

# GAMING COMMISSION

Floyd Bringing Good  
Chairman



Emma Lou Brewer  
Member

Michelle Conroy  
Member

## Gaming Order CAGC-08-007 CHEYENNE & ARAPAHO GAMING COMMISSION Licensing Suitability Standards

- A. Revocable Privilege.** A regular or temporary gaming license issued by the Commission is a revocable privilege. No vested rights are acquired by the gaming license holder nor does the issuance or holding of a license guarantee or promise to any applicant or licensee any right to employment or continued business with the gaming enterprise.
- B. Burden and Responsibility.**
- 1. Commission Responsibility.** The Commission has the exclusive authority to issue licenses to individuals or entities who wish to engage in employment or business with the gaming enterprise. As a result, the Commission is charged by law with the responsibility of reviewing all applications, and continually observing the conduct of all licensees to ensure continued suitability for licensure.
  - 2. Applicant Burden.** Any application submitted to the Commission constitutes the seeking of a privilege, and the burden of proving qualifications to acquire and hold any license is, at all times, on the applicant or licensee. This includes timely application for renewal prior to the expiration of an existing license.
- C. Agreement to Abide by Applicable Laws and Regulations.** Application for, and acceptance of, a gaming license or renewal of such license constitutes agreement by the applicant or licensee to abide by all applicable federal and tribal gaming laws and regulations, Compact terms, internal controls, standard operating procedures, orders and directives, at all times while employed by the gaming enterprise or conducting any business with the gaming enterprise. It is the responsibility of the applicant or licensee to keep informed of the content of all such laws, regulations, and other requirements. Ignorance thereof will not excuse violations.
- D. Violation of Law or Regulation or Other Standard.** Violation by a licensee of any applicable laws or regulations, Compact terms, internal controls, standard operating procedures, orders or directives may be grounds for placement of conditions on a license, suspension or revocation of a license, and/or the imposition of civil fines or penalties.

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## E. Application Process and Licensing Fees.

1. **Generally.** The Commission shall require all persons and entities seeking a license from the Commission to complete all license application forms and pay all licensing fees, if required.
2. **Consent and Waiver.** Any application for a license constitutes a request to the Commission for a decision of the applicant's suitability, character, integrity, honesty and ability to engage in, or be associated with gaming activity with the gaming enterprise. The applicant, by filing an application, specifically consents to investigation to the extent required by applicable federal or tribal law or regulation or Compact term or as deemed appropriate by the Commission. The applicant accepts all risk of adverse public notice, embarrassment, other action or financial loss, which may result from the application and investigatory process, and thereby expressly waives any and all claim(s) for damages as a result thereof.
3. **Complete, Truthful and Accurate Information.** All applicants are expected to provide complete, truthful and accurate information in their applications. Falsification of or misrepresentation on a gaming license application may result in denial of a license or possible criminal penalties under federal law. Incomplete information or an incomplete application causes delays in processing and can result in denial of a license as an application is not considered complete until all requested information is provided to the Commission.
4. **Additional Information or Documentation.** The Commission may request, at any point in the application or investigative process, any additional information or documentation as it deems necessary to render a suitability determination on the license application or renewal. Failure to timely provide additional requested information may result in denial or revocation of a license.
5. **Continuing Responsibility to Update Information.** It is the responsibility of all applicants or licensees to inform the Commission within five (5) days of any change(s) to an application that may occur at any time while awaiting issuance of a license, during the conduct of a background investigation, or while the license is valid or in use. This includes, but is not limited to, changes of the applicant's name, address, phone number, criminal record, business ownership and interest, or other pertinent information requested in the application. This responsibility shall remain in effect from the time the license application is submitted to the Commission until such time the license expires or is otherwise terminated. Such additional information is subject to investigation processes for licensing.

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- a. Applicants and licensees must inform the Commission of any misdemeanor or felony criminal charge within five (5) days of being charged, regardless of outcome, or whether the individual's conviction or post-conviction rights have been exhausted. It is the individual's responsibility to continue to inform the Commission of the status and outcome of the criminal charge.
- F. Review of Background Investigations Results.** The Commission, or its agent, shall review the results of an applicant's completed background investigation and any other required documents/information to determine whether the applicant is suitable to receive a gaming license. The Commission may conduct further investigations or request additional information on the applicant before making such a determination.
- G. Suitability Determination.** In deciding whether an applicant is suitable to receive a license, the Commission shall consider:
1. The applicant's current and prior activities;
  2. The applicant's criminal record, if any;
  3. The applicant's character, reputation, integrity, habits and associations;
  4. Any particular items of concern to the Commission.
- H. Approval for License.** The Commission shall issue a license to the applicant if the Commission determines that the applicant is suitable to receive a license. The Commission may, in its discretion, issue a conditional license with specific criteria based on information contained in the background investigation.
1. **Approval of Temporary Gaming License.** The Commission may authorize the issuance of a temporary gaming license pending the completion of the background investigation and licensing suitability determination process. The Commission may approve issuing a temporary license to an applicant who certifies through the application that he or she meets the criteria to be licensed and whose initial documentation, on its face, does not reveal any disqualifying information. The Commission may deny issuance of, or revoke, a temporary license on the same basis as found in Section I below.
- I. Denial of a License Application.**
1. **Generally.** The Commission shall deny an application if it finds there is reasonable evidence indicating that the applicant is not suitable to be licensed or employed by the gaming enterprise because the applicant's current and prior activities, criminal record, character, reputation, integrity, habits and associations:
    - a. Poses a threat to the public or tribal interest;

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- b. Poses a threat to the effective regulation and control of gaming;
  - c. Creates or enhances a danger of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gaming;
  - d. Adversely affects the general credibility, security, honesty or fairness of tribal gaming, generally or relating to the gaming enterprise, or
  - e. Is not suitable for licensing under the requirements of the IGRA, the Compact, federal or tribal law or regulations as indicated by evidence provided by any reasonable source, including the NIGC or the State Compliance Agency.
2. **Grounds for Denial.** The Commission may issue a finding that the applicant is not suitable for licensing and deny the license application for any of the following grounds. With regard to criminal offenses, the Commission shall consider convictions, or pleas of guilty or no contest, in any jurisdiction, including tribal jurisdictions, and reserves the right to consider plea agreements and deferred sentencing in its basis for denial.
- a. Felony offenses within the past ten (10) years. The Commission reserves the right to consider serious felony offenses, including those involving violence, occurring outside of the ten (10) year period.
  - b. Any gaming offense.
  - c. Theft or fraud offenses in any amount, including, but not limited to, shoplifting, larceny, embezzlement, fraud, forgery, extortion, tax evasion, conspiracy to defraud, will be considered. Automatic denial of license if within the past two (2) years.
  - d. Excessive DWI or DUI offenses within the past ten (10) years will be considered. More than two (2) offenses in any twelve (12) month period is grounds for automatic denial unless the applicant can provide proof of attendance and successful completion of an appropriate treatment program.
  - e. Drug-related offenses within the past ten (10) years will be considered. Any offense within the past two (2) years is grounds for automatic denial unless the applicant can provide proof of attendance and successful completion of an appropriate treatment program.
  - f. Misdemeanors involving violence, domestic abuse, assault and battery. Any offense within the past two (2) years is grounds for automatic denial unless the applicant can provide proof of attendance and successful completion of an appropriate treatment program.

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- g. Evidence of numerous criminal offenses or excessive criminal activity, including misdemeanor offenses.
  - h. Outstanding or unresolved warrants will be considered.
  - i. Willfully omitted a material fact, or knowingly provided false or misleading statements or information of material fact on his or her employment application, gaming license application, or made in connection with the background investigation.
  - j. Direct or indirect association with persons or businesses of known criminal background or persons of disreputable character that may adversely affect the general credibility, security, integrity, honesty, fairness, or reputation of the proposed gaming activity, or the Tribe and its gaming enterprise.
  - k. Denial of a gaming license or suspension or revocation of a gaming license in any jurisdiction, including tribal jurisdictions.
  - l. Failure of the vendor applicant or its employees to demonstrate adequate business ability and experience to establish, operate, and maintain the business for the type of activity for which the application is made;
  - m. Failure to demonstrate adequate financing for the operation, service or project proposed in the application;
  - n. Grounds sufficient to disqualify the applicant are apparent on the face of the application.
  - o. Failure to satisfy any requirement for application of a license, or to timely respond to any request, verbal or written, by the Commission for information or documents required in an application form or for an investigation;
  - p. Inconclusive results of an applicant's background investigation or unverifiable information pertaining to a material fact contained in a license application;
  - q. Information received from the NIGC or State Compliance Agency that the applicant is not suitable for licensure, although the Commission shall make final determination on suitability for licensure.
- 3. Grounds to Not Renew a License or as Grounds to Condition, Suspend or Revoke an Existing License. In addition to any of the above:**
- a. Licensee has violated, failed, or refused to comply with any applicable laws, regulations, Compact terms, internal controls, standard operating procedures, orders and directives;

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- b. Licensee knowingly causes, aids, abets, or conspires with another to cause, any person to violate any applicable laws, regulations, Compact terms, internal controls, standard operating procedures, orders and directives;
- c. Licensee has obtained a license or permit by fraud, misrepresentation, concealment or through inadvertence or mistake;
- d. Breach of confidentiality relating to any Commission investigation;
- e. Unauthorized release or use of proprietary or confidential information;
- f. Concealment, refusal or failure to disclose any material fact or noncompliance in any Commission investigation, or license renewal process, including the failure to timely disclose change in information required under Section E.5 above;
- g. Any aspect of the licensee's past conduct, character, or behavior that the Commission determines would and/or may adversely affect the credibility, security, integrity, honesty, fairness, reputation of the proposed activity, the gaming enterprise, the Tribes, or adversely effects the regulation of gaming.

These Licensing Suitability Standards shall supersede all prior licensing criteria issued or ordered by the Gaming Commission.

The foregoing Licensing Suitability Standards were adopted at a duly called meeting of the Cheyenne and Arapaho Gaming Commission held on December 23, 2008.

  
Floyd A. Bringing Good, Chairman  
Gaming Commission

  
Emma Lou Brewer, Gaming Commissioner

  
Michelle Conroy, Gaming Commissioner

# GAMING COMMISSION

*John T. Hoffman*  
Commission Chairman



*Yvonne Wilson*  
Director of Gaming

*Eddie Henry*  
Commissioner/ Treasurer

## GAMING ORDER CA-CG-10-001 EMPLOYEE LICENSE RE-APPLICATION TERM AND PENALTY FOR EXPIRED LICENSE AMENDMENT TO CA-GC-08-008

The Cheyenne and Arapaho Gaming Commission after due consideration finds as follows:

Delete #4. It is difficult for the Commission to timely complete background investigations and make licensing determinations when applicants and employees delay in submitting required information and documents, fail to submit complete information, or fail to comply with required deadlines.

Re-number #5 to #4

Re-number #6 to #5

On order #2. Amend to read:

An employee who continues to work with an expired gaming license shall have their gaming license suspended for a period of up to three (3) months, depending on the commissioner's findings. The employee may request a hearing from the commission within ten (10) days of the suspension. Upon expiration of the suspension, the employee shall be required to reapply for a gaming license and have a favorable licensing suitability determination in order to obtain a license.

Add order #3.

It is the responsibility of the employee's supervisor to be aware of all licensed employees under their supervision and the expiration date of each. Failure to do so will result in a fine being levied against the supervisor, as determined by the Commission.

The foregoing Amendment and Order was adopted at a duly called meeting for the Cheyenne and Arapaho Gaming Commission held on Wednesday, April 14, 2010. The changes shall become effective as of this date.

  
John T. Hoffman, Chairman  
Gaming Commission

  
Eddie Henry, Treasurer  
Gaming Commission