

Chapter 56
ONEIDA VENDER LICENSING
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56.1-1. Purpose and Policy. The purpose of this Ordinance is to regulate and license all vendors who provide a service for and do business with the Oneida Tribe of Indians of Wisconsin.

56.1-2. Furthermore, it is the purpose of this ordinance to provide regulations, criteria and procedures for the issuance of licenses to all vendors who provide a service for or do business with the Tribe.

56.1-3. It is also the purpose of this ordinance to generate revenue for the Oneida Tribe of Indians of Wisconsin by implementing and enforcing a collection of fees from vendors for a license to perform a service for or do business with the Tribe.

56.1-4. It is the policy of the Oneida Tribe of Indians of Wisconsin to utilize the Oneida Compliance Division as the authority to implement and enforce the issuance of vendor's licenses and for the collection of fees.

56.2-1. Adoption, Amendment Repeal. This ordinance is adopted by the Oneida Business Committee by resolution # BC-3-5-97-E.

56.2-2. This ordinance may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

56.2-3. Should a provision of this ordinance or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ordinance which are considered to have legal force without the invalid portions.

56.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this ordinance as related to the licensing of vendors by the Compliance Division are hereby repealed unless specifically re-enacted after adoption of this ordinance.

56.2-5. This law is adopted under the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

56.3-1. Definitions. This Article shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

56.3-2. "Emergency Situation" means an unforeseen occurrence that requires immediate attention, the absence of which would endanger the health or safety of others, cause the loss of perishable goods, or create an economic hardship due to the unavoidable imminent nature of the circumstance.

56.3-3. "Business Entity" means that which exists as a particular and discrete unit, but not limited

to, any person, partnership, corporation, joint venture, franchise, governmental enterprise, or any other natural or artificial person or organization. The term “entity” is intended to be as broad and encompassing as possible to ensure the jurisdiction of the Oneida Vendor’s Licensing Ordinance.

56.3-4. “Vendor’s License” means a permit granted by an appropriate governmental body to a person, business, or corporation to pursue some occupation or to carry on some business or service, and which is subject to regulations of the Oneida Nation.

56.3-5. “License Fee” means that fee imposed upon all vendors who apply to perform a service for or do business with the Oneida Tribe of Indians of Wisconsin as established and calculated by the Compliance Division pursuant to the regulatory grant of power afforded them by this ordinance.

56.3-6. “Licensing Agent” means an employee of the Oneida Licensing Department of the Oneida Compliance Division with the delegated authority and responsibility to implement and enforce this ordinance.

56.3-7. “Oneida Compliance Division” means that division within the Oneida administration with the purpose and authority to oversee adherence to laws, ordinances, policies and procedures of the Oneida Tribe.

56.3-8. “Oneida License Commission” means the regulatory entity formed to conduct hearings and decide cases of licensing disputes as they relate to those licenses, certificates or permits issued by the Compliance Division.

56.3-9. “Oneida Licensing Department” means that department located within the organizational structure of the Compliance Division of the Oneida Tribe which is responsible for administering licensing programs on behalf of the Tribe, hereafter referred to as department.

56.3-10. “Oneida Nation” means the Oneida Tribe of Indians of Wisconsin.

56.3-11. “Training Session” means an educational experience contracted wholly for the education of tribal members or employees.

56.3-12. “Tribal Members” means persons who are enrolled with the Oneida Tribe of Indians of Wisconsin.

56.4-1. Scope of the Requirement. The provisions and requirements of these regulations shall be adhered to by all business entities and shall apply to every one and every business entity that performs services and/or does business with the Oneida Nation separate from and in addition to those requirements imposed by other Tribal entities, such as, the Oneida Gaming Commission and the Division of Land Management.

56.4-2. A grace period of sixty (60) days from the date of the original passage of the Oneida Vendor’s Licensing Ordinance shall be granted in order that all business entities may be brought into compliance with this Ordinance.

56.4-3. Notice shall be given for implementation of the Oneida Vendor’s Licensing Ordinance pursuant to the requirements of the Administrative Procedures Act adopted by resolution GTC-8-19-91-A.

56.4-4. All information given information given for purposes of receiving a vendor’s license for doing business with the Oneida Nation, excluding financial information, is considered subject to a request for information and available for public inspection. Provided further, that all information given for purposes of receiving a vendor’s license for doing business with the Oneida Nation, including financial information, is subject to internal audit of the Oneida Nation.

56.5-1. Application/Renewal Procedures

(a) The department shall notify all new applicants of the Oneida Vendor's Licensing Ordinance requirements and procedures for application. Upon request of the licensing agent, the applicant shall be required to provide the necessary documentation to verify the following information:

- (1) The name of the business entity, with proof of identification
- (2) The type of business,
- (3) The business address and the name of the agent for service of process,
- (4) Verification of required adequate, insurance coverage or bonding,
- (5) Federal I.D. number or Social Security number.
- (6) Accounts Payable Vendor Number, this information may be provided by the licensing agent,
- (7) Food vendor
- (8) Name of buyer, buyer's address, items sold or services offered
- (9) Signature of applicant and date of application

(b) The licensing agent shall deny, or approve the application based on compliance with the criteria set in this ordinance, verification of the requested information, and; whether or not the following exist:

- (1) payment of the fee paid at the time of application; if the fee is not paid the vendor's license will not be issued. If a business entity is doing business with the Oneida Nation without a vendor's license the department shall notify the Accounting Department to recover the fee by retaining the amount from compensation for the product or services rendered by the vendor;
- (2) first time vendor fees may be prorated per licensing agent's guidelines;
- (3) any outstanding fees owed to the Oneida Nation, all outstanding fees must be paid before a vendor's license will be issued;
- (4) inadequate insurance coverage; insurance verification must be provided to the agent before the vendor's license is issued, the licensing agent will forward the information to Oneida Risk Management for approval; if the applicant/entity has inadequate insurance coverage, the vendor's license will not be issued;
- (5) other factors which relate to the protection of Tribal and/or public health, safety, or welfare.

(c) The licensing agent shall notify the applicant of the approval, or denial of the application within ten (10) working days, and:

- (1) if approved, the licensing agent shall issue the vendor's license to the business entity; and
- (2) if the vendor's license is denied, the reasons for denial of the vendor's license; and
- (3) notification of a right to request an appeal to the decision.

(d) A number shall be assigned to each vendor's license by the licensing agent for identification.

(e) All applications for vendor's license and a copy of each certificate of vendor's license

shall be retained by the licensing agent for one (1) year from date of application; thereafter, said documents shall be retained by Oneida Records Management for seven years.

56.5-2. Renewal procedures shall be as follows:

- (a) The vendor's license shall be applied for annually.
- (b) Vendor's license renewal shall be on a yearly basis, from date of issuance of the vendor's license.

56.6-1. Fees for Licensure

- (a) The fee for a vendor's license shall be pursuant to an equitable fee schedule as established initially by the department, and as reviewed annually by the License Commission, with recommendations from the Oneida Finance Committee and approval of the Oneida Business Committee.
- (b) The department shall retain not more than 50% of the vendor's license fees collected; the balance of the fees collected will be transferred to the Trust Department to be placed in the Elderly Per Capita Fund.
- (c) The vendor's license fee shall cover a twelve (12) month period, and
 - (1) The fee shall be paid annually at the time of the application. The fee shall be returned if application is denied.
 - (2) The licensing agent shall keep fee records.
 - (3) Late fee payment may be added to cost of annual license fee. If fee is due, the applicant/entity may be charged \$3 per month, see sec. 5-1(b)(1-3).
- (d) The vendor's license shall be prepared and sent out by the licensing agent. All vendor's licenses shall be conspicuously placed on or in the premises of the place of business or service.
- (e) The fee shall be determined and based upon the revenue as generated by the business entity with the Oneida Nation the year directly preceding that year and date in which the business entity applies for licensure. Business' with no revenue history shall pay a fee determined by the department based upon a projected revenue figure.

56.7-1. Appeal of Agency and License Commission Decisions

Oneida License Commission Hearings.

- (a) Parties who disagree with the decisions of the licensing agent on matters of dispute regarding issues of licensing, certification or permits issued by the Compliance Division, may request a hearing before the License Commission.
- (b) Hearings before the License Commission will be pursuant to the original hearing procedures as set out in the Administrative Procedures Act.

56.7-2. Appeal of License Commission Decisions. A party may appeal to the Oneida Appeals Commission for an appellate review and final determination of the License Commission decision.

56.8-1. Revocation of Vendor's License

A vendor's license issued by the Licensing Department may be revoked by the licensing agent if the business entity is in non-compliance with this ordinance, inadequate insurance coverage, or for any other reasons related to protection of Tribal and/or public health, safety, or welfare, pursuant to the

following procedures:

- (a) the business entity is notified of the revocation by the licensing agent and the reasons for the revocation; and
- (b) the business entity is given thirty (30) days in which to rectify the non-compliance, except in the case of inadequate insurance coverage, in which case the vendor's license will be revoked when the information of inadequate coverage is verified; and
- (c) should the business entity come into compliance or secure adequate insurance coverage, the vendor's license shall be reinstated;
- (d) if compliance is unattainable, the business entity is notified of his/her right to appeal the licensing agent's decision to revoke the vendor's license.

56.8-2. Procedures for non-compliance and revocation of a vendor's license after thirty (30) days shall be as follows:

- (a) Notice will be given to the Oneida Accounting Department that vendor's license has been revoked, whereupon the Accounting Department shall suspend all future payment to said vendor for all services or goods.
- (b) Upon revocation of the vendor's license, the business entity shall be prevented from doing business with the Oneida Nation until such time the former licensee is able to comply with the Ordinance and submits a new application.
 - (1) Any fees owed shall be deducted from any potential compensation due to the provider.
 - (2) Verification and approval of required insurance coverage shall be provided by the Oneida Risk Management Department.

56.9-1. Specific Requirements

Applicants subject to approval must be in compliance with requirements as set forth in all related Tribal ordinances, including but not limited to, Oneida Indian Preference laws, Oneida Food Vendors Ordinance, Real Property Law, and Oneida gaming laws.

56.9-2. A food vendor shall be issued a vendor's license contingent upon the requirements of the Oneida Environmental Health Department which includes a certificate of training and written notice to the department. A certificate from the Oneida Environmental Health Department certifying completion of necessary requirements and instructions for safe food handling must be presented at time of application.

56.9-3 Applicants who are contracting for construction work must have their bid awarded by the Oneida Tribe in accordance with the Construction Improvement Process Policy.

56.9-4. Applicants who are selling, brokering, or leasing real estate must have approved real estate licenses as required by the Real Property Law.

56.9-5. Applicants who are contracting for electrical, plumbing, heating/air conditioning or building work must be licensed by the Oneida Zoning Department as required by the Building Code of the Oneida Reservation.

56.10-1. Exempt Status

The following must be licensed but are exempt from the required fee:

- (a) Those individuals who receive stipend revenue for Oneida Nation as members of entities

of the Oneida Nation.

(b) Vendors whose revenue from Tribe is less than \$1,000 per year.

(c) Consultants, means all individuals, businesses or corporations who have a consultant relationship with the Oneida Nation for the purpose of providing professional advice, training or any other service for profit and whose revenue from the Oneida Nation is less than \$500 per year.

(d) Training sessions where the focus is wholly upon the education and/or training of Tribal members or employees and where the amount contracted for does not exceed \$2,000. Those training sessions that exceed the \$2,000 limit will be subject to the usual fees assessed for licensure.

(e) One time deferment for payment of vendor's license fees of up to thirty (30) days for emergency situations may be granted. Application for fee deferment must be made at the time of application with specific explanation of the emergency situation filed in writing by the applicant.

(f) A failure to pay or payment after the deferment date has expired, may be grounds for denial of a vendor's license or assessment of late fee penalties.

56.10-2. The following are exempt from licensure:

(a) Services or products provided by another federally recognized Tribe, subject to all the laws and the Ordinances of the Oneida Tribe.

(b) Services or products provided by another government, subject to all the laws and ordinances of the Oneida Tribe.

**ATTACHMENT A
VENDORS LICENSING FEE SCHEDULE FOR 1996
FLAT FEE AMOUNT**

Yearly Oneida Vendors Fee\$100.00

Approved by:

ONEIDA BUSINESS COMMITTEE:

Signature: _____ Date: _____
Debra Doxtator, Chairwoman

Signature: _____ Date: _____
Julie Barton, Secretary

End.

Adopted - BC-3-5-97-E
Adopted - BC-2-17-92-C