November 3, 2004

Mr. Frank Gardner, Chairman
Burns-Paiute Tribal Gaming Regulatory Agency
Old Camp Casino
2205 W. Monroe
Burns, OR 97720

Re: Approval of Burns-Paiute Tribe Gaming Ordinance amendments

Dear Chairman Gardner:

This is in response to your August 6, 2004, letter seeking review and approval of the amendments to the Burns-Paiute Tribe's gaming ordinance, enacted pursuant to Tribal Council Resolution 2004-13. The amendments conform the ordinance to the Tribe's recently amended compact with the State of Oregon and are hereby approved.

Thank you very much for your submission. If you have any questions or require further assistance, please contact Michael Gross, Staff Attorney, at 202-632-7003.

Sincerely,

Philip N. Hogen
Chaiman

Burns Paiute Tribe
100 PASIGO STREET BURNS, OREGON 97720
PHONE (541) 573-2088
FAX: (541) 573-2323

BURNS PAIUTE TRIBE **RESOLUTION NO. 2004-13**
Burns Paiute Tribal Council

Approval of Burns Paiute Tribal Gaming Ordinance

WHEREAS, the Burns Paiute Tribe ("Tribe") is a federally recognized Indian Tribe pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984): AND

WHEREAS, the Burns Paiute Tribal Council ("Council") is the elected governing body of the Burns Paiute Tribe and is authorized to act on behalf of the Tribe pursuant to Article VI of the Tribe's Constitution, as approved and adopted on February 19, 1988 and approved by the Secretary of Interior June 3, 1988 (the "Constitution"); AND

WHEREAS, the powers of the Burns Paiute Tribal Council, Article VI, Section 1(a), to negotiate with the Federal government on behalf of the Tribe; AND

WHEREAS, the powers of the Burns Paiute Tribal Council, Article VI, Section 1(e), to manage all economic affairs and enterprises of the community; AND

WHEREAS, the Indian Gaming Regulatory Act, adopted by Congress on October 12, 1988, sets forth the requirements for the conduct of Class II and Class III Gaming, which requirements include the adoption of a Gaming Ordinance for class II and Class III gaming and the approval of said Ordinance by the National Indian Gaming commission; AND

NOW THEREFORE BE IT RESOLVED, that the Tribal Council does hereby adopt the attached Gaming Ordinance to govern the conduct of all Class II and Class III gaming within the Burns Paiute Indian Reservation; AND

BE IT FINALLY RESOLVED, that the Chairman of the Tribal Council is hereby directed to transmit the attached Gaming Ordinance, along with all supplemental information required by federal regulations, to the National Indian Gaming Commission for their review and approval.

CERTIFICATION

We, the undersigned Chairperson and Secretary of the Burns Paiute Tribal Council, hereby certify that the Tribal Council is composed of seven (7) members of whom (5) constituting a quorum, were present at a meeting thereof duly and regularly called, noticed, convened, and held on this 19th day of July, 2004, and that the foregoing resolution was duly adopted by an affirmative vote of 4 members, with Ø opposing and Ø abstaining. The Chairperson's vote is not required except in a case of a tie.

Brenda Sam

ATTEST: Brenda Sam
Tribal Council Secretary

Barbara Sam

Chairperson: Barbara Sam

BURNS-PAIUTE TRIBE
GAMING ORDINANCE

Section 1. Title

This Ordinance shall be known as the Burns-Paiute Tribe Gaming Ordinance.

Section 2. Findings.

The Tribal Council of the Burns-Paiute Tribe, finds that:

A. The Burns-Paiute Tribe has authority to regulate Class I and II gaming activities on Indian Lands as defined at 25 U.S.C. 2703(4) (b) within the Burns-Paiute Reservation; and

B. The Burns-Paiute Tribe is authorized to operate, license and regulate Class III Gaming on Indian Lands, as defined at 25 U.S.C. 2703(4) (b), within the Burns-Paiute Reservation, provided it has entered into, and operates Class III Gaming consistent with, a compact entered into between the Tribe and the State of Oregon; and

C. It is essential to the health, safety and general welfare of the Burns-Paiute Tribe and the visitors to Burns-Paiute Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Burns-Paiute Reservation lands.

Section 3. Purposes.

The purposes of this Gaming Ordinance are to:

A. Provide standards and regulations governing the conduct of gaming activities on Burns-Paiute Indian Lands within the Burns-Paiute Reservation;

B. Promote Tribal economic development;

C. Enhance employment opportunities for Tribal members;

D. Strengthen the economy of the Burns-Paiute Tribe; and

E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Burns-Paiute Tribe.

8. "Class III Gaming Contract: means a contract that involves major or sensitive procurements for the provision of any goods or services for the conduct of Class III Gaming.

9. "Class II Gaming Contractor" is any individual, business or other Entity that applies for or is a party to a Class II Gaming Contract.

10. "Class III Gaming Contractor" is any individual, business or other Entity that proposes to consummate, or in fact consummates a Class III Gaming contract.

11. "Compact" means the Compact by and between the Burns-Paiute Tribe and the State of Oregon dated December 26, 2002, setting forth an agreement for operation of Class III Gaming on Burns-Paiute Indian Reservation within the State of Oregon.

12. "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 <u>except that</u> "Entity" shall not include the Burns-Paiute Tribe.

13. "Gaming Commission" or "Commission " means the Tribal Gaming Commission, created by this Ordinance.

14. "Gross Receipts" means the total receipts from the conduct of gaming activities.

15. "High Security Employee" means any natural person who participates in the operation or management of the Class III Tribal Gaming Operation, whether employed by the Tribe or by a person or entity providing on-site or off-site gaming operation or management services to the Tribe, including but not limited to: Tribal Gaming Operation administrators, managers and assistant managers, gaming facility surveillance or security personnel, dealers, croupiers, shift supervisors, cage personnel (including cashiers and cashier supervisors), drop and count personnel, Consultants, Video Lottery Terminal technicians, junket representatives; and any other person whose employment duties require or authorize uncontrolled access to areas of the Gaming Facility related to Class III gaming and which are not otherwise open to the public. The Tribal Gaming Commission or its inspectors shall not be considered "High Security Employees".

16. "Indian Lands" or "Burns-Paiute Indian Lands" means all lands within the exterior boundaries of the Burns-Paiute Indian Reservation; and any lands title to which is either held in trust by the United States for the benefit of the

d. Video devices or other equipment, except equipment specifically included in the definition of Sensitive Procurement.

e. A contract or license to use a patented game or game product;

f. Accounting systems or surveillance systems;

g. A contract that provides for, or the terms of which will make necessary, a continuing relationship over time (more than thirty days) between the parties; or

h. A contract that involves or requires commitments by either party to the contract such that there would be substantial financial consequences to one of the parties if the contract or procurement action was terminated prematurely. For this purpose a contract involving consideration or value of $100,000 or more shall be deemed to involve substantial financial consequences to one of the parties if the contract or procurement action was terminated prematurely.

23. "Minor Procurement" means any procurement action or contract related to Class III Gaming that is neither a Major Procurement nor a Sensitive Procurement. A typical example of this class of procurement is a contract to change the external appearance of a Video Terminal.

24. "National Indian Gaming Commission" or "NIGC" means the National Indian Gaming Commission, created by the Act.

25. "Net Revenues" means gross gaming revenues of an Indian gaming operation less—
    a. Amounts paid out as, or paid for, prizes; and
    b. Total gaming related operating expenses, excluding management fees.

26. "Non Banking Card Games" means any care game in which two or more Players play against each other and the Players do not wager against the house. Non-Banking Card Games played in conformity with State law regulating hours of play, wagers and pot limits is Class II Gaming. All other Non-Banking Card Games are Class III games.

27. "Player" means any person participating in gaming activity, who is participating with the reasonable expectation of, or for the chance of, receiving a Prize of some value.

28. "Primary Management Official" means any person who:

37. "Video Lottery Terminal" or "VLT" means any electronic or other device, contrivance or machine where the game outcome decision-making portion of the overall assembly is microprocessor controlled wherein the ticket or game outcome is displayed on a video display screen, electronically controlled physical reels, or other electronic or Electro-mechanical display mechanism and that is available for consumer play at the device upon payment of any consideration, with winners determined by the application of the element of chance and the amount won determined by the possible prizes displayed on the device and which awards game credits. Such device shall also display both win amounts and current credits available for play to the player.

Section 5. Gaming Authorized and Regulated

A. Class I Gaming is authorized on Indian Lands, and may be conducted by any Person. Class I Gaming shall not be regulated by this Ordinance.

B. Class II Gaming is authorized on Indian Lands. Class II Gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with the provisions of this Ordinance and I.G.R.A.

C. Class III Gaming is authorized on Indian Lands. Class III Gaming shall be regulated by the Tribal Gaming Commission and shall only be operated consistent with this Ordinance, the Compact and I.G.R.A.

Section 6. Use of Revenues from Class II and Class III Gaming Activities.

Tribal revenues from Class II and Class III Gaming activities shall be used only to:

1. fund Tribal government operations, programs or businesses;

2. provide for the general welfare of the Burns-Paiute Indian Reservation or Tribal members (if the Tribal Council elects to make per capita distributions, the per capita distributions, the per capita distribution plan must be approved by the Secretary of the Interior prior to implementation as required by the Act);

3. promote economic development within the Burns-Paiute Indian Reservation;

4. donate to charitable organizations.

Section 7. Gaming Facility.

A. To ensure that the environment and the public safety and welfare are adequately protected, the Tribal Gaming Facility shall be constructed

B. Forfeiture.

1. Any unclaimed Prize of a Class II or Class III Gaming activity shall be retained by the owner of gaming activity or enterprise for ninety days after the Prize is available to be claimed. Any Person who fails to claim a Prize during such time shall forfeit all rights to the Prize, and the amount of the Prize shall be awarded to the Tribe.

2. If any person under the age of eighteen (18) plays and otherwise qualifies to win any prize or compensation under Class II gaming, the prize or compensation shall not be paid.
3. If any person under the age of twenty-one (21) plays and otherwise qualifies to win any prize or compensation under Class III gaming, the prize or compensation shall not be paid.

II. ADMINISTRATION

Section 10. Gaming Commission

A. Establishment and Composition

1. There is hereby created the Tribal Gaming Commission.

2. The Tribal Gaming Commission shall be comprised of a Gaming Commissioner and two (2) members.

B. Qualifications and Appointment

1. The Gaming Commissioner and Commission members shall be appointed by the Tribal Council, and shall possess and demonstrate as minimum qualifications:

   a. Knowledge and experience in the commercial gaming industry;

   b. Familiarity with the Act;

   c. Knowledge, experience or familiarity with law enforcement; or

   d. Experience in and knowledge of administration and administrative procedure.

2. The Gaming Commission and all Commission members shall be from among the Tribe's General Council membership except that the Tribal Council may appoint non-member Indians or non-Indians to the Gaming Commission because of their demonstrated

2. Identify and define the rules of play for each Class II and Class III game permitted;

3. License, inspect and regulate all gaming activities and Persons employed in gaming activities conducted on Indian Lands as provided in this Ordinance.

4. Conduct or cause another Entity to conduct background investigations of Influential Employee, Primary Management Official, High Security Employee and Low Security Employee Applicants;

5. Insure the Tribal Gaming Facility is operated in compliance with the Compact and I.G.R.A.;

6. Carry on a continuous study and investigation of Class II and Class III Gaming on Indian Lands for the purpose of:

   a. Ascertaining any defects in or abuses of the standards and regulations in this Ordinance or applicable rules and regulations;

   b. Formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations;

   c. Preventing abuses and evasions of the standards and regulations prescribed by this Ordinance and applicable rules;

7. Report to the Tribal Council on any matters related to gaming regulation which are deemed by the Gaming Commission to constitute an emergency requiring immediate action;

8. Take any action it deems necessary and appropriate for violation(s) of this Ordinance, applicable rules and/or regulations, including but not limited to License suspension, revocation, prosecution, referral for prosecution, or civil suit; and

9. Employ such employees as are necessary to carry out the specific and general powers and duties of the Commission. Commission employees shall meet all License requirements of High Security employees.

D. <u>Limitation on Gaming Commission Powers</u>: <u>No Management Authority</u>.

Notwithstanding any power or duty delegated to the Gaming Commission pursuant to this Ordinance, nothing in this Section is intended to, nor shall be

C. Privacy Act Notice on Application Forms.

1. The following notice shall be placed on the License application form before that form is filled out by an applicant:

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 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 agencies when relevant to civil, criminal or 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 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.

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

2. Applicants shall be notified in writing that they shall either:

   a. Complete a new License application form that contains a Privacy Act notice; or

   b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the License application form before that form is filled out by an applicant:

A false statement on any part of your License 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.)

4. The Tribe shall notify in writing applicants that they shall either:

b. Social security number;

c. Date and place of birth;

d. citizenship

e. gender

f. All languages spoken or written;

g. Residential addresses for the past five years;

h. Employment history for the past five years;

i. Ownership interests in any business for the past five years and address of any such business.

j. Description of any existing or previous business relationships, including prior employment, with any Indian tribe and, if applicable, any ownership interest of such business;

k. The names and current addresses of at least three (3) personal references;

l. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

m. The name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted;

n. The name and address of any licensing or regulatory agency with which the applicant has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted;

o. Current driver's license number and any other driver's license held in the last five years;

p. All criminal proceedings, except for minor traffic offenses, to which the applicant has been a party;

q. A current photograph;

r. Any other information required by the Gaming Commission.

12. Falsifying business records
13. Sports bribery or receiving a sports bribe
14. Making a false financial statement
15. Obtaining execution of a document by deception
16. Theft by extortion
17. Arson in the first degree
18. Computer crime
19. Robbery in the first or second degree
20. Bribery
21. Bribing a witness
22. Perjury
23. Any theft accomplished by manipulation of records; e.g., embezzlement
24. Promotion of unlawful gambling
25. Conviction of any crime if the original charge was promotion of unlawful gambling, and a lesser charge was plea-bargained
26. Tax evasion

B. Except as provided in paragraph 6 of this subsection 13(A), the Tribal Gaming Commission shall deny a gaming license to any High Security Employee or Primary Management Official whom:

1. has, within the ten-year period preceding the date of license application, committed any felony other than a traffic offense, whether or not the crime resulted in a conviction or any such conviction has been expunged, under the law of any federal, state or tribal jurisdiction, or is the subject of a civil judgment under the law of any federal, state or tribal jurisdiction that is based on facts that constitute the elements of a felony other than a traffic offense, in that jurisdiction;

2. has committed a crime involving unlawful gambling under the law of any federal, state (or subdivisions thereof) or tribal jurisdiction, whether or not conviction of such a crime has been expunged, or is the subject of a civil judgment under the law of any federal, state or tribal jurisdiction that is based on facts that constitute the elements of a crime involving unlawful gambling in that jurisdiction.

C. Except as provided in paragraph 6 of this Subsection 13(A) the Tribal Gaming Commission shall deny a gaming License to any prospective High Security Employee or Primary Management Official who:

High Security Employee or Primary Management Official, the factors to be considered by the Tribal Gaming Commission shall include, but need not be limited to, the following:

1. The applicant has been convicted of any crime (other than a crime listed in subparagraph a. of this paragraph) in any jurisdiction;

2. The applicant has associated with Persons or businesses of known criminal background, or Persons of disreputable character, that may adversely affect the general credibility, honesty, integrity, security, fairness or reputation of the Tribe's class III gaming activities; or

3. There is any aspect of the applicant's past conduct that the Tribal Gaming Commission determines would adversely affect the honesty, integrity, security or fairness of Tribal gaming operation.

F. The Tribal Gaming Commission shall deny a License to any prospective Low Security Employee who does not meet the criteria established in sub-subparagraphs (1) to (5) of this Section (#13). The Tribal Gaming Commission may deny a License to any prospective Low Security Employee, who does not meet the criteria establishment in sub-subparagraphs (6) to (26) of this Section (#13) or in subparagraphs C. or D. of #5 Section 13. Decisions to grant or deny a Low Security Employee License shall be consistent with the principles set forth in subsection A of section 6 of the Compact.

G. The Tribal Gaming Commission may reject an application if the applicant has not provided all of the information requested in the application.

6. Denial of employment or a License by the Tribal Gaming Commission is final.

7. <u>Waiver of Disqualifying Criteria.</u>

a. Not withstanding the requirements of #5 (above) of this subsection, if a prospective Primary Management Official, High Security Employee, or Low Security Employee is disqualified for licensing or employment under the provisions of paragraph 5 above, and the Tribal Gaming Commission believes that there are mitigating circumstances that justify waiver of the disqualifying factor, the

8. Temporary licensing of employees

   a. The Tribal Gaming Commission may issue a temporary License to High Security Employees 15 days after submission of the application to the Oregon State Police, or upon completion of a review of the employee's application and completion of a computerized criminal history check and credit check by the Tribal Gaming Commission, if the applicant would not be disqualified on the basis of the results of the application review and preliminary checks. The temporary License shall expire and become void upon completion of the full background check by the Oregon State Police and submission of the results to the Tribal Gaming Commission. If the employee does not qualify for a permanent license, the Tribal Gaming commission shall immediately void the temporary license and deny a permanent license.

   b. The Tribal Gaming Commission may issue a temporary license to a Low Security Employee upon submission of the application to the Oregon State Police, or upon completion of a review of the employee's application and completion of a computerized criminal history check by the Tribal Gaming Commission, if the applicant would not be disqualified on the basis of the results of the application review and preliminary checks. Any Low Security Employee shall be subject to immediate license revocation if the Oregon State Police or the Tribal Gaming Commission determines that the employee does not meet the criteria established in subparagraph 7(A)(5)(d).

   c. For purposes of this paragraph, if an application is forwarded by mail to the Oregon State Police or the results of a background check by the Oregon State Police are provided to the Tribal Gaming Commission by mail, the material is deemed to be submitted three days after the date of mailing.

   d. No temporary license may be granted under this paragraph to a Primary Management Official or to a consultant performing or consulting on Primary Management Official functions or duties.

9. Background investigation during employment. The Tribal Gaming Commission may request the State to conduct additional background investigations of any gaming employee at any time during the term of employment. The State shall report to the Tribal Gaming Commission any cause for the revocation or suspension of License and dismissal of any employee under the criteria established in paragraph 5 of subsection A above, and furnish the Tribal Gaming commission with

d. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming License. The Tribal Gaming Commission shall notify the NIGC of its decision.

12. The decision of the Tribal Gaming Commission to grant a License to a Primary Management Official, High Security Employee or Low Security Employee is subject to the review and approval of the NIGC as provided in Section 14 of this Ordinance.

13. The Tribal Gaming Commission shall insure that the Primary Management Officials maintain a procedural manual for employees that includes rules and regulations of conduct and disciplinary standards for breach of procedures and that prohibits violations of this Ordinance, I.G.R.A., the Compact and other applicable law.

14. The Tribal Gaming Commission agrees to provide to the Oregon State Police on a monthly basis, a list of all current employees of the Gaming Facility and to give notice to the Oregon State Police of any disciplinary action or termination of an employee, related to the fairness, integrity, security or honesty of the Tribe's Class III gaming activities, and any suspension or revocation of an employee's gaming license.

B. Contracts with Manufacturers and Suppliers.

a. Contracts with manufacturers and suppliers will conform to the Burns Paiute/State Class III Gaming Compact.

Section 14. National Indian Gaming Commission Review of Employee Licenses.

A. Report to the National Indian Gaming Commission.

1. The Tribal Gaming Commission shall prepare and forward to the NIGC an investigative report on background investigations for each Primary Management Official, High Security Employee or Class II Gaming Employee. The investigative report shall be submitted to the NIGC within 60 days after such employee begins work in the Tribal Gaming Facility. The Investigative report shall include all of the following:

a. Steps taken in conducting a background investigation;

b. Results obtained;

c. Conclusions reached; and

Security Employee or Class II Gaming Employee for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribal Gaming Commission shall make the final decision whether to issue a License to such applicant.

Section 15. License Suspension and Revocation.

A. Suspension and Revocation.

1. Any License issued by the Tribal Gaming Commission shall be suspended, without prior notice, if the National Indian Gaming Commission, after notification by the Tribal Gaming Commission of the issuance of a License, and after appropriate review, indicates that a Primary Management Official, High Security Employee or Class II Gaming Employee does not meet the standards established and set forth herein, pursuant to 25 U.S.C. 2710, and after notice and hearing may revoke such License.

2. The Tribal Gaming Commission shall immediately suspend, and after notice and hearing, revoke the License issued pursuant to this Ordinance to any Person or Entity who is or becomes ineligible to hold a License under this Ordinance or who violates any provision of this Ordinance, or of 25 U.S.C. 2701 et seq., or of 18 U.S.C. 1163 or regulations promulgated and adopted thereunder.

B. Revocation Notice.

1. The Tribal Gaming Commission shall promptly notify in writing any Licensee whose License has been or will be revoked and shall include in said notice:

   a. The effective date of the revocation;

   b. The reason(s) for the revocation;

   c. The right of the Licensee to appeal the revocation to the Tribal Court within ten (10) days of the Licensee's receipt of the revocation notice.

2. A copy of the revocation notice shall be sent to the National Indian Gaming Commission.

C. Revocation Hearing

For purposes of this definition, Oregon State law does not include county or municipal laws or regulations.

4. "Game Card" and "Bingo Game Card" means a Regular or Special Bingo Card.

5. "Pull Tabs" means factory covered tickets which are purchased and opened by customers revealing a predetermined winning arrangement.

6. "Punch Board" means a small board that has many holes, each filled with a rolled up printed slip to be punched out upon payment of a Player fee, in an effort to obtain a slip that entitles the Player to a designated Prize.

7. "Regular Bingo Card" means a board card issued to a Person upon payment of admission fee which affords a Person the opportunity to participate in all regular Bingo games played at a Bingo occasion.

8. "Special Bingo Card" means a disposable, specially marked Bingo card which affords a Person the opportunity to participate in a special Bingo game for special Prizes, or a game card generated by and appearing on the screen of a computer employed by the Gaming Facility and assigned to a Player for a Bingo game(s).

9. "Special Bingo Game" means any Bingo game that is not a regular Bingo game and which is played with special Bingo cards whether or not for special Prizes.

10. "Tip Jars" means a game of chance, wherein a Person upon payment of a fee, is permitted to reach into, or tip a jar containing printed slips, and extract one slip in an effort to obtain a slip that entitles the Player to a designated Prize.

Section 17. Authorization to Conduct Class II Gaming.

A. Class II Gaming shall be owned and operated exclusively by the Tribe, and no License to own or operate any Class II Gaming shall be issued to any other Person or Entity. Class II Gaming on Burns-Paiute Indian Lands shall only be authorized at the Tribal Gaming Facility.

B. The Manager or operator of the Tribal Gaming Facility shall obtain a License as a condition of conducting a Class II Gaming activity in the Facility.

Section 22. Entry Prohibited.

No Person may enter any room in which a Bingo game is being played unless the Person is a Player, except facility employees and Persons present by authority of the Gaming Commission, for purposes of inspection or regulatory duties. Non-Bingo playing persons (i.e. family members, friends, etc) are allowed to enter the room where Bingo is being played for 5 minutes only to talk to player (i.e. ride, get money to play slots, etc).

Section 23. Hours of Operation; Notice to Commission.

Class II Gaming may be conducted 24 hours a day, seven days a week, as determined by the Manager or operator of the Tribal Gaming Facility. The Manager or operator shall notify the Tribal Gaming Commission of its schedule for hours of operation seven days before the opening of the Tribal Gaming Facility, and shall provide written notice of any subsequent change of the schedule of hours of operation three days prior to the effective date of the new schedule.

IV. Class III Gaming.

Section 24. Exclusive ownership by Tribe.

Class III Gaming shall be owned and operated exclusively by the Tribe, and no License to own or operate any Class III Gaming shall be issued to any other Person or Entity.

The Manager or operator of the Tribal Gaming Facility shall obtain Facility License as a condition of operating a Class III Gaming operation.

Section 25. Authorized Operation.

A. The Tribe, or any Manager or operator under contract to manage the Tribal Gaming Facility may operate Class III Gaming at the Tribal Gaming Facility on Burns-Paiute Indian Lands.

B. The Tribe, or any Manager or operator under contract to manage the Tribal Gaming Facility shall submit its proposed Class III operation, which shall be approved by the Gaming Commission if:

    1. the proposed facility is in compliance with safety requirements of this Ordinance; and

    2. the Class III Gaming proposed is consistent with the Compact; and

V. Records and Audits

Section 30. Records Maintenance

The Tribal Gaming Facility shall maintain accurate and up-to-date records for each gaming activity conducted.

Records shall include records of:

1. all financial transactions;
2. all gaming machine testing, malfunctions, maintenance and repairs;
3. personnel;
4. complaints of patrons and resolution thereof;
5. Gaming Facility in-house investigations of incidents and accidents of any kind;
6. Actions by Gaming Facility against Players or facility visitors;
7. Actions by Gaming Facility against or in reprimand of employees; and
8. Tax records or information provided to the State of Federal government as required by the Compact or Federal law.

Section 31. Independent Audits.

A. Gaming Activities Licensed or Conducted by the Tribe.

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

B. Contracts for Supplies, Services or Concessions.

Each contract for supplies, services, or concessions with a contract amount in excess of $25,000 annually (except contracts for professional legal or accounting services) relating to a Class II or Class III Gaming activity shall be subject to the independent audit required by subparagraph (A), above.

1. Operate or participate in gaming on Burns-Paiute Indian Lands in violation of the provisions of this ordinance or in violation of rules and/or regulations promulgated pursuant to this Ordinance.

2. Knowingly make a false statement in an application for employment or contractor License application as required in this Ordinance; or

3. Bribe or attempt to bribe or unduly influence or attempt to unduly influence, any Person who Licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located on Burns-Paiute Indian Lands.

B. Any Indian who violates a provision of this Ordinance or of other Tribal law relating to gaming activities may be fined not more than $1,000 and/or imprisoned for up to one year for each violation. A separate violation occurs on each day that a violation arises or continues.

C. Any property used in the commission of a violation or a provision of this Ordinance may be seized by the Tribal Gaming Commission or their agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with principles of due process. If no objection is raised, or the objection is not sustained, the Tribe may dispose of the seized property.

D. Any non-Indian who violates a provision of this Ordinance may be excluded from the Indian Lands within the jurisdiction of the Burns-Paiute Tribe.

Section 34. Civil Penalties.

A. Any Person or Entity who violates any term or condition of any License issued pursuant to this Ordinance or any provision of a management contract issued pursuant to Sections 18 and/or 26 or Section 33, above, may be assessed a civil penalty by the Tribal Gaming Commission. Such penalty may be assessed only after the Person or Entity has been given notice and an opportunity to be heard before the Tribal Court. Each violation shall be treated separately and may be assessed as a separate violation.

B. The penalty assessed pursuant to subparagraph A, above, shall not exceed $5,000 per violation, or twice the amount of any grand Prize awarded in a gaming activity which is directly associated with the violation, whichever is greater.

C. Civil penalties provided for in this Section may be imposed in addition to the criminal penalties provided for in Section 34 above.

Section 35. Enforcement.