

Chapter 03 Vendor Licensing

0301 Applicability

A. Introduction.

Under the Gaming Regulatory Act, the Agency is delegated the authority and responsibility to regulate vendors providing goods or services to Gaming Operations within the Tribe's jurisdiction. These regulations further define the protocols related to vendor licensing and oversight.

B. Types of Vendors.

Pursuant to Gaming Regulatory Act Section §8.5-40B, the Agency has the power to license vendors of goods or services that contract with the Gaming Operation. No Person shall provide goods or services related to a Gaming Operation, or in another manner shall carry on business-related activities of a Gaming Operation, its employees, or agents, unless it holds a current Vendor License, or has received an exemption from the Agency. Types of vendors are Gaming Vendors and Non-Gaming Vendors.

A Gaming Vendor is defined as any vendor which meets one or more of the following criteria:

1. Manufactures, sells, leases, supplies or distributes Gaming Devices, Gaming Equipment or Supplies as defined by GRA Section §8.5-12
2. Provides maintenance services or repairs Gaming Equipment, including all Gaming Devices; or
3. Provides those other services that the Agency has determined are used in or are incidental to Gaming, or to an activity of a Gaming Operation and that, therefore, require a license from the Agency in order to protect the trust, credibility and integrity of Gaming within the jurisdiction of the Tribe;

Non-Gaming Vendor is defined as any vendor that provides goods or services to the Gaming Operation that is not considered a Gaming Vendor.

Engaging in activities without first obtaining the required license, or after the license has expired, been rescinded, suspended, or revoked, is a violation of the Gaming Regulatory Act and these Regulations. All vendor applications are subject to review at any time. If it has been determined that the Gaming Operation has no immediate use or plan to purchase from a Vendor, the Agency shall reject applications based on a lack of business need.

0302 General Rights and Duties of Applicants

Approval of a License by the Agency constitutes an agreement on the part of the licensee to be bound by these Regulations and the Gaming Regulatory Act as the same now are or hereafter may be amended or promulgated. The Agency may Suspend, Restrict, or Revoke any License issued under the Gaming Regulatory Act and/or these Regulations.

Applicants are required to provide or perform the following:

1. Responsibility to establish qualifications. An applicant for any license or license renewal required by the Gaming Regulatory Act and these regulations has the burden of proving by clear and convincing evidence that all standards and other requirements applicable to such license are met. No license shall be granted to any applicant who fails to meet all applicable licensing standards and requirements.
2. Duty to disclose and cooperate. It shall be the responsibility and continuing duty of each applicant/licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, or other materials required or requested by the Agency and to cooperate with the Agency in the performance of its duties. Failure to furnish same after receipt of request shall constitute grounds for delaying consideration or denial of the application.
3. Licensee's continuing duty to promptly furnish information. Licensees shall promptly notify the Agency of any occurrence or event in its business or in the lives' of Licensee's Control Persons which constitutes a material change in any information provided in the licensee's application. The failure to promptly report (within 72 hours of occurrence) such information or refusal to comply with a request by the Agency for information, evidence, or testimony may be considered grounds for the suspension, restriction, or revocation of a license.
4. Waiver of liability for disclosure of information. Applicants/licensees accept and assume all risks of harm from any public disclosure of information related to the licensing process. Applicants/licensees expressly waive any claims against the Agency and the Tribe as well as any person that furnishes information in good faith to the Agency in any matter relating to the licensing process.
5. Consent to examination of accounts and records. Each applicant/licensee shall, in writing, consent to the examination of all bank accounts, contracts, and other records, whether held in the possession or under the control of the applicant/licensee or a third party. Furthermore, the applicant/licensee shall authorize and direct all third parties in possession or with control of such accounts or records to allow the Agency to audit and examine such records as the Agency deems necessary.
6. Right to audit. In addition to access for examination of accounts and records, each licensee shall be deemed to have given consent for the Agency to conduct audits of goods and services provided, contracts, and to ensure adherence to tribal internal control standards applicable to the goods and services the vendor is providing.
7. Consent to jurisdiction. Any person who applies for a license under the Gaming Regulatory Act shall be deemed to have given consent to the jurisdiction of the Tribe, the Agency, and the Tribal Court and to have waived all available defenses against such jurisdiction. Nothing in these regulations shall limit the jurisdiction of the Tribe, the Agency, or the Tribal Court under any circumstances, except as explicitly stated herein.

303 Application

Each entity/individual applying for a Vendor License must submit to the agency:

1. An application on a form issued by the Agency as required in GRA Section §8.5-73
2. An application for each control person
3. A listing of any field technician or other staff conducting business on-site
4. The amount of fees to be paid is as provided in these regulations

For each control person seeking licensure, the entity/individual must also submit to the Agency a completed application. A control person is anyone who has directly or indirectly any interest in or is the owner of more than ten percent (10%) of the applicant, is a member of the Board of Directors of the applicant, except such director who, in the opinion of the Agency, is not significantly involved in or connected with the administration of the applicant; or any other person who the Agency considers should be qualified in conjunction with the application

Each control person must submit an application that will include at minimum the following information:

1. Completed authorizations and releases.
2. Personal data and contact information.
3. Copies of official identifications:
4. Current photograph
5. Listings of litigations and criminal proceedings
6. Listing of gaming licensures including jurisdictions and expiration dates
7. And any other information requested from the Agency on the application

The listing of field technicians or other staff conducting business on-site shall include the names and nature of their on-site business to the Agency. A field technician is defined as anyone who will be providing services or conducting business within a Gaming Operation on behalf of a Gaming or Non-Gaming Vendor. As determined by the Agency, the field technicians may be required to apply for a technician license. At a minimum, any field technician who is tasked with providing Gaming Services, including setup and repair of Gaming Devices, is required to be approved for a technician license.

All those needing technician applicants will be required to complete an application that will include

1. Completed authorizations and releases.
2. Personal data and contact information.
3. Copies of official identifications:
4. Listings of litigations and criminal proceedings

Technician Licensees are to be held to the same standards for issuance of a gaming employee license in GRA Section §8.5-60.

0304 License Fees

Any obligation for payment of fees arising from these Regulations shall be paid in full even when the Applicant withdraws its Application for a Vendor License. All fees arising from these Regulations shall not be refunded.

Fee Schedule (as of 08/01/2023)

Gaming Vendor

Initial Application \$3,000

Renewal Application \$1,500

Gaming Field Technicians

Initial Application \$100

Renewal Application \$50

Non-Gaming Vendor

Initial Application \$500

Renewal Application \$250

The Agency reserves the right to increase, decrease, waive, or otherwise amend the License Fee schedule and structure, with 60-day written notice to impacted applicants and licensees.

Any Tribal Business, as defined in §5.4-5 NHBP Indian Preference in Contracting Code, shall be eligible for fee waivers in accordance with this provision.

0305 Approval

When the Agency determines that the applicant qualifies for the issuance of a license without any conditions, the Agency shall approve the application and issue a license. The Agency will send notice to the Vendor and the Gaming Operation, including confirmation of approval, a unique number assigned for correspondence with Gaming Operations, and the date of expiration.

0306 Denial or Conditional

If the Agency determines that an Applicant does not, or may not, qualify for the issuance of a license, or may qualify for a Gaming License only with certain conditions, the Agency shall notify the applicant of intent to deny and, upon the applicant's request, shall schedule a hearing in accordance with procedures specified in GRA Section §8.5-99 *et seq.*

0307 Terms of License

Vendor Licenses and individual Technician licenses issued by the Agency shall be for a period not to exceed two years. Notwithstanding the provisions of paragraph (a) above, the Agency may, as it may deem necessary, issue any license for a shorter period.

Renewals

Each Vendor License Renewal Application shall be filed no later than sixty (60) days prior to the expiration date of said License. The Vendor Renewal Application shall be submitted with appropriate renewal fees to be paid.

0308 Suspension or Revocation of Vendors License

Any of the following reasons shall be considered sufficient cause for the suspension or revocation of a Vendor's license:

1. Violation of any provision of the Act or the Regulations;
2. Conduct that would disqualify the Applicant, or any other person, required to be qualified by the Agency;
3. Failure to comply with any applicable laws or Regulations
4. The Licensee or applicant has been formally charged with any offense that may disqualify them from holding a license under these regulations.
5. The material deviation of any representation made in the application for the Vendor.

Notwithstanding the provisions of subparagraph (a) above, any other cause that the Agency deems reasonable shall be considered sufficient cause for the suspension, denial of renewal or revocation of a Vendor License.

0309 Exemptions

The Agency may grant certain exemptions to Vendor License requirements. A request for exemption must be submitted in a manner approved by the Agency. Requests for exemption must be submitted and approved before the vendor can provide goods or services. Failure to request the exemption before use may result in enforcement action per these regulations.

The Agency will review exemption requests and grant approval as necessary. The Agency may, at its discretion, limit the exemption to one specific purchase, for a period of time or with an expense maximum. Requests for use beyond the exemption may result in the vendor being required to apply for Vendor License.

The Agency will notify the Gaming Operation of approval of the exemption. If an exemption is not granted, the vendor will be required to apply for a Non-Gaming Vendor License.

Vendors who are providing Gaming Services are not eligible for any exemptions. Examples of Vendors that may receive exemption status are:

1. Non-Gaming Vendors who will provide less than \$50,000 of goods or services to a Gaming Operation in any twelve-month period
2. Local, State, and Federal governmental agencies, including the United States Postal Service, to the extent the entity provides services related to its governmental agency function to a Gaming Operation

3. A Person or field of commerce that is subject to regulatory oversight and a due diligence investigation by another regulatory agency that is satisfactory to the Agency, including public utilities and accredited higher education institutions, to the extent that the services provided to the Gaming Operation involve regulated activities
4. An insurance company licensed or authorized to transact business to the extent that it provides insurance-related services to a Gaming Operation.
5. A federally chartered depository financial institution to the extent that it provides financial-related services to a Gaming Operation.
6. A Person or entity that provides professional legal or accounting services to a Gaming Operation to the extent that it provides financial-related services to a Gaming Operation
7. A medical corporation, partnership, sole proprietorship, or other business entity, to the extent that the Applicant provides medical-related services to a Gaming Operation.
8. A professional entertainer, sports figure, or other celebrity engaged by a Gaming Operation to appear at a special entertainment or promotional event sponsored by the Gaming Operation or the Agent or promoter of a professional entertainer, sports figure, or celebrity, provided that such Agent or promoter does not otherwise provide services to the Gaming Operation on a regular and continuing basis.
9. A Person who provided facilities, promotion, or advertising to a Gaming Operation and is one of the following:
 - A. A media outlet (defined as a newspaper, a magazine, an outdoor advertising business, or a radio or television outlet).
 - B. A provider of a facility or a host or sponsor of an event that presents advertising on behalf of or promotes a Gaming Operation, including but not limited to theaters, ballrooms, halls, arenas, parks, stadiums, golf courses, and other entertainment, recreational, and sports facilities.
 - C. A provider of a facility that provides entertainment, recreational, or hospitality services to a Gaming Operation and is a theater, ballroom, hall, arena, park stadium, golf course, or special event venue
10. Any other vendor that the Agency determines is suitable for approval of exemption and would not need to complete the Non-Gaming Vendor application process.

Exempt entities must comply with the Gaming Regulatory Act and regulations.

0310 Master Vendor List

The Agency shall maintain a master vendor list of all vendors doing business with the Gaming Operation. An approved master vendors list will be maintained by the Agency and will be comprised of all vendors with temporary or permanent License approval or confirmed exemption to engage in business transactions with the Gaming Operation.

The Agency shall also maintain a prohibited vendor list, which shall include all vendors who are not licensed or who are otherwise prohibited from conducting business with a Gaming Operation. The Agency shall provide this list to the Gaming Operation upon request. Engaging in business with a vendor on the prohibited vendor list by a Gaming Operation may result in enforcement actions.

0311 Shipping of Slot Machine Components

Before shipping slot machine components to the Casino or the Agency, suppliers of slot machine components must notify the Agency via email at shipping@nhbpgc.org. Shipping notifications must include:

1. Date of shipment
2. Expected date of delivery
3. Name and address of the supplier;
4. Description of shipment (for software: software version and quantity);
5. For player interfaces: a serial number;
6. Method of shipment.

For this section, “software” includes those devices that are generally used to store and transport controlled digital gaming data, typically (but not limited to) SSD hard drives and USB thumb drives, whether or not any data has been downloaded to those devices.

All software shipments require a five-day notice prior to shipping. A waiver of the five-day notice requirement may be requested by email. Waiver requests must be approved prior to shipping.

All gaming system components must be shipped in a secure manner to deter unauthorized access. All software must be sent directly and addressed to the Investigations Department at the NHBP Gaming Commission.

To verify received contents against the shipping notification, an Agency employee or designee must be present upon the unloading of all serial-numbered game cabinets and the unboxing of all game software.

Vendor technicians may request permission to hand-deliver company-issued hardware on a limited, as-needed basis. Permission shall be granted or denied by the investigator on duty. Vendor technicians are prohibited from bringing software into the casino.

Failure to comply with the requirements of this section may result in the refusal of delivery, fines, and/or adverse licensing action.