorough review of an applicant's background investigation shall determine final licensing eligibility, if such applicant is determined to not pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the danger of unsuitable, inappropriate or illegal practices, methods or activities in the conduct of gaming or the handling or accounting for the proceeds of gaming.

6.25 Investigation Commencement.

- (1) Upon receipt, applications will be reviewed completeness and accepted by the Commission. Each application question will be checked to ensure that information requested has been provided, including any required attachments. The Commission will ensure that the correct amount of the initial

gaming license fee is included with the application, note the amount received, and forward either the check or money order for deposit. The Licensing Department will contact the applicant by telephone, email or in writing regarding any incomplete information or additional materials required prior to processing of the application.

(2) Fingerprint scans or cards, if required, will be processed at the Commission office by staff trained to conduct fingerprint scans or cards. All fingerprint scans or cards that are required to be or will be sent to the NIGC for processing through the FBI must be sent directly from the Commission to the NIGC via secure transmit or certified mail. If the Commission receives fingerprint cards under other requirements for processing, such as those imposed under an applicable law or provisions of the Compact, the fingerprint cards will be processed according to the required procedures of the authorized processing agency and, if appropriate, the Commission will forward the fingerprint cards to the authorized agency for processing.

(3) When the gaming license application is deemed complete, the Commission will commence the investigation process. The Commission will maintain a complete and updated record of each gaming license application, noting each portion of the application and the date and to whom is it forwarded for investigation and review.

6.26 KEY and PMO License Review Process.

(1) For all KEY and PMO gaming license applicants, the agent(s) will complete, during their review and investigation, a report containing the information required for development of the eligibility determination. Information will be verified, any problem areas and discrepancies will be noted, and other comments will be provided as applicable.

(2) At minimum, the review of a KEY and PMO gaming license application will include a complete review of applicant's personal, criminal, and financial history in order to detect any unusual relationships or criminal associations, and to assess an applicant's reputation. Background investigations will include, but are not limited to:

- (a) Review of application for completeness.
- (b) Verification of information submitted by applicant.
- (c) A search of law enforcement records to ensure the applicant has no outstanding warrants.
- (d) Review of credit history including a review of applicant's credit report.
- (e) A request for information about the applicant, directed to the law enforcement authority in each jurisdiction where the applicant has worked or lived in at least the past ten (10) years. At minimum, sufficient inquiry into applicant's prior activities, criminal record, if any, to develop an understanding of applicant's reputation, habits, and associations. Personal and professional references, former employers, as well as other individuals may be interviewed to develop a complete and accurate picture of the applicant, including any unusual relationships, financial problems, or criminal record. Such inquiries shall be of sufficient number and depth for the Commission to make a finding concerning the applicant's eligibility for licensure in or association with the Gaming Operation.
- (f) Complete reviews of the CHRI received from the FBI fingerprint check.

- (g) Documentation of the disposition of all potential problem areas noted and any disqualifying information obtained.
- (3) During the investigation, agent(s) will note all potential problem areas and any possible disqualifying information obtained for development of the eligibility determination statement. When the review process has been completed, the completed file with comments and other information received, the agent(s) will approve the investigative work performed, and make a preliminary recommendation to approve or disapprove or place conditions upon the issuance of a gaming license. The eligibility determination will be completed by the agent(s) for review and approval by the Executive Director.
 - (a) The investigative report for each applicant, to be completed by the Licensing Department, will establish a record of the review process, including the steps taken in conducting the background investigation, the results obtained, conclusions reached, and the process in reaching such conclusions and determinations.
 - (b) All applicant materials and pertinent investigative work will be reviewed, and approved or disapproved by the Executive Director.
 - (c) For key employees and primary management officials, if the determination of the Commission is that a license be issued to the applicant, all portions of the file which must be reviewed by the NIGC will, at that time, be copied and forwarded by the Commission, together with a copy of the eligibility determination the investigative report and the notice of results, to the NIGC for review.
 - (4) Upon approval by the Executive Director a license may be issued to the applicant.
 - (5) The Commission may issue a temporary license to the applicant prior to completion of the investigative process; provided, no temporary license will be valid for more than ninety (90) days.

6.27 NON-KEY License Review Process.

- (1) NON-KEY gaming license applicants, the Licensing Department agent(s) will complete, during their review and investigation, a report containing the information required for development of the eligibility determination (for internal use only). Information will be verified, any problem areas and discrepancies will be noted, and other comments will be provided as applicable. Licenses will be approved or denied based on information obtained during the review process.
- (2) Although the background investigation will generally be narrower than that for KEY and PMO gaming license applicants, it will be conducted in a similar manner by the Commission staff. At minimum, investigative procedures to be performed for all license applicants shall include the following:
 - (a) Review of application for completeness.
 - (b) Verification of information submitted by applicant.
 - (c) Search of law enforcement records to ensure the applicant has no outstanding warrants.
 - (d) If necessary, review of credit history including a review of applicant's credit report.
 - (e) If necessary, sufficient inquiry into applicant's prior work record, personal, and criminal record, if any, to develop an understanding of applicant's reputation, habits and associations. Personal and professional references, former employers, as well as other individuals may be interviewed to provide a basis for the development of an eligibility determination, and to assess the applicant's chance for eligibility for licensure in or association with the Gaming Operation.

- (f) Documentation of any potential problem areas and disqualifying information obtained.
- (3) During the investigation, agent(s) will note all potential problem areas and any possible disqualifying information obtained for development of the eligibility determination statement (for internal use only). When the review process has been completed, the completed file with comments and other information received, the agent(s) will approve the investigative work performed, and make a preliminary recommendation to approve or disapprove or place conditions upon the issuance of a gaming license. The eligibility determination will be completed by the agent(s) for review and approval by the Executive Director.
- (4) Upon approval by the Executive Director a license may be issued to the applicant.
- (5) The Commission may issue a temporary license to the applicant prior to completion of the investigative process; provided, no temporary license will be valid for more than ninety (90) days.

6.28 Eligibility Determinations.

- (1) The Commission shall conduct an investigation sufficient to make an eligibility determination on each applicant for each key employee or primary management official and non-key gaming employee (for internal use only), that the applicant should be approved or denied a gaming license based on the considerations set forth in Section 6.24 of these regulations. To make a finding concerning the eligibility of a key employee or primary management official for granting of a gaming license, the Commission shall review a person's: (25 C.F.R. §556.5)
 - (a) Prior activities;
 - (b) Criminal record, if any; and
 - (c) Reputation, habits, and associations.
- (2) If the Commission, in applying the standards adopted in the Gaming Code and these regulations, determines that licensing of the person poses a threat to the public interest of to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, and methods and activities in the conduct of gaming, the Commission shall not license that person in a key employee or primary management position. (25 C.F.R. § 556.5(b))
- (3) The Commission shall forward the eligibility determination, together with the investigative report and notice of results, within sixty (60) days from when the gaming employee began work in a gaming facility to the NIGC, and shall be made available to the NMGCB State Gaming Representative, as required by the Compact. (25 C.F.R. § 556.6(b)(2)(iv))(Compact §5.D.)
- (4) If, upon investigation and for any reason, the Commission does not issue or renew a KEY or PMO gaming license, the Commission will notify the NIGC of such denial and may forward copies of the eligibility determination and investigative report, if any, to the NIGC for inclusion in the Indian Gaming Individuals Records System. (25 C.F.R. § 558.3(d))
- (5) The Commission will retain applications for KEY and PMO gaming licenses, including reports of background investigations, for a period of no less than three (3) years from the date of license denial or

termination of employment, whichever is later. Those records will be made available for inspection by the Chair of the NIGC or his or her designee. (25 C.F.R. § 558.3(e))

(6) For non-key gaming employee applicants who are not key employees or primary management officials, no eligibility determination will be forwarded to the NIGC, unless specifically requested by the NIGC and approved by the Commission.

6.29 Investigative Reports.

(1) The Commission, before the issuance of a gaming license to a key employee or primary management official and non-key gaming employee (for internal use only), shall create and maintain an investigative report on each background investigation. The investigative report provided shall include at least the following information: (25 C.F.R. §556.6)

- (a) Steps taken in conducting the background investigation;
- (b) Results obtained;
- (c) Conclusions reached; and
- (d) The basis for those conclusions.

(2) The Commission shall forward the investigative report, together with the eligibility determination and notice of results, within sixty (60) days from when the gaming employee began work in a gaming facility to the NIGC, and shall be made available to the NMGCB State Gaming Representative, as required by the Compact. (25 C.F.R. § 556.6(b)(2))(Compact §5.D.)

(3) If, upon investigation and for any reason, the Commission does not issue or renew a KEY or PMO gaming license, the Commission will notify the NIGC of such denial and may forward copies of the eligibility determination and investigative report, if any, to the NIGC for inclusion in the Indian Gaming Individuals Records System. (25 C.F.R. § 558.3(d))

(4) The Commission will retain applications for KEY and PMO gaming licenses, including reports of background investigations, for a period of no less than three (3) years from the date of license denial or termination of employment, whichever is later. Those records will be made available for inspection by the Chair of the NIGC or his or her designee. (25 C.F.R. § 558.3(e))

(5) For non-key gaming employee applicants who are not key employees or primary management officials, no investigative report will be forwarded to the NIGC, unless specifically requested by the NIGC and approved by the Commission.

6.30 Notice of Results.

(1) The Commission, before the issuance of a gaming license to a key employee or primary management official and non-key gaming employee (for internal use only), shall submit a notice of results of the applicant's background investigation and may be amended after submission if required. The notice of results provided shall include at least the following information: (25 C.F.R. §556.6)

- (a) Applicant's name, date of birth, and social security number;

- (b) Date on which applicant began or will begin work as a key employee of primary management official;
- (c) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - (i) Licenses that have previously been denied;
 - (ii) Gaming licenses that have been revoked, even if subsequently reinstated;
 - (iii) Every known criminal charge brought against the applicant within the last ten (10) years of the date of application; and
 - (iv) Every felony of which the applicant has been convicted or an ongoing prosecution.
- (2) The Commission shall forward the notice of results, together with the eligibility determination and investigative report, within sixty (60) days from when the gaming employee began work in a gaming facility to the NIGC, and shall be made available to the NMGCB State Gaming Representative, as required by the Compact. (25 C.F.R. § 556.6(b)(2))(Compact §5.D.)
- (3) If, upon investigation and for any reason, the Commission does not issue or renew a KEY or PMO gaming license, the Commission will notify the NIGC of such denial and may forward copies of the eligibility determination and investigative report, if any, to the NIGC for inclusion in the Indian Gaming Individuals Records System. (25 C.F.R. § 558.3(d))
- (4) The Commission will retain applications for KEY and PMO gaming licenses, including reports of background investigations, for a period of no less than three (3) years from the date of license denial or termination of employment, whichever is later. Those records will be made available for inspection by the Chair of the NIGC or his or her designee. (25 C.F.R. § 558.3(e))
- (5) For non-key gaming employee applicants, who are not key employees or primary management officials, no investigative report will be forwarded to the NIGC, unless specifically requested by the NIGC and approved by the Commission.

6.31 NIGC Review of Licensing.

- (1) Upon receipt of the complete reports (pursuant to Section 2.6.28-30) provided by the Commission for a key employee or primary management official, the NIGC, has a period of thirty (30) days to request additional information from the Commission concerning the applicant or license and to object. (25 C.F.R. § 558.2(a))
- (2) If the NIGC has no objection to the issuance of a license, it shall notify the tribe within thirty (30) days of receiving the reports pursuant to (Section 2.6.28-30). The Commission may issue a license to such applicant. (25 C.F.R. § 558.2(b))
- (3) If the NIGC, within the thirty (30) day period, requests additional information concerning a key employee or primary management official applicant for whom a report is provided, that request will suspend the thirty (30) day period until the Chairman of the NIGC receives the information requested.
- (4) If the NIGC, within the thirty (30) day period, provides to the Commission with a statement itemizing objections to the issuance of a gaming license to a key employee or primary management official applicant, the Commission will reconsider the application taking into account the objections

raised. The Commission will fully consider the information provided by the NIGC and issue a final decision after full reconsideration of the application and additional information. (25 C.F.R. § 558.2(c))

(5) If the Commission has issued a gaming license before receiving the NIGC's statement of objections, notice and hearing shall be provided to the licensee as provided in Section 2.6.31(6). (25 C.F.R. § 558.2(d))

(6) If, after issuance of a gaming license, the Commission receives reliable information from the NIGC that the licensee is not eligible for employment under the provisions of Section 2.6.28, the Commission, within forty-five (45) days, will take the following steps: (25 C.F.R. § 558.4)

- (a) Suspend the license and notify the licensee immediately of the suspension and proposed revocation of the license;
- (b) Notify the licensee of a time and a place for a hearing on the proposed revocation of the license;
- (c) Conduct the revocation hearing and make a determination whether to revoke or to reinstate the gaming license; and
- (d) Notify the NIGC of the final decision regarding the revocation or reinstatement of the gaming license.

(7) The above provisions may, in the sole discretion of the Commission, be applicable to NON-KEY gaming licenses.

6.32 Grounds for Denial, Suspension or Revocation of License.

(1) The Commission may deny, suspend or revoke any gaming license when the applicant or licensee, or any other person or entity with any interest in the applicant or licensee:

- (a) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by the Gaming Code and Commission regulations, the IGRA and regulations promulgated thereunder, applicable law or provisions of the Compact, or any other applicable laws or regulations;
- (b) Knowingly causes, aids, abets or conspires with another to cause, any person to violate any of the Santa Clara Pueblo laws or regulations or applicable laws or regulations;
- (c) Has obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- (d) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to the crime of forgery, larceny, extortion, conspiracy to defraud, tax evasion, or similar offenses, or of any crime, whether a felony or misdemeanor, involving moral turpitude or any gambling activity; or
- (e) Allows any person who has been convicted of, or forfeited bond upon, any of the offenses above to participate in the management or operate in a key position with the entity licensed by the Commission, without prior notice to and written approval from the Commission;

(2) The decision of the Commission to deny an applicant a license in the first instance or denying an applicant a temporary license shall not be appealable to the Commission or Tribal Courts.

(3) If the Commission denies the issuance of a renewal gaming license, the Commission shall give written notice to the gaming employee and to the Gaming Enterprise informing them of the action, setting forth the grounds for the proposed action, immediately suspending any gaming license, and advising him

or her of their right to a hearing before the Commission Board. Upon receiving written notice of the proposed action to deny the issuance of a gaming license, the licensee is required, within five (5) days, to surrender and return any previously issued temporary or permanent gaming license to the Commission.

(4) If the Commission suspends a gaming license, the Commission shall give written notice to the gaming employee and to the Gaming Enterprise informing them of the action, setting forth the grounds for the proposed action, immediately suspending any gaming license, and advising him or her of their right to a hearing before the Commission Board. Upon receiving written notice of the proposed action for revocation of a gaming license issued by the Commission, the licensee is required, within five (5) days, to surrender and return any previously issued temporary or permanent gaming license to the Commission.

6.33 License Suspension or Revocation.

(1) Any gaming license issued under these regulations may be suspended by the Commission for the breach or violation of the requirements or provisions of applicable laws or regulations.

(2) Any gaming license may be revoked upon a hearing before the Commission Board held no more than thirty (30) days from the date the employee's license is suspended and written notice of the proposed action for revocation is issued.

(3) Notwithstanding the foregoing, the Commission may summarily suspend without a hearing any gaming license upon a showing of evidential support that the failure to suspend constitutes a threat to the public health, safety and welfare; or compromise of the integrity of gaming within Santa Clara Pueblo.

- (a) A gaming license that is summarily suspended, shall be a length determined based on the seriousness and grounds as provided in Section 2.6.32, not to exceed thirty (30) days.
- (b) Approval must be made by the Executive Director to summarily suspend a gaming license.
- (c) An applicant may petition for reconsideration regarding the length of a suspended gaming license and must request in writing setting forth the basis for reconsideration.
- (d) The Commission shall make a decision to amend, if necessary, the length of the suspension within twenty-four (24) hours.
- (e) A gaming license shall automatically be reinstated following the length of a suspension, not to exceed thirty (30) days.

6.34 Reopening of Investigation - License Suspension and Revocation.

(1) If at any time following issuance of a license, the Commission becomes aware of any information pertaining to a licensed employee that might cause for concern on such person's eligibility for licensing under these regulations, the Commission may, upon written notice to the employee, reopen the employee's background investigation so as to explore the newly received information and any other relevant matters that may thereafter come to the Commission's attention.

(2) The Commission may, at any time following notice to the licensee of the reopening of the employee's background investigation, suspend a license that is in effect as provided in Section 2.6.33, if it

determines that facts exist that, had they been known at the time the license was issued, would have justified denying the license.

(3) The Commission reserves the right to allow an employee's license to remain in effect during any such reopened investigation, unless suspended as provided in Section 2.6.33.

(4) At the conclusion of the investigation, the Commission shall determine whether the license should remain in effect or should be suspended. In the event the decision is made to suspend or revoke the license, the employee shall be given written notice of the proposed action for revocation and of his or her right to a hearing as set forth in Section 2.6.35, below. (25 C.F.R. § 558.4)

6.35 Appeal of Denial, Suspension or Revocation of License; Hearing.

(1) The decision of the Commission to deny an applicant a license in the first instance or denying an applicant a temporary license shall not be appealable to the Commission or Tribal Courts.

(2) Decisions of the Commission regarding the denial of a renewal gaming license or suspension of a gaming license shall be effective when issued.

(3) An applicant or licensee whose license is denied or suspended may, within fifteen (15) days after the date of issuance of a written notice of the proposed action for denial or revocation by the Commission, file an appeal with the Commission Board requesting a hearing to reconsider the decision. The appeal must set forth the basis of the request for reconsideration.

(4) If no appeal for reconsideration is filed within the time prescribed, the decision of the Commission shall be deemed final and not subject to further reconsideration or appeal to and review by the Commission Board.

(5) The Commission shall set a hearing date, which shall be no later than thirty (30) days from the date the employee's license is suspended and written notice of the proposed action for denial or revocation is issued (unless the employee, for good cause, requests an extension). The employee may, if he or she wishes, be represented by counsel at the hearing. All such hearings shall be held in accordance with the provisions of Section 2.5 of Chapter I of these regulations.

(6) The licensee, and any person directly affected by the license action shall have the right to be present and to offer sworn oral or documentary evidence relevant to the hearing.

(7) The Commission Board's decision following such hearing shall be final unless the employee appeals under the procedure. Decisions of the Commission Board shall be effective when issued, but may, within twenty (20) days after issuance be appealed to the Tribal Court in accordance with rules and regulations as set forth in Section 2.5(5) of Chapter I of these regulations.

6.36 Hearings Open to Public. All hearings regarding gaming licensing proceedings or reconsideration of an application shall be open to the public unless specifically closed to the public by a two-thirds (2/3) majority vote of the Commission Board.

6.37 Notification of Licensing Decision. The Commission shall promptly submit a notification of licensing decision for each applicant upon the approval or denial of the gaming license, upon the renewal of a gaming license, or a revocation of a gaming license.

(1) To the extent required under federal or state laws and regulations, or other applicable law, the Commission shall promptly notify the NIGC and any other applicable federal or state agency of all licenses issued, if applicable.

- (a) After the Commission has provided required reports (pursuant to Section 6.28-30) to the NIGC, the Commission may license a key employee or primary management official. (25 C.F.R. § 558.3(a))
- (b) A Gaming Enterprise shall not employ a key employee or primary management official who does not have a license after ninety (90) days. (25 C.F.R. § 558.3(c))
- (c) Within thirty (30) days after the issuance of the license, the Commission shall notify the NIGC of its decision. (25 C.F.R. § 558.3(b))
- (d) Within thirty (30) days after the denial of the license, the Commission shall notify the NIGC of its decision. (25 C.F.R. § 558.3(b))
- (e) Within thirty (30) days after the issuance of the license renewal, the Commission shall notify the NIGC of its decision. (25 C.F.R. § 558.3(b))
- (f) Within thirty (30) days after the license revocation, the Commission shall notify the NIGC of its decision. (25 C.F.R. § 558.3(b))

6.38 License Term; Renewal.

(1) Every license issued under the provisions of these regulations shall have a term length as approved by the Commission Board and consistent with the provisions in the Gaming Code. A license that is surrendered to the Commission upon the termination of an employee's employment may be reactivated for the remainder of its term if the employee is rehired within the term of the license, upon the employee's submission to the Commission of a sworn statement that the information contained in the original gaming license (or renewal) application is still correct, and supplies any additional information required to make the application complete.

(2) An application for license renewal shall be submitted by each licensed employee prior to the expiration of his or her license, on a form prescribed by the Commission. An application for license renewal shall be submitted no sooner than forty-five (45) days but no later than thirty (30) days prior to the expiration of his or her license. After such deadline, an application will be considered only on the applicant's payment of a late charge fee, to be determined by the Commission, but no application for renewal shall be considered if such application is received by the Commission after the original license expiration date.

(3) The application for renewal shall be deemed to incorporate all information contained in the employee's original application, and the employee shall only be required to supply any new or corrected

information that responds to the questions on the original application (plus responses to new inquiries not previously responded to). The Commission may, if it deems it necessary, conduct further background investigation with respect to any such application for renewal, and shall in any event make a decision for renewal or denial for a gaming license, but the Commission may only deny a renewal on the basis of new information, and not information received prior when a previous gaming license was approved.

(4) In the event of a denial, the employee shall receive written notice thereof and shall have the right to a hearing as set forth in Section 6.35, above.

(5) For renewal applications, a notice of results, eligibility determination and investigative report (pursuant to Section 6.28-30) will not be required to be forwarded to the NIGC, unless specifically requested by the NIGC and approved by the Commission.

6.39 Licenses.

(1) The Commission, upon approval of a gaming license, shall notify the applicant and issue a permanent gaming license within five (5) days. An employee whose gaming license is approved shall surrender any previously issued temporary or permanent gaming license badge upon issuance of a new gaming license badge.

(2) Every gaming employee issued a gaming license by the Commission, to include temporary or conditional gaming licenses, shall have such license in the form of an identification badge to worn by the licensee all times while working in any gaming facility, which shall include the following information:

(a) The front of the badge shall contain a current passport type or full face photograph of the licensee, the name of the licensee, the date the license was issued, the date the license expires, a valid gaming license number and shall clearly be inscribed: *Santa Clara Pueblo Gaming License*.

(b) The back of the card shall be inscribed: *This card is the property of the Santa Clara Pueblo Commission and must be surrendered upon termination of employment. Failure to do so is a criminal act. Violators will be prosecuted to the fullest extent of the law.*

(3) In the event any gaming employee loses his or her gaming license badge, such person shall be required to provide notification to the Commission regarding such loss and the circumstances thereof. The employee may be assessed a penalty for failure to notify the Commission. The employee may be required to pay a fee in an amount to be specified by the Commission, for a replacement license.

(4) Upon any licensed employee's change in employment status, the employer shall notify the Commission immediately and the employee shall promptly exchange any gaming license to reflect the change prior to commencement of work. The employer may be assessed a penalty in an amount to be specified by the Commission for failure to notify and/or exchange a license for an employee.

(5) Upon any licensed employee's separation from employment, the employee shall surrender his or her gaming license to the employer by the end of the employee's last day of employment, and the Gaming Operation shall notify the Commission immediately and promptly confiscate the gaming license. The Gaming Operation may be assessed a penalty by the Commission for failure to notify and/or recover a license from a departing employee.

6.40 Other Licensee Duties and Responsibilities.

- (1) The licensee and the licensee's employees shall be responsible for any violation of the Commission laws and regulations, license requirements, all applicable laws and regulations, and any applicable laws or provisions of the Compact. Violations shall result in denial or suspension or revocation of any license held or sought.
- (2) Each licensee shall assume the full responsibility for providing to the Commission on an on-going basis, complete, updated and accurate information such as that provided in the original license application, or any other information that may impact the licensee's eligibility for continued licensing. Failure to provide such information on a timely basis may result in suspension, revocation or denial of their gaming license.
- (3) Each licensee shall assume the full responsibility for providing to the Commission on an on-going basis, complete, updated and accurate information regarding any criminal violations that may impact the licensee's eligibility for continued licensing. Failure to provide such information within seventy-two (72) hours of any incident may result in suspension, revocation or denial of their gaming license.
- (4) Each licensee issued a conditional license shall assume the full responsibility for full and timely compliance with any conditions or restrictions set forth in such license.
- (5) The issuance or renewal of any license may be conditioned on successful completion of training required for employment, or the presentation of evidence of the individual ability to successfully perform the duties for which the license is sought.

6.41 Maintenance of Files. The Commission shall retain all records pertaining to an employee's license applications, background investigations, and related matters, until at least three (3) years after the termination of the employee's employment by the Gaming Enterprise. The purge of licensing files shall be documented and authorized prior to their removal. Documents and information consisting of CHRI received from the NIGC as a result of fingerprint analysis by the FBI shall be kept in a separate, secure file, and shall not be released or made available to any person not directly involved in licensing deliberations, and in all other respects the release of such information shall be subject to the terms of the agreement between the Commission and the NIGC relative to processing of fingerprint cards. Retention, destruction and disposal policies and procedures will follow the Noncriminal Justice Agency Policies and Procedures.

6.42 Noncriminal Justice Agency Policies and Procedures. The Commission shall adopt Noncriminal Justice Agency Policies and Procedures for the purpose of being in compliance with the requirements of the NIGC, the FBI, the National Identity Systems requirements and the Criminal Justice Information Services Security Policy.