

WINNEBAGO TRIBAL CODE  
TITLE 9

TITLE 9  
GAMING  
(Amended and Restated as of August 14, 2008)

SUMMARY OF CONTENTS

SECTION	ARTICLE-PAGE
1. TABLE OF REVISIONS	ii
2. TABLE OF CONTENTS	iii
3. ARTICLE 1: DEFINITIONS AND GENERAL PROVISIONS	1-1
4. ARTICLE 2: TRIBAL GAMING COMMISSION	2-1
5. ARTICLE 3: LICENSING PROVISIONS	3-1
6. ARTICLE 4: CLASS II GAMING	4-1
7. ARTICLE 5: CLASS III GAMING	5-1
8. ARTICLE 6: VIOLATIONS; PENALTIES	6-1
9. ARTICLE 7: MISCELLANEOUS PROVISIONS	7-1



WINNEBAGO TRIBAL CODE  
TITLE 9

TITLE 9  
GAMING

(Amended and Restated as of February 22, 2013)

ARTICLE 1  
DEFINITIONS AND GENERAL PROVISIONS

- |       |                                 |       |                          |
|-------|---------------------------------|-------|--------------------------|
| 9-101 | Definitions.                    | 9-105 | Distribution limitation. |
| 9-102 | Gaming permitted.               | 9-106 | Management authorized.   |
| 9-103 | Tribe as sole owner.            | 9-107 | Governing laws.          |
| 9-104 | Application of gaming revenues. | 9-108 | Purpose.                 |
- 

TITLE 9  
ARTICLE 2  
TRIBAL GAMING COMMISSION

- |       |  |       |   |
|-------|--|-------|---|
| 9-201 | Establishment and composition of commission. | 9-208 | Powers and duties of the gaming commission. |
| 9-202 | Qualifications of commissioners.             | 9-209 | Compensation and expenses.                  |
| 9-203 | Meetings.                                    | 9-210 | Commission budget.                          |
| 9-204 | Resignation.                                 | 9-211 | Commission records.                         |
| 9-205 | Removal.                                     | 9-212 | Financial interest prohibited.              |
| 9-206 | Commission office.                           | 9-213 | Rules.                                      |
| 9-207 | Monthly reports.                             |       |   |
- 

TITLE 9  
ARTICLE 3  
LICENSING PROVISIONS

- |        |  |       |   |
|--------|--|-------|---|
| 9-301  | Required licenses.   | 9-310 | All information confidential.                                   |
| 9-302  | Facility license.  | 9-311 | Duration of licenses.   |
| 9-303  | Operator's license.  | 9-312 | License suspension; revocation.                                 |
| 9-304  | Licensing of employees and key employees.                          | 9-313 | Forms of licenses.  |
| 9-305a | License for distributor and suppliers.                             | 9-314 | License application fee.  |
| 9-305b | Machine licenses.  | 9-315 | Background investigations.                                      |
| 9-305c | Vendor license.  | 9-316 | Eligibility determination.                                      |
| 9-306  | Provisional license.   | 9-317 | Forwarding applications and reports to the national commission. |
| 9-307  | Notification to national commission.                               | 9-318 | Report to the national commission.                              |
| 9-308  | Certification of gaming devices; seizure of contraband authorized. | 9-319 | Granting a gaming license.                                      |
| 9-309  | Access to premises and records.                                    | 9-320 | Application forms.  |
|        |  | 9-321 | Burden of proof.  |
-

WINNEBAGO TRIBAL CODE  
TITLE 9

TITLE 9  
ARTICLE 4  
CLASS II GAMING

9-401 Gaming regulated.

9-402 Games authorized.

---

TITLE 9  
ARTICLE 5  
CLASS III GAMING

9-501 Gaming regulated.

9-507 Commission rules.

9-502 Games authorized.

9-508 Right of entry and inspection.

9-503 Gaming rules.

9-509 No credit.

9-504 Rules displayed.

9-510 Notification of violations.

9-505 Gaming devices.

9-511 Surveillance.

9-506 Security.

---

TITLE 9  
ARTICLE 6  
VIOLATIONS; PENALTIES

9-601 Role of Tribal prosecutor.

9-606 Civil penalties.

9-602 Tribal Court jurisdiction.

9-607 Consent to jurisdiction.

9-603 Prohibited acts.

9-608 Civil actions.

9-604 Criminal violations penalties.

9-609 Administrative hearings.

9-605 Civil violations.

9-610 Agent for service.

---

TITLE 9  
ARTICLE 7  
MISCELLANEOUS PROVISIONS

9-701 Sovereignty not waived.

9-708 Repeal of prior law.

9-702 Audits.

9-709 Customer disputes.

9-703 Contracts subject to audit.

9-710 Customer rights regarding disputes.

9-704 Public safety.

9-711 Gaming commission action on customer disputes.

9-705 Unclaimed winnings.

9-712 Right to exclude or remove.

9-706 Saving clause.

9-713 Review and approval of gaming contracts.

---

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 1

TITLE 9  
ARTICLE 1  
DEFINITIONS AND GENERAL PROVISIONS

9-101	Definitions.	9-105	Distribution limitation.
9-102	Gaming permitted.	9-106	Management authorized.
9-103	Tribe as sole owner.	9-107	Governing laws.
9-104	Application of gaming revenues.	9-108	Purpose.

---

**9-101 Definitions.**

1. "Applicant" means any individual, partnership, corporation, joint venture or other business enterprise seeking a license or renewal of a license described in this Title Nine.
2. "Chairman" means the chairman of the gaming commission of the Winnebago Tribe of Nebraska.
3. "Chairman of the National Commission" means the chairman of the National Indian Gaming Commission.
4. "Class II gaming" means Class II gaming as defined in IGRA and 25 CFR Section 502.3.
5. "Class III gaming" means the games that are defined in IGRA 25 CFR Section 502.4 or Section 9-502 of this Title Nine.
6. "Code" means this Title Nine as amended, unless the context clearly indicates that this reference is to the Code of the Winnebago Tribe of Nebraska.
7. "Collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligation created between the Tribe, any of its members, entities or organizations and a management contractor or any person or entity related to a management contractor or subcontractor.
8. "Commission" means the gaming commission of the Winnebago Tribe of Nebraska.
9. "Commissioner" means an individual member of the commission.
10. "Compact" means the gaming compact entered into between the Tribe and the state of Iowa pursuant to provisions of IGRA, including any renewal, extension and amendment thereof, and or such future compact as may be entered into between the Tribe and the state of Nebraska.
11. "Contraband" means any unlicensed gaming device or equipment.
12. "Council" or "Tribal Council" means the duly elected Tribal Council of the Winnebago Tribe of Nebraska.
13. "Facility license" means a license issued by the commission pursuant to Section 9-302 of this Title Nine.
14. "Gaming" means any Class II or Class III gaming activity.
15. "Gaming device" means any slot machine, mechanical, electronic, computer, video, or other device that is activated by inserting comes, currency, or tokens, and which upon activation displays randomly generated symbols to indicate winning combinations, dispenses prizes and collects gaming revenues, and any other game of chance, including any equipment whose primary purpose is a component of a Class II or Class III game of chance.
16. "Gaming operation" means any Tribally owned business enterprise whose revenues are primarily derived from gaming licensed under this Title Nine.
17. "IGRA" means the Indian Gaming Regulatory Act, P.L. 100-497. 25 U.S.C. Section 2701, et seq., as amended from time to time.
18. "Key employee" means any primary management official (who is not considered an operator), subcontractor, manager or employee of a gaming operation who (i) is a department manager, (ii) is accountable for gaming revenues or payouts, (iii) is a caller, dealer or operator of a game, (iv) has access to the internal space of any gaming device, or (v) is responsible for auditing, surveillance, security, hiring and terminating employees, or develops work policies in a gaming

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 1

operation, (vi) receives annual compensation in an amount over Twenty five thousand dollars (\$25,000), or (vii) is defined as a key employee by IGRA, and 25 CFR Section 502.14. Key Employee does not include members of the Tribal Council, or the Chief Financial Officer, General Counsel or Benefits Manager of the Tribe.

19. "License" means a revocable privilege granted for a limited period of time by the commission, pursuant to this Title Nine, to a person or entity to perform certain acts. The issuance of a license shall not create for the benefit of a licensee a property or liberty interest in the license.
20. "Licensee" means any person who holds a current license issued by the commission.
21. "National commission" or "NIGC" means the National Indian Gaming Commission created pursuant to IGRA.
22. "Net revenues" means the gross revenues of a gaming operation less amounts paid out as, or paid for, prizes and total operating expenses; excluding management fees.
23. "Operator" means any person having a direct or indirect financial interest in a management contract with the Tribe as defined by 25 CFR Section 502.17.
24. "Participant" means any individual who places a bet or wager or who otherwise participates in any gaming activity.
25. "Person" means any individual partnership, corporation, joint venture or other business entity.
26. "Player" means a participant.
27. "Rules" means the gaming rules promulgated by the Winnebago Gaming Commission and approved by the Council in accordance with this Title Nine.
28. "Reservation" means all land within the exterior boundaries of the reservation of the Winnebago Tribe and all lands held in trust by the United States for the benefit of the Tribe or held by the Tribe or any individual subject to restriction by the United States for the benefit of the Tribe or held by the Tribe or any individual subject to restriction by the United States against alienation and over which the Tribe exercises governmental authority, including lands meeting the foregoing description which may be acquired by Tribe after the enactment of this Title Nine and which meet the requirements of 25 U.S.C. Section 2719.
29. "Tribal" means of or belonging to the Winnebago Tribe.
30. "Tribal Court" means the trial court of the Winnebago Tribe known as the Winnebago Tribal Court.
31. "Tribe" or "Winnebago Tribe" means the Winnebago Tribe of Nebraska, its authorized agents, officials, and representatives. [TCR 94-37, 94-46, 06-24]

**9-102 Gaming permitted.** Only those games described in Article Five of this Title Nine are authorized to be conducted on the reservation, provided such games are conducted in accordance with and only by persons duly licensed under this Title Nine. All other forms of gaming on the reservation are prohibited. Participants and other persons promoting or in any way participating in any form of unauthorized gaming are subject to the penalties set forth in Article Six of this Title Nine. [TCR 94-37]

**9-103 Tribe as sole owner.** The Tribe shall have the sole proprietary interest in and responsibility for the conduct of all gaming occurring on the reservation. [TCR 94-37]

**9-104 Application of gaming revenues.** The net revenues of the Tribe derived from any authorized gaming operation may be used for the following purposes only:

1. to fund Tribal government operations or programs;
2. to provide for the general welfare of the Winnebago Tribe and its members;
3. to promote the economic development of the Winnebago Tribe;
4. to donate to charitable organizations designated by the Tribal Council pursuant to a resolution;
5. to help fund operations of local government agencies; and

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 1

6. to make per capita payments to members of the Winnebago Tribe, provided such payments are made pursuant to a plan (i) adopted by resolution of the Council (ii) meeting the requirements of IGRA and (iii) approved in writing by the Secretary of the Interior. [TCR 94-37, 94-46]

**9-105 Distribution limitation.** In the event the Council adopts a plan meeting the requirements of Section 9-104 (6), above, no more than sixty percent of the monthly net revenue derived from gaming on the reservation may be distributed pursuant to such plan. [TCR 94-37]

**9-106 Management authorized.** The Council may select managers and/or operators to conduct the gaming authorized by this Title Nine and may delegate to such individuals by contract such management and operating responsibilities as the Council deems prudent from a business perspective; provided, however, if any management or operator's contract is inconsistent with applicable provisions of IGRA, the compact, or this Code then the respective provisions of IGRA, the compact, or this Code shall govern. [TCR 94-37, 94-46]

**9-107 Governing laws.** All gaming conducted on the reservation shall be conducted in conformance with the a compact, the laws of the Winnebago Tribe and other applicable laws. [TCR 94-37, 94-46]

**9-108 Purpose.** It is the purpose of this Title Nine to (i) authorize and regulate gaming on the reservation as a means of promoting Tribal economic development, self sufficiency, and strong Tribal government; (ii) provide a regulatory structure for authorized gaming that will assure its fair, safe and honest operation; and (iii) ensure that the Tribe is the primary beneficiary of any gaming activity conducted on the reservation. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 2

TITLE 9  
ARTICLE 2  
TRIBAL GAMING COMMISSION

9-201	Establishment and composition of commission.	9-208	Powers and duties of the gaming commission.
9-202	Qualifications of commissioners.	9-209	Compensation and expenses.
9-203	Meetings.	9-210	Commission budget.
9-204	Resignation.	9-211	Commission records.
9-205	Removal.	9-212	Financial interest prohibited.
9-206	Commission office.	9-213	Rules.
9-207	Monthly reports.		

---

**9-201 Establishment and composition of commission.**

1. There is hereby established a Tribal gaming commission of the Winnebago Tribe of Nebraska.
2. The commission shall be an agency of the Winnebago Tribe, subordinate to the Council, possessing all powers set forth in this Title Nine, and such other powers as are now or hereafter determined by law.
3. The gaming commission shall consist of not less than three (3) and not more than five (5) members. The Council shall appoint a chairman and a vice-chairman. A majority of the gaming commission must be enrolled members of the Winnebago Tribe.
4. Of the initial members of the commission, the chairman shall serve for two years and the vice-chairman shall serve for one year. Each of the three remaining members shall be appointed to serve, respectively, one, two, and three year terms. All subsequent terms shall be three years.
5. If any commissioner is removed by the Council, resigns, dies, or for any reason becomes unable to continue serving on the commission, the Council shall appoint a person to fill such vacancy. Such appointment shall be for the balance of the unexpired term of the commissioner being replaced.
6. The Chairman of the Commission shall have supervisory authority over the Commission personnel. This authority shall include the authority to discipline any Commission personnel, said authority to include, if necessary, the termination or suspension of employment of a Commissioner of the Tribal Council. The decision of whether to retain or terminate a commissioner shall rest solely with the Tribal Council. [TCR 17-36]

**9-202 Qualifications of commissioners.**

1. No individual shall be appointed to serve on the gaming commission who:
  - a. has been convicted of a felony or gaming offense; or
  - b. has any financial interest in, or management responsibility for, any gaming activity on or off the reservation.
2. An individual may not serve on the gaming commission unless s/he meets the following qualifications:
  - a. is over twenty-one years of age; and
  - b. meets the licensing requirements of Section 9-303 of this Title Nine. [TCR 94-37]



WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 2

**9-203 Meetings.** The commission shall meet as often as is necessary to carry out the responsibilities set forth in this Title 9. The chairman shall preside over all meetings; provided, however, that the vice-chairman shall preside in the chairman's absence. The commissioners shall annually select a secretary and a treasurer from among their membership. In the event of a three member commission, the secretary can also serve as the treasurer. A majority of the gaming commission shall constitute a quorum for the purpose of conducting the business of the commission. All official decisions of the commission shall be by majority vote. [TCR 17-36]

**9-204 Resignation.** Any commissioner may resign his/her position by submitting a written resignation to the Council. Such resignation shall be effective upon receipt. [TCR 94-37]

**9-205 Removal.** By Council resolution, the Council may remove any commissioner for any of the following reasons:

1. failure to perform any Council directive or task;
2. failure to carry out duty or responsibility set forth in this Title Nine or the rules;
3. failure to comply with any provision of this Title Nine or the rules;
4. misconduct in office; or
5. serious inefficiency or neglect of duty. [TCR 94-37]

**9-206 Commission office.** The Council shall provide the commission with office space on the reservation and shall also make available to the commission such support staff, office supplies, and equipment as is necessary for the commission to fulfill its purpose. [TCR 94-37]

**9-207 Monthly reports.** On or about the fifteenth day of each calendar month, the chairman of the commission shall present a written report to the Council which report shall summarize the activities of the commission during the previous thirty-day period, including but not limited to: (i) the number and types of licenses issued and to whom; (ii) a summary of any completed background investigations; (iii) an accounting of the commission's expenditures, and (iv) a summary of all official actions taken by the commission. [TCR 94-37, 94-46]

**9-208 Powers and duties of the gaming commission.** The Council delegates to the gaming commission the following powers:

1. to monitor all gaming activities on the reservation on a continuing basis;
2. to enforce or cause to be enforced all Tribal laws, directives, rules and resolutions pertaining to gaming;
3. to enforce or cause to be enforced all federal and state laws specifically applicable to gaming on the reservation;
4. to monitor compliance with any compact;
5. to monitor compliance by a manager or operator with the terms of an applicable management agreement and any collateral documents;
6. to notify the Council of any act of noncompliance or illegality under (2), (3), (4), or (5) above;
7. to conduct background investigations or to cause such investigations to be conducted in order to issue Tribal gaming licenses in accordance with Article Three of this Title Nine and to impose, rescind or reduce civil penalties for breach of this Code or rules of the commission;
8. to grant, suspend and revoke licenses pursuant to Section 9-312;
9. to investigate the background, activities and conduct of all licensees;
10. to certify gaming devices in accordance with Section 9-305 b and 9-308; to draft rules as it deems appropriate and necessary to implement the provisions of this Title Nine, and to present such rules to the Council for approval and adoption by Tribal resolution;
11. to seize as contraband any gaming device that is not certified pursuant to Section 9-308;

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 2

12. to specify the payout from all authorized gaming and the payout rate for all gaming devices;
13. to control all surveillance activities;
14. to hold administrative hearings, and to promulgate rules under which such hearing may be conducted;
15. to issue subpoenas;
16. to demand and obtain complete access to all buildings, offices, records, personnel and equipment relating to the gaming operation;
17. to take all other action necessary or appropriate in order to carry out the duties set forth in this Title Nine. [TCR 94-37, 94-46]

**9-209 Compensation and expenses.**

1. No member of the gaming commission shall receive a salary or any other compensation for his/her time except as specifically provided by resolution of the Council.
2. All members of the gaming commission shall be reimbursed by the Tribe in accordance with current Tribal policy for all travel, subsistence, and other necessary expenses incurred by them in performance of their duties. [TCR 94-37]

**9-210 Commission budget.** The Council shall, to the extent feasible, make available to the commission such funds as are reasonably necessary in order for the commission to fulfill its purposes. On or before July 1 of each year, the commission shall prepare an annual operating budget and submit such budget to the Council for approval. [TCR 94-37]

**9-211 Commission records.** The commission shall keep and maintain accurate, complete and detailed records of its activities, which records shall be made available to the Council on demand. Apart from access by the Council, all commission records, with the exception of public reports, and transcripts of public proceedings, shall be confidential. [TCR 94-37]

**9-212 Financial interest prohibited.** No commissioner nor member of his/her immediate family shall have any financial interest in the gaming regulated by the commission other than the financial interest enjoyed equally by all Tribal members and shall not have any financial interest in any business supplying equipment or services for authorized gaming. For purposes of this Section, "immediate family" means a commissioner's spouse and the father, mother, brother, sister, child or stepchild of the commissioner or the commissioner's spouse. For purposes of this Section 9-212, "financial interest" does not include any interest held by an employee of the gaming operation by virtue of their employment. [TCR 94-37, 94-46]

**9-213 Rules.** All rules provided for under this Title Nine shall be drafted by the office of the Tribal Treasurer with the assistance and advice of legal counsel, and presented to the Council for discussion, possible revision, and approval. All rules shall be adopted by the Council by resolution and shall, in conjunction with the provisions of this Title Nine, constitute the body of the gaming laws of the Tribe and shall be made available to the Tribal membership and such other persons as the commission deems entitled thereto. [TCR 94-37, 06-24]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

TITLE 9  
ARTICLE 3  
LICENSING PROVISIONS

9-301	Required licenses.	9-310	All information confidential.
9-302	Facility license.	9-311	Duration of licenses.
9-303	Operator's license.	9-312	License suspension; revocation.
9-304	Licensing of employees and key employees.	9-313	Forms of licenses.
9-305a	License for distributor and suppliers.	9-314	License application fee.
9-305b	Machine licenses.	9-315	Background investigations.
9-305c	Vendor license.	9-316	Eligibility determination.
9-306	Provisional license.	9-317	Forwarding applications and reports to the national commission.
9-307	Notification to national commission.	9-318	Report to the national commission.
9-308	Certification of gaming devices; seizure of contraband authorized.	9-319	Granting a gaming license.
9-309	Access to premises and records.	9-320	Application forms.
		9-321	Burden of proof.

---

**9-301 Required licenses.**

1. No gaming facility operator, key employee or any employee the commission deems subject to employee licensing procedures, may operate, conduct or be employed as an employee in a gaming operation on the reservation without first obtaining a license in accordance with this Article Three. The following types of licenses are authorized and may be issued by the commission upon satisfaction of the respective conditions set forth herein:
  - a. Facility License;
  - b. Operator's License;
  - c. Employee License.
  - d. Distributor License;
  - e. Machine License;
  - f. Vendor License.
2. The licensing requirement contained in subsection (1) shall not apply to members of the Winnebago Tribal Council, the Chief Financial Officer of the Tribe, the General Counsel of the Tribe or the Benefits Manager of the Tribe. [TCR 94-37, 94-126, 06-24]

**9-302 Facility license.** The commission may issue a facility license for each facility where gaming is conducted to an applicant who has completed an application and has, with respect to the physical structure in question, fulfilled the following conditions:

1. The structure is a sound physical structure with adequate and safe plumbing, electrical heating, cooling and ventilation systems in place and operational;
2. The structure has been inspected and approved for safety by a building and fire inspector designated by the Council;
3. The structure is adequate in all respects to accommodate the gaming intended to be carried out within the structure;
4. The structure is equipped with security and surveillance equipment meeting or exceeding provisions set forth in the compact and in this Title Nine;
5. In the judgment of the commission the structure meets all requirements of applicable federal Tribal and state laws;

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

6. In the judgment of the commission, the structure, from an aesthetic and functional perspective, would be an attribute to the reservation; and
7. All applicable commission fees have been paid. [TCR 94-37, 94-46]

**9-303 Operator's license.** The commission may issue an operator's license to an applicant intending to manage (including an applicant for the position of the general manager of the gaming operation), operate or invest in a gaming facility on the reservation provided that all of the criteria under this Section have been met. Under this Section, each individual with a direct or indirect financial interest in an applicant entity seeking to qualify as an operator, and each person with a management interest in such an applicant entity, must also apply for and obtain an operator's license, in order for the applicant entity to qualify for such a license. If the applicant is an entity, such applicant may be required to submit a separate application.

1. The applicant has submitted to the commission a completed application containing the following information:
  - a. name;
  - b. date of birth;
  - c. social security number;
  - d. physical description;
  - e. the applicant's residence since age eighteen;
  - f. the applicant's employment history since age eighteen;
  - g. the applicant's criminal history, including major traffic offenses, including the date, place, details surrounding any arrest or charges, and the disposition of any charges filed;
  - h. whether the applicant has ever held a professional or occupational license issued by any state, the type of license, the license number, and the details surrounding any suspension, revocation, or other disciplinary action based on the license, and if the license is not current, the reason it is not current;
  - i. whether the applicant has ever held a gaming-related license issued by any jurisdiction, the jurisdiction in which the license was issued, the type of license, the license number, the details surrounding any suspension, revocation or other disciplinary action taken based on the license, and if not current, the reason it is not current;
  - j. whether the applicant has ever had any experience related to any agreement with any gambling operation, the exact nature of the applicant's role in the operation, the name and address of all parties to the agreement, the place the agreement was performed, and the dates covered by the agreement;
  - k. a complete financial statement of the applicant;
  - l. the applicant's commitment to provide any additional information as may be required by the commission;
  - m. the applicant's sworn statement that all information submitted to the commission is true and accurate; and
  - n. any other information which the commission may require.
2. The commission has obtained a set of fingerprints.
3. The applicant has submitted a current photograph along with the completed application.
4. The applicant is at least eighteen years of age.
5. The applicant is not employed in any part or full-time employment with a government or private employer in any capacity which would create a conflict of interest between his/her employment and the interests and objectives of the licensed employment.
6. The applicant has not been convicted within the last five (5) years of any felony or drug related offense. If a conviction occurred within the last (5) years, the license shall be denied unless the licensed employment is exempted by regulation for non-gaming positions or services. If

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

conviction occurred more than five (5) years prior to the application date, a license may be issued if the Commission determines that sufficient evidence of rehabilitation exists.

7. The applicant is qualified, by experience or otherwise, to perform the duties required.
8. The applicant has agreed to comply with the terms of the compact and all Tribal, state and federal laws applicable to gaming on the reservation.
9. A background investigation requested by the commission verifying the truthfulness of the information provided by the applicant to the commission has been completed, and such investigation indicates that the applicant is eligible for licensure so that a determination can be made under Section 9-316.
10. The Council has, by resolution, approved the issuance of such license to the applicant.
11. The applicant has paid all applicable commission fees.
12. The applicant has submitted a written report detailing all compensation received pursuant to a management agreement with the Tribe.
13. The applicant has submitted a written report detailing the amount invested to develop any project contemplated under a management agreement or any collateral agreement with the Tribe.
14. The applicant has submitted a written report disclosing all collateral agreements and providing copies thereof. [TCR 94-37, 94-46, 13-53]

**9-304 Licensing of employees and key employees.** The commission may issue an employee license to any employee or key employee meeting the requirements set forth in Section 9-303(1) through (9) and (11) above. [TCR 94-37]

**9-305a License for distributor and suppliers.** Any person, organization, or entity (including those who hold valid operator licenses) selling, leasing, or otherwise distributing or supplying gambling equipment or video games of chance to the Tribe, shall be required to obtain a distributor license by meeting the requirements set forth in 9-303(1) through (9) and (11) above. [TCR 94-37, 94-46]

**9-305b Machine licenses.** Any person, organization, or entity applying for a facility license, or an operator's license where applicable, must obtain from the gaming commission an annual nontransferable license for each video game of chance or slot machine to be placed in a gaming facility operating under the provisions of this Code. An application for a video game of chance or slot machine shall contain the following information:

1. The name and address of the applicant with proof of a current and valid distributor, operator, or manufacturer license issued by a state or the Winnebago Tribe of Nebraska;
2. Identification numbers or Codes for each video game of chance or slot machine placed in a Tribal gaming enterprise, including the manufacturer, the serial number and the model number;
3. Proof of approval and certification of the machine by an approved gaming test laboratory or proof that the video game of chance or slot machine conforms precisely to the exact specification of the video game of chance or slot machine prototype tested and approved by a gaming test laboratory;
4. Any other information required by the Tribal-state compact on video games of chance or slot machines or the rules of the commission;
5. Upon issuance, the gaming commission shall have attached to each video game of chance or slot machine licensed under the provisions of this Code an unremovable identification plate/sticker on the exterior cabinet which shall contain a commission identification number. [TCR 94-37, 94-46]

**9-305c Vendor license.** Any person, organization, or entity other than those which hold a valid distributor license which sells, leases, or otherwise provides to a Tribal gaming facility any item used by the gaming facility to conduct its operation shall be required to hold a valid vendor license. The commission shall promulgate a vendor license application and, within its sole discretion, assess an application fee of twenty-five dollars (\$25.00) to two thousand five hundred dollars (\$2,500.00)

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

dependent upon the relationship between the vendor and the gaming facility. The commission may waive the requirement that a vendor license applicant complete a full-scale background investigation under this Article Three. [TCR 94-126, 95-21]

**9-306 Provisional license.** Upon submission of a complete license application and pending the completion of background investigation, the commission may issue a provisional employment license to an employee or key employee. A provisional employee license may be valid for up to six months. A management contractor may receive a provisional operator's license for a period of up to six months provided that the management contractor is licensed in a capacity substantially similar to the position of a management contractor by the state of Nevada, New Jersey or South Dakota. A provisional license shall expire unless a mutual license is issued by the commission on or before a date not more than one hundred and eighty days from the date of issue of the provisional license. [TCR 94-37]

**9-307 Notification to national commission.**

1. The results of all background investigations performed by or on behalf of the commission relating to the issuance of the licenses described in Sections 9-303 and 9-304 of this Title Nine shall be submitted to the national commission prior to the issuance of the applicable license and in accordance with Section 9-317.
2. The national commission shall be promptly notified by the Tribe of the issuance of any license described in Section 9-303 or 9-304 of this Title Nine, and of any action taken to suspend or revoke any such license or to impose civil penalties upon any licensee. [TCR 94-37]

**9-308 Certification of gaming devices; seizure of contraband authorized.** No gaming device shall be operated on the reservation until it has been certified by the commission as meeting the requirements of the compact, this Title Nine, and the rules. The commission shall maintain a complete listing of all certified gaming devices, including an accurate description of each such device. Any device operated without such certification shall be deemed to be contraband and shall be subject to seizure by the commission pending a hearing pursuant to the rules. Any gaming device found to be contraband after a hearing shall be forfeited and may be disposed of or destroyed by the commission as it sees fit; the owner of any such device shall not be entitled to any compensation for the seizure, and may be subject to civil penalties as provided by this Title Nine and the rules. [TCR 94- 37]

**9-309 Access to premises and records.** No applicant or licensee or his/her employee or agent may refuse the commission, in the course of official business, access to any gaming operation or may neglect or refuse to produce records or evidence or to give information on lawful demand by a commissioner or may otherwise interfere with lawful efforts by the commission to produce such information. [TCR 94-37]

**9-310 All information confidential.** The commission shall maintain as confidential information all information provided by an applicant during the licensing procedure; provided, however, that the commission may disclose any information as is necessary to make appropriate reports to the Tribe, the national commission, other gaming regulatory bodies and to otherwise carry out the provisions of this Title Nine and the rules. [TCR 94-37]

**9-311 Duration of licenses.** Any license issued three hundred and sixty five days or more prior to the effective date of this Code is renewable immediately, and shall expire, as provided in this Section 9-311, absent timely delivery to the commission of a complete application for renewal. Any license which expires or becomes renewable pursuant to this Code shall, upon timely submission of a complete application, be deemed to be a provisional license, and shall be effective for one hundred and eighty days as of date of enactment of this Code or issuance of an annual license. Any license issued less than three hundred and sixty four days before the effective date of this Code shall expire three hundred sixty five

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

days from the date of issuance, absent approval of a renewal application, or the issuance of a provisional license, on or before the expiration date. The commission may receive renewal applications, conduct investigations, and make a final determination regarding each category of license or individual in the order the commission deems appropriate. All licenses issued pursuant to this Code, and each renewal thereof, shall be valid for a period no longer than one year and must be renewed on or before the anniversary of the date of the license's issuance.

1. A facility license issued more than three hundred and sixty four days prior to the effective date of this Code is renewable immediately, and shall expire, absent delivery to the commission of a completed application for renewal within one hundred and twenty days of the effective date of this Code; provided, however a facility license may be immediately suspended or revoked by the commission upon determination, following inspection, that the facility no longer meets the requirements set forth in Section 9-302.
2. An operator's license issued more than three hundred and sixty four days prior to the effective date of this Code is renewable immediately, and shall expire, absent delivery to the commission of a completed application for renewal within thirty days of the effective date of this Code.
3. An employee license issued more than three hundred and sixty four days prior to the effective date of this Code is renewable immediately, and shall expire, absent delivery to the commission of a completed application for renewal within ninety days of the effective date of this Code.
4. A distributor's license issued more than three hundred and sixty four days prior to the effective date of this Code is renewable immediately, and shall expire, absent delivery to the commission of a completed application for renewal within ninety days of the effective date of this Code.
5. A machine license issued more than three hundred and sixty four days prior to the effective date of this Code is renewable immediately, and shall expire, absent delivery to the commission of a completed application for renewal within thirty days of the effective date of this Code. [TCR 94-37, 94-46]

**9-312 License suspension: revocation.**

1. The commission may revoke or suspend the license of any licensee who is charged with a Class II or a Class III offense under the Tribal Code.
2. The commission shall immediately suspend the license of any licensee who is charged with a Class I offense under the Tribal Code. If convicted of such charge, such license shall be revoked with no opportunity for reinstatement. The commission shall draft rules implementing this Section which assure the due process and equal protection rights of licensees.
3. The commission shall honor the suspension of any occupational license of any person currently under suspension or in bad standing in any other gambling jurisdiction in the United States.
4. The commission may revoke or suspend the license of any licensee who fails to follow a commission directive or becomes subject to any civil penalty under this Title Nine.
5. The commission may revoke or suspend the license of any licensee who fails to comply with any aspect of this Title or the rules, and may impose civil penalties as provided by this Title and the rules.
6. The commission may revoke or suspend the license of any licensee who fails to comply with any Winnebago Tribe of Nebraska Tribal Court order.
7. The commission may rescind or reduce penalties, including the reinstatement of suspended or revoked licenses, but only after the reason for such suspension, revocation, or penalties has been cured. [TCR 94-37, 94-46]

**9-313 Forms of licenses.** The commission shall establish the standard form and content of all applications, licenses and certificates authorized under this Article Three. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

**9-314 License application fee.** Each application for an initial or renewal license shall be accompanied by payment of a nonrefundable license fee. The Gaming Commission's imposition of the license fee properly owed under the Code shall be final. No license fee may be considered an operating expense of the gaming operation. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the jurisdiction of the Tribe. All license fees collected under authority of the Gaming Code shall be paid to the Treasurer of the Tribe, and the Treasurer shall deposit them in a separate account to be applied to expenses incurred by the Gaming Commission from the enforcement of this Code. The Gaming Commission, in its sole discretion, may waive or reduce any license application fee. The license application fees are as follows:

1.	Facility License	
	Class II Facilities	\$ 6,000.00
	Class II Gaming	30,000.00
	(High Stakes Bingo)	
	Class III Gaming	30,000.00
2.	Management Company	10,000.00
3.	Key Employee License	
	-0- to 24,999.99	125.00
	25,000.00 to 49,999.99	200.00
	50,000.00 and over	350.00
4.	Non-Key Employee License	75.00
5.	Distributor/Manufacturer License	4,000.00
	Class III Facilities	
6.	Gaming Device License (per Unit).	450.00
	Class II Facilities	
	Gaming Device License (per Unit)	225.00
7.	Vendor License.	50.00-4,000.00

[TCR 94-37, 94-46, 94-126, 95-21, 99-14, 08-85]

**9-315 Background investigations.** All applicants for an operator's license including any person having a direct or indirect financial interest in the holders of any management contract and their spouses, are subject to a complete background investigation. This requirement is in addition to the background investigation required for a key employee. The cost of such investigation is in addition to the application fee for an operator's license and is payable by the applicant and shall not be considered an operating expense of a gambling operation. If an applicant refuses to cooperate with the commission in any way concerning the background investigation, it shall be within the commission's authority to decline to issue a license, to suspend or revoke an existing license and/or to subject the applicant to appropriate civil penalties authorized under this Title Nine. The results of background investigations shall be made available to the national commission in accordance with the procedures provided under this Title Nine. [TCR 94-37, 94-46]

**9-316 Eligibility determination.** The commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of an applicant for a license as a key employee or operator. If the commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the license application shall be denied and no Tribal gaming operation shall employ that person. [TCR 94-37]



WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

**9-317 Forwarding applications and reports to the national commission.**

1. After a preliminary determination of eligibility has been made regarding applicants for key employee or operator licenses, and provisional licenses have issued, the commission shall forward to the national commission the completed applications and investigation reports as required by 25 CFR Section 558.3(a)(1).
2. The commission shall expeditiously conduct background investigations and reports referred to in Section 9-318 to the national commission within sixty days after an employee begins work as required by 25 CFR Section 558.3(a)(2) and Section 558.3(b).
3. The gaming operation shall not employ as a key employee or operator a person who does not have a license ninety days after the issuance of a provisional license. [TCR 94-37, 94-46]

**9-318 Report to the national commission.**

1. Pursuant to the procedures set out in Section 9-317, the commission shall prepare and forward to the national commission an investigative report on each background investigation. An investigative report shall include all of the following:
  - a. steps taken in conducting a background investigation;
  - b. results obtained;
  - c. conclusions reached; and
  - d. the basis for those conclusions.
2. The commission shall submit, with the report, a copy of the eligibility determination made under 9-316.
3. If a license is not issued to an applicant, the commission shall forward copies of its eligibility determination and investigation report (if any) to the national commission.
4. With respect to key employees and operators, the commission shall retain applications for employment and reports (if any) of background investigations for inspection by the chairman of the national commission or his/her designee for no less than three years from the date of termination of employment or submission of the application, whichever is longer. [TCR 94-37]

**9-319 Granting a gaming license.**

1. If, within a thirty-day period after the national commission receives a report, the national commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or an operator for whom the commission has provided an application and investigative reports to the national commission, the Tribe may issue a license to such applicant. No license shall be valid for longer than three hundred and sixty five calendar days from the date of issue.
2. The commission shall respond to a request for additional information from the chairman of the national commission concerning a key employee or operator who is the subject of a report. Such a request shall suspend the thirty day period under subsection (1) of this Section until the chairman of the national commission receives the additional information.
3. If, within the thirty-day period described above, the national commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to an operator for whom the commission has provided an application and investigative report to the national commission, the commission shall reconsider the application, taking into account the objections itemized by the national commission. The commission shall make the final decision regarding the application for the license. [TCR 94-37, 94-46]

**9-320 Application forms.** The following privacy notice shall be placed on the application form for a key employee or operator before that form is filled out by an applicant: "In compliance with the Privacy

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 3

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 employed in the gaming operation. The information will be used by national commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal 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 national commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a Tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a Tribe's being unable to hire you in a primary management official or key employee position. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.”

1. Existing key employees and operators shall be notified in writing within thirty days of the effective date of this amended and restated Title Nine that they shall either:
  - a. Complete a new application form that contains a Privacy Act notice; or
  - b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
2. The following notice shall be placed on the application form for a key employee or an operator before that form is filled out by an applicant: “A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, Section 1001).”
3. The Tribe shall notify in writing existing key employees and operators that they shall either:
  - a. Complete a new application form that contains a notice regarding false statements; or
  - b. Sign a statement that contains the notice regarding false statements. [TCR 94-37]

**9-321 Burden of proof.** The licensee or applicant shall bear the affirmative responsibility to show by clear and convincing evidence that the individual qualifications of the licensee or applicant meet all of the requirements of this Title Nine and the rules. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 4

TITLE 9  
ARTICLE 4  
CLASS II GAMING

9-401 Gaming regulated.

9-402 Games authorized.

---

**9-401 Gaming regulated.** All Class II gaming, as defined by IGRA, 25 U.S.C. Section 2703(7), conducted on the reservation shall be conducted only in licensed gaming operations by licensees. The commission shall monitor all such activities for compliance with this Title and the rules promulgated hereunder, where applicable. [TCR 94-37]

**9-402 Games authorized.** Only those games that are defined by IGRA 25 U.S.C. Section 2703(7), shall be authorized and shall, collectively, constitute “Class II gaming” for purposes of this Title. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 5

TITLE 9  
ARTICLE 5  
CLASS III GAMING

9-501	Gaming regulated.	9-507	Commission rules.
9-502	Games authorized.	9-508	Right of entry and inspection.
9-503	Gaming rules.	9-509	No credit.
9-504	Rules displayed.	9-510	Notification of violations.
9-505	Gaming devices.	9-511	Surveillance.
9-506	Security.		

---

**9-501 Gaming regulated.** All Class III gaming conducted on the reservation shall be conducted only in licensed gaming operations by licensees. The commission shall monitor all such activities for compliance with the compact, this Title Nine and the rules promulgated hereunder. [TCR 94-37]

**9-502 Games authorized.** Only those games that are authorized under the terms of an applicable compact shall be conducted on the reservation. Such authorized games shall, collectively, constitute “Class III gaming” for purposes of this Title Nine. [TCR 94-37]

**9-503 Gaming rules.** Any licensee intending to conduct Class III gaming on the reservation shall, prior to conducting any such gaming, submit a complete list of the proposed games, along with comprehensive rules of play pertaining to each such game, to the commission for approval. All approved games shall be conducted only in compliance with the rules approved by the commission. [TCR 94-37]

**9-504 Rules displayed.** The rules of each authorized game conducted on the reservation must be clearly displayed for public view at or near the place where such game is being conducted. [TCR 94-37]

**9-505 Gaming devices.** No gaming device may be operated on the reservation without prior certification by the commission in accordance with Article Three of this Title Nine. [TCR 94-37]

**9-506 Security.** The commission shall, by rules, draft standards and procedures for security of all gaming activity. [TCR 94-37]

**9-507 Commission rules.** All gaming shall be conducted in compliance with this Title Nine and the rules promulgated hereunder, including:

1. The imposition and enforcement of applicable wager and loss limit;
2. The operation of all Class III gaming activities;
3. Accounting and cash control procedures for all Tribal gaming operations;
4. Security and surveillance standards for all gaming facilities; and
5. The conduct of inspections, investigations and enforcement actions of the commission. [TCR 94-37]

**9-508 Right of entry and inspection.** The commission, or its agents, shall have the right and authority at any time to enter upon any premises where any gaming is being conducted and inspect any records, equipment and gaming devices contained in such areas. Such right of entry and inspection shall include the right to enter and obtain access to any area within the gaming operation, including all offices, record storage areas and cabinets, computer systems, and computer back-up storage. Accurate duplicate records shall be delivered to the commission as it may direct. Access to computer or other data related to the gaming operation may be restricted by directive of the commission. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 5

**9-509 No credit.** No licensee shall make or provide a loan or credit of any kind to any participant; provided, however, nothing contained herein shall prevent the acceptance of personal checks and credit cards. [TCR 94-37]

**9-510 Notification of violations.** A licensee shall, immediately upon discovery, notify a commissioner of any violation or suspected violation of any provision of this Title Nine or the rules. [TCR 94-37]

**9-511 Surveillance.** In order to insure the integrity of gaming, the commission shall have complete authority over all aspects of the surveillance of the gaming operation. Such authority shall include the power to appoint a surveillance manager, who shall manage the surveillance department at the direction of the commission. The surveillance manager shall report directly to the commission. The surveillance manager's salary and the surveillance department's budget shall be an operating expense of the gaming operation. The commission shall prescribe by rule the duties and authority of the surveillance manager. [TCR 94-37, 94-46]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 6

TITLE 9  
ARTICLE 6  
VIOLATIONS; PENALTIES

9-601	Role of Tribal prosecutor.	9-606	Civil penalties.
9-602	Tribal Court jurisdiction.	9-607	Consent to jurisdiction.
9-603	Prohibited acts.	9-608	Civil actions.
9-604	Criminal violations penalties.	9-609	Administrative hearings.
9-605	Civil violations.	9-610	Agent for service.

---

**9-601 Role of Tribal prosecutor.** The prosecutor of the Winnebago Tribe shall, on behalf of the Winnebago Tribe, prosecute all criminal violations set forth in this Title Nine involving a perpetrator over whom the Tribe has jurisdiction. The prosecutor may enforce any civil violations imposed under this Title Nine. [TCR 94-37]

**9-602 Tribal Court jurisdiction.** The Tribal Court shall have civil and criminal jurisdiction over all matters arising under this Code or rules promulgated thereunder, whether authorized or unauthorized, occurring on the reservation; provided, however, that this Title Nine is intended only to provide for the jurisdiction of the Tribal Court as is consistent hereunder.

1. A licensee may appeal a ruling of the commission following an evidentiary hearing by filing a notice of appeal with the commission within thirty days of the date of the issuance of the initial ruling.
2. Any licensee who has exhausted the administrative remedies set forth in commission rules 301.14 and 301.15, may, within thirty days of the date of the commission action, file an appeal to the Winnebago Tribal Court. The commission shall certify the hearing record to the Court within thirty days of the date of the filing of the appeal. The Tribal Court shall review the case on the findings of fact as they appear on the record of the commission hearing. Decisions of the commission interpreting applicable law shall be affirmed unless the Tribal Court finds that the commission's action was arbitrary and capricious. [TCR 94-37, 94-46]

**9-603 Prohibited acts.** In addition to other civil and criminal acts that may be regulated or prohibited under the Tribal Code or applicable federal law, the following shall constitute prohibited activities under this Title Nine and shall be subject to the penalties set forth in Sections 9-604 and 9-606 below:

1. tampering with any gaming device or taking any action intended to alter the normal play of any licensed game, including attempts to communicate or signal another party in a manner which is intended to alter the normal play of any licensed game;
2. defrauding the Tribe, any licensee or participant in any licensed gaming;
3. knowingly permitting any individual under the age of eighteen to participate in any gaming;
4. permitting persons who are visibly intoxicated to participate in any gaming;
5. participating in any gaming not authorized by this Title Nine;
6. knowingly providing false information or making any false statement with respect to an application for employment or any license application or certification provided for in this Title Nine;
7. knowingly providing false or misleading information or making any false or misleading statement to the Tribe, the Council or the commission in connection with any gaming contract for services or property;
8. knowingly making any false or misleading statement to the commission, in response to any official inquiry by the commission made in the course of its official business;

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 6

9. offering or attempting to offer any thing of value, to a licensed person in an attempt to induce that person to act or refraining from acting in any manner related to the official duties of the licensed person in conjunction with any gambling;
10. acceptance by a licensed person of any thing of value with the expectation that receipt of the thing of value is intended, or might be perceived as being intended, to induce the licensee to act or refrain from taking action, in any manner related to the official duties of the licensed person in conjunction with any gaming or gaming operation.
11. falsifying, destroying, erasing or altering any books, computer data, records, or other information relating to a gaming operation or any gaming transaction.
12. taking any action which interferes with or prevents the commission from fulfilling its duties and responsibilities under this Title Nine.
13. entering into any contract, or making payment for any contract for the delivery of goods or services to a gaming operation when such contract fails to provide for or result in the delivery of goods or services of fair value for the payment made or contemplated. [TCR 94-37, 94-46]

**9-604 Criminal violations; penalties.** Any person who violates or fails to comply with, obey or observe any provision of this Title Nine or any rule, order or directive of the commission shall be guilty of a Class II offense under the Code; provided, however, that any person who commits any act described in Section 9-603 shall be guilty of a Class I offense under the Code. Each day during which violation or failure to comply occurs or is continuing shall constitute a separate violation under this Title Nine. The prosecution of an offense under this Section shall be the responsibility of the Tribal prosecutor. [TCR 94-37, 94-46]

**9-605 Civil violation.** Any person who violates or fails to comply with any rule, any provision of this Title Nine, makes false or misleading statements or omissions in any application filed under this Title Nine may be found by the commission to be liable for the civil penalties set forth below. [TCR 94-37, 94-46, 06-24]

**9-606 Civil penalties.** For any violation described in Section 9-605, the violator may be subject to suspension and/or revocation of any license granted under this Title Nine, may be subject to exclusion from any Tribal gaming facility, and may also be liable for a civil penalty in an amount not to exceed five thousand dollars (\$5,000) for each violation. Each day during which violation or failure to comply occurs or is continuing may be found to constitute a separate violation under this Title Nine. The commission may rescind or reduce any penalties imposed by the commission by its own motion or for good cause shown. [TCR 94-37]

**9-607 Consent to jurisdiction.** Any person who applies for any license or employment with the casino, enters into any contract or agreement with the casino, or any gaming operation, participates in any gaming on the reservation consents and shall be deemed to consent to the civil jurisdiction of the Tribe, the commission and the Tribal Court. [TCR 94-37, 94-46, 06-24]

**9-608 Civil actions.** The commission, on behalf of the Winnebago Tribe, shall bring suit in the appropriate forum for the collection of any fines due hereunder and for the enforcement of any provision of this Title Nine. [TCR 94-37]

**9-609 Administrative hearings.** The commission may hold administrative hearings to resolve any issue arising under this Title Nine. The commission shall promulgate rules under which such hearings shall be conducted. In order to fully exercise the power granted under this Section, the commission may issue subpoenas in accordance with the rules promulgated under this Title Nine. [TCR 94-37]

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 6

**9-610 Agent for service.** The Tribal chairman shall be designated as the agent for service for the Winnebago Tribe of Nebraska. [TCR 94-37]



WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 7

TITLE 9  
ARTICLE 7  
MISCELLANEOUS PROVISIONS

9-701	Sovereignty not waived.	9-708	Repeal of prior law.
9-702	Audits.	9-709	Customer disputes.
9-703	Contracts subject to audit.	9-710	Customer rights regarding disputes.
9-704	Public safety.	9-711	Gaming commission action on customer disputes.
9-705	Unclaimed winnings.	9-712	Right to exclude or remove.
9-706	Saving clause.	9-713	Review and approval of gaming contracts.
9-707	Short title.		

---

**9-701 Sovereignty not waived.** Nothing contained in this Title Nine is intended to, nor shall it have the effect of, in any way waiving, limiting or diminishing the sovereignty or sovereign immunity of the Winnebago Tribe. [TCR 94-37]

**9-702 Audits.** Audits of all Tribal gaming operations shall be conducted at least annually by an outside, independent, certified public accountant. Such audits shall be provided by the Tribe to the national commission. Additional audits shall be performed in accordance with commission rules. [TCR 94-37]

**9-703 Contracts subject to audit.** All contracts for supplies, services, or concessions for a contract amount in excess of twenty five thousand dollars (\$25,000) annually (except contracts for professional legal or accounting services) relating to Tribal gaming operations shall be subject to the audits required by Section 9-702 of this Title Nine and the rules promulgated hereunder. Additionally, an applicant or holder of an operators license has a duty to provide written disclosure to the commission of all collateral agreements. Such duty shall be a continuous requirement of licensure and shall not be limited to the disclosure required under Section 9-303(14). If such disclosure is not made, then all contracts which were not disclosed shall be considered void and unenforceable and the person or entity failing to make such disclosure may be subject to license suspension, revocation or civil penalties. [TCR 94-37]

**9-704 Public safety.**

1. The construction and maintenance of any gaming facility existing on the reservation and the operation of any such gaming operation shall be conducted in a manner which adequately protects the public health and safety.
2. It shall be the responsibility of the Council and the commission to insure that the standard set forth in part (1) of this Section is maintained at all times. [TCR 94-37]

**9-705 Unclaimed winnings.**

1. Any winnings, whether property or cash, which are due and payable to a participant but remain unclaimed at the end of a gaming session shall be held in safekeeping for the benefit of such participant if his/her identity is known. Such winnings shall be held for twelve months or such longer period as the commission deems reasonable in consideration of all relevant facts and circumstances. The commission shall make such efforts as are reasonable under the circumstances to locate such individual. At the end of the safekeeping period, such winnings shall revert to Tribal ownership and shall be transferred to the account or place designated by the Council.

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 7

2. In the event the identity of the participant entitled to unclaimed winnings is unknown, the commission shall use its best efforts to learn the identity of such individual and shall follow the procedure set forth in (1), above, if they are able to identify such individual with reasonable certainty provided, however, if after six months from the time the winnings were payable, the commission has been unable to identify an individual entitled thereto, such winnings shall revert to Tribal ownership as set forth in paragraph (1) of this Section. [TCR 94-37]

**9-706 Saving clause.** If any section or provision of this Title Nine is invalidated for any reason by a Court of competent jurisdiction, the remaining provisions shall not be affected thereby. [TCR 94-37]

**9-707 Short title.** This Title shall be known as the “Winnebago Gaming Code.” [TCR 94-37]

**9-708 Repeal of prior law.** This Title Nine replaces all prior laws and rules pertaining to the authorization or regulation of gaming activity on the reservation. All such laws and rules are specifically repealed. [TCR 94-37]

**9-709 Customer disputes.** Any person who has any dispute, disagreement or other grievance that involves currency, tokens, coins, or any other thing of value and is between the customer or player and the gaming operation, may raise such dispute with the following persons and in the following order: (a) a member of the staff of the gaming operation, (b) the supervisor in the area in which the dispute arose, (c) the general manager of the gaming operation and (d) the gaming commission. [TCR 94-37]

**9-710 Customer rights regarding disputes.** At each level, the complainant has the right to explain his/her side of the dispute, and to present witnesses in connection with any factual allegation. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level as set forth in Section 9-709. Resolution of any dispute by staff of the gaming operation shall always involve two or more staff members. All disputes, whether resolved or not, shall be the subject of a detailed report by all staff involved to their supervisor, or, in the case of the general manager of the gaming operation to the commission. [TCR 94-37]

**9-711 Gaming commission action on customer disputes.** All disputes which are submitted to the gaming commission shall be decided by the commission based on information provided by the complainant, any witnesses for or documents provided by the complainant, or by the general manager of the gaming operation or any other person who has relevant information to provide. The decision of the commission shall be in writing, shall be issued within fourteen days of submission of the matter to the commission and shall be provided to the general manager of the gaming operation and the complainant. [TCR 94-37]

**9-712 Right to exclude or remove.** The commission, or the general manager of the gaming operation, subject to review by the commission may exclude or remove any persons from the premises of the gaming operation. Any person excluded shall be entitled to a hearing as provided by the rules. [TCR 94-37, 94-46]

**9-713 Review and approval of gaming contracts.**

1. All contracts and transactions for goods and services purchased or provided to any Gaming Operation shall be signed by the General Manager and reviewed by the Commission. All contracts and transactions for goods and services to any provider shall be in writing and shall be delivered to the Commission, along with sufficient information to permit adequate review under this Section, as soon as possible.

WINNEBAGO TRIBAL CODE  
TITLE 9 ARTICLE 7

2. No contract or transaction for goods or services requiring single or aggregate payments in excess of \$10,000.00 shall be valid unless first approved by the Gaming Commission. The Gaming Commission shall be deemed to have approved a contract or transaction if it takes no action on said contract or transaction within five days after receipt. Date of receipt shall be documented by a stamp receipt promulgated by the Commission. The Gaming Commission shall stamp each contract as received within 24 hours of actual receipt. In determining whether a contract or transaction should be approved, the commission shall consider:
  - a. whether the contract or transaction is legally sufficient;
  - b. whether the contract or transaction provides for a price which is commercially reasonable and competitive;
  - c. whether the contract or transaction is entered into by parties who appear to be dealing at arms length and without undue influence or favoritism;
  - d. whether the Gaming Operation has or will receive fair value for the goods or services made or contemplated; and
  - e. the business need for such goods or services.In the event the Commission disapproves a contract it shall set forth a statement of the specific reasons for disapproving in writing and forward said statement to the General Manager, who shall be given the opportunity to correct any deficiencies and resubmit and resubmit the contract to the Commission for further consideration. The Commission may then reevaluate the contract or transaction and either approve or disapprove same. If it again disapproves the contract or transaction, these steps may be repeated until any deficiencies are cured or the Commission deems the contract incurable. Any decision to disapprove a contract by the Gaming Commission shall be final and not subject to appeal: except to the Tribal Council.
3. No contract or transaction for goods or services requiring a single or aggregate payments in excess of \$25,000.00 shall be valid unless, in addition to the approval needed pursuant to § 9-713(c), the contract or transaction is approved by the Winnebago Tribal Council at a duly convened meeting.
4. The Gaming Operation shall obtain an inked stamp which shall be imprinted with red ink as follows:

NOTICE

CONTRACTS FOR PURCHASE OF GOODS OR SERVICES OVER \$10,000.00 IN VALUE ARE VALID ONLY WITH APPROVAL OF G.M. AND WINNEBAGO GAMING COMMISSION. PURCHASES OVER \$25,000.00 MUST ALSO BE APPROVED BY TRIBAL COUNCIL.

5. No cash payments to providers of goods or services from the funds of any gaming operation are authorized. Cash payments to providers of goods or services from the gaming operation are prohibited. [TCR 06-38]