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CHEROKEE NATION GAMING
COMMISSION

Administrative Procedures Act Posting

TYPE OF ACTION: Notice of Proposed Rule Adoption

PROPOSED RULES:

Proposed Revisions to the Cherokee Nation Gaming Commission Individual Gaming Licensing Processing and Standards, Chapter V, Section B-1

ORIGINAL PUBLICATION DATE: 14 December 2020

COMMENT PERIOD DEADLINE: 14 January 2021

SUPPLEMENTARY INFORMATION:

Attached hereto is the proposed revision to the Cherokee Nation Gaming Commission's regulation for Individual Licensing Processing and Standards. Public comment may be received on or before January 14th, 2021. Comments may be submitted electronically or in writing to the Cherokee Nation Gaming Commission at gaming-commission@cherokee.org



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**CHEROKEE NATION GAMING COMMISSION RULES AND
REGULATIONS**

CHAPTER:	Licensing	CHAPTER #:	V
SUBJECT:	Individual Licensing Process and Standards	SECTION – SUBSECTION:	B 1
EFFECTIVE DATE:		SUPERSEDES MATERIAL DATED:	05/01/2013
APPROVED BY:		DATE:	

Purpose

The purpose of this Section is to implement all necessary requirements pursuant to Federal, State and Tribal law relating to conducting background investigations and setting suitability standards for the granting and issuance of individual gaming licenses.

Scope

This section applies to licensing for Gaming Employees at gaming operations under the jurisdiction of the Cherokee Nation. Cherokee Nation Gaming Commission (CNGC) will license Gaming Employees pursuant to the requirements of the Indian Gaming Regulatory Act (IGRA), applicable regulations promulgated by the National Indian Gaming Commission (NIGC), Cherokee Nation Code Annotated (Cherokee Gaming Ordinance) and the Cherokee Nation -State of Oklahoma Compact (Compact).

A. Definitions

1. Conditional License: Gaming License with restrictions and/or conditions based on background investigation findings or other material information directly related to the suitability of a gaming applicant or Gaming Licensee as formally determined by CNGC gaming commissioners.
2. Covered Games: Class III Games specifically set forth as such in the Compact and any other game, if the operation of such game by Cherokee Nation would require a compact and if such game has been: (i) approved by the Oklahoma Horse Racing Commission for use by an organizational licensee, (ii) approved by Oklahoma State

Legislation for use by any person or entity, or (iii) approved by amendment of the Compact.¹

3. Covered Game Employee: Any individual employed by a gaming enterprise or a third-party providing management services to the gaming enterprise whose responsibilities include the rendering of services with respect to the operation, maintenance or management of covered games under the Compact. The term “covered game employee” includes, but is not limited to the following: managers and assistant managers; accounting personnel; surveillance and security personnel; gaming cashiers, supervisors, and floor personnel; cage personnel, and any other person whose employment duties require or authorize access to areas of the facility related to the conduct of gaming or the maintenance or storage of game components. This shall not include upper level tribal employees of Cherokee Nation or Cherokee Nation’s elected officials so long as such individuals are not directly involved in the operation, maintenance, or management of covered game components. The gaming enterprise may, at its discretion, include other persons employed at or in connection with its gaming operations within this definition of Covered Game Employee.²

Note: Covered Game Employees may fall under the definition(s) of Key Employee or Primary Management Official. In that case, the requirements of this regulation that apply to Key Employees and Primary Management Officials govern those employees.³

4. Gaming Areas: Non-Public areas within a gaming facility directly related to the conduct of gaming or the maintenance or storage of gaming components. This definition does not include non-gaming areas located in a gaming facility nor does it include service areas for non-gaming employees.⁴
5. Gaming Employee(s): Individuals employed on a conditional, permanent or temporary basis, as a Covered Game Employee, Key Employee, or Primary Management Official (PMO).

¹ Compact Part 3 §5

² Compact Part 3 §6

³ Compact Part 10 §A(1)

⁴ Compact Part 3 §6

6. Gaming License: License issued to gaming facility employees, temporary or permanent, who can be classified as Covered Game Employees, Key Employees, and/or Primary Management Officials.
7. Key Employee(s): Gaming Facility employees who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Count room supervisor;
 - c. Chief of Security;
 - d. Custodian of gaming supplies or cash;
 - e. Floor Manager;
 - f. Pit Boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of Credit; or
 - j. Custodian of gambling devices including persons with access to cash accounting records within such devices;
 - k. If not otherwise included, any other Gaming Employee whose total cash compensation is in excess of \$50,000 per year; or,
 - l. If not otherwise included the four (4) most highly compensated persons in the gaming operation.
 - m. Any other person designated by the Cherokee Nation as a Key Employee.⁵
8. Primary Management Official:
 - a. The person having management responsibility for a management contract;
 - b. Any person who has authority:
 - 1) To hire and fire Gaming Employees; or
 - 2) To set up working policy for the gaming operation; or
 - 3) The Chief Financial Officer or other person who has financial management responsibility.
 - 4) Any other person designated by the Cherokee Nation as a Primary Management Official.⁶

⁵ 25 C.F.R. §502.14

⁶ 25 C.F.R §502.19

9. SCA (State Compliance Agency): Oklahoma state compliance agency that has the authority to carry out the state's oversight responsibilities under the Compact, which shall be the Office of State Finance or its successor agency.⁷
10. Temporary Gaming Permit: Permit issued to an applicant(s) for a Gaming License after an initial background check in order for the applicant to begin employment as a Gaming Employee as his/her Gaming Application is processed by CNGC.

B. Gaming License Requirement ⁸

1. No person shall be employed in a Covered Employee, Key, or PMO position by a gaming operation licensed by CNGC or allowed access to Gaming Areas without a Temporary Permit and/or a Gaming License issued by CNGC pursuant to the requirements of this Regulation.⁹
2. All licenses for Gaming Commissioners and CNGC employees shall be issued according to the same standards and terms as Primary Management Officials.¹⁰
3. Gaming Licenses shall be issued for periods no more than two (2) years, after which they may be renewed only following a review and update of the information upon which the Gaming License was based; provided that CNGC may extend the period pending the outcome of any investigation being conducted in connection with the renewal of such license.
4. Gaming Licenses issued by CNGC shall be worn in plain view and will include a photograph of the employee, his or her first name, identification number unique to the license issued to the employee, a tribal seal or signature verifying official issuance of the card, and a date of expiration which shall not extend beyond such employee's license expiration date.¹¹
5. A Gaming License issued pursuant to this regulation is valid only for the person applying. It is not assignable or otherwise transferable to any other person with the express written approval of CNGC.¹²
6. Temporary Gaming Permits
 - a. A Temporary Gaming Permit may be issued to gaming applicants after the following requirements are met:

⁷ Compact Part 3 §25

⁸ Compact Part 10 §2

⁹ 25 C.F.R. 522.4(b)(5), Compact Part 10 §A(1)

¹⁰ Compact Part 7 §B; Cherokee Gaming Ordinance §50(C)

¹¹ Compact Part 10 §A(9)

¹² Cherokee Gaming Ordinance §55(A)(4)

- 1) A preliminary background investigation is performed on the behalf of the gaming operation and/or CNGC and the results are provided to CNGC Licensing and the results meet the acceptable requirement to obtain a gaming license and do not include felonies related to theft or any crimes involving casino gaming;
 - 2) A CNGC Gaming License Application completed by the applicant and all required documents have been received by CNGC Licensing;
 - 3) Applications for Key Employee and/or Primary Management Official positions must also include the applicant's fingerprints for background investigation purposes.
- b. The Temporary Gaming Permit shall be issued and remain valid until the applicant is either granted or denied a Gaming License or within ninety (90) days from employment, whichever time period is shorter.¹³ If an applicant does not have a Gaming License after ninety (90) days, the gaming operation can't continue the employment of the applicant.¹⁴
 - c. The Temporary Gaming Permit shall not create any property right on behalf of the applicant and may be withdrawn or suspended by CNGC with reasonable notice at least 48 hours' notice provided to the CNE Human Resources and the gaming operation where the applicant is employed.
 - d. The withdrawal or suspension of the Temporary Gaming Permit shall not constitute a denial of or other action on the applicant's Gaming License Application.
 - e. Upon obtaining the required initial information from a prospective Covered Gaming Employee, CNGC Licensing shall forward a copy of such information to the SCA, along with any determinations made with respect to the issuance of a Temporary Gaming Permit or a Gaming License.¹⁵

7. Gaming License Conditions

CNGC will use the following standards in issuing, or continuing to issue, a Gaming License:

- a. An applicant must be at least eighteen years old¹⁶;

¹³ Compact Part 10 §A(5)

¹⁴ 25 C.F.R. §§556.1, 558.3(c); Cherokee Gaming Ordinance §57(B)

¹⁵ Compact Part 10 §A(4)

¹⁶ Cherokee Nation Ordinance §§28(A)(13), 42

- b. CNGC will deny a Gaming License to any applicant who has knowingly and willfully provided false and material statements and information on his or her employment or Gaming License Application¹⁷;
- c. CNGC may not consider an individual applicant that has previously been found to have their gaming license denied, suspended, or revoked by any other jurisdiction's appropriate body for regulating gaming if the denial, suspension, or revocation was based on criminal activity. If the denial, suspension, or revocation was for another reason, CNGC may request additional information from the applicant to make an informed suitability determination; and
- d. CNGC will not consider an individual applicant for a Gaming License who has been convicted of a felony or an offense related to any Covered Games or other gaming activity;¹⁸ and
- e. CNGC will not consider an individual applicant for a Gaming License who is a person whose prior activities, criminal record, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of the conduct of gaming, or create or enhanced the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.¹⁹

8. Gaming License Application

- a. Prior to a gaming operation's New Employee Orientation (NEO), CNGC Licensing or the gaming operation shall provide a complete Gaming License Application to an applicant through electronic means.
- b. CNGC Licensing will work with Cherokee Nation Entertainment (CNE) Human Resources (HR) to determine the best process for Gaming Employees to fill out Gaming License Applications and for fingerprinting.
- c. The Gaming License Application is an electronic form and must require only the information required in this regulation.
- d. Required Contents of the Gaming License Application:
 - 1) Privacy Act Notice. The following notice shall be in all CNGC Gaming License Applications:

¹⁷ Compact Part 10 §A(6)(b)

¹⁸ Compact Part 10 §A(6)(a)

¹⁹ Compact Part 10 §A(6)(c)

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the NIGC in connection with the issuance, denial, or revocation of a gaming license or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe’s being unable to license you for a primary management official or key employee position.

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

- 2) Notice Regarding False Statements. The following notice shall be included in all CNGC Gaming License Applications:

“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, and Section 1001).”

- 3) ²⁰ Authorization for Release of Documents – an individual applicant shall be required to complete and execute a release form authorizing the CNGC to obtain personal files, records, and other documents or information pertinent to the background investigation.

- e. Along with the information contained in Section 8(d) above, the applicant must also provide as part of the Gaming License Application:

- 1) The original, completed and signed gaming operation application for employment; and

²⁰ C.F.R. §§ 522.4(b)(5), 556.5(a)

- 2) The submission of any and all relevant documentation submitted to CNGC must be furnished by the applicant in connection with the CNGC Gaming License or gaming operation application.

C. Eligibility Determination

1. Before a Gaming License is issued to a Primary Management Official or Key Employee, CNGC shall make a finding concerning the eligibility of that person by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits and associations.²⁰ A background investigation will be run for all Covered Game Employees.²¹
2. CNGC shall make a finding as to the suitability for an individual permit and/or license within sixty (60) days of the date of the employee begins work whether the individual:
 - a. Poses a threat to the public interest or to the effective regulation of gaming;
 - b. Creates or enhances the danger of unsuitable, unfair or illegal practices, methods and/or activities in the conduct of gaming;²² or,
 - c. Fails to meet the standards set forth in this document as a part of the conditions of issuance or the background investigation.
3. For Key Employees and Primary Management Officials, copies of eligibility determinations shall be included with the Notice of Results that must be submitted to the NIGC.²³

D. Background Investigation Process

1. Background Investigation. CNGC Licensing shall perform a background investigation for each Gaming License Applicant. The investigation must be sufficient to allow CNGC to make an eligibility determination under Section C of this regulation.
 - a. CNGC Licensing will request the following from all Gaming License applicants:

²¹ Compact Part 10 §A(2)

²² 25 C.F.R. § 556.5(b)

²³ 25 C.F.R. §556.6(b)(2); Cherokee Gaming Ordinance §57(a)(1)

- 1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);²⁴
- 2) Currently and for the previous five years; Business and employment positions held, ownership interests in those businesses;²⁵
- 3) Currently and for the previous five years; Business and residence addresses;²⁶
- 4) Currently and for the previous five years; Driver's license numbers;²⁶
- 5) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each of the period of residence listed in paragraph c above.
- 6) Current business and residence telephone numbers;
- 7) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- 8) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- 9) The name and address of any licensing and regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted and whether or not discipline was imposed;²⁷
- 10) For each felony in which there is an ongoing persecution or a conviction, the charge, the name and address of the court involved, and the date of disposition if any;²⁸
- 11) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the

²⁴ Compact Part 10 §§A(3)(a)-(c)

²⁵ Compact Part 10 §A(3)(e)

²⁶ Compact Part 10 §A(3)(d)

²⁶ Compact Part 10 §A(3)(f)

²⁷ Compact Part 10 §A(3)(g)

²⁸ Compact Part 10 §A(3)(h)

application, the name and address of the court involved and the date of the disposition;²⁹

12) For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph 10) or 11) of this section, the criminal charge, the name and address of the court involved and the date and disposition;³⁰

a) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;³¹

b) A photograph;³²

c) Any other information Cherokee Nation deems relevant;

d) Military service history;³³ and

e) Fingerprints consistent with (D)(1)(d) of this section.³⁴

b. CNGC Licensing may contact all appropriate federal, tribal, state, county, and city agencies and may utilize investigative agencies to obtain driver's license history, criminal history, professional or occupational license history or status, or any other relevant information to determine an applicant's suitability.

c. CNGC Licensing management will develop an internal checklist for the performance of background investigations pursuant to the requirements and restrictions of this regulation which must be approved by the CNGC Executive Director prior to implementation.

d. Background investigations for Key Employees and PMOs shall include a check of criminal history records information maintained by the Federal Bureau of Investigations (FBI). Only those applicants that can be classified as a Key Employee or a Primary Management official can be run through the FBI process.

²⁹ Compact Part 10 §A(3)(h)

³⁰ Compact Part 10 §A(3)(h)

³¹ Compact Part 10 §A(3)(g)

³² Compact Part 10 §A(3)(J)

³³ Compact Part 10 §A(3)(k)

³⁴ 522.2(h); Compact Part 10 §A(3)(i)

- 1) Applicants shall be fingerprinted by authorized personnel or a recognized law enforcement agency using the NIGC fingerprints cards bearing the NIGC's ORI number for the Nation or by utilizing the Federal Bureau of Investigation (FBI) Electronic Fingerprint process controlled and maintained by the CNGC pursuant to the Memorandum of Understanding by and between the CNGC and the NIGC, in accordance with applicable NIGC and FBI guidelines.
 - 2) CNGC shall follow all requirements and abide by all applicable guidelines relating to the collection, submission, receipt, distribution, and maintenance of FBI Criminal History Record Information (CHRI) as published and/or amended by the National Indian Gaming Commission and the FBI. CHRI shall be accessible only to authorized personnel for the determination of license eligibility and shall be maintained in accordance with CNGC Regulation Chapter V-E – Fingerprints and Criminal History Record Information.
2. CNGC Licensing shall ensure that all records and information obtained as a result of the background investigation are confidential and not disclosed to persons who are not directly involved in the licensing process.³⁵
 3. CNGC employees shall keep confidential the identity of each person interviewed in the course of the investigation.³⁶
 4. Under no circumstances shall information obtained during the background investigation be disclosed to members of management, unauthorized CNGC personnel, CNE Human Resources personnel, or others employed by the gaming operation without a signed and notarized release from the individual.³⁷
 5. All Gaming License applicant records and information will be designated confidential information and secured by CNGC Licensing at CNGC offices through physical and/or logical means.
 6. The restrictions on the applicant records do not apply to requests for such information or records from any Tribal, Federal, or State law enforcement or regulatory agency, or for the use of such information or records by CNGC and CNGC staff in the performance of their official duties.³⁹
 7. If, in the course of a background investigation, CNGC Licensing discovers that the applicant has a Notice of Results on file with the NIGC from a prior investigation

³⁵ Cherokee Gaming Ordinance §53(B)

³⁶ 25 C.F.R. §556.4(c)

³⁷ Cherokee Gaming Ordinance §53(B)

³⁹ Cherokee Gaming Ordinance §53(C)

and CNGC Licensing has access to the earlier investigative materials (either through the NIGC or the previous tribal investigative body), CNGC Licensing may rely on those materials and update the investigation and investigative report under section D(8) of these regulations.³⁸

8. Background Investigative Report

- a. When a gaming facility employs a Primary Management Official or a Key Employee, the tribe shall maintain a complete application file containing the information listed in section (D)(1)(a) of this Regulation.³⁹
- b. Before issuing a license to a Primary Management Official or Key Employee, CNGC Licensing shall create an investigative report on each background investigation which shall include all of the following:
 - 1) Steps taken in conducting a background investigation;
 - 2) Results obtained;
 - 3) Conclusions reached; and
 - 4) The basis for the conclusions.⁴⁰

9. NIGC Submission and Acceptance of Suitability Determination

- a. If CNGC finds an applicant for a Key Employee or a PMO position suitable, the CNGC shall forward the Notice of Results and Suitability Determination to the NIGC no later than sixty (60) days after the applicant begins work.⁴³ The Notice of Results shall contain:
 - 1) Applicant's name, date of birth, and social security number;
 - 2) Date on which applicant began or will begin work as a Key Employee or Primary Management Official;
 - 3) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:

³⁸ 25 C.F.R. §556.4(b)

³⁹ 25 C.F.R. §556.6(a); Cherokee Gaming Ordinance §57(a)(2)

⁴⁰ 25 C.F.R. §556.6(b)(1)(i-iv); Cherokee Gaming Ordinance §57(a)(2)

⁴³ 25 C.F.R. §556.6(b)(2)

- a) Licenses that have previously been denied;
 - b) Gaming licenses that have been revoked, even if subsequently reinstated;
 - c) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and
 - d) Every felony of which the applicant has been convicted or any ongoing prosecution; and
 - e) CNGC Licensing's recommendation on suitability determination based on Section C of these regulations.⁴¹
- b. All notices under this section shall be provided to the NIGC through the appropriate Oklahoma regional NIGC office.⁴²
 - c. The NIGC shall have thirty (30) business days to review the suitability determination and to request additional information or make any objections to the licensure.⁴³ If NIGC has no objection to issuance of a license, it shall also notify CNGC within thirty (30) business days of receiving the Notice of Results and Suitability determination.⁴⁴
 - d. If a Gaming License is not issued to an applicant for a Key Employee or Primary Management Official position, CNGC Licensing:
 - 1) Shall notify the NIGC; and
 - 2) Shall forward copies of the eligibility determination and notice of results to the NIGC or inclusion in the Indian Gaming Individuals Record System.⁴⁵

10. NIGC Objection to CNGC Licensure

- a. If an objection is raised within the NIGC's 30-day review period with respect to the licensure of a Key Employee or Primary Management Official, NIGC will notify CNGC and CNGC shall reconsider the application, taking into account the objections itemized by the NIGC.⁴⁶
- b. If, after the issuance of a Gaming License, NIGC receives reliable information indicating that a Key Employee or a Primary Management Official is not eligible

⁴¹ 25 C.F.R. §556.6(b)(2); Cherokee Gaming Ordinance §57(a)(3)

⁴² Cherokee Gaming Ordinance §57(a)(4)

⁴³ 25 C.F.R. §§558.2(a) & (b)

⁴⁴ 25 C.F.R. §558.2(b)

⁴⁵ Cherokee Gaming Ordinance §57(5)

⁴⁶ 25 C.F.R. §§558.2(c), 558.4(a)

for employment under 25 C.F.R. §556.5, the NIGC shall notify the CNGC of the information.⁴⁷

- c. If CNGC Licensing has issued a Gaming License before receiving the NIGC's statement of objections, notice and hearing shall be provided to the licensee as provided by §558.4.⁵¹
- d. Upon receipt of the objection information from the NIGC, CNGC will suspend the Gaming License and shall provide the Licensee with written notice of suspension and proposed revocation.⁴⁸
- e. CNGC Licensing shall notify the Licensee of a time and a place for a hearing on the proposed revocation of the Gaming License.⁴⁹
- f. A right to a hearing under this part shall vest only upon receipt of a Gaming License granted under the Gaming Ordinance.⁵⁰
- g. After a revocation hearing, CNGC shall decide to revoke or to reinstate a Gaming License. CNGC shall notify the Commission of its decision within 45 days of receiving notification from the Commission pursuant to paragraph (10)(b) of this section.⁵⁵
- h. CNGC shall make the final decision whether to issue a license to such applicant.⁵¹

11. SCA submissions and objections

- a. The SCA may conduct its own background investigation of the gaming applicant at SCA expense, and shall notify CNGC of such investigation within a reasonable time from initiation of the investigation, and shall provide a written report to the CNGC of the outcome of such investigation within a reasonable time from the receipt of a request from the CNGC for such information. CNGC inspector field notes and the SCA inspector shall be available upon reasonable notice for CNGC review and inquiry.⁵²
- b. The SCA may object to the employment of any individual by the gaming facility upon the criteria set forth in section (B)(7)(d). Such objection will be in writing

⁴⁷ 25 C.F.R. §558.4(a); Cherokee Gaming Ordinance §59(B) ⁵¹

25 C.F.R. §558.2(d)

⁴⁸ 25 C.F.R. §558.4(b); Cherokee Gaming Ordinance §58(D)

⁴⁹ 25 C.F.R. §558.4(c)

⁵⁰ 24 C.F.R. §558.4(d)

⁵⁵ 25 C.F.R. §558.4(e)

⁵¹ 25 C.F.R. §558.2(c); Cherokee Gaming Ordinance §58(D)

⁵² Compact Part 10 §(4)

setting forth the basis of the objection. The SCA's inspector's work papers, notes, and exhibits which formed the SCA conclusion shall be available upon reasonable notice for CNGC review.⁵³

- 1) If CNGC decides to deny, suspend, or revoke a license based on an objection by the SCA, then CNGC will notify CNE Human Resources and suspend the Gaming License and shall provide the Licensee with written notice of suspension and proposed revocation.
- 2) CNGC Licensing shall notify the Gaming Licensee of a time and a place and reason for a hearing on the proposed revocation of the Gaming License. See VI(B) of this document.
- 3) After a revocation hearing, CNGC shall decide to revoke or to reinstate a Gaming License.
- 4) The gaming facility shall have discretion to employ an individual over the objection of the SCA.⁵⁴

E. Preliminary Determination & License Suspension

1. Whenever, upon preliminary factual finding, CNGC determines that any person has failed to comply with the Cherokee Gaming Ordinance, or any regulations promulgated thereunder, CNGC shall make a certification of findings with a copy thereof to the Licensee(s) and/or subjects of the determination.⁵⁵
2. CNGC Licensing shall provide at least (5) days notice to the Licensee and the employing gaming facility of a time and place for a hearing on the proposed revocation of a license or permit, to be held within 30 days of a preliminary determination.⁵⁶
3. All hearings concerning license decisions will be held in conformance with §§60-68 of the Cherokee Gaming Ordinance.

F. Ongoing Gaming Licensing

1. Transfers

⁵³ Compact Part 10 §(7)

⁵⁴ Compact Part 10 §(7)

⁵⁵ Cherokee Gaming Ordinance §59(A)

⁵⁶ Cherokee Gaming Ordinance §59(C)

- a. If an employee is transitioning from a non-licensed position to one that requires a Gaming License, the Gaming Applicant will follow the rules in this regulation for the application for a Gaming License.
- b. Notification for all transfers may be provided to CNGC Licensing by CNE Human Resources.
- c. Prior to the employee transferring from a non-licensed position to a position requiring a Gaming License an application for a Gaming License must be submitted with all the requirements listed in sections (B)(8) and (D)(1)(a) of this regulation, if CNGC licensing does not already have this information on file.

CNGC Licensing will run the same background investigation as is required for initial applicants for Gaming Applicants who are moving from an unlicensed position to one requiring a Gaming License. CNGC Licensing will perform a supplemental background investigation for Gaming Applicants moving from one licensed position to a higher licensed position.

2. Renewals

- a. CNGC will provide renewals for Gaming Licenses at least one (one) month prior to the license's expiration date.
- b. CNE Licensing may perform additional and ongoing updating of the Background Investigative Report created during the initial gaming application period for a Licensee.
- c. As a condition of a CNGC Gaming License, Licensees have an ongoing responsibility to inform CNGC Licensing of the following:
 - 1) Any changes to contact information or mailing address;
 - 2) Any arrests or criminal charges, excluding minor traffic offenses, regardless of type within ten (10) calendar days of the occurrence; and
 - 3) Any change to the Licensees' legal name within ten (10) calendar days of the occurrence.
 - 4) If any information on the original application changes or becomes inaccurate in any way.⁵⁷

⁵⁷ Cherokee Gaming Compact §54

3. Rehire Application Standards

- a. If an individual that voluntarily separates from employment, either temporary or permanent, with CNGC and/or the gaming operation and whose Gaming License has not expired applies for rehire, no action is needed to be taken by CNGC Licensing for the remaining licensure period. Upon rehire, the Gaming License may be reinstated by CNGC Licensing for the remainder of applicable period, if the licensee is rehired in the same license type. If any information has changed since the initial application, the Licensee will provide that information in accordance with VII.B.3 above.
- b. If an individual that voluntarily separates from employment with CNGC and/or the gaming operation and whose Gaming License has expired applies for rehire within 6 months from the effective date of separation, the individual shall not be required to submit another gaming application for licensing, unless otherwise directed by the CNGC or returning in a different license type. The CNGC shall review the individual file and make a determination on the license status dependent on the time frames of the prior background investigation, license approval, and/or separation. The following shall apply in consideration of the status:
 - 1) The individual shall submit an updated contact form;
 - 2) If in the renewal process, the individual may be presented as a renewal;
 - 3) If a Temporary Permit has been issued, the individual may continue with the renewal process; or,
 - 4) If the individual has not received a gaming permit or license, then the determination shall be based on report time frames from the initial background investigation.
- c. If an individual that voluntarily separates from employment with CNGC and/or the gaming operation and whose Gaming License has expired applies for rehire after 6 months from the effective date of separation, the individual must apply as a new applicant for a Gaming License.
- d. An individual that involuntarily separates from employment with the gaming operation and is not subject to rehire may not be considered for gaming licensing by the CNGC.

4. Reapplication and Reconsideration of CNGC Gaming License Action

- a. An individual who has had his/her Individual License Application denied or revoked by the CNGC and afforded a hearing for reconsideration cannot reapply for a gaming license for a period minimum of six (6) months from the date of denial or revocation.

- b. An individual who has had his/her permit/license denied or revoked by the CNGC for violations of the CNGC substance abuse regulation and afforded a hearing for reconsideration cannot reapply for an individual license for a period eighteen (18) months from the date of revocation.

G. Gaming License Records

1. CNGC shall retain applications for licensing, eligibility determination, and investigative reports (if any) for a period of at least six (6) years from the date of termination of employment.⁵⁸ After that time frame, the CNGC Licensing will utilize confidential destruction methods to purge license files as approved by the CNGC Commissioners.
2. The CNGC shall maintain a permanent archive record of all active and deactivated license files.
3. All CHRI will be destroyed in accordance with Chapter V-E – Fingerprints and Criminal History Record Information.

H. Gaming License Fees

1. Each licensee, or the gaming operation on behalf of the licensee, under the jurisdiction of CNGC shall pay directly to the Cherokee Nation fees as established and scheduled by CNGC.⁵⁹
2. The Gaming Commission, by a vote of not less than a majority of its members, shall adopt the rate of the fees imposed on any employee licensing fee schedule on a biannual basis.⁶⁰

⁵⁸ Cherokee Gaming Ordinance §57(a)(6)

⁵⁹ Cherokee Gaming Ordinance §26(A)(1)(b)

⁶⁰ Cherokee Gaming Ordinance §26(A)(1)(c)