

NATIONAL
INDIAN
GAMING
COMMISSION

APR 10 1996

Mrs. Donna Duckey
Chairperson
Big Pine Paiute Tribe
of the Owens Valley
P.O. Box 700
841 So. Main Street
Big Pine, CA 93513

Dear Ms. Duckey:

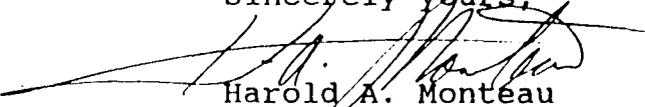
This letter responds to your request to review and approve the tribal gaming ordinance, Gaming Ordinance No. 96-01, adopted on February 1, 1996, by the Big Pine Paiute Tribe of the Owens Valley. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

Thank you for submitting the ordinance of the Big Pine Paitue Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Montéau
Chairman

FEB 5 1996

**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY
BIG PINE INDIAN RESERVATION**

TRIBAL GAMING ORDINANCE NO. 96-01

Approved by Big Pine Tribal Council on: February 1, 1996

Amendment No. approved by Tribal Council on:

Approved by National Indian Gaming Commission:

SUBJECT: TRIBAL GAMING ORDINANCE

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BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY

ARTICLE I - TITLE, FINDINGS AND PURPOSES

Section 1. Title:

This Ordinance shall be known as the Big Pine Paiute Tribe's Gaming Ordinance No. 96-01

Section 2. Findings:

The Tribal Council of the Big Pine Paiute Tribe finds that:

A. The Tribal Council is empowered by its Constitution, as amended, and approved on March 1994 to enact ordinances within the jurisdiction of the Big Pine Indian Reservation and other trust lands owned by the Tribe that are not adjacent to the Reservation.

B. It is essential to the health, safety and general welfare of the Big Pine Paiute Tribe and the visitors to the Big Pine Indian Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Tribal owned land.

Section 3. Purposes:

The purpose of this Gaming Ordinance is to:

A. Provide standards and regulations governing the conduct of gaming activities on Tribal Land of the Big Pine Paiute Tribe;

B. Promote Tribal Economic Development;

C. Enhance employment opportunities for tribal members;

D. Strengthen the Economy of the Big Pine Paiute Tribe, Tribal Government and the Community.

E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Tribe, and residents of the Big Pine Indian Reservation.

ARTICLE II - GENERAL PROVISIONS

Section 1. Definitions

A. "Act" or "I.G.R.A." means the Indian Gaming Regulatory Act, 25. U.S. C. Section 2701 et seq.

B. "Tribal Council" means the Governing body of the General Big Pine Paiute Tribe.

C. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the Indian Gaming Regulatory Act, P.L. 100-497 (1988), codified at 25 U.S. C. Sections 2701-2721, and accompanying federal regulations.

D. "Class III Gaming" means all forms of gaming that are defined as "Class III Gaming in the Indian Gaming Regulatory Act, P.L. 100-497 (1988), codified at 25 U.S. C. Sections 2701-2721, and accompanying federal regulations.

E. "Compact" means any compact by and between the Tribe and the State of California setting forth an agreement for operation of Class III Gaming on Tribal Land of the Big Pine Paiute Tribe.

F. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department of governmental agency except that "entity" shall not include the Tribe.

G. "Indian Land(s)" or Big Pine Paiute Tribal land(s) means all lands within the limits of the Big Pine Indian Reservation; or any lands title to which is either held in trust by the United States for the benefit of this Tribe or individual Tribal Member or held by the Tribe or individual Tribal member subject to restriction by the United States against alienation, and over which the Tribe exercises governmental power, or any land(s) that may be added to the Reservation or Tribal jurisdictions that will be held in trust by the United States of America for the benefit of the Tribe.

H. "Key Employee" is defined as in 25 C.F.R Section 502.14, as may be amended from time to time.

I. "Net Revenues" means gross gaming revenues of the Tribe's gaming operational less (i) amounts paid out as, or paid for, prizes, and (ii) total gaming-related operating expenses, excluding management fees.

J. "Ordinances" means the Big Pine Paiute Tribe enacted Gaming Ordinance No. 96-01.

K. "Ordinance No. ____" means that certain Ordinance of the Tribal Council of the Big Pine Paiute Tribe "Establishing the Big Pine Tribal Gaming Commission, as adopted by the Tribal Council on _____".

L. "Person" means any individual, receiver, administrator, executor, assignee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, association society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal or nonprofit doing business within Indian land(s). The Tribe is not within the definition of person.

M. "Primary Management Official" is defined as in 25 C.F.R. Section 502.19, as may be amended from time to time.

N. "Tribal Gaming Facility" or "Gaming Facility" means any location where Class II or Class III Gaming is conducted.

O. "Tribal Gaming Operation" means any Class II or Class III gaming operation conducted on Land owned by the Big Pine Paiute Tribe.

P. "Tribe" or "Tribal" means or refers to the Big Pine Paiute Tribe, Big Pine Indian Reservation, its agencies and officials.

Q. "Tribal Gaming Commission" means a Commission established by the Tribe for the purpose of regulating any gaming operation approved by the Tribal Council. The Commission shall function as part of the Tribal Government.

Section 2. Gaming Authorized and Regulated:

A. Class II Gaming and Class III Gaming are authorized on Indian land(s). Class II Gaming and Class III Gaming shall be regulated by the Gaming Commission and shall only be operated consistent with the provisions of this Ordinance No. 96-01, the Act and regulations promulgated by the National Indian Gaming Commission pursuant to the Act.

Section 3. Use of Revenues from Class II and Class III Gaming Activities.

A. Net revenues from Class II and Class III Gaming activities shall be used only to:

1. Fund Tribal Government operations and programs;
2. Provide for the general welfare of the Tribe, and Tribal Members, including education, health, and safety;
3. Promote Economic Development within the Big Pine Indian Reservation, on Tribally owned lands outside or adjacent to the Big Pine Indian Reservation, or lands located within the original homeland of the Big Pine Indian Reservation, including job creation and training, infrastructure improvement and resource management;
4. Fund operations of local Tribal Government agencies providing services, programs, and/or assistance to Tribal residents; and/or
5. Donate to charitable and/or nonprofit organizations including local governments.

B. The Tribal Council may elect to authorize the distribution of per capita payments to Tribal members pursuant to guidelines established and adopted by the Tribal Council and consistent with the applicable federal law.

Section 4. Facilities:

A. To ensure that the environment and the public safety and welfare are adequately protected, each gaming facility shall be constructed and maintained in compliance with applicable Tribal and Federal laws, including but not limited to fire codes, safety codes and building codes.

B. Each gaming facility shall be subject to inspection to insure compliance, annually or on such schedule as the Tribal Building inspector, or if none, the Tribal Council determines necessary and appropriate.

Section 5. Minors, Employees Prohibited:

A. No person under the age of 21 years shall be permitted to play any Class II or Class III Game, with the following exception:

Persons 18 years of age shall be permitted to play Bingo, so long as the game is played in a separately defined area.

ARTICLE III - ADMINISTRATION

Section 1. Tribal Gaming Commission:

A. Establishment and composition.

The Gaming Commission is established and composed pursuant to Ordinance No. 96-01.

B. Duties and Powers.

The Gaming Commission shall continue to have the duties and be empowered pursuant to Ordinance No. 96-01. In addition, the Gaming Commission shall administer the provisions of this Ordinance and shall have all additional powers necessary therefor.

Section 2. Licensing:

A. Authority to License.

1. The Gaming Commission shall have the authority to license and regulate Class II and/or Class III Gaming on Indian Land(s) which is now, or may hereafter, be permitted pursuant to the terms of this Ordinance, Ordinance No. 96-01 the Act and/or any applicable Compact.

B. Types of Licenses to be Issued.

The Gaming Commission shall issue the following licenses for gaming on Indian Land(s) subject to its authority to license and regulate:

1. Primary Management Official License.
2. Key Employee License
3. Other Licenses necessary and appropriate.

Section 3. License Fees: Application Fees and Continuing Yearly Fees:

A. Any person making application for a Tribal gaming license pursuant to this Ordinance shall submit his/her application, and required forms and information, as set forth by the Gaming Commission, pursuant to this Ordinance, together with an application fee as prescribed by the Gaming Commission.

B. A license shall, at least sixty (60) days prior to the expiration of the license, make application for renewal with the Gaming Commission, and shall submit the application and required forms and information together with a renewal fee prescribed by the Gaming Commission.

Section 4. License Validity: Effective Period and Place.

A. **Period:** Tribal Gaming Licenses shall be valid and effective for a period of one year from the date of issue, unless same is sooner suspended or revoked for cause after notice and hearing, pursuant to this Ordinance. The effective date and period shall be stated on the fact of the license.

B. **Place:**

1. A Tribal Gaming License shall be valid for one (1) facility or location only, and the location shall be identified on the face of the license.
2. If a person or entity desires to be employed with, or operate, more than one gaming location, a separate gaming license must be obtained for each separate facility or location.

C. **Facility License:** A separate tribal gaming license shall be issued to each place, facility or location on Indian land(s) where gaming is allowed in accordance with this Ordinance.

Section 5. License: Qualifications and Requirements:

A. **General:**

1. An Application to receive a tribal gaming license or to be found suitable to receive a tribal gaming license shall not be granted unless the Gaming Commission is satisfied, after review of a background investigation that such applicant is:
 - a. A person of good character, honesty and integrity;
 - b. A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members or to the effective regulations of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and

c. In all other respects is qualified to be licensed or found suitable consistent with this Ordinance.

d. An application to receive a tribal gaming license or to be found suitable constitutes a request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the Gaming Commission or the National Indian Gaming Commission established pursuant to 25 U.S.C. Section 2704, by any member thereof or any witness testifying is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

b. Primary Management Officials, Key and other Employees Requirements:

1. No person shall be licensed by the Gaming Commission for employment by a gaming enterprise operated on Indian Land(s) who:

a. Have been convicted of or who has pled guilty or nolo contendere to any felony, gambling offense, or other offenses involving moral turpitude (except that misdemeanors committed before such person's 18th birthday shall not act to bar his/her employment); or

b. Is under the age of 18, except that, no person shall be licensed by the Gaming Commission for employment as a Primary Management Official or Key Employee which is under the age of 21.

2. No person shall be employed as a Primary Management Official or Key Employee in a Class II or Class III gaming activity who:

a. Has not first applied for and obtained a Tribal Gaming License pursuant to this Ordinance.

b. Is ineligible for fidelity bonding or similar insurance covering employee dishonesty.

3. Upon request of a gaming operation, the Gaming Commission may issue a temporary gaming license to a Key Employee or Primary Management Official after receipt of a completed license application, as prescribed by Paragraph C, of this Article, Section 4, unless grounds sufficient to disqualify the applicant for licensing are

apparent on the face of the application. The holder of a temporary gaming license shall enjoy the privileges and be subject to the conditions of an annual license. A temporary license shall expire and become void and of no effect upon a final determination of the applicant's qualifications to hold an annual license, or ninety (90) days after the issuance of the temporary license, whichever is sooner. A temporary license shall clearly state on its face that the license is temporary.

4. Every person employed at a gaming facility operated on Indian Land(s) shall wear an identification badge which conspicuously states the place of employment, the full name and photograph of the person and their position of employment.

C. Primary Management Officials and Key Employees: License Application, Notices:

1. The Gaming Commission shall require that Primary Management Officials and Key Employees make application for a Tribal Gaming License on a form specified by the Gaming Commission.
2. The application form shall include the following notices:

a. Privacy Notice:

(i) In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, local or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

(ii) The disclosure of your Social Security Number (COULD) is voluntary. However, failure to supply a COULD may result in errors in processing your applications.

b. Notice regarding False Statements

(i) A false statement on any part of your application may be grounds for not hiring you or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, section 1001).

3. Acknowledgement of receipt and reading of Notice.

a. All child to the Gaming Commission shall be required to sign an acknowledgement of receipt and reading of the Privacy Notice and Notice Regarding False Statements, which shall be placed on the same page immediately following the Notice.

b. The Gaming Commission shall notify in writing existing Key Employees and Primary Management Officials subject to tribal licensure that they shall either:

1. Complete a new application form that contains a Privacy Act notice and a Notice Regarding False Statement; or

2. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice and a statement that contains the Notice Regarding False Statements.

4. The tribal gaming license application shall at minimum require the following information:

a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written):

b. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license number(s);

c. The names and current addresses of at least three personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a) (2) of this section;

- d. Current business and residence telephone numbers:
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with gaming industry generally, including ownership interest in those businesses;
- g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and addressee of the court involved, and the date and disposition if any;
- i. For each misdemeanor conviction or ongoing misdemeanor (except minor traffic violations) within 10 years of the date of the application, the name address of the court involved, and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a) (8) or (a) (9) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;
- k. The name and address of any licensing or regulatory agency with which the person has filed an application for a occupational license or permit, whether or not such license or permit was granted:
- l. A Photograph;
- m. Fingerprints consistent with procedures adopted by the Gaming Commission consistent with 25 C.F.R section 522.2(h). Fingerprints shall be taken by the Sherriff of Inyo County, California, pursuant to intergovernmental, agreement with the Tribe, and shall be sent directly to the National Indian Gaming Commission by the law enforcement agency taking the fingerprints; and
- n. Any other information the Gaming Commission deems relevant,

D. Primary Management Officials and Key Employees; Background Investigation Report.

1. The Gaming Commission shall conduct, or cause to be conducted by, either through the Federal Bureau of Investigation (FBI) or the National Indian Gaming Commission, an investigation for each Primary Management Official and key Employee. The investigation shall include, requirements at least as those included in 25 CFR Parts 556 and 558 pursuant to 25 CFR, 522.4 (6X5) and at a minimum:
 - a. Verification of all information on the application;
 - b. Interviews of current and prior employers and immediate supervisors for the proceeding five (5) years;
 - c. Interviews of all personal references;
 - d. Obtaining a criminal history record; and
 - e. An interview with the applicant.

2. The investigator shall be required to make written report to the Gaming Commission of the investigation, including there in the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of all persons interviewed, the information obtained from the persons interviewed regarding the applicant's reputation, habits and associations and the apparent candidness (or lack thereof) of the persons, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.

The Gaming Commission shall review the report and any additional information known to it and make a determination of whether the applicant is eligible, meets the requirements for employment and is suitable or poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of suitable, unfair or illegal practices and methods and activities in the conduct of gaming, particularly identifying all potential problem areas and disqualifying information.

4. The Gaming Commission shall create a report, that at minimum identifies and describes the steps taken in conducting the investigation, the results obtain, the conclusions reached and the basis for these conclusion. Said report shall be filed with the NIGC Pursuant to 25 CFR Section 558.3 (b) within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.
5. The Gaming Commission shall not issue a license to any applicant who is not eligible and/or does not meet the requirements for the employment as a Primary Management Official or Key Employee.
6. Following its determination and prior to issuance of a license to an applicant determined to meet the requirements, the Gaming Commission shall forward to the National Indian Gaming Commission, Pursuant to the National Indian Gaming Commission, pursuant to 25 CFR Section 588.3 (b), no later than sixty (60) days after a Primary Management official or key Employee begins work or sixty (60) days after National Indian Gaming Commission of its decision not to license an applicant.
7. With respect to key employee and primary management officials, the Tribe shall retain applications for employment and reports if any of background investigation for inspection by the Chairman of the National Indian Gaming Commission or his designee, for not less than(3) years from the date of termination of employment.
8. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.
9. If the National Indian Gaming Commission (NIGC) has received an investigation report concerning an individual who another tribe wishes to employ as a key employee or primary management official and if the second tribe has access to the investigative materials held by the first tribe, the second tribe may update the investigation and update the investigative report provided to the NIGC Pursuant to C.F.R. 25, Section 556.5 (c).

E. Granting a Gaming License:

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license.
2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph E (1) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall consider the application, taking into account the objectives itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 6. All other employees:

- A. The Tribal Gaming Commission shall follow the Big Pine Paiute Tribe's Personnel Policies Manual approved by the Tribal Council on February 24, 1994.
- B. The Tribal Gaming Commission can recommend any changes to the Tribal Council that the Commission may need to staff the Tribal Gaming Operation to ensure that management of gaming personnel will be conforming to tribal policies.
- C. The Tribal Gaming Commission will authorize background checks on all other employees as the commission determines necessary pursuant to the position description, by following the provisions outlined in Article II, Section 5(D) of this Ordinance.

Section 7. Suspension and Revocation.

- A. 1. A license issued by the Gaming Commission shall be suspended, without prior notice, if the National Indian Gaming Commission notifies the Tribe that a Primary Management Official or Key Employee does not meet the standards established and set forth herein pursuant to the Act the federal regulation. After notice and hearing the Gaming Commission may revoke such license.

B. Suspension and Revocation Notice and Hearing:

1. The Gaming Commission shall promptly notify in writing any tribal licensee whose license has been suspended and may be revoked and shall include in said notice as required by 25 CFR 558.5:
- a. The effective date of the suspension and proposed revocation;
 - b. The reason(s) for the suspension and proposed revocation;
 - c. The right of the licensee to appear before the Gaming Commission, at a specified date, time and place, to challenge the suspension and proposed revocation.
2. A copy of the revocation or reinstatement decision shall be promptly sent to the licensee and to the National Indian Gaming Commission.

C. Revocation Hearing:

1. A tribal licensee may appeal the revocation of his/her license to the Tribal Council written notice of appeal of the revocation to the Tribal Council and the Gaming Commission no later than 10 days after the licensee receives notice that his/her license has been revoked. The notice of appeal shall clearly state the reason(s) why the licensee believes his/her license should not be revoked.
2. Upon receipt of the notice of appeal of the license revocation, the Tribal Council shall schedule a revocation appeal hearing. Written notice of the time, date and place of the hearing shall be delivered to the licensee no later than five (5) days before the scheduled date of the hearing.

3. The licensee and the Gaming Committee may be represented by legal counsel at the revocation appeal hearing. The licensee and the Gaming Committee may present witnesses and evidence in support of their respective positions and may examine witnesses and evidence presented by the opposing side.
4. A copy of the Tribal Council's decision regarding the revocation of a license shall be sent to the licensee, Gaming Committee and National Indian Gaming Commission.

D. Application for Relicensing:

1. No person or entity who class II or Class III tribal gaming license has been revoked shall be eligible for a new license until 12 months after the effective date of the revocation.

ARTICLE IV - CLASS II GAMING

Section 1. Authorization to Conduct Class II Gaming:

- A. All Class II gaming conducted on Indian Land(s) shall be conducted in compliance with applicable law, rules and regulations of any governmental authority with jurisdiction.
- B. The Tribe shall retain and have sole proprietary interest in and responsibility for the conduct of all Class II gaming.
- C. Income to the Tribe from the gaming activity shall only be used for the purposes described in Article II, Section 3 of this Ordinance.

Section 2. Management Contracts:

- A. The Tribe may enter into a management contract for the operation and management of Class II gaming activities. Each such contract must comply with the provisions of this Ordinance, other applicable provisions of Tribal Law (including, but not limited to, tribal labor relations preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. Section 2711).

Section 3. Hours of operation, Notice committee:

- A. Class II gaming may be conducted 24 hours a day, seven (7) days a week, subject to approval by the Gaming Commission.
- B. Prior to operation of Class II gaming or any change in hours of operation, the operation, the operator shall:
 - 1. Notify the Gaming Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.
 - 2. The proposed schedule shall be approved unless the Gaming Commission notifies the owner or operator of its objection within 15 days of its receipt of the proposed schedule.
 - 3. If the Gaming Commission makes objection, it shall state its reasons and the changes necessary, and the proposer may submit a revised proposal accommodating the Gaming Committee's objections, or may request a opportunity to rebut the objections.
 - i. Submission of a revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.
 - ii. If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Gaming Commission shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

ARTICLE V - CLASS III GAMING

Section 1. Compliance with Applicable Law:

- A. All Class III gaming conducted on Indian Land(s) shall be conducted in compliance with applicable laws, rules and regulations of any governmental authority with jurisdiction, and with any applicable compact.

Section 2. Authorized Ownership and Operation

A. The Tribe may own and operate one or more Class III gaming facilities on Indian Land(s) and shall retain and have sole proprietary interest in and responsibility for the conduct of Class III gaming operations.

Section 3. Regulations and Inspection:

A. The Gaming Commission shall adopt all necessary and appropriate rules and regulations for Class III gaming, which may include but not be limited to:

1. Game rules and conduct;
2. Public display of rules requirements;
3. Facility patron safety and security requirements;
4. Permitted Games Specifications and Requirements; and
5. Background investigations, application and release forms.

B. Class III facilities shall be open at all usual business hours for inspection by the Gaming Committee.

Section 4. Hours of Operation:

A. Class III gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Gaming Commission.

B. The gaming operation shall submit, and the Gaming Commission may approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

Section 5. Games Permitted:

A. Any Class III game or games permitted pursuant to the compact may be conducted at a Class III gaming facility, subject to applicable laws, rules, and regulations.

B. Any Class III game which is here before or hereafter permitted on Indian Lands under federal law or amendments to applicable laws, rules or regulations.

Section 6. Management Contracts:

A. The Tribal Council may enter into a management contract on behalf of the Tribe for the operation and management of Class III gaming activities. Each such contract must comply with the provisions of this Ordinance, applicable tribal law (including, but not limited to, tribal

employment preference laws), and applicable federal law (including, but not limited to 25 U.S.C. Section 2711).

Section 7. Resolution of Disputes with Gaming Public:

- A. Disputes between the gaming public and a gaming operation, which involve Class II and/or Class III gaming, shall be resolved by the Gaming Committee. Hearing shall be held within twenty (20) days of a written complaint filed by a member of the gaming public. The Gaming committee shall adopt and publish guidelines and procedures for such hearings. A final commission decision may be appealed to the Tribal Council.

ARTICLE VI - RECORDS AND AUDITS

Section 1. Records Maintenance:

- A. Each gaming facility shall maintain accurate and up-to-date records for each gaming activity conducted. Records shall include records of the following:
1. All financial transactions;
 2. personnel;
 3. complaints of patrons;
 4. facility in-house investigations of any kind;
 5. incidents and accidents;
 6. actions by facility against players or facility visitors;
 7. actions by facility against or in reprimand of employees; and
 8. Any additional records required by the Gaming Committee.

Section 2. Independent Audits:

A. 1. Gaming Activities:

The Tribal Council shall cause an audit to be conducted each year on all Class II and Class III gaming activities licensed or conducted on Indian land(s). Such audit(s) shall be conducted by an independent auditing firm, selected at the sole discretion of the Tribal Council. However, nothing in this paragraph shall prohibit the annual audit of the tribal gaming activities from being encompassed within the Tribe's existing audit system.

B. 1. Contracts for Supplies, Services or Concessions:

Each contract for supplies, services, or concessions with a contract amount in excess of \$25,000.00 annually (except, contracts for professional legal or accounting

services) relating to a Class II and/or Class III gaming activity shall be subject to the independent audit required by subparagraph (A), above.

C. 1. Audit Report to be Provided to National Gaming committee.

The Tribal Council shall furnish a copy of each annual gaming activities audit report to the National Indian Gaming committee, as required by 25 U.S.C., Section 2710(b) (2) (C).

ARTICLE VII - ENFORCEMENT AND VALIDITY OF ORDINANCE

Section 1. Enforcement:

- A. If any person or entity fails or refuses to pay a monetary penalty or administrative fine imposed by the Gaming Committee or otherwise fails to comply with final action of the Gaming Committee, and such person has failed to timely commence an appeal of the imposition or action before the Tribal Council or the Tribal Council has upheld the imposition or action, the Tribe may proceed to collect the assessment or enforce the action by initiating a civil action against the person or entity by filing with the Tribal Council. In a civil action, the validity and amount of any monetary penalty or administrative fine imposed by the Gaming Committee shall not be subject to judicial review. The Tribe shall be entitled to all remedies in law or in equity that are available to civil litigant generally. The provisions of this Article VII, Section 1, shall in no way limit the remedies at law or in equity otherwise available to the Tribe.

Section 2. Severability:

- A. If any provision or provisions in this Ordinance are held invalid by a Court of Competent jurisdiction, this Ordinance shall continue to be in effect as if the invalid provision(s) were not a part thereof.

Section 3. Effective Date of this Ordinance:

- A. This Ordinance shall take effect upon enactment by the Tribal Council and approval by the Chairman of the National Indian Gaming Commission.

Section 4. Designation of Agent for Service of process.

- A. Pursuant to 25 C.F.R Section 522.2(g) the Tribe designates its Tribal Chairperson as its agent for service or process.

C E R T I F I C A T I O N

We, the undersigned Tribal Council officials of the Big Pine Paiute Tribal Council, Big Pine Indian Reservation, at a special called Tribal Council meeting, held on February 1, 1996 in which a quorum was present, enacted this Ordinance No. 96-01 by a vote of 4 - FOR, 0 - Against, 0 - Abstains, and this Ordinance has not been rescinded or amended in any manner. The Tribal Chairperson only votes in case of a tie, pursuant to the Tribal Constitution, but his/her present is part of the quorum.

ATTEST:


Secretary