

Santa Clara Pueblo Gaming Commission



Management Contractors Licensing Regulations

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CHAPTER II: LICENSING

SECTION 9: LICENSING OF MANAGEMENT CONTRACTORS

9.1	License Requirement	9-1
9.2	License Application; Fee; Deadline	9-1
9.3	Background Investigation	9-1
9.4	Conditions of Issuance	9-1
9.5	Licensing Procedure.....	9-2
9.6	Reopening of Investigation; License Suspension	9-3
9.7	License Term; Renewal	9-3
9.8	Maintenance of Files.....	9-4

CHAPTER II: LICENSING

SECTION 9: LICENSING OF MANAGEMENT CONTRACTORS.

9.1 License Requirement. The Commission requires an investigative licensing process under which applicants for Management Contractor license to work in a tribal 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. A Gaming Enterprise may not enter into any contract with a Management Contractor unless the Management Contractor is licensed for that activity issued by the Commission in accordance with these regulations.

9.2 License Application; Fee; Deadline. Every Management Contractor seeking to do business with a Gaming Enterprise must first submit to the Chairman of the Commission a completed application for a Management Contractor license, on a form prescribed by the Commission, together with the required license application fee. If the contractor is a corporation, partnership, or other business organization, every person or entity having an ownership interest in such organization of five percent (5%) or more must also file a separate application (although only one license shall be issued). In addition, each officer and director of such entity and every person employed by such management contractor in any position having any responsibility with respect to gaming within Santa Clara lands must apply for a license as a key employee under the provisions of Section 6 of Chapter II of these regulations.

9.3 Background Investigation. The Commission shall, with respect to every application for a Management Contractor license, perform an investigation into the background of such person or entity for the purpose of determining whether such person or entity should be licensed under the standards set forth in these regulations. The investigation shall be sufficient to enable the Commission to make the determinations called for by Section 9.4 of these regulations. In the course of such investigation, the Commission shall seek information from all reasonably available sources, and shall consider any competent information that comes to its attention in the course of such investigation, including information submitted by the applicant. The Commission shall have the discretion to give such weight to information it receives concerning an applicant as it believes such information merits under the circumstances.

9.4 Conditions of Issuance.

- (1) An applicant for a Management Contractor license 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 the applicant (or, in the case of a business entity, any person holding a direct or indirect financial interest of five percent (5%) or more in the entity):

- (a) Has ever been convicted of (either by plea or by verdict) or has entered a plea of nolo contendere to any felony charge involving theft, dishonesty or moral turpitude, or any gambling related crime,
- (b) Has deliberately made any false or misleading statement, or has deliberately omitted material information that was requested, in responding to any inquiry on the applicant's license application;
- (c) Has offered something of value or by some other means has improperly sought to induce any member of the Commission or any official of the Pueblo or any Gaming Enterprise in an effort to obtain favorable action on the applicant's license application; or
- (d) Has ever 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
- (e) 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; or
- (f) For any other reason, including but not limited to the applicant's prior activities and associations, doing business with the applicant could pose a substantial threat to the interests of the Pueblo or its customers or to the reputation or integrity of the Pueblo's gaming activities or to the effective regulation of gaming within the Pueblo; provided, however, that the Commission shall have the discretion to deny an application for a Management Contractor license on the basis of other unfavorable information, regardless of whether any of the criteria set forth in this Section is expressly satisfied.

9.5 Licensing Procedure.

(1) The Commission shall make a determination on each application for a Management Contractor license as soon as possible following the receipt of the completed background information, except that in the event a background investigation raises further questions as to the qualifications of the applicant, the Commission may continue the investigation for such time and in such manner as is necessary to resolve any and all such questions. Upon determining that all relevant questions have been resolved, the Commission shall act on the application, based on the factors set forth in Section 9.4 of these regulations, by either approving the application, in which case a license shall issue forthwith, or denying the application. If the Commission votes to deny the application, the Commission shall give written notice to the applicant informing them of the action, setting forth the grounds for the action, and advising the applicant of his or her right to a hearing before the Commission.

(2) An applicant who is denied a license by the Commission may request a hearing before the Commission by filing a written request therefore with the Chairman of the Commission within fifteen (15) days following receipt of notice of denial of the application. The Commission shall set a hearing date, for no later than 30 days after receipt of the request (unless the applicant, for good cause, requests an extension,

which may be for up to 30 days). The applicant may 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 these regulations. The Commission's decision following such hearing shall be final, subject to the applicant's right of appeal to the Santa Clara Pueblo Tribal Court as set forth in the Gaming Ordinance.

(3) Upon its approval by the Commission, a regular license shall issue within five days.

9.6 Reopening of Investigation; License Suspension.

(1) If at any time following issuance of a license, the Commission becomes aware of any information pertaining to a licensed Management Contractor that might bear on such person or entity's fitness for licensing under these regulations, the Commission may, upon written notice to the Management Contractor, reopen the Management Contractor'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. The Management Contractor's license shall remain in effect during any such reopened investigation, unless suspended as provided in this Section. At the conclusion of the investigation, the Commission shall determine whether the license should remain in effect or should be revoked. In the event the decision is made to revoke the license, the Management Contractor shall be given written notice thereof and of his or her right to a hearing as set forth in Section 9.5(2), above.

(2) In the event the Commission receives reliable information from any source, including the NIGC, which information, if true, would indicate that the licensed Management Contractor is not in fact eligible for licensing under these regulations, the Commission may, at any time following notice to the licensee and an opportunity for hearing, suspend or revoke a license that is in effect. Should the Commission come into possession of information indicating, and the Commission makes a finding that, the continued licensing of a particular person poses an immediate threat to the public interest or the effective regulation and control of gaming, the Commission shall suspend such license immediately, and shall provide an opportunity for a hearing within no more than thirty (30) days from the date of such suspension, and following such hearing shall determine whether the suspension should be made permanent. A Management Contractor whose license is suspended shall immediately cease doing business with any Gaming Enterprise, and shall surrender his or her license to the Commission within 24 hours of receiving the notice. The Commission shall immediately conduct such additional investigation as may be required to enable it to make a final determination on the information justifying the suspension, and it may, either on request of the applicant or on its own motion, so as to enable it to complete its investigation, continue the date of the hearing for up to 30 additional days. Following the hearing, the Commission shall either reinstate the license or revoke it.

9.7 License Term; Renewal.

(1) Every license issued under the provisions of these regulations shall have a term of one year, or until the Commission acts on a timely filed application for renewal, whichever is later.

(2) An application for license renewal shall be submitted by each licensed Management Contractor no

fewer than 30 days prior to the expiration of the license, on a form prescribed by the Commission. An application for renewal submitted after such deadline will be considered only on the applicant's payment of a late charge, to be determined by the Commission, but no application for renewal shall be considered if such application is received by the Commission after the license expiration date, without the express authorization of the Commission. The application for renewal shall be deemed to incorporate all information contained in the Management Contractor's original application, and the Management Contractor 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 whether to review or deny renewal of any license, but the Commission may deny such renewal only on the basis of new information, not before it when it previously granted the Management Contractor a license. In the event of a denial, the Management Contractor shall receive written notice thereof and shall have the right to a hearing as set forth in Section 9.5(2), above.

9.8 Maintenance of Files. The Commission shall retain all records pertaining to a Management Contractor's license applications, background investigations, and related matters, until at least three (3) years after the Management Contractor has ceased to do business with any 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.