



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JAN 19 1995


Honorable John S. Loran
Honorable Norman J. Tarbell
Honorable Philip H. Tarbell
Chiefs, St. Regis Mohawk Tribe
Community Building
Hogansburg, New York 13655

Dear Chiefs:

On November 30, 1994, we received the Amendment to the Tribal-State Compact Between the St. Regis Mohawk Tribe (Tribe) and the State of New York (State) (Compact) dated November 22, 1994. We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to my delegated authority and Section 11 of the IGRA, we approve the Amendment. The Amendment shall take effect when the notice of our approval, pursuant to Section 11 (d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER.

We wish the Tribe and the State success in their economic venture.

Sincerely,


Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures

Identical letter sent to: Honorable Mario Cuomo
Governor of New York
Capital Building
Albany, New York 12247

AMENDMENT
to the
TRIBAL-STATE COMPACT
between the
ST. REGIS MOHAWK TRIBE
and the
STATE OF NEW YORK

The Tribal-State Compact between the St. Regis Mohawk Tribe and the State of New York governing Class III gaming activities on lands of the Tribe is amended pursuant to the provisions of Section 13 of the Compact and the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §2701 et seq.,

WITNESSETH

WHEREAS, the St. Regis Mohawk Tribe and the State of New York have previously agreed to a Compact governing the conduct of Class III gaming activities on the lands of the Tribe pursuant to the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §2701 et seq., which Compact was duly executed and approved by the Assistant Secretary of the Interior for Indian Affairs, and notice of such approval was published in the Federal Register of December 13, 1993 (58 Fed. Reg. 65272); and

WHEREAS, the St. Regis Mohawk Tribe and the State of New York have mutually agreed, pursuant to Section 13 of the Compact and within the parameters established by the Indian Gaming Regulatory Act, to amend certain provisions of the Compact;

NOW, THEREFORE, The St. Regis Mohawk Tribe and the State of

New York do agree to amend subdivision (a) of Section 4, Section 5 and Section 6 of the Compact to read as follows:

SECTION 4. Law Enforcement Matters Relating to Class III Gaming

(a) State criminal jurisdiction. Nothing in this Compact shall alter the jurisdiction of the Tribe or the State over Indian land as provided by applicable law. The state Law Enforcement Agency shall not enforce laws prohibiting Class III gaming provided such gaming is conducted pursuant to the terms of this Compact. Jurisdiction is retained over any form of Class III gaming not conducted pursuant to the terms of this Compact. Enforcement of the provisions of this Section shall encompass, but not be limited to, gaming facilities, auxiliary facilities, parking area and grounds.

SECTION 5. Licensing of Gaming Employees.

(a) Requirements for gaming employee licensing. No person may commence or continue employment as a gaming employee unless such person is the holder of a valid current gaming employee license issued by the Tribal Gaming Agency in accordance with the provisions of this Section. Officers and inspectors employed by the Tribal Gaming Agency shall be required to obtain gaming employee licenses.

(b) Procedure for license application. Each applicant for a gaming employee license shall submit a completed license application in quadruplicate to the Tribal Gaming Operation, on

forms prescribed by the Tribal Gaming Agency and the State Gaming Agency and provided by the Tribal Gaming Agency. The completed gaming employee license application shall contain such information, documentation and assurances as may be required by the Tribal Gaming Agency and State Gaming Agency concerning the applicant's personal and family history, personal and business references, criminal conviction record, business activities, financial affairs, gaming industry experience, gaming school education and general educational background. The Tribal Gaming Agency shall retain one (1) copy and forward one (1) copy to the Tribal Gaming Operation and two (2) copies of such application to the State Gaming Agency. The applications submitted to the State Gaming Agency pursuant to the provisions hereof shall be accompanied by a nonrefundable fingerprint processing fee established by the State Gaming Agency, two (2) sets of the applicant's fingerprint card(s), two (2) current photograph(s) and a release signed by the applicant authorizing a background investigation in a form as required by the State Gaming Agency and Tribal Gaming Agency.

(c) License fees. The Tribal Gaming Agency may assess a fee for processing the gaming employee license application and for each renewal. Such fee(s) shall be made payable to the Tribal Gaming Agency upon submission of the application.

(d) Investigation of applicants. The State Gaming Agency shall promptly forward a copy of the gaming employee license application, one photograph and release to the State Law Enforcement Agency which shall conduct a background investigation

of the applicant. The State Gaming Agency shall forward the fingerprint cards and the appropriate fingerprint processing fee to the Division for a fingerprint-based search of the State criminal history record files and for forwarding to the Federal Bureau of Investigation for a fingerprint-based search of the Federal criminal history record files. The State Law Enforcement Agency shall, as soon as is practicable after conclusion of its background investigation, report its findings to the State Gaming Agency. The Division shall forward the results of the criminal record searches to the State Gaming Agency and shall maintain the fingerprint records on a full search and retain basis until such time as the Division is notified that such person is no longer employed in Class III gaming.

(e) Action by Gaming Agencies.

(A) Action by the Tribal Gaming Agency.

1. The Tribal Gaming Agency may deny a gaming employee license to any applicant who:

- a. is under the age of 18;
- b. has been convicted of a felony;
- c. has been convicted of any form of bookmaking or other form of illegal gaming;
- d. has been convicted of any fraud or material misrepresentation in connection with gaming;
- e. has been found through a final administrative determination to have violated any law, rule or regulation relating to gaming for which termination of

employment or revocation of license might be imposed;

f. has otherwise been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods, and activities in the conduct of the gaming permitted pursuant to this Compact; or

g. has failed to provide any information reasonably required to investigate the applicant for a gaming employee license or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application.

2. Any information received by the Tribal Gaming Agency bearing upon the eligibility of any applicant or licensee for license shall be submitted immediately to the State Gaming Agency.

3. In the case of an approval, the written notice of such approval and a license prescribed by the Tribal Gaming Agency shall be issued to the applicant. In the case of a denial, the notice shall be sent to the Tribal Gaming Operation, State Gaming Agency and to the Applicant. The notice of denial shall set forth the reason(s) for such action.

4. The Tribal Gaming Agency shall deny a license to any

applicant for a position as a gaming employee who is denied certification by the State Gaming Agency.

(B) Action by the State Gaming Agency.

1. The State Gaming Agency may deny a gaming employee certification to any applicant who:

- a. is under the age of 18;
- b. has been convicted of a felony;
- c. has been convicted of any form of bookmaking or other form of illegal gaming;
- d. has been convicted of any fraud or material misrepresentation in connection with gaming;
- e. has been found through a final administrative determination to have violated any law, rule or regulation relating to gaming for which termination of employment or revocation of license might be imposed;
- f. has otherwise been determined to a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods, and activities in the conduct of the gaming permitted pursuant to this Compact; or
- g. has failed to provide any information reasonably required to investigate the applicant for a gaming employee certification or to reveal any fact material to such application, or has furnished any

information which is untrue or misleading in connection with such application.

2. Any information received by the State Gaming Agency bearing upon the eligibility of any applicant for license or licensee shall be submitted immediately to the Tribal Gaming Agency.

3. In the case of an approval, the written notice of such approval and a license prescribed by the Tribal Gaming Agency shall be issued to the applicant. In the case of a denial, the notice shall be sent to the Tribal Gaming Operation, State Gaming Agency and to the Applicant. The notice of denial shall set forth the reason(s) for such action.

(f) Duration of Certification and License: Provision for Temporary Certification and Licensing.

1. Duration of license. The Tribal Gaming Agency, in its sole discretion, may issue or refuse to issue a license to any applicant who has received a certification from the State Gaming Agency. Any gaming employee certification or license issued by the State Gaming Agency or Tribal Gaming Agency, respectively, shall be effective for not more than one year unless a longer period is prescribed by the State Gaming Agency; provided, that a licensed employee who has timely and properly applied for renewal may continue to be employed under the expired certification and license until final action is taken on the renewal application by the State Gaming Agency.

Upon termination of a licensee's employment, the Tribal Gaming Agency shall immediately give written notice of termination to the State Gaming Agency which shall promptly notify the Division.

2. Temporary Licensing and Certification. The Tribal Gaming Operation may request the Tribal Gaming Agency to issue a temporary license for any applicant. In that event, the Tribal Gaming Agency shall request the State Gaming Agency to issue a temporary certification and submit the relevant application, including the applicant's fingerprints, to the State Gaming Agency. The State Gaming Agency shall issue a temporary certification for any applicant whose application discloses no grounds reasonably sufficient to disqualify him or her in the judgment of the State Gaming Agency and the State Gaming Agency's fingerprint (or other) check with the Division does not disclose grounds for denial of certification. All applications for temporary certification shall be granted or denied within twelve (12) working days of the request by the Tribal Gaming Agency and receipt by the State Gaming Agency of the completed application and related documents. The Tribal Gaming Agency may issue a temporary license provided that the State Gaming Agency has issued a temporary certification to the applicant. The temporary gaming certification and temporary gaming license shall remain in effect, until suspended or revoked or upon the issuance or denial of annual certification. If the State Gaming Agency

denies issuance of a temporary certification, it shall notify the Tribal Gaming Agency setting forth the reason(s) for the denial in writing. Such denial may not interrupt the processing of the application for an annual certification and license unless such application is withdrawn by the Tribal Gaming Agency or Tribal Gaming Operation.

(g) Renewal of Certification and License. An applicant for certification and license renewal shall submit a renewal application in quadruplicate to the Tribal Gaming Agency on forms prescribed by the Tribal Gaming Agency and the State Gaming Agency which shall not require the applicant to furnish historical data previously submitted. The Tribal Gaming Agency shall forward one (1) copy to the Tribal Gaming Operation and forward two (2) copies of the renewal application to the State Gaming Agency which shall forward a copy to the State Law Enforcement Agency for its review. No additional background investigation of an applicant for renewal shall be required unless new information concerning the applicant's suitability or eligibility for certification and licensing is received by the Tribal Gaming Agency or the State Law Enforcement Agency. The State Gaming Agency shall issue a renewal certification unless the new information is sufficient to disqualify the applicant pursuant to subsection (e) (B) (1) of this Section. A copy of the renewal certification shall be sent to the Tribal Gaming Agency. The Tribal Gaming Agency may, in its discretion, renew the license of any employee who meets the qualifications of this Section and is recertified by the State

Gaming Agency. The Tribal Gaming Agency shall notify the State Gaming Agency of its grant or denial of any renewal license.

(h) Denial, suspension or revocation of certification and license. Upon a denial of an initial gaming employee license certification the State Gaming Agency shall notify in writing, the applicant, the Tribal Gaming Agency, and the Tribal Gaming Operation. The notice shall set forth the reason(s) for the denial. The action of the State Gaming Agency in denying an initial gaming employee certification is reviewable pursuant to Article 78 of the New York Civil Practice Laws and the Rules upon petition of the applicant. The State Gaming Agency may suspend, revoke or deny a renewal of any gaming employee certification for any violation of this Compact or if new information concerning facts arising either prior to or since the issuance of the initial certification, or any renewal thereof, comes to the attention of the State Gaming Agency which information would justify denial of such initial certification. No gaming employee certification or renewal of certification shall be suspended, revoked or denied except after notice and hearing prescribed by the State Administrative Procedures Act and may be reviewable pursuant to such administrative procedures. Upon a denial of an initial license application, the Tribal Gaming Agency shall notify in writing, the applicant, the Board and the Tribal Gaming Operation. The notice shall set forth the reason(s) for the denial. The Tribal Gaming Operation may suspend, revoke or deny a renewal of any gaming employee license or any violation of this Compact or

Tribal ordinances or if new information concerning facts arising either prior to or since the issuance of the initial license, or any renewal thereof, comes to the attention of the Tribal Gaming Agency, which information would justify denial of such initial license. The Tribal Gaming Agency shall immediately notify the Board of every denial, suspension and revocation of a gaming employee license.

(i) Display of license. The license issued by the Tribal Gaming Agency shall be carried on the person of the licensee in a manner prescribed by the Tribal Gaming Agency at all times while at the Gaming Facility. The license shall be surrendered to the Tribal Gaming Agency upon license suspension, revocation or upon termination of employment.

(j) Identification badges. The Tribal Gaming Agency shall issue serially numbered identification badges to all licensed gaming employees. No person shall have access to any area restricted to employees in a Gaming Facility without having an authorized and valid identification badge issued by the Tribal Gaming Agency prominently appended to the approved location on the licensee's outer garment. The Tribal Gaming Agency shall code the design, color(s), wording and lettering of the identification badge in accordance with job title of the employee. Such identification badge shall remain the property of the Tribal Gaming Agency and must be surrendered by the licensed gaming employee upon the demand by any authorized Tribal Gaming Agency representative where such employee has been suspended, charged or discharged for violation of

any applicable law of the Tribe, the United States or the State, or has terminated his or her employment. The name of each badge recipient, the employment position, badge number and assigned code shall be forwarded to the State Gaming Agency and Tribal Gaming Operation.

(k) Investigation of non-gaming employees. The State and Tribal Gaming Agencies may investigate misconduct of employees of the Tribe or an Enterprise who are not gaming employees but who are employed in ancillary facilities located within the same building as any Gaming Facility, and such employees shall be terminated by the Tribe or an Enterprise from such employment upon notification by the State or Tribal Gaming Agencies to the Tribal Gaming Operation that their conduct in the course of their employment in such ancillary facilities pose a threat to the effective regulation of gaming or create or enhance the dangers of unfair or illegal practices, methods and activities in the conduct of gaming, subject to the same rights of appeal as are provided in sub-section (h) of this Section.

SECTION 6. Registration of Gaming Service Enterprises.

(a) Requirement for registration. No enterprise may provide gaming service, gaming supplies or gaming equipment to the Tribal Gaming Operation unless it is the holder of a valid gaming service registration issued by the State Gaming Agency in accordance with the provisions of this Section.

(b) Procedure for registration. Each applicant for a gaming

service registration shall submit, on forms prescribed by the State Gaming Agency, a completed registration application in quadruplicate to the Tribal Gaming Agency, two (2) copies of which the Tribal Gaming Agency shall forward to the State Gaming Agency and one (1) copy to the Tribal Gaming Operation. The gaming registration application shall contain such information, documentation and assurances as may be required by the State Gaming Agency, including identification of all of the applicant's principals. Each principal shall submit a completed informational form in quadruplicate along with the gaming service registration application which shall contain the principal's personal, business and family history, personal and business references, criminal conviction record, business activities, financial affairs, prior gaming industry experience, source of funds used to acquire an interest in the enterprise and general educational background. The informational form shall include a signed release on a form prescribed by the State Gaming Agency authorizing a background investigation, two (2) sets of fingerprint cards with the appropriate fingerprint processing fee which is not refundable and two (2) current photographs.

(c) Fees. Each initial application for registration or renewal shall be accompanied by an application processing fee payable to the Tribal Gaming Agency in an amount set and retained by the Tribal Gaming Agency.

(d) Investigation of applicants The State Gaming Agency shall forward a copy of the application and informational form(s)

and one photograph of each principal to the State Law Enforcement Agency which shall conduct background investigations of the applicants. The State Gaming Agency shall forward the fingerprint cards and the appropriate fingerprint processing fees to the Division for a fingerprint-based search of the State criminal history record files and for forwarding to the Federal Bureau of Investigation for a fingerprint-based search of the Federal criminal history record files. The State Law Enforcement Agency shall report the results of its investigation to the State Gaming Agency. The Division shall forward the results of the criminal record searches to the State Gaming Agency and shall maintain the fingerprint records on a full search and retain basis until such time as it is notified that such gaming services registrant and principals are no longer involved in Class III gaming operated by the Tribe; such notification shall occur immediately following the termination of such Class III gaming activity.

(e) Action by State Gaming Agency.

1. The State Gaming Agency shall issue a registration to any gaming service enterprise unless it:

- a. has been convicted of a felony;
- b. has been convicted of any form of bookmaking or other forms of illegal gambling;
- c. has been convicted of any fraud or material misrepresentation in connection with gaming;
- d. has been found through a final administrative determination, to have violated any law, rule or

revocation of registration might be imposed;

e. Has otherwise been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming permitted pursuant to this Compact;

f. has failed to provide any information reasonably required to investigate the application for registration or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application; or

g. has a principal who is disqualified by virtue of sub-paragraphs a,b,c,d, e or f of this subsection or is under the age of 18.

2. Upon approval of the application, the State Gaming Agency shall issue a gaming service registration and send appropriate written notice to the applicant, the Tribal Gaming Agency and the Tribal Gaming Operation. In the event that the State Gaming Agency denies a registration application, the State Gaming Agency shall notify in writing the applicant, the Tribal Gaming Agency and the Tribal Gaming Operation of the reason(s) for the denial.

(f) Temporary gaming service registration. The State Gaming

Agency shall, upon request of the Tribal Gaming Agency, issue a temporary gaming service registration pending the processing of the application for gaming service registration and informational form(s); (i) when there are no grounds apparent on the face of the application or informational form(s) sufficient to disqualify the application and upon the satisfactory results of a fingerprint (or other) check of each principal made by the Division at the request of the State Gaming Agency; or (ii) when the application is registered as a gaming enterprise in Connecticut or New Jersey. All applications for temporary registration shall be granted or denied within twelve (12) business days of the request by the Tribal Gaming Agency and receipt by the State Gaming Agency of the completed application and related documents. The temporary registration shall remain in effect until suspended or revoked or upon issuance or denial of an annual registration. If the State Gaming Agency refuses to issue a temporary registration it shall notify the Tribal Gaming Agency setting forth the reason(s) for refusal in writing. Such denial shall not interrupt the processing of the application for annual registration unless such application(s) is withdrawn by the applicant or the Tribal Gaming Agency.

(g) Duration of registration. Any gaming service registration issued by the State Gaming Agency shall be effective for not more than one year unless a longer period is prescribed by the State Gaming Agency; provided, that a registrant or principal(s) that has timely and properly applied for a renewal may

continue to provide services, supplies or equipment or be associated with the registrant under an expired registration until final action is taken upon the renewal application and informational form(s) by the State Gaming Agency.

(h) Renewal of gaming service registration. A renewal applicant and its principals shall submit a renewal application and information form(s) in quadruplicate to the Tribal Gaming Agency on forms prescribed by the State Gaming Agency. An applicant and its principals shall not be required to resubmit historical data previously furnished. The renewal application and informational form(s) shall be reviewed by the Tribal Gaming Agency and two (s) copies forwarded to the State Gaming Agency and one (1) copy to the Tribal Gaming Operation. The State Gaming Agency shall forward one copy to the State Law Enforcement Agency. No additional background investigation of an applicant for renewal shall be required unless new information concerning the applicant's continuing suitability or eligibility for a registration license is received by the State Gaming Agency, the State Law Enforcement Agency, the Tribal Gaming Agency and the Tribal Gaming Operation. The State Gaming Agency shall renew a gaming service registration unless the new information is sufficient to disqualify the renewal applicant pursuant to subsection (e) of this Section.

(i) Display of registration and badge. Registration shall be in a form prescribed by the State Gaming Agency and shall be in the possession of the registered gaming service enterprise at all times when at a gaming facility. Each employee or principal of the

registered enterprise while at Gaming Facility in a representative capacity shall wear a badge prescribed and issued by the Tribal Gaming Agency identifying that person as an employee or principal of the registrant unless such employee or principal has been licensed as a gaming employee in which case the employee or principal shall wear an identification badge as prescribed in Section 5(k). Upon issuance of the badge, the name of the registrant, the name of the recipient and the badge number shall be forwarded to the State Gaming Agency and the Tribal Gaming Operation. In the event of a suspension or revocation of the registration, the registration shall be surrendered to the State Gaming Agency and all badges surrendered to the Tribal Gaming Agency.


(j) Denial, revocation or suspension of registration and appeal. Upon a denial of an initial registration application the State Gaming Agency shall notify in writing, the applicant, the Tribal Gaming Agency and the Tribal Gaming Operation. The notice shall set forth the reason(s) for the denial. The action of the State Gaming Agency in denying an initial application may be reviewable pursuant to Article 78 of the New York Civil Practice Laws and Rules in the State Supreme Court upon petition by the application. The State Gaming Agency may suspend or revoke any registration or deny a renewal of any registration for any violation of this Compact or if new information concerning facts arising either prior to or since the issuance of the initial registration or any renewal thereof including the eligibility of

any principal, comes to the attention of the State Gaming Agency which information would justify denial of such initial registration, or any renewal thereof. No registration shall be suspended or revoked or renewal denied except after notice and hearing under the State Administrative Procedures Act and may be reviewable pursuant to Article 78 of the New York Civil Practice Laws and Rules upon petition by the registrant. The State Gaming Agency shall have the authority to summarily suspend a registration pursuant to such administrative procedures. The State Gaming Agency, the State Law Enforcement Agency and the Tribal Gaming Agency may investigate any person or entity who holds a registration, or any principal thereof, at any time. Any information which comes to the actual attention of the Tribal Gaming Agency or the Tribal Gaming Operation bearing upon the eligibility of any application, registrant or principal must be submitted immediately to the State Gaming Agency.



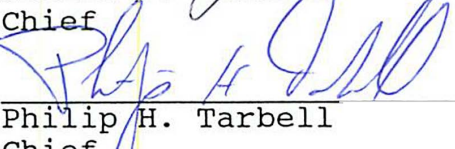
(k) Investigation of non-gaming enterprises. Any enterprise which provides services, supplies or equipment to a Tribal Gaming Operation other than gaming services, supplies or gaming equipment in a total amount exceeding the sum of \$50,000.00 in a single twelve month period shall be identified by the Tribal Gaming Agency to the State Gaming Agency and shall agree to cooperate with the State Gaming Agency and the State law Enforcement Agency in any investigation deemed necessary by either such agency relative to the fitness of such enterprise to engage in business with the Tribal Gaming Operation. The Tribal Gaming Agency or State Gaming

Agency may bar such enterprise from providing supplies, services or equipment to the Tribal Gaming Operation upon a determination that such enterprise or a principal thereof is a person or entity whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the dangers of unfair or illegal practices, methods and activities in the conduct of gaming; provided, however, that such enterprise may appeal such determination in the manner provided pursuant to subsection (j) of this Section.


NEW YORK STATE

By 
Mario M. Cuomo
Governor
11/22/94
Date

ST. REGIS MOHAWK TRIBE

By 
John S. Loran
Chief
By 
Norman J. Tarbell
Chief
By 
Philip H. Tarbell
Chief
11 4-94
Date

APPROVED


ADA E. DEER
ASSISTANT SECRETARY - INDIAN AFFAIRS

JAN 19 1995
Date