

**OSF
STATE TRIBAL-GAMING ACT
TCA MONTIORING PROCEDURES (On Site)**

MONITORING PROCEDURE	Statute Ref	Initial & Date	W/P Ref	Comments
Casino Employees – Primary Management Officials and Key Employees				
1. Determine the following requirements have been met for Primary Management Officials and Key Employees: a. The application contains a Privacy Notice (25 CFR § 556.2) b. The application contains a Notice regarding false statements (25 CFR § 556.3) c. A background investigation was performed by the tribe (25 CFR § 556.4)	Section 22, Part 10, A1			
Casino Employees – Covered Game Employees				
2. Select a sample of current covered game employees and review their personnel files to determine that they do not meet any of the following criteria: a. Has been convicted of any felony or an offices related to any covered games or other gaming activities; b. Has knowingly and willfully provided false material, statements or information on his or her employment applications, or c. Is a person whose prior activities, criminal record, or reputations, habits, and associations pose a threat to the public interest or to the effective regulations and control or the conduct of covered games, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of covered games or the carrying on of business and financial arrangements incidental thereto.	Section 22, Part 10, Paragraph A6			
Renewed Employee Licenses for Casino Employees				
3. Select a sample of employees who's license expired during the period of review and perform procedures to ensure the information used to base the license on was reviewed and updated.	Section 22, Part 10, Paragraph A2			

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TCA Members & Employee Licenses				
4. Obtain and review listing of TCA members and Employees and ensure none function as covered games employees.	Section 22, Part 3, Paragraph 26			
5. Select a sample of TCA commission members/employees and obtain their personnel files. From a review of the files determine if a background investigation was performed and that the following information was obtained: a. Full name (including aliases); b. Social security number; c. Date and place of birth; d. Residential addresses for the past five (5) years; e. Employment history for the past five (5) years; f. Driver license number; g. All licenses issued and disciplinary charges filed, whether or not discipline was imposed, by any state or tribal regulatory authority; h. All criminal arrests and proceedings, except for minor traffic offenses, to which the applicant has been a party; i. A set of fingerprints; j. A current photograph k. Military service history; and l. Other information deemed necessary for a background investigation	Section 22, Part 3, Paragraph 26 and Part 7, Paragraph B			
6. Ensure TCA member/employee does not meet any of the following criteria: a. Has been convicted of any felony or an offices related to any covered games or other gaming activities; b. Has knowingly and willfully provided false material, statements or information on his or her employment applications, or c. Is a person whose prior activities, criminal record, or reputations, habits, and associations pose a threat to the public interest or to the effective regulations and control or the conduct of covered games, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of covered games or the carrying on of business and financial arrangements incidental thereto.	Section 22, Part 3, Paragraph 26 and Part 7, Paragraph B			

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Contract Vendors				
<p><i>The following steps apply to persons or entities (excluding attorneys or certified public accountant and their firms to the extent they are providing services covered by their professional licenses) and must be performed before the provision of goods or services.</i></p> <ul style="list-style-type: none"> • <i>Who provide (directly or indirectly) at least \$25,000 in goods or services to the enterprise in any twelve-month period;</i> • <i>Who has received (directly or indirectly) at least \$25,000 for goods or services provided to the enterprise in any consecutive twelve-month period within the immediately preceding twenty-four month period;</i> • <i>Who provides (directly or indirectly) at least \$25,000 through sale, lease, rental, or otherwise covered games, or parts, maintenance or services in connection therewith to the tribe or enterprise at any time in any amount.</i> 				
<p>7. Select a sample of gaming vendors and review the vendor files to determine if they have been properly licensed. Review the files to determine that contracted person(s) and company principals do not meet any of the following licensing requirements (a background investigation should be used to make this determination):</p> <ul style="list-style-type: none"> • Has been convicted of any felony or an offences related to any covered games or other gaming activities; • Has knowingly and willfully provided false material, statements or information on his or her employment applications, or • Is a person whose prior activities, criminal record, or reputations, habits, and associations pose a threat to the public interest or to the effective regulations and control or the conduct of covered games, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of covered games or the carrying on of business and financial arrangements incidental thereto. 	<p>Section 22, Part 10, Paragraph B1, B2, and A6</p>			
<p>8. Determine license information has been reviewed and updated at least every 2 years to ensure the person(s) and/or entities are still in compliance with the requirements stated in steps 16 and 18.</p>	<p>Section 22, Part 10, Paragraph B5</p>			
<p>9. Determine management contracts were approved by the Chair of National Indian Gaming Commission (25 CFR § 533)</p>	<p>Section 22, Part 10, Paragraph B7</p>			

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*The following steps apply to any person or entity extending financing (directly or indirectly) to the facility or enterprise in excess of \$50,000 in any twelve-month period shall be licensed **prior** to providing such financing. If the enterprise has not received financing, this section is N/A.*

<p>10. Ensure any person or entity (including principals of entity) who extends financing to the casino does not meet any of the following licensing requirements (a background investigation should be used to make this determination):</p> <ul style="list-style-type: none"> a. Has been convicted of any felony or an offences related to any covered games or other gaming activities; b. Has knowingly and willfully provided false material, statements or information on his or her employment applications, or c. Is a person whose prior activities, criminal record, or reputations, habits, and associations pose a threat to the public interest or to the effective regulations and control or the conduct of covered games, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of covered games or the carrying on of business and financial arrangements incidental thereto. 	<p>Section 22, Part 10, Paragraph C1</p>			
<p>11. Determine license information has been reviewed and updated at least every 2 years to ensure the person(s) and/or entities are still in compliance with the requirements stated in Steps 22 and 23.</p>	<p>Section 22, Part 10, Paragraph C1</p>			

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<i>Items maintained in Permanent File</i>				
12. Determine if any actual violations of Compact were submitted to OSF. Determine impact of violation on monitoring procedures and if additional procedures should be performed. <i>(NOTE: Compare listing to audit results to determine if some violations were not reported)</i>	Section 22, Part 7, Paragraph B			
13. Review written reports of investigations and actions taken related to violations of the Compact <i>(NOTE: These should be sent to OSF within 15 days of report filing)</i> . Determine impact of violations on the monitoring procedures and if additional procedures should be performed.	Section 22, Part 7, Paragraph B			
14. Determine if any new facilities have been opened since the effective date of the Compact. If so, were these facilities included in audits? Have the Internal Controls been reviewed? Consider if additional procedures for this facility(s) needs to be performed.	Section 22, Part 5, Paragraph L			
15. Determine if any tort claim notices were filed. If so, perform necessary procedures to ensure compliance with Compact.	Section 22, Part 6			
16. Determine if any prize claim notices were filed. If so, perform necessary procedures to ensure compliance with Compact.	Section 22, Part 6			
17. Review listing of covered games for the facility and ensure it was certified using one of the following methods: a. The game has been certified by an independent testing laboratory; b. The game was certified by the OHRC , which was obtained by an organization licenses pursuant to the Act c. The game was certified by another tribe, which has entered into the Compact.	Section 22, Part 4, Paragraph B			