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CHEROKEE NATION GAMING COMMISSION

ADMINISTRATIVE PROCEDURES ACT POSTING

**TITLE:** Proposed Cherokee Nation Gaming Commission Rules and Regulations

**TYPE OF ACTION:** Notice of Proposed Rule

**PROPOSED RULES:**

Chapter V – C-1 – Vendor Licensing Process and Standards

**PUBLICATION DATE:** 15 January 2019

**SUMMARY:**

The purpose of the attached proposed rule is to implement all necessary legal requirements pursuant to all applicable laws; to identify, investigate, and license vendors and their principals and agents, as applicable, that conduct business with gaming facilities under the jurisdiction of the Cherokee Nation Gaming Commission.

**AUTHORITY:**

Title 4 § 22 CNCA  
Title 4 § 37 CNCA  
Tribal-State Compact Part 10(B)

**REGULATORY ANALYSIS:**

No regulatory analysis of the revised rule was performed.

**COMMENT PERIOD:**

Written comments must be received on or before 5 p.m., Friday, 15 February 2019.

**SUPPLEMENTARY INFORMATION:**

Comments may be submitted electronically at [gaming-commission@cherokee.org](mailto:gaming-commission@cherokee.org). Written comments may be sent to the Cherokee Nation Gaming Commission, P. O. Box 627, Tahlequah, OK 74465 and must be postmarked by the date above.

A copy of the current Cherokee Nation Gaming Commission Rules and Regulations may be obtained by submitting a request electronically or in writing using either of the above electronic / physical addresses.

The Tribal-State Compact may be accessed by visiting the State Compliance Agency website at [www.ok.gov/OSF/Tribal Gaming](http://www.ok.gov/OSF/Tribal_Gaming).

**PUBLIC HEARING:**

Persons requesting public hearings or submitting comments must include their name, address, phone number, and e-mail address, if the submission is electronic, but may request this identifying information be kept confidential. Anonymous comments will not be accepted.

A request for a public meeting shall not end before fifteen- (15) days following the public notice of all responses to written comments. A request for a public meeting shall include a statement of the issues desired to be discussed and a summary of the argument supporting the person's position on the issues. A public hearing on a rule proposed to be adopted may not be held earlier than twenty- (20) days after notice of its location and time is published on the website.

Public hearings may be held only from 8:00 A.M. to 10:00 P.M. on Monday thru Saturday. The public hearing shall be recorded by audio, audio and video, stenographic or other means.

Persons requesting an opportunity to comment at a public meeting may be required to register by name and indicate whether they support or oppose the rule or a part of the rule.

**BACKGROUND:**

The Indian Gaming Regulatory Act (IGRA) was enacted by the United States Congress on 17 October 1988, establishing the National Indian Gaming Commission (NIGC). Under

the IGRA, the NIGC is charged with regulating Class II gaming and certain aspects of Class III gaming.

The NIGC adopted certain regulations in Chapter III of Title 25, Code of Federal Regulations (Parts 500-599), to provide purpose and scope, procedures for service of NIGC determinations, requirements for submitting new and existing gaming ordinances to the Chairman for approval, requirements for background investigations on Primary Management Officials and Key Employees, and requirements for licensing employees of Indian gaming operations.

The Cherokee Nation adopted Legislative Act 30-89 on 8 April 1989 establishing the Cherokee Nation Gaming Commission (CNGC) to regulate the conduct of gaming owned and operated by the Cherokee Nation. The Act was amended several times with the last revision being passed by the Tribal Council in July 2014 and approved by the National Indian Gaming Commission (NIGC) in October 2014.

The Cherokee Nation entered into a gaming compact with the State of Oklahoma in 2005. Part 10 (B) of the compact states:

“Any person or entity who, directly or indirectly, provides or is likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services to the enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for goods or services provided to the enterprise in any consecutive twelve-month period within the immediately preceding twenty-four-month period, or any person or entity who provides through sale, lease, rental or otherwise covered games, or parts, maintenance or service in connection therewith to the tribe or the enterprise at any time and in any amount, shall be licensed by the TCA prior to the provision thereof. Provided, that attorneys or certified public accountants and their firms shall be exempt from the licensing requirement herein to the extent that they are providing services covered by their professional licenses.”

The Compact also states in Part 5 (A) “(t)he tribe shall promulgate any rules and regulations necessary to implement this Compact.”

Sections 22 and 37 of the Cherokee Nation gaming ordinance requires the Gaming Commission to adopt and implement regulations for the licensure of vendors conducting business with gaming facilities under the jurisdiction of the Cherokee Nation Gaming Commission.

Such regulations are also guided by Attorney General Opinion 2015-CNAG-06, a copy of which may be found at

<http://attorneygeneral.cherokee.org/Portals/AttorneyGeneral/Docs/opinions/2015-CNAG-06%20Licensing%20of%20Non-Gaming%20Vendors.pdf>

Within the opinion, the jurisdiction of the Gaming Commission is limited to vendors that are considered Gaming or Gaming-Related; Non-Gaming Vendors are not subject to the Gaming Commission licensing requirements.



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CHEROKEE NATION GAMING COMMISSION  
RULES AND REGULATIONS

CHAPTER:	Licensing	CHAPTER #:	V
SUBJECT:	Vendor Licensing Process & Standards	SECTION – SUBSECTION:	C-1
EFFECTIVE DATE:	mm/dd/yyyy	SUPERSEDES MATERIAL DATED:	16 July 2009
APPROVED BY:		DATE:	mm/dd/yyyy

## PURPOSE

The purpose of this Section is to implement all necessary legal requirements pursuant to the law as stated in Section A of this chapter, to identify, investigate, and license vendors and their [principals and agents](#), as applicable, that do business with [Cherokee Nation](#) gaming facilities [under the jurisdiction of the Cherokee Nation Gaming Commission](#).

## SCOPE

This Section applies to [all Enterprises licensed by the Cherokee Nation Gaming Commission to conduct gaming and to all levels of licensure, as defined in Section A-2 of this Chapter, for](#) vendors conducting business ~~within the gaming facilities with a licensed Enterprise, to include~~ [including](#) vendors conducting business prior to the effective date of these Rules and Regulations and vendors applying for licensure after said date.

### [Authority](#)

[Title 4 § 22 CNCA](#)

[Title 4 § 37 CNCA](#)

[Tribal-State Compact Part 10](#)

## A. DEFINITIONS

1. [Business Day](#) – [Any day during a standard workweek, not including weekends, holidays observed by the Cherokee Nation, or days the Cherokee Nation may be closed by order of the Principal Chief or his/her designee.](#)
2. [Cherokee Nation Gaming Commission \(CNGC\)](#) – [The regulatory body established by the Cherokee Nation to oversee and regulate the conduct of gaming on Indian lands owned or leased by the Cherokee Nation or the Enterprise.](#)
3. [Covered Game Employee](#) – [An individual employed by an Enterprise and licensed by the Cherokee Nation Gaming Commission pursuant to CNGC individual licensing regulations.](#)
4. [Enterprise](#) – [The entity conducting gaming operations on behalf of or as authorized by the Cherokee Nation under the terms of the Indian Gaming Regulatory Act or pursuant to a](#)

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Tribal-State Compact to which the Nation is a party. This term shall encompass parent companies and subsidiary companies, as well as any subdivisions thereof, responsible for conducting gaming activities; that set policy, make decisions, or whose activities otherwise affect or have an impact on gaming activities, gaming-related activities, or both, or affect or impact the collection, accounting, and distribution of gaming and gaming-related revenues;

5. Gaming Vendor – An individual or entity who provides through sale, lease, rental or otherwise gaming equipment, supplies, parts, maintenance or service in connection therewith to the tribe or the Enterprise at any time and in any amount.
6. Gaming-Related Vendor – An individual or entity who, directly or indirectly, provides or is likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in gaming support function goods or services to the Enterprise in any twelve-month period, or who has received at least Twenty-five Thousand Dollars (\$25,000.00) for gaming support function goods or services provided to the Enterprise in any consecutive twelve-month period within the immediately preceding twenty-four-month period.
7. Gaming Support Function – Integral to any of the following: gaming activities and financial accountability; the protection of tribal assets; computer systems & programs used in connection with a gaming support function; computer network security; collection/storage/transmission/use of/access to patron information; used to comply with applicable statutes and regulations; promotion and marketing activities; tobacco; alcohol; environmental public health and safety.
8. Non-Gaming Vendor – An individual or entity that does not meet the definition of either a Gaming or Gaming-Related Vendor.
9. *Person* – Natural persons, unless otherwise provided for by the CNGC, ~~intended to include employees of the Enterprise, a vendor, or a member of the general public.~~
10. Vendor Agent – An individual employed by a Gaming or Gaming-Related Vendor who performs work on behalf of a licensed vendor.
11. Vendor Principal – An individual employed by a Gaming or Gaming-Related Vendor, with respect to any entity, its sole proprietor or any partner, trustee, beneficiary or shareholder holding five percent (5%) or more of its beneficial or controlling ownership, either directly or indirectly, or any officer, director, principal management employee, or key employee thereof.

## **B. LICENSE REQUIREMENT**

1. No vendor or person who meets the definition of a ~~vendor~~ Gaming Vendor, Gaming-Related Vendor, Vendor Principal, or Vendor Agent ~~is~~ as defined in this regulation shall

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conduct business with or operate in a gaming facility under the jurisdiction of the ~~Cherokee Nation CNGC~~ without a license duly issued by ~~the Cherokee Nation Gaming Commission (CNGC)~~. ~~For the purpose of this regulation, “conducting business” is defined as entering into any contract or agreement, whether verbal or written, for the provision of goods or services with any person or entity within a gaming facility, which may include subcontractors and third party vendors whether provided directly or indirectly and whether or not payment or invoicing occurs prior to the issuance of a license.~~

- a. For the purpose of this regulation, “conducting business” is defined as the Enterprise formally entering into any contract or agreement, whether verbal or written, wherein the assets of the Enterprise are obligated or pledged in exchange for the provision of goods and services, whether directly or indirectly, to, within, or for the benefit of a gaming facility licensed by the CNGC.
- b. Any person or vendor that meets the licensing requirement under this section, as determined by the CNGC, shall not donate goods or services for ~~the~~ purposes of circumventing this requirement.
2. Subject to the exceptions set forth in section 4(d)(a)(iv) of this section, any person or entity extending financing, directly or indirectly, to the Enterprise in excess of Fifty Thousand Dollars (\$50,000.00) in any twelve-month period shall be licensed prior to providing such financing.
3. A supplier of goods or services who provides financing exclusively in connection with the sale or lease of covered games equipment or supplies shall be licensed solely in accordance with licensing procedures applicable to such suppliers.
4. ~~Exemptions from the licensing policy are provided for a follows~~ The following vendors are exempt from the vendor licensing policy:
  - a. ~~Exemptions specifically allowed by the Tribal State Compact:~~
  - b. Attorneys or certified public accountants and their firms shall be exempt from the licensing requirement herein to the extent that they are providing services covered by their professional licenses.
  - c. Financing provided by a federally-regulated or state-regulated bank, savings and loan, or trust, or other federally- or state-regulated lending institution;
  - d. Any agency of the federal, state, tribal or local government; ~~or~~
  - e. Any person or entity, including, but not limited to, an institutional investor who, alone or in conjunction with others, lends money through publicly or commercially traded bonds or other commercially traded instruments, including but not limited to the holders of such bonds or instruments or their assignees or transferees, or which bonds or commercially traded instruments are underwritten by any entity whose shares are

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- publicly traded or which underwriter, at the time of the underwriting, has assets in excess of One Hundred Million Dollars (\$100,000,000.00), ~~shall be exempt from the licensing and background investigation requirements in subsection B of the Part of the subsection.~~
- i. Cherokee Nation owned and/or chartered companies;
  - ii. Sponsorships or charitable organizations;
  - iii. Public utilities;
  - iv. Entertainment;
  - v. Insurance companies;
  - vi. Travel companies (corporate travel purposes only)
  - vii. Fleet service providers
  - viii. Other entities ~~which are exempted from the licensing requirements of this regulation include any Tribal, Federal or State governmental or regulatory agency or vendors who~~ may be exempted by action of the CNGC, which will be based on the characteristics and circumstances unique to each entity.
5. The Enterprise or the prospective vendor applicant may submit a request to the CNGC for an exemption, which shall include sufficient information and/or documentation, or both, to support the request; the CNGC will render a formal decision either granting or denying the request. The CNGC will provide written notice to the vendor stating the reason(s) for the decision.
  6. Businesses that could be considered as a Gaming-Related Vendor whose business does not exceed \$25,000.00 in a twelve-month period are not subject to licensure under this regulation; however, such businesses will be required to obtain gaming license should the \$25,000.00 threshold be exceeded within a twelve-month period.
  7. Non-Gaming Vendors are not subject to licensure under this regulation.
  8. Individual Vendor Principals and Vendor Agents will be required to undergo the background investigation and licensing process outlined in CNGC regulation Chapter V-B – Individual Gaming License.

### ~~C. Types of Licenses~~



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- ~~1. CNGC shall issue the following types of licenses, to each vendor and to individual Vendor Agents who require regular access to any licensed gaming facility, as follows:~~
    - ~~a. Class A~~
      - ~~i. Temporary Class A License~~
      - ~~ii. Authorized Class A License~~
    - ~~b. Class B~~
      - ~~i. Temporary Class B License~~
      - ~~ii. Authorized Class B License~~
    - ~~c. Class C~~
      - ~~i. Authorized Class C License~~
  - ~~2. Class A License—Renewed annually, application, authorization forms and fees required.~~
    - ~~a. All vendors providing a good or service, part, or maintenance of a gaming system regardless of the amount or level of business conducted.~~
    - ~~b. All vendors requiring access to, or providing service in the vault, main cage, cashiers areas, kiosks, surveillance or other restricted access areas of the casino.~~
    - ~~c. All vendors of cash handling devices, ATM's, redemption kiosks, cash transport or servicing of such devices.~~
    - ~~d. All vendors accessing the server room, servers, cabling or software.~~
  - ~~3. Class B License—Renewed biennially, application, authorization forms and fees required.~~
    - ~~a. All vendors who, provide goods and services in the amount of Twenty-five Thousand Dollars (\$25,000.00) or more per fiscal year that are not tied to gaming and defined as a Class A Vendor.~~
    - ~~b. All vendors who are likely to provide at least Twenty-five Thousand Dollars (\$25,000.00) in goods or services in any twelve-month period that are not tied to gaming and defined as a Class A Vendor.~~
  - ~~4. Class C License—Renewed annually, application form and fees required.~~
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- a. ~~All vendors and/or Vendor Agents needing physical or logical access to the gaming facilities in a work capacity but who are not paid directly by Cherokee Nation Entertainment (CNE) will be required to hold an Authorized Class C License.~~
  - b. ~~All vendors providing games, table games, software or devices for evaluation and approval prior to purchase.~~
  - c. ~~Any person holding a Class C License will not be considered to have met the requirements for a Class A or Class B License. CNGC at its sole discretion may require the completion of the Vendor License Application and the application submission requirements in this Section shall apply.~~
5. ~~Vendor Access Passes—All persons entering any gaming facility on behalf of a in a work capacity who do not individually hold a Class A, B, or C License, or cannot physically present a license issued by CNGC, are required to obtain a Vendor Access Pass from CNE Security.~~

#### D. RIGHTS, LIMITATIONS AND DISCLAIMERS OF LICENSES

1. ~~Under the provision of this Section, CNGC shall issue licenses including but not limited to:~~
2. A vendor that holds a license issued by [the](#) CNGC shall not acquire and is not deemed to acquire a vested property right or any other right not expressly listed in this policy by means of said issuance.
3. The application for, or the issuance of, a license shall not constitute a guarantee of business with the ~~gaming operation~~ [Enterprise](#).
4. [The CNGC may halt the licensing process or suspend a license if a vendor fails to comply with the licensing process, violates any regulation the CNGC is tasked with enforcing, or fails to meet the standards set forth in this regulation.](#) ~~issued at its sole discretion, with or without cause. The CNGC will provide~~ [N](#)notice to ~~CNE~~ [the Enterprise](#) and the vendor ~~will be provided by CNGC~~ through the established points of contact.
5. All fees submitted for any level license are non-refundable regardless of the outcome of any licensing process, whether or not the process was halted, or by whom, and regardless of the suitability determination [made](#) by [the](#) CNGC.
6. [A license issued by the CNGC to any Gaming Vendor, Gaming-Related Vendor, or individual Vendor Principal or Vendor Agent is non-transferrable and may only be used by the entity/ person whose name appears on the license.](#)

- a. The vendor must make known any sub-contracting for work or service provided to Cherokee Nation gaming facilities licensed by the CNGC. Third party agents (e.g. subcontractors; partners) must obtain an appropriate vendor license prior to providing any gaming or gaming support function good or service to the Enterprise.
- b. The vendor must list all Vendor Agents acting on the behalf of the vendor for work or services provided to ~~Cherokee Nation~~ gaming facilities licensed by the CNGC.

## E. APPLICATION PROCESS

- ~~1. The CNGC shall conduct a background investigation on any all applications for vendor licensing. All applications may shall be issued a Temporary License on a conditional status until the vendor has complied with all requirements found in this Section and following approval by CNGC. When all requirements have been met and approved by the CNGC, an Authorized Vendor Licenses will be issued. The vendor shall be required to adhere to the following standards, including but not limited to:~~
2. Registration; Temporary License
  - a. ~~CNE The Enterprise shall be~~ is required to provide the ~~vendor~~ CNGC with a completed "New Vendor Registration" form ~~and supply a written~~ requesting to CNGC for a new vendor to be considered for licensing.
  - b. Upon receipt of a completed New Vendor Registration form, the CNGC will contact the prospective vendor to determine their acceptance of and submission to the vendor licensing process ~~provide the vendor with a Vendor License Packet.~~
    - i. If the prospective vendor elects to be licensed by the CNGC, the CNGC staff will provide the vendor with a Vendor License Packet and will provide the prospective vendor with a Temporary License, which authorizes the prospective vendor to conduct business with the Enterprise. The Temporary License will be valid for ninety- (90) days from the date of issuance.
    - ii. If the prospective vendor elects to not be licensed by the CNGC, the CNGC staff will inform the Enterprise of the company's decision and that no business may be conducted with the company.
  - c. ~~The vendor will be required to complete the "New Vendor Registration" form that includes a listing of each Vendor Agent who may require immediate access to any CNE gaming facility. This list must include the full legal name, date of birth, social security number, position held, and a recent photograph of every Vendor Agent listed on the form.~~

- d. ~~Signature and attestation to the “New Vendor Registration” form shall verify that each Vendor Agent requiring immediate access to the gaming facility has passed a background investigation. A statement to the effect that a background investigation process has been initiated shall be submitted if a background investigation is not complete. If the vendor has not completed a background investigation, or cannot share the results of the investigation, the vendor must provide the forms referenced in section D3, b, c, and d with all signatures notarized for each Vendor Agent requiring immediate access. Failure to provide this information may result in the vendor and/or its agents being denied access in the gaming facility until such forms are received and a full background investigation is completed on the vendor and its agents. The CNGC shall not be prevented from conducting its own investigation of Vendor Agents at any time.~~
- e. ~~Upon receipt of the completed “New Vendor Registration” form and background attestations or referenced forms above, the CNGC will provide the applicant with a Temporary License, which authorizes the applicant to conduct business with the Enterprise verifying the vendor is eligible to conduct business.~~

### 3. ~~Temporary License~~ Extension

- a. ~~The CNGC will verify all New Vendor Registration forms upon receipt. If complete, the vendor applicant and Vendor Agents shall will be issued a Temporary License effective for ninety (90) days from the date of issuance to allow for immediate access to gaming operations until the Application Packet is received and processed.~~
- b. In order to obtain an Authorized Gaming or Gaming-Related Vendor License, a vendor must complete and return the full application packet within thirty- (30) calendar days of receiving a Temporary License.
- c. Failure to return the Vendor License Packet and full fee amount within the thirty- (30) calendar day period will result in the suspension of the Temporary License and denial of immediate access to the gaming facility until the completed Vendor License Packet and fee are submitted.
- d. The CNGC may extend the ninety- (90) calendar day period, in its sole discretion, to allow for a thorough background investigation to be completed.
- e. ~~If an Authorized Gaming or Gaming-Related Vendor License is not issued within the ninety (90) day timeframe, the CNGC shall notify the vendor in writing of the reason of the exception and grant an extension of the Temporary License at its discretion until the License is issued.~~
- f. ~~In order to obtain an Authorized Gaming or Gaming-Related Vendor License, a vendor must complete and return the full application packet within forty five (45) days of receiving a Temporary License.~~

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- g. ~~Vendors who need immediate access to conduct business with CNE (i.e. Sales Persons) may obtain a numbered temporary badge. This badge will allow the vendor employees access while the License is being processed. CNGC Gaming Inspectors for that facility shall maintain a log of badges issued noting the following:~~
- ~~i.—Name of the individual;~~
  - ~~ii.—The company they represent;~~
  - ~~iii.—The date issued;~~
  - ~~iv.—The date returned.~~

F. Vendor License Application Packet

- a. ~~A vendor must complete and return the Vendor License Packet within forty five (45) days after issuance of the Temporary License. Failure to return the Vendor License Packet and full fee amount within the forty five (45) day period will result in the suspension of the Temporary License and denial of immediate access to the gaming facility until the completed Vendor License Packet and fee is submitted.~~
  - b. ~~A single fourteen (14) day extension may be granted if the vendor applicant submits a written request in writing with justification as to why an extension is warranted. The written request must be received by the CNGC no later than five (5) ten (10) days before the expiration of the forty five (45) day period after the issuance of a Temporary License.~~
2. ~~The following forms in the Vendor License Packet must be completed:~~ An applicant must complete and submit the following items in support of their vendor license application:
- i. Vendor License Application – ~~A vendor applicant shall be required to thoroughly complete this application prior to submission to the CNGC. The application shall conform to the requirements in U.S. Code, Title 18 § 1001; and the Tribal State Compact by indicating the Privacy Act and violation of providing false statements on the application.~~ An officer or principal of the vendor applicant shall complete this form on behalf of the business.
  - ~~ii.—Consent to Disclosure of Tax Information—an officer or principal of the vendor applicant shall complete this form as part of the application packet.~~
  - iii. Authorization for Release of Documents – ~~A vendor applicant is required to complete and execute a release form for all officers and/or principals of the company authorizing the CNGC to obtain personal files, records, and other documents for information pertinent to the background investigation. This form~~

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~~must be notarized at the time of completion.~~ An officer or principal of the vendor applicant shall complete this form on behalf of the business.

- iv. Release of All Claims – ~~A vendor applicant shall be required to complete and execute a release of all claims form for all officers and/or principals of the company.~~ An officer or principal of the vendor applicant shall complete this form on behalf of the business.
- v. Consent to Jurisdiction – ~~All officers and principals of the vendor applicant shall complete and execute a notarized release authorizing CNGC to obtain personnel files, records, other documents or information pertinent to the background investigation.~~ An officer or principal of the vendor applicant shall complete this form on behalf of the business.
- vi. ~~Vendor License Application – a vendor applicant shall be required to thoroughly complete this application prior to submission to CNGC. The application shall conform to the requirements in U.S. Code, Title 18 § 1001; and the Tribal State Compact by indicating the Privacy Act and violation of providing false statements on the application.~~
- vii. Consent to Disclosure of Tax Information – An officer or principal of the vendor applicant shall complete this form as part of the application packet.
- viii. Fee payment, as prescribed by the CNGC.

### ~~3. Authorized Vendor License~~

- a. ~~An Authorized Class A License will be issued for a period of one (1) year if CNGC determines that the business, principals, and employees/agents are found to be in good standing as required by Part E of this Chapter.~~
  - b. ~~An Authorized Class B License will be issued for a period of two (2) years if CNGC determines that the business, principals, and employees/agents are found to be in good standing as required by Part E of this Chapter.~~
  - c. ~~An Authorized Class C License will be issued for a period of one (1) year.~~
  - d. ~~New vendor employees required to obtain a vendor license who are hired after an Authorized License is issued must notify CNGC within ten (10) business days of the hire as required in Section D(9).~~
4. Privacy and Access to Information. Pursuant to Title 4 C.N.C.A. § 12 (G), (H), (I); § 43; 25 U.S.C. § 2701 et seq.; and 25 CFR § 571.3, aAll information submitted to or obtained by the CNGC during the course of licensing is accessible only to CNGC and its duly designated representatives and as requested by state regulatory agencies. All requests or

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demands from other parties for original documents, document copies, or document viewing shall be denied unless compelled by subpoena issued by a court of competent jurisdiction. The CNGC reserves the right to release information as required by 25 CFR § 571.3 to investigate possible incidents of crime, such as fraud and misrepresentation. Information may be released to law enforcement agencies in the course of an active investigation.

- ~~5. All applicants are required to submit the same information regardless of the level of licensing on the application.~~
- ~~6. All applicants shall have a continuing duty and responsibility to present accurate information to the CNGC in as prescribed in this Section. This shall include but not be limited to maintaining eligibility, qualifications, and suitability to be licensed under this Section, to provide information as requested by the CNGC, to cooperate with the CNGC in investigations, hearings, enforcement, disciplinary actions, and to comply with all of the CNGC's conditions, restrictions, requirements, orders, and rulings.~~
- ~~7. All applicants shall notify the CNGC within ten (10) business days of a material change in the information originally submitted by the applicant, or a change in circumstances, which may render the applicant ineligible, unqualified, or unsuitable to hold a license pursuant to this Section. A material change includes, but is not limited to:
  - ~~a. Any changes to contact information or mailing address;~~
  - ~~b. Any arrests or criminal charges regardless of type within ten (10) calendar days of the occurrence; this report must come directly from the applicant/licensee;~~
  - ~~c. Any change to the legal name of the applicant by submitting the proper paperwork within five (5) calendar days of the action; and, differentiate between the company and individuals which should be handled in accordance with the Individual License regulation;~~
  - ~~d. Any change to the status of employment, such as transfers or status suspension, of any Vendor Principal, management official, or Vendor Agent individually licensed by the CNGC within five (5) days of the action.~~~~
8. Verification of the Application. Upon receipt of the Vendor License Packet completed in its entirety the CNGC shall conduct an inquiry into the accuracy and truthfulness of the information contained in said application, including but not limited to the following requirements:
  - a. Official name of the company, trade name (DBA) or any other name by which the vendor has ever used or been known;
  - b. Physical address, mailing address, and current phone and fax numbers;

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- c. Federal and State Tax Identification Number, and the type of business;
  - d. Name, phone number, and address of the official contact for the company including title/position held;
  - e. Full name, date of birth, home address, title/position, drivers license and social security numbers of Vendor Principals and/or management officials as listed on the application;
  - f. A listing of all service agents and technicians operating in gaming facilities under the jurisdiction of the CNGC. The list shall include a current photo, name, employee number, social security number, driver's license number, phone number, and address;
  - g. A letter certifying that all Vendor Agents operating within the gaming facilities under the jurisdiction of the CNGC have passed a background investigation and must include a copy of the results of the background investigation;
  - h. A brief description of the business activity, type of equipment, goods, and services that will be provided to the gaming operation;
  - i. Name, phone number, and address of any licensing or regulatory agency with which the applicant has filed an application for a license related to gaming, whether or not the application was approved;
  - j. Ownership information such as any financial interest or voting ownership interest;
  - k. All current and previous civil litigation. The name, phone number, and address of the court involved, the date, and disposition, if any, shall be included; and
  - l. Litigation history for all civil suits, or felony criminal charges regardless of the status or outcome. The CNGC requires copies of court documents regarding criminal findings of the company and/or employees.

#### G. Background Investigation Procedure

1. The CNGC shall conduct a thorough investigation into the vendor applicant's background, reputation, ~~criminal record~~, business record, and all other areas listed in Title 4 C.N.C.A. §37 44 and Parts 10 (A) and (B) of the Tribal-State Compact, ~~and the NIGC regulations~~, as amended.
2. The CNGC may contact all appropriate federal, tribal, state, county, and city agencies and may utilize investigative agencies to obtain credit history, criminal history, company history, professional or occupational license history and/or status, or any other relevant information in accordance with this Section and/or to determine suitability.



3. [The](#) CNGC may contact the business and/or principals at any time and request clarification and/or additional information pertinent to the inquiry into the applicant's background and the applicant shall respond within the timeframe designated by [the](#) CNGC.
4. Failure to provide [the](#) CNGC with the requested documentation by the given deadline may impact the ability for an applicant to receive a license.
5. Credit Report
  - a. Each vendor business will be subject to a credit report in association with the background investigation.
  - b. All ~~Vendor Agents and~~ [Vendor](#) Principals will be subject to a credit report in association with the background investigation [as stated in Chapter V-B – Individual Gaming License of the CNGC regulations.](#)
  - c. A credit report may be deemed unacceptable or warrant further investigation if it contains, including but not limited to, the following:
    - i. An incident of bankruptcy, repossession, or foreclosure in the last year from the date of application for a vendor applicant, and;
    - ii. A finding of delinquency, notice, or lien filed against ~~the~~ [a Vendor P](#)principal ~~for~~ [the](#) business for ~~a~~ non-payment of federal, state, or local taxes.
    - iii. [A judgement issued against the business or a lien filed by lenders/creditors; civil suit judgement](#)
  - d. An applicant's failure to provide [the](#) CNGC with the requested credit documentation by the established deadline may impact an applicant's ability to receive a license.
6. Criminal History
  - a. [The](#) CNGC may not consider an applicant [for a Vendor Principal or Vendor Agent license](#) based on, but not limited to, the following:
    - i. Conviction of or plea of no contest or guilty to a felony charge at any time; and,
    - ii. ~~Any felony conviction~~ [Convicted](#) of an offense related to any covered games, gaming systems or other gaming activity ~~per the Tribal State Compact Part 10(A)(6)(a).~~
  - b. [No license shall be issued to the entity if the CNGC determines that one or more of its principals will be persons who would not be qualified to receive a license if they applied](#)

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- as covered game employees, as contained within CNGC regulation Chapter V B – Individual Gaming License.
7. Copies of any contract or agreement, and any subsequent modifications, executed between the Enterprise and the vendor. Documentation of verbal agreements must also be provided to the CNGC.
  8. CNGC staff will submit a recommendation for vendor licensing within forty-five (45) days after receipt of the complete Vendor License Packet information.
  9. Upon completion of the vendor background investigation, the CNGC staff shall prepare a confidential written recommendation memorandum for vendor licensing that shall set forth:
    - a. A description of the type of company, type of license, and the service or product provided to the gaming operation;
    - b. An explanation of the overall results, and;
    - c. A statement of the conclusions reached as to any exceptions, areas of concern or negative information obtained and if none were obtained, a statement to that effect.

#### H. Application Withdrawal

1. A vendor license applicant may withdraw its application at any time during the background investigation process and prior to decision by the CNGC by submitting a written request to the CNGC Licensing department.
2. Should an application be withdrawn, the applicant's Temporary License will be deactivated immediately and the applicant will cease to be eligible to conduct any further gaming or gaming-related business with any Enterprise under the jurisdiction of the CNGC, unless and until the vendor re-initiates the vendor licensing process; in such cases, re-initiation of the vendor licensing process will be treated as a new application under Section D.
3. The fee submitted with the vendor license application is non-refundable.
4. The Enterprise is authorized to pay for any goods or services received up to the date the application was withdrawn.

#### I. **SUITABILITY DETERMINATION**

1. The following standards shall apply to vendor applicants to determine the suitability to hold a vendor license ~~and the standards in which a suspension, denial, or revocation may be upheld~~, including but not limited to:

- a. ~~Based on the scope of the background investigation and findings, CNGC shall make a finding as to the suitability of vendors applying for a Vendor License with the Cherokee Nation. The suitability determination will be based on whether the vendor:~~
  - b. The vendor applicant Pposes a threat to the public interest or to the effective regulation of gaming;
  - c. The vendor applicant Ccreates or enhances the danger of unsuitable, unfair or illegal practices, methods and/or activities in the conduct or operation of gaming; ~~or;~~
  - d. The vendor applicant fails to meet the standards set forth in this document as a part of the background investigation; or,
  - e. The vendor applicant or any of the Vendor Principals fails to meet the standards set forth in this document as a part of the background investigation.
2. Authorized Vendor License
- a. Should the CNGC determine the business and Vendor Principals are suitable to hold a license, an Authorized Gaming or Gaming-Related Vendor License will be issued, which will be valid for a period of one (1) year.
  - b. An Authorized Gaming or Gaming-Related Vendor License must notify the CNGC of any Vendor Principals and any Vendor Agents that may be required to obtain a license within ten (10) business days of the hire in accordance with section J(1)(b)(iv).
3. If the CNGC ~~makes a determination that~~ determines a vendor applicant does not meet the preceding suitability standard or deems the applicant unsuitable at any time, the CNGC shall suspend the license and prepare and certify a “Preliminary Finding of Non-Suitability.” Notice of the suspension will be provided to the Enterprise; no additional business may be conducted with the applicant/licensee from the date of suspension.
4. A copy of the Preliminary Finding of Non-Suitability shall be sent to the vendor applicant/~~vendor~~ licensee via certified mail at the applicant’s home or business address together with an Order and Notice of Hearing, which shall inform the applicant of the date, time, and place of a hearing at which the applicant should appear and show cause why the Preliminary Finding of Non-Suitability should not be adopted by the CNGC and made final.
5. The Order and Notice of Hearing shall advise the applicant that, if the applicant fails to appear at the hearing and show cause, the Preliminary Finding of Non-Suitability will be adopted by the CNGC and a permanent and final finding and an Order of Denial or Revocation, as appropriate, shall be entered without further notice.
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6. If certified mail is returned as unclaimed, non-deliverable, or refused by the addressee, no further notice is necessary or required to be sent to the applicant by [the](#) CNGC.
7. The hearing shall be held in no less than five (5) and no later than thirty (30) ~~working~~ [business](#) days after the date on which the Preliminary Finding was entered.
8. [An applicant/licensee may request a continuance by submitting a written request to the CNGC no less than ten \(10\) business days from the date of the scheduled hearing. The request must provide justification for the continuance and identify a requested timeframe to reschedule the hearing.](#)
  - a. [A request for a continuance may be granted at the discretion of the CNGC and will be acted on and the decision communicated to the applicant/ licensee as soon as practicable.](#)
    - i. [If a continuance is granted, the timeframe provided in section I \(6\) above is deemed to have been met / held in abeyance pending a rescheduled hearing.](#)
    - ii. [If a continuance is not granted, the applicant/licensee is expected to attend the hearing as originally scheduled.](#)
  - b. [If the license of the applicant/licensee's is suspended, it will remain suspended and subject to the terms of the suspension.](#)
9. The hearing shall be conducted as provided for in Title 4 and/or as provided by [the](#) CNGC. At the conclusion of the hearing or as soon as practicable thereafter, [the](#) CNGC shall enter a final finding and an Order shall be entered.
10. [The](#) CNGC shall notify the ~~vendor~~ [applicant/licensee](#) and the gaming operation of the determination through [electronic mail or](#) certified first class mail, [or both](#).
11. The Enterprise is authorized to pay for goods or services received from the applicant/ licensee up to the date the license was suspended

## J. REPORTING REQUIREMENTS

### 1. [Vendor](#)

- a. [All applicants/licensees have a continuing duty and responsibility to present accurate information to the CNGC as prescribed in this Section. This shall include but not be limited to maintaining eligibility, qualifications, and suitability to be licensed under this Section, to provide information as requested by the CNGC, to cooperate with the CNGC in investigations, hearings, enforcement, disciplinary actions, and to comply with all of the CNGC's conditions, restrictions, requirements, orders, and rulings.](#)

- b. All applicants shall notify the CNGC within ten (10) business days of a material change in the information originally submitted by the applicant, or a change in circumstances, which may render the applicant ineligible, unqualified, or unsuitable to hold a license pursuant to this Section. A material change includes, but is not limited to:
  - i. Any changes to contact information or mailing address;
  - ii. Any arrests or criminal charges regardless of type within ten (10) calendar days of the occurrence; this report must come directly from the applicant/licensee;
  - iii. Any change to the legal name of the applicant by submitting the proper paperwork within five (5) calendar days of the action; and,
  - iv. Any change to the status of employment, such as transfers or status suspension, of any Vendor Principal, management official, or Vendor Agent individually licensed by the CNGC within five (5) days of the action.

## 2. ~~CNE~~ Enterprise

- a. ~~CNE~~ The Enterprise shall establish a company contact and develop procedures ensuring vendors are licensed per this Section and/or Chapter.
- b. All procedures and any modifications thereto shall be approved by the CNGC prior to their implementation.

## ~~3. CNGC~~

- a. ~~CNGC staff shall be required to will submit a recommendation for vendor licensing within forty five (45) days after the submission receipt of the Vendor License Packet, including the full fee amount.~~
- b. ~~Upon completion of the vendor background investigation, the CNGC staff shall prepare a confidential written recommendation memorandum for vendor licensing that shall set forth:~~
  - i. ~~A description of the type of company, type of license, and the service or product provided to the gaming operation;~~
  - ii. ~~An explanation of the overall results, and;~~
  - iii. ~~A statement of the conclusions reached as to any exceptions, areas of concern or negative information obtained and if none were obtained, a statement to that effect.~~

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- c. ~~The CNGC shall make the final determination of any applicant for a vendor license. The CNGC shall notify the vendor within fourteen (14) days of all determinations made on a license and report any action taken to the CNE contact as identified.~~

#### K. SUBMISSION TO THE STATE COMPLIANCE AGENCY

1. The CNGC shall forward quarterly licensing reports for any type of applicant to the State Compliance Agency via certified mail, pursuant to Part 10 of the Tribal-State Compact.
2. The State Compliance Agency, at its discretion and expense, may conduct its own background investigation of a vendor pursuant to Part 10 of the Tribal-State Compact.
3. Any background investigation completed by the State Compliance Agency shall be communicated to the CNGC and, upon the receipt of ~~our~~ written request submitted by the CNGC, a written report shall be submitted of the findings and conclusions.
4. The State Compliance Agency may object in writing to the licensing of any vendor by CNGC based upon the criteria set forth in Part 10 of the Tribal-State Compact.
5. The CNGC retains the final decision-making authority over the licensing of vendor companies, Vendor Principals, and Vendor ~~company~~ Agents.

#### L. RENEWALS

1. ~~Vendors holding Class A or C Licenses are required to submit a Vendor License Packet and license fees annually. Holders of a Gaming or Gaming-Related Vendor License are required to submit an updated Vendor License Packet and license fee annually.~~
2. ~~Vendors holding Class B Licenses are required to submit a Vendor License Packet and license fees biennially.~~
3. CNGC staff will distribute Renewal applications notices to licensed vendors will be distributed ninety- (90) days prior to the expiration date of the vendor's current an Authorized Vendor License. ~~T~~, in which the licensee is required to inform the CNGC of the following:
  - a. ~~Any changes to contact information within five (5) ten (10) days of the status change in writing;~~
  - b. ~~Any criminal activity or litigation, regardless of the type involving the company and/or the principal and management officials within five (5) ten (10) days of the occurrence;~~

- c. ~~Any change in the status and/or the operation of the company within ten (10) days of action;~~
- d. ~~Supply changes or amendments to the documents that were supplied during the initial application submission, as the resubmission of such documents are not required in the renewal application;~~
- e. ~~Any new licenses granted or denied by other regulatory agencies, and;~~
4. The CNGC shall review the licensee's eligibility using the same investigation and approval procedures as previously ~~stated~~ provided.
5. Individual Vendor Principal and Vendor Agent licenses will be renewed pursuant to the provisions in CNGC regulation Chapter V-B – Individual Gaming License.

#### M. VENDOR ACCESS TRACKING

1. The Enterprise shall establish and institute a system to track the arrival and departure of all persons entering any gaming facility on behalf of any vendor ~~in a work capacity, who do not individually hold a license or cannot physically present an identification card issued by CNGC. This~~ The system ~~shall~~ must be submitted to the CNGC for review and approval, including any subsequent changes and/or modifications prior to becoming effective.
2. The Enterprise must provide reports on arrivals and departures to the CNGC upon request.
3. ~~This Day Pass should be visibly displayed at all times while on casino grounds. CNE Enterprise Security personnel shall monitor vendor compliance with this requirement. This Day Pass will allow Vendor Agents access to the casino grounds, but they must be accompanied by CNE Enterprise personnel at all times.~~
4. ~~General System Requirements~~
  - a. ~~The system should capture basic demographic information on the visitor to include, but not limited to:~~
    - i. ~~Name~~
    - ii. ~~Company~~
    - iii. ~~Date~~
    - iv. ~~Purpose of the visit~~

- ~~5. Identification showing a photograph should be copied and attached to the demographic information.~~
- ~~6. The system should provide individually sequentially pre-numbered passes, wherein the numbers, or other adequate means of tracking as approved by the CNGC, are not reused.~~
- ~~7. The passes should be collected by security as the vendor representative leaves the property.~~
- ~~8. A comprehensive log should be kept by security. This log should be available for inspection by CNGC at any time and should be transmitted to CNGC Compliance Department at periodic intervals, as set forth by CNGC.~~
- ~~9. CNE shall provide notice of all computerized system malfunctions and the process to be followed in the event the system remains down for a period of one (1) hour or longer.~~

#### ~~N. ENFORCEMENT~~

- ~~1. CNGC reserves the right to take any action deemed necessary with regard to enforcement of this regulation.~~
- ~~2. CNE
  - ~~a. CNE is prohibited from conducting business with any vendor requiring a license from CNGC prior to the issuance of a Temporary License.~~
  - ~~b. If CNE is found to have violated the requirement of this policy and has initiated business with a vendor without them first receiving a Temporary License, CNGC, at its sole discretion, may assess a fine to CNE equal to an amount of double the cost of the Gaming License. This in no way relieves the vendor from the requirement to pay the fees associated with the gaming license. If after the assessment of a fine to CNE for conducting business with an unlicensed vendor, CNE continues to conduct business with the vendor before they receive a Temporary License, CNGC, at its sole discretion, may assess a fine of Twenty five Thousand Dollars (\$25,000.00). This fine may be assessed per occurrence.~~
  - ~~c. In the event of a License suspension, revocation, or denial, CNE contact will be notified within fourteen (14) days of the action. Following the suspension, or revocation, of a license CNE will have thirty (30) days to solicit a new vendor, or for the suspended vendor to cure the cause of the suspension.~~
  - ~~d. In the event CNE continues to conduct business with a vendor, which has had a Vendor License suspended, revoked, or denied after the thirty (30) day period; CNGC, at its sole discretion, may assess a fine of Twenty five Thousand Dollars (\$25,000.00). This fine may be assessed per occurrence.~~~~



### ~~3. Vendors~~

- ~~a. Any Vendor or Vendor Agents individually licensed by CNGC as a Class A Vendor, is prohibited from gaming at any casino under the jurisdiction of the Cherokee Nation for the duration of their license.~~
- ~~b. All Vendor Agents, whether or not they hold an individual license, must adhere to all CNGC rules, regulations, and directives, whether verbal or written.~~
- ~~c. Any Vendor who knowingly allows another person to access the casino by using their individual license, their license shall be immediately revoked and they shall be banned from any property regulated by CNGC.~~

### ~~4. Mitigation of Damages~~

- ~~a. CNE can mitigate their exposure to the system of fines if they institute a system to monitor vendors and their vendor licenses. If their system detects the initiation of business with an unlicensed vendor and business is halted as a result, CNGC will consider this in their determination of the appropriateness of assessing a fine.~~