February 12, 2009

Via Facsimile and U.S. Mail

Richard W. Hughes, Esq.
Rothstein, Donatelli, Hughes, Dahlstron,
Schoenburg & Bienvenu, LLP
1215 Paseo De Peralta
P.O. Box 8180
Santa Fe, NM 87504-8180
Fax: (505) 982-0307

RE: Picuris Pueblo Gaming Code

Dear Mr. Hughes:

This letter responds to your request to the National Indian Gaming Commission (NIGC) to review and approve the Pueblo of Picuris Gaming Code (Ordinance). The Ordinance was adopted by Tribal Council Resolution No. 08-22 on November 10, 2008, and submitted to the NIGC on November 26, 2008. The Ordinance was amended by Tribal Council Resolution No. 05-09 on February 9, 2009.

The Ordinance, as amended, meets the requirements of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§ 2701, 2721, and NIGC regulations and it is therefore approved. This letter constitutes approval of the Picuris Gaming Code, enacted in Tribal Council Resolution No. 08-22, on November 10, 2008, as amended by Tribal Council Resolution No. 05-09 on February 9, 2009. It is important to note, however, that approval is granted for gaming only on Indian lands, as defined in the IGRA, over which the Pueblo has jurisdiction.

Thank you for submitting the Ordinance for my review and approval. The NIGC staff and I look forward to working with you and the Pueblo on future gaming issues. If you have any questions or require assistance, please do not hesitate to contact Esther Dittler, Staff Attorney, at 202-632-7003.

Sincerely,

Philip N. Hogen
Chairman

cc: Richard Mermejo, Governor

From:
The Office Of The
Picuris Pueblo Governor

Picuris Pueblo
P.O. Box 127
Peñasco, New Mexico
87553
(505) 587-2519
FAX (505) 587-1071

OCT 26 2008

PICURIS PUEBLO TRIBAL COUNCIL RESOLUTION NO. 08 -22

ADOPTING THE PUEBLO OF PICURIS GAMING CODE AND REPEALING THE GAMING CODE ADOPTED BY TRIBAL COUNCIL RESOLUTION 08-08

WHEREAS, the Pueblo of Picuris is a federally recognized Indian tribe, situated in Taos County, New Mexico; and

WHEREAS, the Pueblo exercises its inherent powers of self-government through its Tribal Council; and

WHEREAS, the Pueblo has entered into the 2001 form class III gaming compact with the State of New Mexico, and the 2007 amendments thereto, and those have been approved by the Secretary of the Interior and are in effect; and

WHEREAS, it is the intention of the Pueblo to construct a small gaming facility and commence class III gaming operations on tribal lands, in compliance with the provisions of the Indian Gaming Regulatory Act ("IGRA"); and

WHEREAS, it is necessary that the Pueblo adopt a gaming code, and obtain the approval of that code by the chairman of the National Indian Gaming Commission, as required by IGRA; and

WHEREAS, the Pueblo adopted the Pueblo of Picuris Gaming Code on May 14, 2008, by Picuris Tribal Council Resolution No. 08-08, and submitted the code to the National Indian Gaming Commission for approval, but withdrew the code because it omitted information required by the National Indian Gaming Commission; and

WHEREAS, the attached Pueblo of Picuris Gaming Code has been prepared and has been carefully reviewed and considered by the Tribal Council, and the Tribal Council is of the view that this proposed code establishes a satisfactory legal basis for the conduct of class III gaming on Picuris lands, consistent with IGRA and with the terms of the form of gaming compact approved by the New Mexico legislature;

NOW, THEREFORE BE IT RESOLVED, by the Tribal Council of the Pueblo of Picuris, as follows:

1. The Pueblo of Picuris Gaming Code adopted by Tribal Council Resolution 08-08 is hereby rescinded, repealed, and revoked.

2. The Pueblo of Picuris Gaming Code, in the form attached hereto, be and the same is hereby adopted as the law of the Pueblo, effective upon its approval by the chairman of the National Indian Gaming Commission.

3. The Pueblo's special counsel is authorized and directed to submit this Resolution with a true copy of the Pueblo of Picuris Gaming Code to the National Indian Gaming Commission forthwith, for approval in accordance with the requirements of the Indian Gaming Regulatory Act.

CERTIFICATION

The Council of the Picuris Pueblo Tribe enacted upon the foregoing resolution on the 10 day of November, 2008, by a vote of 7 for, and 0 opposed, 0 abstaining, and 1 being absent, at a duly called meeting at which a quorum of the Picuris Tribal Council was present.

Craig Quanchello, Governor

Richard Mermejo, Lt. Governor

J.D. Martinez, 1st War Chief

Gary Pyne, Tribal Sheriff

Manuel Archuleta, 2nd War Chief

Joe Howard Mermejo, 1st Fiscal

Jacob Simon Cade, 3rd War Chief

Harlan Mermejo, 2nd Fiscal

ATTEST:

Sherry Archuleta, Tribal Secretary

From:
The Office Of The
Picuris Pueblo Governor

Picuris Pueblo
P.O. Box 127
Peñasco, New Mexico
87553
(575) 587-2519
Fax: (575) 587-1071

PICURIS PUEBLO TRIBAL COUNCIL
RESOLUTION NO. 05-09

AMENDING THE PUEBLO OF PICURIS GAMING CODE
ADOPTED BY TRIBAL COUNCIL RESOLUTION 08-22

WHEREAS, the Pueblo of Picuris is a federally recognized Indian tribe, situated in Taos County, New Mexico; and

WHEREAS, the Pueblo exercises its inherent powers of self-government through its Tribal Council; and

WHEREAS, the Pueblo has entered into the 2001 form class III gaming compact with the State of New Mexico, and the 2007 amendments thereto, and those have been approved by the Secretary of the Interior and are in effect; and

WHEREAS, it is the intention of the Pueblo to construct a small gaming facility and commence class III gaming operations on tribal lands, in compliance with the provisions of the Indian Gaming Regulatory Act (AIGRA@); and

WHEREAS, it is necessary that the Pueblo adopt a gaming code, and obtain the approval of that code by the chairman of the National Indian Gaming Commission ("NIGC"), as required by IGRA; and

WHEREAS, the Pueblo adopted the Pueblo of Picuris Gaming Code on November 10, 2008, by Picuris Tribal Council Resolution No. 08-22, and submitted the code to the NIGC for approval; and

WHEREAS, the NIGC brought to the Pueblo=s attention one revision to the Code that is needed to bring the Code into compliance with NIGC regulations, specifically, Section IV.E.2.c. should be amended to read:

> Upon completion of the necessary background investigation for Key Employees and Primary Management Officials, the PPTGC shall prepare an investigative report and make an eligibility determination pursuant to Section IV.E.2.b. above. The investigative report shall include (1) steps taken in conducting the background investigation, (2) the results obtained, (3) the conclusions reached, and (4) the bases for those conclusions. Upon the PPTGC's eligibility determination, the PPTGC shall, within 60 days after the applicant begins work as an employee of the Gaming Enterprise, submit the employee's application for license, the investigative report, and the eligibility determination to the

Commission. PPTGC shall also submit the application, the investigative report and eligibility determination to the State as required by the Act, the Regulations, and the Compact.

NOW, THEREFORE BE IT RESOLVED, by the Tribal Council of the Pueblo of Picuris, as follows:

1. The Pueblo of Picuris Gaming Code adopted by Tribal Council Resolution 08-22 is hereby amended by striking the language at Section IV.E.2.e and substituting in its place the following:

> Upon completion of the necessary background investigation for Key Employees and Primary Management Officials, the PPTGC shall prepare an investigative report and make an eligibility determination pursuant to Section IV.E.2.b. above. The investigative report shall include (1) steps taken in conducting the background investigation, (2) the results obtained, (3) the conclusions reached, and (4) the bases for those conclusions. Upon the PPTGC's eligibility determination, the PPTGC shall, within 60 days after the applicant begins work as an employee of the Gaming Enterprise, submit the employee's application for license, the investigative report, and the eligibility determination to the Commission. PPTGC shall also submit the application, the investigative report and eligibility determination to the State as required by the Act, the Regulations, and the Compact.

2. The Pueblo of Picuris Gaming Code, as hereby amended, be and the same is hereby adopted as the law of the Pueblo, effective upon its approval by the chairman of the National Indian Gaming Commission.

3. The Pueblo's special counsel is authorized and directed to submit this Resolution to the National Indian Gaming Commission forthwith, for approval of the Gaming Code in accordance with the requirements of the Indian Gaming Regulatory Act.

CERTIFICATION

The Council of the Picuris Pueblo Tribe enacted upon the foregoing resolution on the 9th day of February, 2009, by a vote of 8 for, and 0 opposed, 0 abstaining, and 0 being absent, at a duly called meeting at which a quorum of the Picuris Tribal Council was present.

Richard Mermejo, Governor

Matt C. Pacheco, Lt. Governor

PUEBLO OF PICURIS GAMING CODE

OCT 26 2008

SECTION I. DEFINITIONS. For purposes of this Code, the following terms shall have the following meanings:

A. "Act" means the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-2721.

B. "Class I gaming" means Class I gaming as defined in the Act.

C. "Class II gaming" means Class II gaming as defined in the Act.

D. "Class III gaming" means Class III gaming as defined in the Act.

E. "Code" means this Pueblo of Picuris Gaming Code.

F. "Commission" means the National Indian Gaming Commission established under the Act.

G. "Compact" means any Tribal-State Gaming Compact between the Pueblo and the State governing Class III gaming that has been approved by the Secretary of the Interior and is in effect.

H. "Council" means the Pueblo's Tribal Council, the governing body of the Pueblo of Picuris.

I. "Gaming" means an activity in which, upon payment of consideration, a player may win a prize or other thing of value, the award of which is determined to some extent by chance even though it may also involve some skill.

J. "Gaming Device" means any object, device, equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with Gaming.

K. "Gaming Employee" means any natural person employed by a Gaming Enterprise or Management Contractor in any position that involves such person in any gaming activity or in handling or accounting for any goods or materials utilized in any gaming activity, or any proceeds of any gaming activity, including, but not limited to, the following:

1. any person who performs any function directly related to Gaming Devices, gaming supplies or gaming activities;

2. any person whose duties require such person to be regularly present in the area where gaming activities take place during operating hours;

3. any person who handles or accounts for cash utilized in gaming activities;

4. any person involved in security or surveillance activities involving gaming activities; and

5. any person who supervises any of the foregoing persons.

L. "Gaming Enterprise" means a corporation or other entity wholly owned by the Pueblo that operates gaming activities on Pueblo Lands, either directly or through a Management Contractor.

M. "Gaming Facility" means a building in which Gaming is conducted on Pueblo Lands by a Gaming Enterprise.

N. "Gaming Services" means the provision or sale of any goods, services or concessions by contract with the Pueblo, a Gaming Enterprise, or a Management Contractor, which goods or services are utilized in the operation of gaming, except for professional, legal or accounting services.

O. "Governor" means the Governor of the Pueblo of Picuris.

P. "Key Employee" means:

1. A person who performs one or more of the following functions:

   (A) Bingo caller;
   (B) Counting room supervisor;
   (C) Chief of security;
   (D) Custodian of gaming supplies or cash;
   (E) Floor manager;
   (F) Pit boss;
   (G) Dealer;
   (H) Croupier;
   (I) Approver of credit; or
   (J) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

2. If not otherwise included, any other person whose total cash compensation is in excess of $50,000 per year; or

3. If not otherwise included, the four most highly compensated persons in the gaming operation.

Q. "Management Contractor" means any management company engaged by the Pueblo or a Gaming Enterprise to undertake or operate Gaming activities on Pueblo lands, pursuant to a management contract approved by the Commission in accordance with the Act.

R. "Net Revenues" means gross revenues of any Gaming Enterprise derived from Gaming, less amounts paid for prizes and operating expenses, but excluding management fees paid to a Management Contractor.

S. "Non-Gaming Employee" means any natural person employed by a Gaming Enterprise or Management Contractor whose duties are solely related to strictly non-gaming functions, and whose work is unrelated to Gaming Devices and does not regularly require such person to be in gaming areas during operating hours, and who is not otherwise a Gaming Employee as defined herein.

T. "Person" means any individual, partnership, corporation, company or other legal entity.

U. "PPTGC" means the Picuris Pueblo Tribal Gaming Commission established by this Code.

V. "Primary Management Official" means:

1. The person(s) having management responsibility for a management contract;

2. Any person who has authority:

   (A) To hire and fire employees; or
   (B) To set up working policy for the gaming operation; or
   (C) The chief financial officer or other person who has financial management responsibility.

W. "Pueblo" means the Pueblo of Picuris, a federally recognized Indian tribe.

X. "Pueblo Lands" means all lands within the exterior boundaries of the Pueblo of Picuris and any lands title to which is either held in trust by the United States for the benefit of the Pueblo or a Pueblo member or held by the Pueblo or Pueblo member in fee, subject to restriction by the United States against alienation, and over which the Pueblo exercises governmental power.

Y. "Regulations" means the regulations promulgated by the Commission under the Act.

Z. "State" means the State of New Mexico, its authorized officials, agents, and representatives.

AA. "Tribal Council" means the Tribal Council of the Pueblo, the Pueblo's governing body.

BB. "Tribal Court" means the Tribal Court of the Pueblo.

SECTION II. PURPOSE. The purpose of this Code is to provide for the regulation of all gaming on Pueblo Lands, to protect the public interest in the integrity of all gaming, to prevent improper or unlawful conduct in gaming, to strengthen tribal self-government, and to promote tribal economic self-sufficiency.

SECTION III. NATURE AND SCOPE OF GAMING ACTIVITIES.

A. Authorized gaming activities. A Gaming Enterprise may operate on Pueblo Lands any and all forms of Class II gaming and, subject to the provisions of the Compact, any and all forms of Class III gaming.

B. Forms of payment. All payment for wagers made in gaming conducted by the Gaming Enterprise shall be made by cash, chips or tokens, or by a gaming ticket voucher issued by a Gaming Device at the Gaming Facility. The Gaming Enterprise shall not extend credit. Chips and tokens may be purchased using cash or checks.

C. Wagering limitations. Subject to any limitations contained in by the Compact, the PPTGC may set by regulation the maximum wager for various types of Class III gaming.

D. Hours of operation. A Gaming Enterprise may operate its gaming activities on the hours and days approved by the PPTGC, but subject to any limitations set forth in the Compact..

E. Prohibition on minors. No person under the age of 21 shall participate in any Class II or Class III Gaming; however, persons under the age of 21 but at least 18 years of age may be employed by the Gaming Enterprise or by a Management Contractor in the preparation or service of food or non-alcoholic beverages, or in a maintenance function of the Gaming Enterprise, so long as such person would not be deemed a Gaming Employee under the provisions of this Code.

SECTION IV. COMPLIANCE WITH THE ACT. This Code shall be construed in a manner that conforms to the Act in all respects, and, if inconsistent with the Act in any manner, the provisions of the Act shall govern.

A. Proprietary interest. The Pueblo, either directly or through a Gaming Enterprise, shall have the sole proprietary interest in and responsibility for the conduct of any gaming on Pueblo Lands; however, nothing in this Code shall prevent the Pueblo or a Gaming Enterprise from entering into a Management Contract for the operation and management of any Gaming activity.

B. Use of Net Revenues. Net Revenues from gaming shall be used for the following purposes, and no others:

1. to fund tribal government operations or programs;

2. to provide for the general welfare of the Pueblo and its members;

3. to promote tribal economic development;

4. to donate to charitable organizations;

5. to help fund operations of local government agencies; or,

6. any other purposes permitted by the Act; but provided that Net Revenues shall not be distributed to Pueblo members in the form of per capita payments except in compliance with a plan of allocation meeting all of the requirements of the Act and that has been duly adopted by the Tribal Council and approved by the Secretary of the Interior in accordance with the provisions of the Act and the Regulations.

C. Annual audit.

1. The PPTGC shall require the Gaming Enterprise to be subject to an annual audit of its gaming operations by an independent certified public accountant and to submit copies of the annual audit to the Commission.

2. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of $25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (1) above.

D. Public safety standards. All Gaming Facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety and complies with all applicable health, safety, construction and environmental standards applicable to or enacted by the Pueblo or set forth in the Compact.

E. Licensing and background investigations.

1. Licensing Requirements.

a. Gaming Enterprise. The Gaming Enterprise shall be licensed by the PPTGC, but no background investigation of the Gaming Enterprise shall be required. Each member of the board of directors of the Gaming Enterprise shall require a license, and shall be subject to a background investigation.

b. Gaming Facility. Each Gaming Facility shall be licensed by the PPTGC.

c. All Gaming Employees. Each Gaming Employee shall be licensed by the PPTGC, and shall undergo a background investigation. Key Employees and Primary Management Officials may not be employed for longer than ninety (90) days under a temporary license issued by the PPTGC, pending the completion of the licensing process.

d. Management Contractors. All Management Contractors, and each principal, officer, director and any other person owning 5% or more of any such entity, must be licensed by the PPTGC, and shall be required to undergo background investigations.

e. Gaming Devices. Each Gaming Device must be licensed by the PPTGC prior to being placed into service and shall be inspected and certified for proper operation at least annually by the PPTGC.

f. Gaming Vendors. Any person proposing to sell or lease any Gaming Device or Gaming Service to a Gaming Enterprise must be licensed by the PPTGC and shall be subject to a background investigation.

2. Licensing Procedures for Gaming Employees.

a. Applications for license. Prior to commencing employment with the Gaming Enterprise or Management Contractor on Pueblo Lands, each applicant for a gaming employee license shall submit a completed application on a form prescribed by the PPTGC, meeting at a minimum the requirements of 25 C.F.R. § 556.4(a), together with any other information required by the PPTGC and the required fee.

b. Eligibility Determination. The PPTGC shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a the applicant for employment in the Gaming Enterprise. If the PPTGC determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the PPTGC shall not issue a license to the applicant, and the applicant shall not be employed by Gaming Enterprise.

c. Fingerprints. Each application shall be accompanied by a fingerprint card containing clear impressions of the applicant's fingerprints, which impressions shall have been

made and certified by a qualified employee of the Bureau of Indian Affairs law enforcement department, the Taos County, New Mexico, Sheriff's Office, the PPTGC, or another law enforcement agency that has been approved by the PPTGC, when notice of that approval has been given to the Commission, and two photographs of the applicant's head and shoulders taken within one month of the date of submission of the application. Each applicant shall be required to read, sign and submit a statement containing the notice set forth in 25 C.F.R. § 556.2(a), containing information required by the Federal Privacy Act of 1974, and to submit a statement or notice regarding false statements as required by the Act.

d. Background investigations of applicants . Upon receipt of a completed application and the fees required for the license, the PPTGC shall conduct the necessary background investigation, to ensure the applicant is eligible for employment pursuant to Section IV.E.2.b. above. The background investigation shall consist of a general background investigation and a criminal history check, and such other investigation as the PPTGC may deem appropriate, and shall be carried out by the PPTGC or by a qualified contractor retained by the PPTGC for that purpose. In conducting a background investigation, the PPTGC, or its agent, shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

i. Criminal History Check. The applicant's fingerprints shall be sent to the Commission, which shall transmit them to the Federal Bureau of Investigation ("FBI"), which shall report back to the Commission on any reported criminal activity associated with the applicant's fingerprints. That report shall be returned to the PPTGC. There shall also be searches of state and federal criminal court databases for each state in which the applicant has resided in the past 10 years, the National Crime Information Center database, and other available sources containing records of criminal cases. In the event any such search turns up information apparently related to the applicant, the matter shall be thoroughly investigated.

ii. General Background Search. The general background search shall include, at a minimum, searches of state and federal civil and bankruptcy court databases, queries to standard credit reporting agencies, searches of news media and other general databases, queries to every other regulatory agency to which the applicant has previously applied for any license or other permit, as well as contacts with previous employers.

e. Report to The Commission and State Gaming Representative for Key Employees and Primary Management Officials.

i. Upon completion of the necessary background investigation for Key Employees and Primary Management Officials, the PPTGC shall prepare an investigative report and make an eligibility determination pursuant to Section IV.E.2.b. above. The investigative report shall include (1) steps taken in conducting the background investigation, (2) the results obtained, (3) the conclusions reached, and (4) the bases for those conclusion. The PPTGC shall submit the investigative report and the eligibility determination to the Commission. PPTGC shall

also submit the investigative report and eligibility determination to the State as required by the Act, the Regulations, and the Compact.

ii. With respect to Key Employees and Primary Management Officials, the PPTGC shall retain applications for employment and investigative reports (if any) of background investigations for inspection by the chairman of the Commission or his or her designee for no less than three (3) years from the date of termination of employment.

iii. The PPTGC may issue a license to a Key Employee or Primary Management Official if, within a thirty- day (30) period after the Commission receives an investigative report, the Commission notifies the tribe that it has no objection to the issuance of a license.

iv. The PPTGC shall respond to a request for additional information from the Chairman of the Commission concerning a Key Employee or a Primary Management Official who is the subject of an investigative report. Such a request shall suspend the thirty (30) day period under paragraph iii of this section until the Chairman of the Commission receives the additional information.

v. If, within the thirty-day (30) period described in paragraph iii of this section, the Commission provides the PPTGC with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official, the PPTGC shall reconsider the application, taking into account the objections itemized by the Commission. The PPTGC shall make the final decision whether to issue a license to such applicant.

f. Action on Application. Based on the background investigation and any comments received by the PPTGC from the State or the Commission, the PPTGC shall either issue a license to the applicant, or deny the application. If the application is denied, a statement setting forth the grounds for denial shall be sent to the applicant and the Commission. No person shall be issued a license hereunder, nor employed by Gaming Enterprise, if the Commission determines, based on its investigation, that such person:

i. Knowingly misrepresented a material fact on the license application, or deliberately omitted any material fact called for by the application;

ii. Attempted in any way to influence the decision on such person's license application by offering or providing to any member of the Commission or any person employed by the Commission any gift, favor or other thing or service having any value whatsoever;

iii. Is not yet twenty-one (21) years of age;

iv. Has, within the five (5) years next preceding the date on which the application was submitted, been convicted in any court, by plea of guilty or of *nolo contendere* or

the equivalent, or by jury verdict, of any crime involving theft of money or goods having a value in excess of $100, or of dishonesty, or of any offense involving gaming, or of any felony; except that no person shall be approved for a license for any position defined as a "primary management official" or "key employee" under the Act and Regulations if such person has had any such conviction within the twenty (20) years preceding the date of application.

v. Is for any other reason a person whose activities, criminal record, habits, economic background or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the danger of unsuitable, inappropriate or illegal practices, methods or activities in the conduct of gaming or the handling of or accounting for the proceeds of gaming.

g. License Suspension and Revocation.

i. If, after the issuance of a gaming license, the PPTCG receives from the Commission or elsewhere reliable information indicating that any employee, especially a Key Employee or a Primary Management Official, is not eligible for employment under subsection IV.E.2.b above, the PPTGC shall suspend such license pending revocation and shall notify the licensee in writing of the suspension and the proposed revocation.

ii. The PPGC shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

iii. After a revocation hearing, the PPTCG shall decide to revoke or to reinstate a gaming license. The PPTGC shall notify the Commission of its decision concerning each Key Employee or Primary Management Official.

iv. Any PPTGC gaming license may be suspended or revoked for cause.

3. Licensing of Management Contractors and Enterprise Board Members. Natural persons required to be licensed by virtue of a connection with a Management Contractor or as board members of the Gaming Enterprise shall undergo the same licensing procedure as is required of a Gaming Employee. A complete application for such license must be submitted to the PPTGC prior to the commencement of the Management Contract, or to such person's service on the Gaming Enterprise board, as applicable.

4. Other Licenses. The PPTGC shall by regulation establish suitable procedures for the licensing of the Gaming Enterprise, a Management Contractor that is not a natural person, the Gaming Facility, Gaming Devices and Gaming Vendors, provided such procedures are consistent with this Code, the Compact, the Act and the Regulations.

5. Duration and renewal of licenses. A Gaming Employee license, and the license of a Management Contractor and any person connected with a Management Contractor,

and a board member of the Gaming Enterprise, shall be effective for one year from the date of issuance. Any person applying for renewal of a license that has submitted the required application and any other information required by the PPTGC at least 60 days before the expiration of the license, but whose license expires pending renewal, may continue to be employed under the expired license until the PPTGC, or the Commission if required by the Act, takes final action on the renewal application. Any person renewing a gaming license shall provide updated material and information as requested on the renewal application form, but shall not be required to resubmit historical data already provided to the PPTGC, unless there was an error or omission in any such information. Licenses of Gaming Devices shall be valid unless and until the mechanical or electronic controls within the Gaming Device are altered in any manner, or the Gaming Device is taken out of service. The Gaming Enterprise shall notify the PPTGC upon either occurrence. A license of a Gaming Facility shall last for a term of no more than 5 years. A license of a Gaming Enterprise shall last as long as the Gaming Enterprise remains in existence and is wholly owned by the Pueblo.

6. Identification cards. The PPTGC shall require all Gaming Employees and Management Contractor officers and employees to wear identification cards issued by the PPTGC bearing the employee's photograph, first and last name, employee number, signature, and date of expiration, whenever any such person is on the premises of the Gaming Facility.

7. Fees for licensing. The fees for gaming licenses and background investigations shall be set by the PPTGC from time to time. A schedule of fees shall be made available at any time upon request. If the actual costs incurred by the PPTGC for a background investigation exceed the amount paid by the applicant, the additional costs may be assessed to the applicant in the discretion of the PPTGC. In such cases, the PPTGC shall submit a detailed billing of the costs and an explanation as to why the excess costs were incurred. Payment in full of any required fee is required before a license is issued.

SECTION V. STANDARDS OF OPERATION AND MANAGEMENT.

A. Security and Surveillance. The Gaming Enterprise shall at all times maintain a system of security and surveillance of the premises of the Gaming Facility, combining the use of personal and electronic assets, so as to provide for the physical safety of the patrons of the Gaming Facility, the physical safety of personnel employed by the Gaming Enterprise, the physical safe-guarding of assets of the Gaming Enterprise, the protection of the property of patrons of the Gaming Facility from any illegal activity, so as to identify and detain persons who may be involved in any illegal act for the purpose of notifying law enforcement authorities, and to assist in developing and securing evidence of apparently illegal acts for transmission to appropriate law enforcement authorities. The Commission may by regulation prescribe specific measures to be employed by the Gaming Enterprise in furtherance of the requirements of this subsection.

B. Centralized Computer Monitoring of Electronic Gaming Devices. Every electronic Gaming Device in use in the Gaming Facility shall be connected to a central computer within the facility, which computer shall continuously record the gaming activity of each device, and that data shall be accessible to the State Gaming Representative, in accordance with the standards, restrictions and requirements set forth in the Compact.

C. Check Cashing. The Gaming Enterprise shall not cash any check for a patron that is or appears to be a paycheck or a payment by any governmental entity or any form of pension benefit or social security benefit, welfare or other form of entitlement or public assistance payment.

D. Extensions of Credit. The Gaming Enterprise shall not extend credit to any patron by accepting in exchange for cash a note, marker, IOU or any other promise to pay, whether secured or not.

E. Automated Teller Machines. Automated Teller Machines ("ATMs") on the premises of any Gaming Facility shall be programmed so that they will not accept cards issued by state, federal, or tribal public welfare agencies to recipients of any form of state, federal or tribal public assistance benefits to enable the recipient to withdraw benefits, and the Gaming Enterprise shall make this provision an express requirement in any and every agreement with the owner or operator of any ATM situated on the premises of the Gaming Facility.

F. Service of Alcoholic Beverages.

1. No alcoholic beverages may be sold, served, delivered or consumed within the area of a Gaming Facility where gaming activities are conducted.

2. No employee of the Gaming Enterprise, or of any subcontractor or concessionaire thereof, may sell, serve, give or deliver any alcoholic beverage to an intoxicated person at the Gaming Facility, nor shall any such employee procure or aid in the procurement of any alcoholic beverage for delivery to an intoxicated person at the Gaming Facility; but provided that nothing herein shall be deemed to give rise to any action against the Pueblo or the Gaming Enterprise by anyone claiming to have suffered any injury or other loss due to the intoxication of a patron of the Gaming Facility.

3. Every employee of the Gaming Enterprise or of any subcontractor thereof who dispenses, sells, serves or delivers alcoholic beverages in the course of his or her employment shall be required by the Gaming Enterprise to attend alcohol server education classes comparable to those required under the New Mexico Liquor Control Act, NMSA (1978) §60-6D-1, *et seq.*, at least annually.

4. The Gaming Enterprise shall maintain liquor liability insurance in force, having coverage limits for personal injury of no less than One Million Dollars ($1,000,000) per incident and Ten Million Dollars ($10,000,000) aggregate per policy year.

G. Inducements to Patrons to Gain. The Gaming Enterprise shall not provide, allow, contract to provide or arrange to provide alcoholic beverages for no charge or at reduced prices, or provide, allow, contract to provide or arrange to provide food or lodging for no charge or at nominal prices, at a Gaming Facility or a lodging facility, as an incentive or enticement for patrons to game, except that nothing herein shall prevent the Gaming Enterprise from providing rewards to patrons in exchange for points or credits accrued under any form of a players' club program.

H. Compulsive Gamblers.

1. The Gaming Enterprise shall require every employee who makes contact with gaming patrons in the course of such employee's work to undergo training annually in recognizing patrons who may suffer from a compulsive gambling syndrome ("CGS"), and in dealing with such persons in accordance with the policies of the Gaming Enterprise.

2. The Gaming Enterprise shall develop detailed written policies designed to identify persons who suffer from CGS, to discourage such persons from gaming, including, where appropriate, excluding such persons from the Gaming Facility, but in a manner that will minimize any discomfort, embarrassment or inconvenience for the person, and that avoids any personal injury to such person whatsoever. The Gaming Enterprise shall provide the Commission with copies of all such policies, and shall conduct in-house training sessions for employees at least annually to ensure that all employees are fully versed in the policies and the appropriate means of carrying them out.

3. The Gaming Enterprise shall contract with one or more counselors or therapists experienced in treating persons suffering from CGS, and to whom such persons may be referred by the Gaming Enterprise at the expense of the Gaming Enterprise.

4. The Gaming Enterprise shall spend annually an amount that is no less than one-quarter of one percent (.25%) of its net win as that term is defined in the Compact, to fund or support programs for the treatment and assistance of compulsive gamblers in New Mexico or who patronize New Mexico gaming facilities, and for the prevention of compulsive gambling in New Mexico; and shall require that a substantial portion of such funds be distributed to an organization that has expertise in and provides counseling, intervention or other services for compulsive gamblers in New Mexico, and whose services are available to all persons without regard to race or tribal membership. Expenditures for the training, referrals and other measures required by this subsection shall be considered part of the required expenditures. The Gaming Enterprise shall provide to the Commission an annual accounting of the expenditures required hereunder by no later than ninety (90) days after the end of the calendar year to which the accounting pertains, and such accounting shall also be made available to the State Gaming Representative, upon reasonable request.

I. Sanitation Requirements. The Gaming Enterprise shall take steps to ensure that all food service operations within a Gaming Facility meet standards and requirements equivalent to those contained in the New Mexico Food Service Sanitation Act, NMSA (1978) §25-1-1, *et seq.*,

and the Gaming Enterprise shall permit New Mexico Department of Environment inspectors access to all food preparation, storage and service areas of a Gaming Facility during normal business hours of the Gaming Facility for the purpose of ascertaining whether such standards are being met.

J. Gaming Device Standards. Every gaming device in use at a Gaming Facility shall meet technical standards at least as strict as the comparable standards applicable to such devices within the State of Nevada, and the Commission shall by regulation specifically adopt standards meeting this requirement; provided, however, that each electronic or electromechanical gaming device in use at a Gaming Facility shall be programmed by the manufacturer so that it will pay out a mathematically demonstrable percentage of all amounts wagered, which percentage shall not be less than eighty percent (80%), as determined by a nationally certified gaming device testing laboratory, and the Gaming Enterprise shall prominently post in visible locations within the Gaming Facility notices stating that the Gaming Enterprise is in compliance with this requirement, and shall provide a comprehensible explanation of the meaning of this requirement.

SECTION VI. EMPLOYMENT CONDITIONS

A. Minimum Age Requirements. No person shall be employed in any position in the Gaming Enterprise that is directly involved in any Class III gaming activity or in handling cash proceeds of a Class III gaming activity who has not attained the age of twenty-one (21) years.

B. Job Discrimination. Neither the Pueblo, the Gaming Enterprise nor any Management Contractor shall discriminate in the employment of persons by the Gaming Enterprise or in the Gaming Facility on the grounds of race, color, national origin, gender, sexual orientation, age or handicap.

C. Employee Benefits. The Gaming Enterprise shall provide to all of its employees paid sick leave, life insurance, annual leave and medical and dental insurance, as benefits of employment. The Gaming Enterprise shall further take steps to ensure that all of its employees are covered by employment insurance and a workers' compensation insurance program offering benefits at least as favorable as those offered by comparable state programs. Unless the Pueblo has elected to participate in a state program for unemployment insurance or workers' compensation, an employee may appeal an adverse determination on the employee's claim for unemployment benefits or workers' compensation benefits by initiating an action against the Gaming Enterprise and the insurer, within thirty (30) days of such determination, in the Tribal Court, which court shall hear the matter as an ordinary civil action.

D. Grievance Procedures. The Gaming Enterprise shall establish a written grievance procedure for employees that shall be applicable in cases of disciplinary or other adverse actions taken against an employee, which procedures shall include a process of appeal to at least one supervisory level above the person whose action is the subject of the grievance.

E. Federal Law Standards. The Gaming Enterprise shall establish working conditions and wages and hours of work at least meeting the minimum standards contained in the Federal Fair Labor Standards Act of 1938, the Federal Occupational and Safety Act of 1970, and any other federal laws relating to wages, hours of work, conditions of work and regulations issued under such laws.

F. Wage Requirements in Certain Construction Projects. The Gaming Enterprise shall require that workers involved in any construction project involving a Gaming Facility or related structure that is funded in whole or in part with federal funds shall be paid wages meeting or exceeding the standards established for New Mexico under the federal Davis-Bacon Act.

SECTION VII. EXEMPTIONS. Social games conducted solely for prizes of minimal value and traditional forms of Indian gaming engaged in by individuals as part of or in connection with tribal ceremonies or celebrations shall not be subject to any of the provisions of this Code.

SECTION VIII. MANAGEMENT CONTRACTS.

A. Approval requirements. The Pueblo or a Gaming Enterprise may enter into a Management Contract with a Management Contractor for the management of Gaming activity, subject to the approval of the PPTGC and the Commission.

B. Required provisions. A Management Contract shall have all provisions required by the Act and the Regulations, and any additional provisions required by regulations of the PPTGC.

C. Jurisdiction. By entering into a Management Contract with the Pueblo or a Gaming Enterprise, the Management Contractor thereby submits itself and its principals, officers, directors and employees who are engaged in any activities pursuant to the Management Contract, to the jurisdiction of the Pueblo, the Tribal Court and the PPTGC, for any and all purposes related to or arising from the Management Contract, any services performed thereunder, and any disputes that may arise therefrom, and with respect to any and all other claims or causes of action against any such person or entity resulting from such person's or entity's presence or activities on Pueblo Lands.

SECTION IX. PICURIS PUEBLO TRIBAL GAMING COMMISSION.

C. Establishment of the PPTGC; Appointment; Terms. There is hereby established a commission, to be known as the Picuris Pueblo Tribal Gaming Commission, consisting of three (3) members, who shall be appointed by the Tribal Council for staggered terms of five (5) years each (except that the initial members may be appointed for terms of less than five years, in order

to stagger their terms). Members of the PPTGC may be entitled to annual compensation for their services on the PPGTC, in an amount to be determined by the Tribal Council.

D. Qualifications; Background Investigations. Persons appointed to the PPTGC shall be at least 30 years of age; shall not have been convicted of any crime involving physical violence, theft, gaming, dishonesty, corruption or moral turpitude, in the previous ten (10) years; shall not be a Gaming Employee or an employee of the Gaming Enterprise or a Management Contractor; and should have some prior experience or expertise in law, law enforcement, accounting, gaming or business regulation. The Tribal Council shall cause a full background investigation to be carried out on any person nominated to serve on the PPTGC, before acting on such person's nomination, and shall reject any person whose background reveals such person to be unqualified, under the standards set forth in Section IV(E)(2)(c) of this Code, or otherwise unfit to serve.

E. Removal. A PPTGC member may be removed from office before the expiration of his or her term only after receiving a written Notice of Removal, signed by the Governor, setting forth specific grounds showing that such member has abused his position or has engaged in conduct unbecoming an official of the Pueblo; has violated the laws of the Pueblo or of the State of New Mexico or of the United States of America in some respect that casts doubt on the member's fitness to continue in office; or has consistently failed to perform his or her duties as a member of the PPTGC. A member shall have ten (10) days after actual receipt of such notice within which to submit to the Governor's Office a written request for a hearing before the Tribal Council. If no such request is submitted within such period, the member's removal shall automatically take effect on the expiration of the period. If a hearing is requested within the period, it shall be held within fifteen (15) days after the date on which the request was filed with the Office of the Governor. At the hearing before the Tribal Council, the Governor shall present facts supporting the specifications of misconduct set forth in the Notice of Removal, after which the member may present his or her own case in opposition to the specifications. The presentation to the Council may be through witnesses, documents or argument, as the Governor and the member shall choose, but shall be limited to the issues specified in the Notice of Removal. The member may be represented by counsel. The member shall not be deemed removed from the PPTGC unless the Notice of Removal is upheld by a vote of two-thirds of the members of the Tribal Council present and voting.

F. Vacancies. The Tribal Council shall by appointment fill any vacancy that may occur in the membership of the PPTGC, by appointing a member to serve out the unexpired portion of the term of the vacant position, but such appointment shall be fully subject to the provisions of paragraph (B) of this section.

G. Powers and duties of the PPTGC. The PPTGC shall have the following powers and duties:

1. Oversight of Gaming Activity; Inspectors. The PPTGC shall have primary responsibility for overseeing all gaming activity to assure the integrity of gaming activity and shall for that purpose employ inspectors who shall be under the sole supervision of the PPTGC. The inspectors shall have access to all areas of any Gaming Facility at all times, but they shall comply with reasonable security requirements of the Gaming Enterprise when entering any restricted area. The inspectors shall report to the PPTGC regarding any failure by the Gaming Enterprise or Management Contractor to comply with any of the provisions of this Code and any other applicable laws. All inspectors and other employees of the PPTGC involved directly in the regulation of any gaming activity shall be licensed by the PPTGC and must undergo background investigations equivalent to those performed for applicants for licenses as Gaming Employees prior to commencing work.

2. Investigations; subpoena. The PPTGC may on its own initiative investigate any aspect of the gaming activity as to which it has a reasonable basis for suspicion of improper or unlawful conduct. The PPTGC may require any Gaming Enterprise or Management Contractor to take any appropriate action deemed necessary to comply with the Code, Act and any other applicable law. The PPTGC may compel any person to appear before it and to provide any information, documents, or other materials that may be in their possession to assist in any such investigation.

3. Public safety. The PPTGC shall ensure that the Gaming Enterprise or Management Contractor shall prepare and submit for the review and approval of the PPTGC a satisfactory plan for the protection of the public in any Gaming Facility.

4. Review of plans. The PPTGC shall review and approve floor plans and surveillance systems for each Gaming Facility and may confer with other organizations regarding the adequacy of such plans and systems.

5. Regulations. The PPTGC, with the approval of the Tribal Council, shall promulgate any and all regulations it deems necessary or appropriate for the regulation of gaming activity within the Pueblo consistent with the provisions of the Act, the Regulations, the Compact and this Code, including the PPTGC's authority under this Code, so as to fulfill the purposes of this Code, the Act and the Compact. All such regulations properly promulgated by the PPTGC within the scope of its powers granted herein and approved by the Tribal Council shall have the full force of law within the Pueblo, provided that they are issued in accordance with the following procedure:

a. The PPTGC shall adopt a draft of any proposed regulation or amendment to a regulation by majority vote, at a regularly scheduled meeting, and promptly thereafter shall publish the draft regulation, by delivering the text thereof, together with any appropriate explanatory material, to the Governor, the Tribal Council, the Gaming Enterprise, the Pueblo's general counsel, any Management Contractor employed by the Pueblo or its Gaming Enterprise, the State Gaming Control Board, the Commission, and anyone else whom the PPTGC considers

appropriate to receive such draft, allowing each person who received such draft no less than 60 days from the date of publication in which to submit written comments to the PPTGC on the proposed regulation.

b. The PPTGC shall give due consideration to all written comments received by it within the time allowed on any proposed regulation, in deciding whether and in what form the regulation should be formally issued.

c. Final regulations may be approved by the PPTGC by majority vote at a regularly scheduled meeting.

d. The PPTGC shall send all final regulations to the Tribal Council for approval and adoption.

e. The PPTGC shall maintain a complete and accurate compilation of all regulations that have taken effect in accordance with the procedures of this section, copies of which shall be provided to the Commission, the State Gaming Representative, and to the Governor and the Pueblo's general counsel, and shall be made available to any person upon reasonable request.

6. Licenses. The PPTGC may issue, suspend, and revoke licenses in accordance with this Code.

7. Standards. The PPTGC shall promulgate, review, approve, and revise the technical standards and rules of each game operated by the Gaming Enterprise or Management Contractor and shall notify the Gaming Enterprise or Management Contractor of the rules and of any change to the rules.

8. Health, safety and security standards. The PPTGC shall enforce all health, safety and security standards applicable to the Gaming Facility. Before the opening of any Gaming Facility for gaming activity, the Gaming Enterprise or Management Contractor shall obtain a certificate of compliance from the PPTGC. The PPTGC shall issue a certificate of compliance to the Gaming Enterprise upon a determination that the Gaming Facility complies with applicable health, safety and security standards.

9. Penalties and subpoenas. The PPTGC shall be empowered to impose penalties for violations of this Code and to issue subpoenas in furtherance of its duties.

10. Civil and criminal actions. The PPTGC may in the name of the Pueblo bring any civil action or criminal complaint in the courts of the Pueblo, the State or the United States to enforce the provisions of this Code, the Act, or any Compact, or to enjoin or otherwise prevent any violation of this Code occurring on Pueblo Lands.

11. Operating budget. The PPTGC shall adopt an annual operating budget which shall be subject to the approval of the Council. The PPTGC may, in accordance with the budget, employ a staff as it deems necessary to fulfill its responsibilities under this Code and may retain legal counsel, consultants, and other professional services, including investigative services, to assist the PPTGC with its responsibilities under the Code. The expenses of the PPTGC in accordance with such budget shall be appropriated by the Council from the Net Revenues paid to the Pueblo.

12. Orders. The PPTGC may issue any order or decision, which the PPTGC has the power to issue, to any Gaming Enterprise, Gaming Employee, or Management Contractor, or to any other person within the jurisdiction of the Pueblo, to take any action or cease and desist from any action as may be required to protect to the public interest in gaming.

H. Hearings. The PPTGC may conduct hearings, investigations, inquiries, compel the production of any information or documents, or otherwise exercise the investigatory powers necessary to carry out its duties under this Code.

I. Executive Director. The PPTGC may appoint and retain an individual to serve as Executive Director of the PPTGC to oversee and manage its duties and responsibilities under this Code on a day-to-day basis, to supervise the inspectors and other staff employed by the PPTGC, and to conduct hearings, investigations, and otherwise act on behalf of the PPTGC as authorized by the PPTGC. The Executive Director shall be responsible for coordination of the functions of the PPTGC with federal and state agencies as necessary, and shall perform such other functions as the PPTGC shall delegate to him or her.

J. Employee Background Investigations. The Executive Director and each employee of the PPTGC who has any responsibility for the regulation of gaming activity shall be required to undergo a background investigation equivalent to that performed on Gaming Employee applicants, and no person shall be employed by the PPTGC who would not be found suitable for licensing as a Gaming Employee.

K Procedures of the PPTGC.

1. Meetings. Meetings of the PPTGC may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the PPTGC or as determined by its Chairman. Unless otherwise specified by the PPTGC, no notice of meetings shall be necessary. If deemed appropriate by the Chairman, meetings may be held by teleconference or by polling.

2. Quorum. At any meeting of the PPTGC, a majority of the PPTGC members shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the PPTGC. The Chairman may vote on all matters to the same extent as any other member. The Chairman shall

preside at all meetings of the PPTGC unless the Chairman designates another member to preside in his absence.

3. Notice of PPTGC action. No action of the PPTGC to impose a penalty pursuant to this Code or to revoke a gaming license shall be valid unless the person affected is given at least seven (7) days' notice of the proposed action and the opportunity to appear and to be heard before the PPTGC, either in person or through a representative or legal counsel, and to submit such evidence as the PPTGC deems relevant to the matter at issue, except where the PPTGC specifically finds that an action must be given immediate effect in order to protect the assets of the Pueblo or the fairness and integrity of gaming on Pueblo lands. In the event such finding is made, the PPTGC shall schedule a hearing on such action no less than seven (7) days after its effective date. No notice is necessary to suspend a gaming license, but a revocation hearing must be held within nine (9) days or the suspension shall be discharged automatically.

4. Hearings. Any person who is adversely affected by any action of the PPTGC may request a hearing before the PPTGC by written request submitted within thirty (30) days following receipt of notice of the action of the PPTGC. The PPTGC shall thereupon afford an opportunity to appear and be heard either in person or through a representative or legal counsel, and to submit such evidence as the PPTGC deems relevant to the matter at issue. The PPTGC shall either affirm or reconsider its decision. The PPTGC may direct the Director or one or more members of the PPTGC designated by the PPTGC to conduct any hearings.

5. Rules and procedures. The PPTGC may adopt any additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Code.

SECTION X. APPEALS TO TRIBAL COURT. Any person aggrieved by a final action of the PPTGC may file an appeal to the Tribal Court. The person shall file a notice of appeal stating the specific basis of the appeal and pay any court fees. A copy of the notice shall be provided to the PPTGC. Upon receipt of a notice of appeal, the court clerk shall schedule a hearing before the Tribal Court. The decision of the Tribal Court shall be final.

SECTION XI. RESOLUTION OF PATRON DISPUTES. Any patron of a Gaming Facility who disputes any action or decision of a Management Contractor or the Gaming Enterprise or an employee thereof that adversely impacts such patron shall have the right to have such dispute heard and decided in a timely and fair manner, according to procedures established by regulations issued by the PPTGC. Such regulations shall provide, at a minimum, that the patron may have his or her dispute heard by a management official of the Gaming Enterprise, and that if dissatisfied with the decision of such official, may appeal such decision to the board of the Gaming Enterprise. The regulations may also provide that the patron may elect to challenge the decision of the board by civil action in the Tribal Court, whose decision shall be final.

SECTION XII. PROHIBITED ACTS.

It shall be a violation of this Code for any person to:

A Conduct or participate in any gaming on Pueblo Lands other than at a licensed Gaming Facility.

B Receive, distribute, apply or divert any property, funds, proceeds, or other assets of the Gaming Enterprise to the benefit of any person except as authorized by the Gaming Enterprise, this Code, the Compact, or the Act.

C Do any act in connection with the conduct of any Gaming Enterprise with the intent to affect the outcome of any wager other than in accordance with the publicly-announced rules of such Gaming Enterprise.

D Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

E Place, increase or decease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

F Claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a Gaming Device with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

G Manipulate, with the intent to cheat, any component of a Gaming Device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to manipulating a Gaming Device with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

H Knowingly use in a Gaming Device any thing other than coins, tokens, cards, gaming ticket vouchers or other devices approved by the PPTGC, or other lawful coin, or to use a coin not of the same denomination as the coin intended to be used in the Gaming Device.

I Possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, in analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.

J Use any device or means to cheat, or to possess any such device while at the Gaming Facility.

J. Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of this Code, the Act, a Compact, or other applicable law and regulation with the intent that the other person play or participate in that gaming.

SECTION XIII. PENALTIES. Any person who violates any provision of this Code shall be subject to a fine of up to $5000 per offense, or imprisonment of up to one year, or both such fine and imprisonment, as determined by the Tribal Court, if such person is subject to the jurisdiction of the Tribal Court. Any Gaming Employee who violates any provisions of this Code may be subject to civil penalties imposed by the PPTGC, termination of employment by the Gaming Enterprise, denial or revocation of a gaming license, or exclusion from attendance at any Gaming Facility. A non-Indian person may be subject to exclusion from Pueblo Lands by the Tribal Court, in the manner provided by tribal law.

SECTION XIV. SEVERABILITY. In the event any section or provision of this Code or its application to any particular activity is held to be invalid, the remaining sections and provisions of this Code and the remaining applications of such section or provision shall continue in full force and effect.

SECTION XV. SOVEREIGN IMMUNITY; JURISDICTION. Nothing herein shall be deemed or interpreted to be a waiver of the sovereign immunity of the Pueblo from unconsented suit in any court. Any action arising under the provisions of this Code, or relating thereto, shall be within the exclusive jurisdiction of the Tribal Court.

SECTION XVI. DESIGNATION OF PUEBLO'S AGENT FOR SERVICE. The Governor of the Pueblo shall be the Pueblo's agent for service by the Commission of any official determination, order or notice of violation, pursuant to 25 C.F.R. § 519.1, but provided that upon receipt, the Governor shall immediately transmit or deliver a copy of any such document to the chairperson of the PPTGC and the chairperson of the board of the Gaming Enterprise.