NATIONAL INDIAN GAMING COMMISSION

DEC 28 2000

Lola C. Rainey, Acting Attorney General
Colorado River Indian Tribes
Route 1, Box 23-B
Parker, Arizona 85344

Dear Ms. Rainey:

Thank you for submitting the Colorado River Indian Tribe's (Tribe) amended ordinance number 00-02 (Amended Ordinance). This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Amended Ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

We note that you originally submitted the Amended Ordinance on February 7, 2000. We returned the submission to you because, although it was enacted on January 14, 2000, an authorized tribal official had not yet signed it. We received the signed amendment on October 23, 2000. However, the amended ordinance did not indicate on what date it was signed and therefore finally approved. Please be advised that 25 CFR § 522.3 provides that amendments to ordinances must be submitted within 15 days after adoption. Because the signature was not dated, we were unable to determine whether the Amended Ordinance was timely submitted. In the future, please provide proof of the date of actual final passage of amendments to the Tribe's ordinance.

You have indicated that you believe the Chairman of the NIGC is without authority to review and approve the Amended Ordinance because you believe the amendments are outside the scope of the IGRA and NIGC regulations. Section 522.3 of 25 C.F.R. provides that a tribe shall submit for the Chairman's approval any amendment to an ordinance or resolution.

Thank you for submitting the Tribe's Amended Ordinance. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

Montie R. Deer
Chairman

FEB - 7 2000

ORDINANCE NO. 2000-02

BE IT ENACTED by the Tribal Council of the Colorado River Indian Tribes that the Gaming Code of the Colorado River Indian Tribes be amended as follows:

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GAMING CODE
ARTICLE I

[NOTE; Except as otherwise noted, the provisions of Article I of the Gaming Code were enacted on August 31, 1994 by Ord. No. 1.]

CHAPTER 1. LEGISLATIVE PURPOSE, INTENT AND SUMMARY OF STATUTORY SCHEME

Section 101. Purpose.

This Ordinance is enacted to implement the decision of the Tribal Council of the Colorado River Indian Tribes that in addition to other revenue-generating activities engaged in by the Tribe, Gaming Activities shall be permitted as a source of revenue-generation by, or authorized by the Tribes on Tribal Lands.

Section 102. Intent.

This Ordinance is enacted and shall be interpreted to ensure that any gaming Activities permitted on Tribal Lands shall:

(a) be conducted in a manner which maintains the highest standards of honesty and integrity;

(b) be conducted in a manner which maintains the public's confidence and trust in the honesty and integrity of the Gaming Activities;

(c) be conducted in a manner which generates the maximum reasonable economic return to the Tribes that is consistent with the safety, comfort and fair and reasonable expectations of the patrons of such activities; and

(d) be conducted in compliance with all applicable laws of the Tribes and of the United States of America, including but not limited to the Indian Gaming Regulatory Act of 1988, and in compliance with any Gaming Compacts that have been or may in the future be entered into between the Tribes and the State of Arizona or the State of California.

Section 103. Summary of Statutory Scheme.

This Ordinance establishes the following statutory scheme to administer the conduct of Gaming Activities on Tribal Lands:

(a) A Tribal Gaming Enterprise is herein established to conduct, manage, administer, supervise and control the revenue-generating and/or business affairs of all Tribal Gaming Activities conducted on Tribal Lands, subject to the overall authority of the Tribal Council as more specifically set forth in Chapter 4 of this Ordinance, and subject to the regulatory authority of the Tribal Gaming Agency;

(b) A Tribal Gaming Agency is herein established to have and to administer all civil regulatory authority overall Gaming Activities conducted on Tribal Lands as more specifically set forth in Chapter 5 and following Chapters of this Ordinance, and

(c) The role of the Tribal Council in Gaming Activities conducted on Tribal Lands will be to oversee the activities of both the Tribal Gaming Enterprise and the Tribal gaming Agency, as more specifically set forth hereinafter, and to mediate between those entities in the event such mediation becomes necessary.

CHAPTER 2. DEFINITIONS.

For purposes of this Ordinance:

(a) "Act" means the Indian Gaming Regulatory Act of 1988, Public Law 100-97, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168, and all regulations promulgated pursuant thereto.

(b) "Administrative Procedure Protocol" means the set of procedures adopted by the Tribal Gaming Agency to govern the promulgation of its regulations, the conduct of its hearings and disciplinary actions and the perfection of its appeals process,

(c) "Class I Gaming" means all forms of gaming defined as Class I in Section 4 (6) of the Act, 25 U.S.C. § 2703 (6).

(d) "Class II Gaming" means all forms of gaming defined as Class II in Section 4 (7) of the Act, 25 U.S.C. § 2703 (7).

(e) "Class III Gaming" means all forms of gaming as defined in Section 4 (8).

(f) "Compact" means any Tribal-State Compacts entered into between the Colorado River Indian Tribes and the State of Arizona or State of California for the purpose of regulating Class III Gaming activities conducted on Tribal Lands, and all amendments and modifications thereto, pursuant to Section 11 (d) of the Act, 25 U.S.C. § 2710 (d).

(g) "Commissioner" means of the Tribal Gaming Agency.

(h) "Distributor" means a person who distributes Class III Gaming Devices and/or component parts thereof.

(i) "Executive Director" means the Executive Director of the Tribal Gaming Agency.

(j) "Gaming Activity," unless specifically stated otherwise, means all forms of Class I, II or III Gaming conducted within Tribal Lands.

(k) "Gaming Device" means an electronic game of chance, defined as follows: a microprocessor-controlled electronic device that allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens, or by the use of a credit, and that awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash. Game play may be displayed by (i) video facsimile or (ii) mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

(l) "Gaming Employee" means (i) any natural person employed as a primary management official or key employee of a Gaming Operation and (ii) any natural person employed in the operation of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to restricted areas of a Gaming Facility not otherwise open to the public.

(m) "Gaming Facility" means the buildings or structures licensed and approved by the Tribal Gaming Agency in which Gaming Activities are conducted.

(n) "Gaming Facility Operator" means the Tribal Gaming Enterprise or such other wholly owned Tribal entity having full authority and responsibility for the operation and management of Gaming Activities on Tribal Lands.

(o) "Gaming Operation" means the total activities carried on by the Tribal Gaming Enterprise or such other wholly owned entity having full authority and responsibility of the operation and management of Gaming Activities on Tribal Lands.

(p) "Gaming Ordinance" or "Ordinance" means this Ordinance, which governs the conduct of all Gaming Activities on Tribal Lands, including all amendments thereto, and all regulations promulgated by the Tribal Gaming Agency thereunder.

(q) "Gaming Services" means the provision of any goods or services to a Gaming Facility Operator directly in connection with the operation of Class II or Class III Gaming in a Gaming Facility, including, but not limited to, equipment, merchandise, transportation, food, linens, janitorial supplies, maintenance, or security services for the gaming Facility, in an aggregate of more than $10,000 per year.

(r) "Keno" means a house banking in which a player selects from one to twenty numbers on a card that contains the numbers one through eighty. The house randomly draws twenty numbers and players win if the numbers they selected correspond to the numbers drawn by the house, with the house paying all winners, if any, and collecting from all losers.

(s) "Key Employee" means a Gaming Employee who performs one or more of the following functions: bingo caller; counting room supervisor, chief of security, custodian of gaming supplies or cash; floor manager; pit boss; dealer; croupier; approver of credit; or custodian of gambling devices including persons with access to cash and accounting records within such devices. In addition, any other person whose total cash compensation from the Gaming Operation is in excess of $50,000 per year, and the four most highly compensated persons in the Gaming Operation, shall also be deemed "key employees."

(t) "License" means an approval or certification issued by the Tribal Gaming Agency to any natural person or enterprise to be involved in the Gaming Operation or in the providing of gaming services to any Gaming Operation.

(u) "Licensee" means any natural person or enterprise who has been approved, licensed, certified or found suitable by the Tribal gaming Agency to be involved in the Gaming Operation or in the providing of gaming services to the Gaming Operation.

(v) "Management Contract" means a management contract within the meaning of the Act, 25 U.S.C. §§ 2710 (d)(9) and 2711.

(w) "Management Contractor" means a natural person or entity that has entered into a Management Contract as contemplated under the provisions of the Act, 25 U.S.C. §§ 2710 (d)(9) and 2711.

(x) "Net Revenue" means the gross revenues of any gaming activity less amounts paid out as, or paid for, prizes and total operating and capital expenses.

(y) "Office of Attorney General" means the Office of the Attorney General of the Colorado River Indian Tribes;

(z) "Primary Management Official" means the person having management responsibilities under a Management Contract, or any person who has authority to hire and fire employees or to set up working policy for the Gaming Operation; or the chief financial officer or other persons or persons having financial management responsibility for a Gaming Operation.

(aa) "Principal" means with respect to any entity; (i) each of its officers and directors; (ii) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager, (iii) each of its owners or partners, if an unincorporated business; (iv) each of its shareholders who own more than ten percent (10%) of the shares of the corporation, if a corporation; and (v) each person other than a banking institution who has provided financing for the entity constituting more than ten percent (10%) of the total financing of the entity.

(bb) "State" means the State of Arizona or State of California and the authorized officials, agents and representatives of each of those States, respectively.

(cc) "State Gaming Agency" means the agencies of the State of Arizona or of the State of California which may from time-to-time be designated by written notice to the Tribes as the single agency of its respective State having the authority to act on behalf of its State regarding such State's role in the Tribe's Gaming Activities and Operations.

(dd) "Tribal Council" means the Colorado River Tribal Council, as empowered and established by Article IV, Section 1 of the Constitution of the Colorado River Indian Tribes.

(ee) "Tribal Gaming Agency" means the regulatory entity established by this Ordinance to have and to administer all civil regulatory authority over all Gaming Activities conducted on Tribal Lands.

(ff) "Tribal Gaming Enterprise" means the entity of the Tribes established by this Ordinance to conduct all Gaming Activities on Tribal Lands.

(gg) "Tribal Lands" means the territory within the jurisdiction of the Colorado River Indian Tribes, as set forth in Article I of the Constitution of the Colorado River Indian Tribes, including territory which may be acquired by the Tribes in the future.

(hh) "Tribes" means the Colorado River Indian Tribes.

(ii) "Gaming Floor" means the area where Gaming Devices and/or any areas designated for Bingo or Card Games. This provision shall not be construed to prohibit minors from passing through the Gaming Floor when accompanied by their parent or guardian.

[As amended, May 5, 1995.]

CHAPTER 3. TRIBAL OWNERSHIP AND USE OF NET REVENUE.

Section 301. Tribal Ownership of Gaming Activities.

All Class I, Class II, and Class III Gaming Activities within the Tribal Lands shall be owned entirely by the Tribes and conducted and operated by a Tribal Gaming Enterprise under the direction of the Gaming Enterprise Director, except that Class I and Class II Gaming Activities my be authorized to be conducted by other entities on a per-event, charitable basis, pursuant to issuance of a permit by the Tribal Gaming Agency applying licensing standards that are at least as restrictive as those established by State law governing gaming within the jurisdiction of the surrounding State.

[As amended, September 13, 1994; January 8, 2000, by Ord. 2000-01; and January 14, 2000, by Ord. 2000-02.]

operating management; however, in the event of such delegation, the Gaming Enterprise Director will maintain responsibility for supervising and directing the activities of such manager(s) in the exercise of his duties;

(b) to make decisions as to capital investments, to propose short-term and long-term business plans, budgets, and internal reporting procedures for monitoring and evaluating the profit performance of the Tribal Gaming Enterprise, and to perform any other function necessary to carrying out the business of the Tribal Gaming Enterprise in a way consistent with maximizing its net revenues; and

(c) to hire personnel and staff to perform the business of the Tribal Gaming Enterprise, to sponsor such personnel for the various licenses required under this Ordinance, and to draw upon the professional legal and accounting resources of the Tribes for consultation and assistance, where appropriate.

[As amended, January 8, 2000, by Ord. 2000-01.]

Section 404. Obligations of the Gaming Enterprise Director.

The Gaming Enterprise Director shall be answerable to, and subject to the overall control of the Tribal Council. Such control will be facilitated by imposition of the following reporting obligations, as well as by any other obligations or procedures that may be imposed by the Tribal Council:

(a) the Gaming Enterprise Director shall submit the following documents to the Tribal Council for its approval: an annual business plan that includes three-to-five year projections of expenses and revenues and narrative explaining such projections; an annual line-item budget of all operations of the Tribal Gaming Enterprise; all requests for proposals (RFP's) or contracts that entail extraordinary or non-recurring expenses in excess of $100,000 expenditure by, or accrual of liability to, the Tribal Gaming Enterprise; and all plans or proposals for expansion, addition or construction of Gaming Facility physical plant;

(b) the Gaming Enterprise Director shall submit the following reports to the Tribal Council for its review: monthly, quarterly, and annual financial statements, all prepared in accordance with General Accepted Accounting Principles, and in the case of monthly statements, presented within thirty (30) calendar days after the closing of the calendar period for which the information is being supplied, and in the case of quarterly and annual statements, presented within forty-five (45) calendar days after the closing of the calendar period for which the information is being supplied; an annual independent audit, presented within sixty (60) calendar days after the closing of the calendar year for which the information is being supplied; and notices and reports of any violations or unusual occurrences concerning requirements of this Ordinance and any other applicable law or regulation, presented within three (3) calendar days after such notice or report is made available to the Tribal Gaming Enterprise.

[As amended, January 8, 2000, by Ord. 2000-01.]

Section 405. Appointment Eligibility and Compensation of Gaming Enterprise Director.

(a) The Gaming Enterprise Director shall be appointed by the Tribal Council and must meet the following minimum standards of eligibility:

1. must be over the age of twenty-one, have previous managerial or supervisory experience in gaming operations and must be a person of the utmost honesty and integrity in that he or she shall not have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and he or she shall be a person whose prior activities, reputation, habits and associations shall not pose a threat to the public interest or to the public image of Gaming Activities conducted on Tribal Lands;

2. must receive a Gaming Facility Operator's License from the Tribal Gaming Agency and must accordingly meet all criteria for such a license in advance of assuming his or her duties;

3. must pledge to the Tribal Council that he or she will not gamble in any Gaming Facility run by the Tribal Gaming Enterprise, and that he or she will not assume any personal financial interest in any gambling by any patron of the Gaming Facility.

(b) Prior to the expiration of his or her term, a Gaming Enterprise Director may resign at will, or may be removed from his or her position by a majority vote of the Tribal Council, but in the latter circumstance, only for cause and only after a plenary hearing before the Tribal Council, duly noticed and conducted.

(c) The Gaming Director may hold other Tribal positions, except for positions on the Tribal Council, on the Tribal Gaming Agency, in Tribal law enforcement, or in positions of appointments as public officials, and may engage in business; however, Gaming Enterprise Director shall not engage, or have any interest, whether financial, proprietary or otherwise, in any business which is subject to the provisions of this Ordinance or which entails transactions with the Tribal Gaming Enterprise. The Gaming Enterprise Director shall be compensated for his or her services to the Tribal Gaming Enterprise at a rate to be established annually by the Tribal Council.

[As amended, November 25, 1996; January 8, 2000, by Ord. 2000-01; and January 14, 2000, by Ord. 2000-02.]

Chapter 5. THE TRIBAL GAMING AGENCY.

Section 501. Establishment of the Tribal Gaming Agency, and Funding.

There is hereby established the Tribal Gaming Agency, which shall be part of the Tribal Government, and which shall have overall civil regulatory authority over all Gaming Activities conducted on Tribal Lands, as set forth herein. From its General Fund the Tribal Council shall appropriate the annual budget of the Gaming Agency.

Section 502. Supervision of the Tribal Gaming Agency.

(a) The Tribal Gaming Agency shall be administered under the supervision of three Commissioners who shall be appointed by the Tribal Council and who shall serve for two-year terms. At least two of the Commissioners shall be Tribal members. At least one of the Commissioners shall possess strong managerial experience in gaming operations, gaming regulation or gaming audits and financial controls. All Commissioners must be over the age of twenty-five, must be persons of the utmost honesty and integrity, must never have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and must be persons whose prior activities, reputation, habits and associations shall not in any way jeopardize the effective regulation of gaming or the Tribe's and the public's trust, confidence or interests. No Commissioner may be affiliated with or employed by the Tribal Gaming Enterprise in any capacity, and no Commissioner shall gamble in any Gaming Facility run by the Tribal Gaming Enterprise nor assume any personal financial interest in any gambling by any patron of the Gaming Facility. Spouses and household dependents of Commissioners shall likewise not gamble in any Gaming Facility owned by the Tribal Gaming Enterprise.

(b) Unless otherwise specifically provided in this Ordinance, a majority vote of the Commissioners shall be deemed sufficient to effectuate any decision or action which this Ordinance authorizes the Commissioners to make. Further, unless otherwise provided in this Ordinance, a decision or action by the Commissioners shall be final and not subject to review by any Court or judicial forum.

Section 503. Executive Director of the Tribal Gaming Agency.

The Gaming Commission shall appoint an Executive Director of the Tribal Gaming Agency subject to confirmation by the Tribal Council, and that individual shall serve as Executive Director at the pleasure of the Gaming Commission. The Executive Director shall have overall responsibility for the day-to-day administration of the Tribal Gaming Office, however all policy decisions shall be made by the Commission. The responsibilities of the Executive Director shall include but are not limited to:

(a) serving as the formal liaison to the person holding the similarly titled position with the State Gaming Agency;

(b) serving as the Tribe's designated agent for service of any official determination, order or notice of the National Indian Gaming Commission;

(c) proposing, for the majority approval of the Commissioners and of Tribal Council, an Administrative Procedure protocol and any amendments thereto, covering: notices of proposed and final regulations propounded by the Tribal Gaming Agency (which, at a minimum, will adopt the provisions of Section 506 (herein); hearings and the conduct of hearings regarding such regulations; and due process and evidentiary standards for entertaining patrol complaints, challenges to any Tribal Gaming Agency determination by any affected person or entity, and disciplinary actions commenced against any person or entity for violations of this Ordinance, the Act or other applicable laws or regulations;

(d) proposing, subject to the majority approval of the Commissioners and Tribal Council, an annual

budget reflecting the anticipated expenses of running the Tribal Gaming Agency for the succeeding year.

(e) performing all personnel responsibilities of the Tribal Gaming Agency, including hiring staff as required to perform the responsibilities and obligations of the Tribal Gaming Agency, and promulgating employment standards and regulations which may include a provision that an employee of the Tribal Gaming Agency may not simultaneously be affiliated with or employed by the Tribal Gaming Enterprise in any capacity and may not gamble in any gaming Facility run by the Tribal Gaming Enterprise or assume any personal or financial interest in any gambling by any patron of the Gaming Facility, and, with respect to certain categories of Tribal Gaming Agency employees as may be determined, that the spouse and household dependents of such employees shall not gamble in any Gaming Facility run by the Tribal Gaming Enterprise; and

(f) establishing the standard operating procedures by which the Tribal Gaming Agency shall perform its functions, and doing whatever else is necessary to see that the Tribal Gaming Agency accomplishes its purposes and responsibilities.

[As amended, July 27, 1995.]

Section 504. Compensation and Removal of Commissioners.

(a) Prior to the expiration of his or her term, a Commissioner, including the Executive Director, may resign at will, or may be removed from his or her position by majority vote of the Tribal Council, but in the latter circumstance, only for cause and only after a plenary hearing, duly noticed and conducted.

(b) Commissioners may hold other Tribal positions, except for positions on Tribal Council, or positions of appointment as public officials, and may engage in business; however, Commissioners shall not engage, or have any interest, whether financial, proprietary or otherwise, in any business which is subject to the provisions of this Ordinance or which entails transactions with the Tribal Gaming Enterprise. Commissioners, including the Executive Director, shall be compensated for their services to the Tribal Gaming Agency at a rate to be established annually by the Tribal Council.

Section 505. Powers and Duties of the Tribal Gaming Agency.

Subject to all of the provisions of this Ordinance, the Tribal Gaming Agency shall have the following powers and duties, which it may exercise directly or through such agents or employees as it deems appropriate:

(a) to have and to exercise full responsibility for the regulations of Gaming Activities within Tribal Lands;

(b) to issue, limit, condition, restrict, renew, suspend and/or revoke licenses for Gaming Facility Operators, Gaming Managers, Gaming Manufacturers and Suppliers, Gaming Employees, and

Gaming Facilities, as provided herein; and, pursuant to such licensing authority, to issue forms for license applications, to perform background investigations of license applicants, to withhold licenses pending investigation, to approve or deny applications, and to issue or require the issuance of employee identification cards and Gaming Facility Authorization Certificates;

(c) to issue per-event for the conduct of Class I or Class II Gaming Activities, whose sole purpose is to promote a charitable or public good and the revenues from which shall be used exclusively for charitable or public purposes, and not for private gain or profit;

(d) to enter at any time any Gaming Facility within Tribal Lands for the purpose of inspecting the facility, its employees and operations, its equipment and supplies, its business records and books of account or any other financial records or documents pertaining to the business operations of the facility, and to make summaries or copies of any such documents or other records as the Tribal Gaming Agency deems useful or necessary to its purposes;

(e) to issue subpoenas and to compel the attendance of witnesses at any place within the Tribal Lands, to administer oaths and to require testimony under oath;

(f) to summarily seize and remove from any Gaming Facility, and to impound, any equipment supplies, documents or records for the purpose of examination;

(g) to review the terms of any and all proposed contracts between the Tribal Gaming Enterprise and any person or entity for the purpose of managing or operating the Tribal Gaming Enterprise's Gaming Facilities, as well as the terms of any lease of land for the location of such Gaming Facilities, for compliance with all applicable laws and regulations, and to make recommendations concerning such terms to the Tribal Gaming Enterprise and to the Tribal Council;

(h) to investigate any aspect of Gaming Activities within the Tribal Lands in order (i) to protect the public's interest regarding the integrity of such Gaming Activities and (ii) to prevent improper or unlawful conduct in the course of such Gaming Activities;

(i) to investigate any report of a failure by the Tribal Gaming Enterprise to comply with provisions of this Ordinance or any other applicable statute or regulation, and to direct the Tribal Gaming Enterprise to take remedial actions pursuant to terms and conditions that the Tribal Gaming Agency so specifies;

(j) to establish a list of persons who, because of their criminal history or association with career offenders or career offender organizations, pose a threat to the integrity of the Tribe's Gaming Operations and are accordingly barred from any Gaming Operation, Gaming Facility or Gaming Activity within the Tribal Lands, and to maintain and provide such list to the appropriate State Gaming Agency;

(k) to approve the rules of each game of chance operated by the Tribal Gaming Enterprise pursuant to Section 301 of this Ordinance;

(l) to require that all gaming-related contracts or agreements for supplies, services or concessions in an amount in excess of $25,000 annually (except contracts for professional, legal or accounting services) be subject to annual audits by an independent certified public accountant licensed in the appropriate State and having in-depth knowledge about and experience with gaming;

(m) to issue a notice of violation to, or impose a civil or administrative penalty upon, any person or entity for violation(s) of any provision(s) of this Ordinance, or other applicable laws or regulations; and

(n) to do all other things, including the issuance of regulations as further amplified in Section 506 herein, reasonable necessary for the proper and efficient exercise of the other powers and responsibilities placed upon the Tribal Gaming Agency by this Ordinance, the Act and any other applicable laws or regulations;

(o) to detain any person who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities.

[As amended, June 12, 1998.]

Section 506. Issuance of Regulations.

(a) The Tribal gaming Agency shall from time-to-time promulgate and issue regulations governing any aspect of its responsibilities under this Ordinance. Such regulations, so long as they are in furtherance of and not inconsistent with any provisions of this Ordinance, shall have the force of law. Without limitations, the matters to be addressed by such regulations may include the following:

1. the timing, manner and procedures applicable to applying for licenses for Gaming Facility Operators, Gaming Managers, Gaming Manufacturers and Suppliers, Gaming Employees, and Gaming Facilities, including the information to be provided in connection with such application, and the manner in which such applications will be processed;

2. the specific types of accounting, organizational and security measures to be in place and functioning at any Gaming Facility licensed under this Ordinance;

3. the grounds for, and procedures for imposition of, any disciplinary action to be taken against licensees;

4. the public health and safety standards governing the physical plant of the Gaming Facilities, the provision of food and beverages and the admission of patrons to the Gaming Facilities; and

5. the procedures to be instituted by the Gaming Operation to ensure the physical safety of its employees and patrons, to safeguard its assets when being transported to and from the Gaming Facility and cashier's cage department, and to protect its property and the property of the patrons from illegal activity.

(b) The Tribal Gaming Agency must approve its regulations in proposed form by a majority vote of the Commissioners, and must then submit such proposed regulations to public comment for a period of no less than thirty calendar days. The notice provisions for, and the procedures governing public comment on, such proposed regulations shall be set forth in the Administrative Procedure Protocol referred to in Section 503(c). Following the public comment period, the Commissioners will again consider their proposed regulations prior to finalization and will adopt final regulations by a majority vote. The Commissioners will then file final versions of such regulations with the Tribal Council and with the Tribe's Office of the Attorney General, and will include such final regulations in a volume of Tribal Gaming Agency Regulations" to be maintained at the offices of the Tribal Gaming Agency, and to be furnished in true copies to any requesting person or entity for a reasonable fee to be established by the Tribal Gaming Agency.

(c) In the event the Tribal Gaming Agency determines that immediate administrative action is necessary to avoid serious jeopardy to the integrity of any Gaming Activity under its jurisdiction, the Agency may, upon making an express written finding as to the urgency of the situation, issue an interim regulation which shall take immediate effect as if final, and shall remain in effect until the procedures for public comment as set forth in the Administrative Procedure Protocol can be concluded.

(d) The following regulations are adopted as final regulations of the Tribal Gaming Agency and are exempt from the provisions of subsections (b) and (c) of this Section:

1. Regulations Covering Operational Standards, Specifications, and Minimum Internal Control Standards for Electronic Games of Chance;

2. Regulations Covering Operational Standards, Specifications, and Minimum Internal Control Standards for Keno (computerized), as agreed to, or to be agreed to, by the Tribes and the Arizona State Gaming Commission; and

3. Minimum Internal Control Standards for Internal Audits.

Section 507. Petition for Self-Regulation.

As soon as the Tribal Gaming Agency determines that the Tribes are eligible therefor, the Tribal Gaming Agency shall submit to the National Indian Gaming Commission an application for a Certificate of Self-Regulation, under the provisions of 25 U.S.C. § 2710(c)(4). The Tribal Gaming Agency shall do everything necessary and appropriate to obtain such Certificate and to maintain the Certificate in good standing.

CHAPTER 6. LICENSES REQUIRED FOR PARTICIPATION IN THE BUSINESS OF GAMING ACTIVITIES.

Section 601. Type of Licenses Required.

The Tribal Gaming Agency shall issue the following categories of licenses:

(a) a Gaming Facility License, which is required to be obtained by the Tribal Gaming Enterprise for each Gaming Facility it operates, and which will explicitly set forth the type of gaming allowed in each of such facilities. Separate Gaming Facility Licenses shall be issued and must be obtained for each place, facility or location on Tribal Lands where Class II or II Gaming is to be conducted under this Ordinance;

(b) a Gaming Facility Operator's License, which is required to be obtained by the Tribal Gaming Enterprise as well as by the Gaming Enterprise Director, prior to his or her confirmation;

(c) A Gaming Manager's License, which is required to be obtained by any management contractor or any general manager employed or retained by the Tribal gaming Enterprise, and in the case of a corporation, partnership or other entity, by each principal of the corporation, partnership or other entity;

(d) a Manufacturer/Supplier License, which is required to be obtained by each manufacturer and each supplier of Gaming Devices, and by each manufacturer and each supplier of Gaming services that are sold, leased or provided to the Tribal Gaming Enterprise and have a value in excess of $10,000 per year, and by any person, corporation, partnership or other entity extending or guarantying financing for the Gaming Operation or the Gaming Facilities, unless such person, corporation, partnership or entity is an agency of the United States.

(e) a Gaming Employees License, which is required to be obtained by any gaming Employee (as defined in Section 201(1) employed by the Tribal Gaming Enterprise.

No person or entity shall participate in the business of any Gaming Activities on Tribal Lands without first obtaining an appropriate license.

[As amended, January 8, 2000, by Ord. 2000-01.]

Section 602. Standards of Suitability for the Issuance of Licenses.

The Tribal Gaming Agency shall issue licenses only in accordance with the following general standards governing each respective license category:

(a) A Gaming Facility License shall not be issued to any separate place, facility, or location on Tribal Lands where Class II or Class III Gaming is to be conducted unless the Tribal Gaming Agency shall

make the following determinations as to such facility, place or location;

1. the physical plant of the Gaming Facility is designed and constructed so as to assure the health and safety of all employees and patrons of such activities, and to protect the natural environment from any contamination due to discharge of waste or unreasonable disturbance of land surface;

2. the Gaming Activities to be conducted within the facility may be conducted lawfully by an Indian tribe within the State under the Act and the Compact, and may be accommodated comfortably and appropriately by the facility;

3. the facility is or will be adequately staffed and equipped to ensure the safety, comfort and convenience of the patrons and employees thereof through the implementation of pre-planned regimens to provide sufficiently for traffic control, parking, food, drink, sanitation, security and law enforcement;

4. the Tribal Gaming Enterprise has procured all licenses and permits necessary under the law for the operation of Gaming Activities, and can certify that those persons or entities with whom it contracts have also obtained all necessary licenses; and

5. in all other relevant respects, the facility will be operated in a way that is fully consistent with the provisions and purposes of this Ordinance.

(b) A Gaming Facility Operator's License shall not be issued unless the Tribal Gaming Agency is satisfied that the Tribal Gaming Enterprise is established and organized pursuant to a plan of operation consistent with Chapter 3 of this Ordinance and with the desires of the Tribal Council. Further, a Gaming Facility Operator's license shall not be issued to a Gaming Enterprise Director if the Tribal Gaming Agency determines that such person has been convicted of any felony or gaming offense, has knowingly or willfully provided materially important false statements or information or willfully provided materially important false statements or information on his or her license application, or is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming.

[As amended, January 8, 2000, by Ord. 2000-01.]

(c) A Gaming Manager's License shall not be issued:

1. in the case of an individual if the Tribal Gaming Agency determines that such person has been convicted of any felony or gaming offense, has been the subject of any criminal investigation by any law enforcement authorities within the last fifteen years, has knowingly or willfully provided materially important false statements or information on his or her

license application, or is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming; and

2. in the case of a corporation, partnership or other entity, the Tribal Gaming Agency is not satisfied that such corporation, partnership or other entity;

   (i) is organized and in good standing under the laws of the jurisdiction where it was established;

   (ii) is in sound financial condition, as shown by a financial statement certified by a certified public accountant to be a current, complete and accurate depiction of the organization's financial status;

   (iii) is not now and has not been in the past fifteen years the subject of any criminal investigation by any law enforcement authorities, as shown by an affidavit of principals of the organization having personal knowledge thereof;

   (iv) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons qualified to be licensed individually under the terms of this Chapter; and

   (v) in all other respects will be reliable and trustworthy, and whose involvement in the Gaming Activities of the Tribal Gaming Enterprise will be in the best interests of the Tribes as set forth in this Ordinance.

(d) A Manufacturer/Supplier License shall not be issued:

1. In the case of an individual, if the Tribal Gaming Agency determines that such person has been convicted of any felony or gaming offense, has knowingly or willfully provided materially important false statements or information on his or her license application, or is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming; and

2. In the case of a corporation, partnership or other entity, the Tribal Gaming Agency is not satisfied that such corporation, partnership or other entity;

   (i) is organized and in good standing under the laws of the jurisdiction where it was established;

   (ii) is in sound financial condition, as shown by a financial statement that is a current,

complete and accurate depiction of the organization's financial status;

(iii) is not now and has not been in the past fifteen years the subject of any criminal investigation by any law enforcement authorities, as shown by an affidavit of principals of the organization having personal knowledge thereof;

(iv) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons supplying financing, are persons qualified to be licensed individually under the terms of this Chapter; and

(v) in all other respects will be reliable and trustworthy, and whose involvement in the Gaming Activities of the Tribal Gaming Enterprise will be in the best interests of the Tribes as set forth in this Ordinance.

Further, a license will not be issued to any manufacturer or distributor of Gaming Devices unless such manufacturer and distributor verify, under oath, or forms provided by the Tribal Gaming Agency, that the Gaming Devices manufactured or distributed by them for use or play at the Gaming Facilities meet the operational requirements specified by the Tribal Gaming Agency.

(e) 1. In the case of an individual applying for a position of primary management official or key employee, a Gaming Employee's License shall not be issued if the Tribal Gaming Agency determines that the individual applying for such license has been convicted of any felony or gaming offense, has been the subject of any criminal investigation by any law enforcement authorities in the past fifteen years, knowingly or willfully provided materially important false statements or information on his or her license application, or is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

2. In the case of an individual applying for a position other than that of a primary management official or key employee, a Gaming Employee's License shall not be issued if the Tribal Gaming Agency determines that the individual applying for such license has been convicted of any felony or gaming offense, knowingly or wilfully provided materially important false statements or information on his or her license application, or is a person whose prior activities, criminal record, if any, or reputation, habits or associations pose a threat to the public interest or to the effective regulation and control of gaming.

CHAPTER 7. LICENSE APPLICATION PROCEDURE.

Section 701. Application Requirements.

(a) Application submissions shall be as follows:

1. Each application for any category of license described in Chapter 6 of this Ordinance must be submitted to the Tribal Gaming Agency on forms provided by the Tribal Gaming Agency, and must be accompanied by the required fee (as set forth in Section 703 hereof) and by such supporting information as the Tribal Gaming Agency shall prescribe by regulation.

2. Each application for a Gaming Manager's License, a Manufacturer/Supplier License or a Gaming Employee's License shall be accompanied by a Certification of Sponsorship from the Tribal Gaming Enterprise, which Certification shall state that the Tribal Gaming Enterprise wishes to engage the applicant for certain services, and intends to do so upon the issuance of an appropriate license.

3. Each application for a Gaming Manager's License, for a Manufacturer/Supplier License or, in the case of an individual who is not an enrolled member of the Tribes, for a Gaming Employee's License, shall also be submitted to the appropriate State Gaming Agency, together with applicable fees, for State Certification.

4. In addition, as set forth in Section 703 (b), (c) and (d) hereof, the applications of, and reports concerning, key employees or primary management officials engaged, or applying for engagement by the Tribal Gaming Enterprise, shall be submitted to the National Indian Gaming Commission for further review and action, prior to the National Indian Gaming Commission for further review and action, prior to the application's receiving final action from the Tribal Gaming Agency.

(b) The Tribal Gaming Agency will at a minimum require the following information in support of any and all license applications. Applicants are advised that the information submitted with their applications shall be checked and verified with independent sources pursuant to internal security and operational procedures established by the Tribal Gaming Agency. Submission of such applications shall be considered agreement by any applicant that such independent verification can and shall be conducted by the Tribal Gaming Agency.

1. In the case of all individual persons, application and application materials will include:

   (i) the applicant's full name, including any aliases (oral or written) by which the applicant has ever been known;

   (ii) the applicant's social security number(s) and tax identification number;

   (iii) the applicant's date and place of birth, citizenship, gender and all languages spoken or written;

   (iv) the applicant's residential addresses for the past ten years;

(v) the applicant's employment history for the last twenty years, including the addresses of the employers for which the applicant was employed;

(vi) the applicant's driver's license number;

(vii) a complete listing of all licenses issued to, and all disciplinary actions taken against, the applicant by any federal, state or tribal gaming agency, and by any professional, licensing or regulatory body or entity ever having jurisdiction over the applicant's professional or business activities, whether related to gaming or not;

(viii) the name and address of any licensing or regulatory agency with which the applicant has filed an application for an occupational license or permit, and/or for a permit related to gaming, whether or not such license or permit was granted;

(ix) a complete listing of all criminal proceedings, whether for felony or misdemeanor offenses, except minor traffic offenses, in which the applicant has ever been a defendant or a target of investigation, including the charge or subject matter of the proceeding, the name and address of the court involved and the date, status and disposition of the matter, if any;

(x) a set of the applicant's fingerprints taken consistently with procedures adopted according to 25 C.F.R. § 522.2(h);

(xi) a current photograph of the applicant;

(xii) the applicant's complete and current financial disclosure statement.

2. In addition to the above requirements for individuals, individuals who are applicants for positions of key employees or primary management officials must also furnish as part of their applications:

(i) For the previous twenty years, all businesses and enterprises in which the applicant held an equity, ownership or creditor interest, other than publicly traded entities, and the title, status and responsibilities for each and every position which the applicant held in such business or enterprise. For each such business or entity, the applicant shall provide the address of such business or entity.

(ii) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Section 701 (b)(1)(iv).

(iii) Current business and telephone numbers;

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

3. In the case of corporations, partnerships or other entities:

(i) the name, address and social security number of each of its principals and of each person (or in the case of an entity, principals or such entity) having a direct financial interest in, or management responsibility for the corporation, partnership or entity, including boardmembers and individual shareholders holding (directly or indirectly) ten percent or more of issued and outstanding stock;

(ii) a detailed description of any previous gaming experience that each person listed pursuant to Section 701 (b)(2)(i) of this Ordinance has had concerning other Indian tribes, management contracts, or the gaming industry generally, including the name and address of any gaming licensing or regulatory agency under whose jurisdiction such person has ever conducted gaming business;

(iii) a complete financial statement of each person listed pursuant to Section 701(b)(2)(i) of this Ordinance;

(iv) a tax identification number.

(c) In the case of an application for each new or amended Gaming Facility License, the Tribal Gaming Agency shall at a minimum require the following information from the Tribal Gaming Enterprise in support of its application for each such facility:

1. the name and specific position of each person to be employed as primary management officials or key employees at the facility;

2. job descriptions of every other position for which persons will be employed at the facility, and a complete organizational chart;

3. a detailed description of each Gaming Activity to be conducted at the facility, together with expected payout to winners;

4. detailed plans for the physical plant of the facility, including landscaping, traffic controls, parking, food and drink services, and other physical aspects of the building and layout;

5. a detailed description of how security will be maintained at the facility, identifying the persons, agencies or entities that will provide such security;

6. a detailed description of how gaming proceeds will be accounted for and disposed of on a

day-by-day basis;

7. a copy of any proposed management agreement or other contractual arrangements by which the activities at the facility are to be managed;

8. a description of provisions for dealing with fire or other emergencies involving potential evacuation or medical evacuation at the facility;

9. a detailed description of how sewage and other waste products from the facility will be handled and disposed of;

10. any other information relevant to the proposed operation of the facility.

In addition, the Tribal Gaming Enterprise must apply for an amendment of its Gaming Facility license in the event that it intends to alter the design, layout or other physical aspects of a licensed facility, including expansion thereto, or if it intends to alter existing management personnel or gaming parameters. In such case, the Tribal Gaming Enterprise must provide detailed specifications of the nature and extent of such alteration.

Section 702. Processing of Applications for Licenses.

The Tribal Gaming Agency shall maintain the following general guidelines for the processing of license applications:

(a) the Tribal Gaming Agency and its staff will assist any applicant in assembling all information required for processing of the application, but no application will be processed until it is complete. The Tribal Gaming Agency may at any time after an application is submitted request the applicant in writing to supply additional information to enable the Tribal Gaming Agency to complete the processing of the application;

(b) in connection with the application, the applicant shall consent in writing, on a form provided by the Tribal Gaming Agency, to the release of any information that may be relevant to the Tribal Gaming Agency's inquiry into the applicant's background from any person or entity. The form on which the applicant will give his or her consent to such release of information will clearly state that any and all information obtained by the Tribal Gaming Agency in the course of reviewing a licensing application shall remain confidential and shall not be released by the Tribal Gaming Agency to any other person or agency without the applicant's written consent, except in the following circumstances: (1) such information is required by the Compact to be disclosed to the State Gaming Agency, or (ii) such information is required by the Act to be disclosed to the National Indian Gaming Commission, or (iii) such information is ordered to be disclosed by judicial subpoena or court order for use in a judicial proceeding in which the applicant is a party. The Tribal Gaming Agency shall be bound by the terms of such consent form:

(c) Further to the immediate preceding section and to the procurement of the consent form provided therein, every application form provided by the Tribal Gaming Agency to be filled out by any prospective employee of the Tribal Gaming Enterprise, whether a primary management official or key employee or other, shall contain the following statement: "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. In the case of persons applying for key personnel or primary management official positions, 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 investigations or prosecutions or when pursuant to a requirement by the Tribal Gaming Agency 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 the Tribes or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in the inability of this Tribal Gaming Agency to issue you a license and of the Tribal Gaming Enterprise to hire you."

In addition, the following legend will be inscribed on all application forms for employee licenses: "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, in the case of key employees or primary management officials, you may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)";

(d) the Tribal Gaming Agency shall subject every applicant for a license to a thorough background investigation, and such investigations shall be updated upon an application for a renewal of such license, and at such other times as the Tribal Gaming Agency may determine to be appropriate. Such background investigations shall be performed according to an investigative system, regularly updated and improved, that will comply with the requirements of this Ordinance, the Act and any other applicable laws or regulations. At a minimum, such investigative system shall include utilization of records of all available Tribal, State and Federal law enforcement agencies, resources of the National Indian Gaming Commission, communications with other Indian tribes engaged in Gaming Activities, and any other sources of information accessible to the Tribal Gaming Agency for this purpose. The Tribal Gaming Agency shall maintain files that shall contain all information acquired in the course of its background investigations of license applicants. Such information and files shall be secured in such a way that the identities of confidential informants and the information itself will be protected from the inadvertent disclosure so as to comply with the applicable provisions of federal statutes protecting individual privacy. All applicants will be notified of their rights under the Federal Privacy Act as specified in 25 C.F.R. Part 556;

(e) the Tribal Gaming Agency shall review each license application and all information pertinent thereto. Applicants shall be made aware that copies of completed license applications and of reports on background investigations shall be submitted to the National Indian Gaming Commission, and that the Tribal Gaming Agency shall consider additional information regarding the applicant which

the National Indian Gaming Commission may provide. Within ninety calendar days of the completion of the application or such longer period as the Tribal Gaming Agency designates in a written statement giving reasons why action cannot be taken within ninety calendar days, the Tribal Gaming Agency shall issue a decision issuing a license or denying the application;

(f) in the event an application is denied, the Tribal Gaming Agency shall inform the Applicant by notice sent by registered or certified mail, return receipt requested, and shall inform the appropriate State Gaming Agency, giving the reasons and substantiating documentation for its decision. The applicant may then appeal such decision to the Commissioners of the Tribal Gaming Agency within fifteen calendar days of the denial of such application, except that, in the event the Tribal Gaming Enterprise withdraws its Certificate of Sponsorship for such applicant, there will be no right of appeal. The procedures applicable to such an appeal shall be those set forth in the Tribal Gaming Agency's Administrative Procedure Protocol;

(g) The Tribal Gaming Agency shall notify all applicants for a Gaming Manager's or Gaming Employee's License for a position of key employee or primary management official that upon temporary issuance of a license to the applicant, the Tribal Gaming Agency must, within sixty calendar days, give notice thereof to the National Indian Gaming Commission. In the event the Tribal gaming Agency receives, within thirty calendar days of giving such notice to the National Indian gaming Commission or a longer period described in Subsection (h) hereto, an advice from the National Indian Gaming Commission that such primary management official or key employee does not meet the standards established in the Ordinance or in the Act for issuance of such a license, the Tribal Gaming Agency shall immediately suspend such license and give notice thereof to the licensee. In such circumstance, the licensee may, within fifteen calendar days of receiving notice of the suspension, request that the Tribal Gaming Agency reconsider its action. Upon such request for reconsideration, the Tribal Gaming Agency shall consider the advice of the National Indian Gaming Commission, and shall also consider such oral statement(s) or written documentation as the licensee may present to the Tribal Gaming Agency at the time and place designated by the Tribal Gaming. Within fifteen calendar days of receipt of such statement(s) or documentation, or the licensee's request for reconsideration, whichever is later, the Tribal Gaming Agency shall issue a written decision. If the Agency's decision is adverse, then the licensee may appeal the license suspension to the Commissioners of the Tribal Gaming Agency within fifteen calendar days of receiving notice thereof. The procedures applicable to such an appeal shall be those set forth in the Tribal Gaming Agency's Administrative Procedure Protocol.

(h) After an application for a key personnel or primary management official is submitted to the National Indian Gaming Commission, if the National Indian Gaming Commission requests more information, the Tribal Gaming Agency shall ensure that such information is provided. Such a request from the Tribal Gaming Agency shall suspend the thirty-day period provided for in Subsection (g) above, until the Chairman of the National Gaming Commission receives the additional information.

Section 703. <u>Special Processing for Particular License Applications; Gaming Employee's License and Gaming</u>

Facility License.

(a) In the case of an application for a Gaming Employee's License, the Tribal Gaming Agency shall issue a temporary Gaming Employee's License within twenty calendar days of the receipt of a completed application (or within a longer period for good written cause shown by the Tribal Gaming Agency) unless the background investigation undertaken by the Tribal Gaming Agency discloses that the applicant has a criminal history, or unless other grounds sufficient to disqualify the applicant pursuant to this Section are apparent on the face of the application or are discovered during the initial phases of a background investigation. The temporary license shall become void and be of no effect upon either the issuance of a Gaming Employee's License or upon issuance of a denial of the license application, but in no event can a temporary license be in effect for longer than ninety-calendar days.

(b) In the case of an application for a Gaming Employee's License concerning positions for key personnel or primary management officials, the Tribal Gaming Agency shall submit the following to the National Indian Gaming Commission: (i) a completed application for a license; (ii) a report on the background investigation undertaken by the Tribal Gaming Agency concerning the applicant; and (iii) a determination that the applicant is suitable to assume his or her duties in that the applicant poses no threat to the public interest or to the effective regulation of gaming, and does not create or enhance dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. Such information shall be submitted as soon as practicable after the collection of the required information, but in no event later than sixty days following the applicant's completion of his/her application and of a grant of a temporary license.

(c) In the case of applicants for key personnel or primary management officials, the report on the background investigation undertaken by the Tribal Gaming Agency shall detail; (i) the steps taken in conducting the background investigation; (ii) the results obtained; (iii) the conclusions reached; and (iv) the bases for those conclusions.

(d) The procedures to be followed by the Tribal Gaming Agency for conducting the background investigations and suitability determinations for key personnel and primary management official applicants are as follows:

1. There shall be a clear Agency-wide statement that the Tribal Gaming Agency, and only the Tribal Gaming Agency, is responsible for the conduct of the background investigations and suitability determinations;

2. There shall be maintained by the Tribal Gaming Agency a chart or statement showing the positions or people responsible for (i) conducting and causing to be conducted the background investigations, (ii) reviewing and approving the investigative work done; (iii) reporting the results of the background investigation to the National Indian Gaming Commission; (iv) obtaining and processing fingerprints in conjunction with a recognized law enforcement agency; and (v) making the suitability determinations;

3. There shall be an internal memorandum maintained in the office of the Executive Director explaining how the positions and people identified in Subsection (2) above were selected;

4. There shall be a list maintained in the office of the Executive Director setting forth the standard operating procedures for investigations, which at a minimum shall include the following:

   (i) verification in writing of all information submitted by the applicant;

   (ii) inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; interview by telephone or meeting of a sufficient number of knowledgeable people such as former employers, personal references, and others identified on his/her application; exchange of information with all appropriate agencies;

   (iii) identification of, and documentation of, all potential problem areas and/or disqualifying information, and written disposition of all inquiries into such matters.

(e) In the event a Gaming Employee's License is not issued to an applicant for a key personnel or primary management official position, the Tribal Gaming Agency shall notify the National Indian Gaming Commission and shall forward its eligibility determination and investigative report to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

(f) Further, with respect to key employees and primary management officials, the Tribal Gaming Agency shall retain applications for employment and reports of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

(g) In the case of an application for a Gaming Facility License or a renewal, modification or amendment thereto, the following protocols will apply:

1. Officials of the Tribal Gaming Agency and officials of the Tribal Gaming Enterprise shall exchange information, plans and predispositions prior to the filing of a license application;

2. Once the application is filed, the Tribal Gaming Agency may specify any terms or conditions it believes necessary or appropriate to assure the health and safety of patrons and employees of any such facility, to ensure the integrity of the Gaming Activities carried on at such facility, to protect the security of gaming proceeds, and to promote other interests of the Tribes in furtherance of and consistent with the provisions of this Ordinance; however, the Tribal Gaming Agency shall not deny an application for a Gaming Facility License unless it concludes that under no set of circumstances can the proposed facility be operated in a manner consistent with the requirements and purposes of this Ordinance;

3. If dissatisfied with any terms or conditions imposed by the Tribal Gaming Agency as a prerequisite for granting a Gaming Facility License to it, the Tribal gaming Enterprise may request that the Tribal Gaming Agency reconsider its determination. Upon such request for reconsideration, the Tribal Gaming Agency shall issue a written decision within fifteen-calendar days of its receipt of the request for reconsideration. That decision shall be final and binding except that, in the event the Tribal Gaming Enterprise continues to be dissatisfied with the Tribal Gaming Agency's determination, the Tribal Gaming Enterprise may, within fifteen-calendar days of the Tribal Gaming Agency's decision, formally present the issue or issues to Tribal Council for a binding and final decision. At a hearing before Tribal Council, both the Tribal Gaming Enterprise and the Tribal Gaming Agency, shall present relevant evidence as to the merits of their respective positions.

Section 704. Fees for Licenses and Renewal of Licenses.

Applications for licenses or for renewal of licenses must be accompanied by nonrefundable fees for the following categories of licenses. Such fees shall be set by regulation of the Tribal Gaming Agency and shall be assessed to enable the Tribal Gaming Agency to defer the cost to the Tribal Gaming Agency of processing such applications:

(a) Fees for Gaming Facility Operator:

1. Initial application fee.

(A) Tribal Gaming Enterprise;

(B) Gaming Enterprise Director.

2. Annual renewal fees.

(A) Tribal Gaming Enterprise.

(B) Gaming Enterprise Director.

[As amended, January 8, 2000, by Ord. 2000-01; and January 14, 2000, by Ord. 2000-02.]

(b) Fees for Gaming Manager's License:

1. Initial application fee;

2. Annual renewal fee.

(c) Fees for Manufacturer/Supplier License:

1. Initial application fee.

   (A) Manufacturer/Supplier for Gaming Devices;

   (B) Supplier of Gaming Services;

   (C) Third Party Financier.

2. Annual renewal fees.

   (A) Manufacturer/Supplier of Gaming Devices;

   (B) Supplier of Gaming Services;

   (C) Third Party Financier.

(d) Fees for Gaming Employee's License:

1. Initial application fee;

2. Annual renewal fee.

(e) Fees for Gaming Facility License.

1. Initial application fee;

2. Fee for the application for amendment of an existing Gaming Facility License;

3. Renewal fee.

(f) The Tribal Gaming Agency may by regulation prescribe such other fees as it deems appropriate.

Section 705. License Terms; Renewal.

(a) Each Gaming Facility Operator's License, Gaming Manager's License, Manufacturer/Supplier License and Gaming Employee's License shall have a primary term of one year. Such license may be renewed for subsequent one-year periods upon proper application therefor, on forms specified by the Tribal Gaming Agency, but no licensee shall have any vested right to renewal of any of the licenses mentioned in this subsection.

(b) Each Gaming Facility License issued by the Tribal Gaming Agency shall have a primary term of one year. Such license may be renewed for subsequent periods of one year upon proper application therefor, on forms provided by the Tribal Gaming Agency.

Section 706. Special Obligations of Corporate Licensees.

As a condition of any license other than a Gaming Facility License, the Tribal Gaming Agency shall require by regulation that any licensed corporation, partnership or other entity shall give notice to the Tribal Gaming Agency of any material change in any information disclosed in the application for such license, including but not limited to, any change in its principals, within ten-calendar days of such change.

CHAPTER 8. FACILITY INSPECTION; REPORTING REQUIREMENTS

Section 801. Facility Inspection.

The Tribal Gaming Agency shall, no less than monthly and at such other times as it believes is warranted, cause detailed inspections to be made of each licensed Gaming Facility to assure that such facility is being operated in accordance with the terms of the license and of the provisions of this Ordinance, the Act and any other applicable laws or regulations, and that in all other respects the facility's operation is in furtherance of the purposes of this Ordinance.

Section 802. Reporting Requirements.

(a) The Tribal Gaming Agency shall require the Tribal Gaming Enterprise to file periodic Property Reports, which shall advise the Tribal Gaming Agency of all leases for real or personal property entered into by the Tribal Gaming Enterprise. Such reports shall be filed not later than thirty calendar days after the effective date of the lease and shall include the following information:

1. The name, address, and a brief statement of the nature of the business of the lessor.

2. A brief description of the material terms of the lease.

In the event the terms of the lease are changed during its life, such changes shall be reported to the Tribal Gaming Agency within thirty calendar days of their occurrence.

(b) The Tribal Gaming Agency shall require the Tribal Gaming Enterprise to file an annual Employee Report, which shall be submitted on a form to be provided by the Tribal Gaming Agency. The report shall identify every individual who is directly or indirectly engaged in the administration or supervision of the Gaming Operation or physical security activities of the Gaming Operation. The following classes of gaming employees shall be presumed to be actively and directly engaged in the administration or supervision of gaming:

1. All individuals who are compensated in excess of $50,000 cash compensation a year;

2. All individuals who may approve or extend gaming credit in any amount, or whose recommendations in this regard are ordinarily sought or followed;

3. All individuals who have authority to hire or terminate employees of the Gaming Operation;

4. All individuals who have the authority to supervise or direct a shift of any gaming or security activity, including but not limited to supervision of the pit area, keno or bingo games and slot machines, or any persons having authority to supervise or direct such persons;

5. All individuals who regularly participate in the count more frequently than one day in each week or who actually participate in the count more than ten days in any thirty-day period;

6. All individuals who may approve or extend in casino patrons complimentary house services other than beverages only;

7. All individuals who supervise or direct other employees engaged in the control of gaming assets and revenues and record keeping, including the recording of cash and evidences of indebtedness, and in the maintenance, review or control of the records, accounts and reports of transactions which are required to be kept;

8. Any individual who has been specifically represented to the Tribal Gaming Agency by the Tribal Gaming Enterprise as being important or necessary to the operation of the Gaming Facility;

9. All persons who individually or as part of a group formulate management policy.

The annual Employee Report shall also include a description of the gaming duties, casino responsibilities, and casino authority delegated to each individual identified in the report. Any changes, additions, or deletions to any information contained within the annual Employee Report which occurs subsequent to the filing of the report and prior to the filing of the report for the next calendar year shall be reported to the Tribal Gaming Agency in writing no less ten calendar days after the end of the calendar quarter during which the change, addition or deletion occurred.

(c) The Tribal Gaming Agency shall require the Tribal Gaming Enterprise to file a Loan Report whenever the Tribal Gaming Enterprise applies for or receives, accepts or makes use of any cash, property, credit, guarantee or other form of security loaned to, or provided for, or on behalf of, the Gaming Operation. Such Loan Report shall be filed within thirty calendar days of the transaction to be reported, and shall be submitted on forms provided by the Tribal Gaming Agency. Loan Reports shall include a listing of the names and addresses of all parties to the transaction, the amount and source of the funds, property or credit received or applied, the nature and amount of security provided by or on behalf of the Gaming Operation, the purpose of the transaction, and such other information as the Tribal Gaming Agency may require.

Section 803. Independent Audit.

(a) The Tribal Gaming Enterprise shall provide to the Tribal Gaming Agency an audited financial statement

for each of its licensed Gaming Facilities at its own expense and at least annually, on a date to be established by the Tribal Gaming Agency and at such times as the Tribal Gaming Agency may require.

(b) The Tribal Gaming Enterprise's annual audit shall be performed by an independent certified public accountant engaged by and reporting to the Tribal Council licensed in the appropriate State, having in-depth knowledge of and experience with the accounting standards and auditing procedures appropriate for the gaming industry. Such independent certified public accountant shall submit an audit report expressing an unqualified or qualified opinion or, if appropriate, disclaim any opinion on the financial statement taken as a whole in accordance with generally accepted auditing standards published by the American Institute of Certified Public Accountants. The examination and audit shall disclose whether the accounts, records and internal controls and accounting procedures maintained by the licensed Gaming Facility are as require by this Ordinance, the Act and any applicable laws or regulations. To Facilitate the completion of such audits and presentation of such financial statements:

(i) The Tribal Gaming Enterprise shall make and maintain complete, accurate and legible, records of all transactions pertaining to any Gaming Activities and any other revenue producing activities conducted by the Tribal Gaming Enterprise at or in conjunction with any Gaming Facility licensed hereunder. Such records as well as all original entry transaction records shall be maintained for at least five years from the date on which they are made, and shall be maintained on the licensed premises;

(ii) The Tribal Gaming Enterprise shall maintain general accounting records on a double entry system of accounting with detailed, supporting subsidiary records sufficient to furnish the information required for the standard financial reports to adequately reflect gross income and expenses related to gaming and subsidiary operations; and

(iii) The Tribal Gaming Agency shall from time-to-time prescribe a uniform chart of accounts and accounting classifications in order to assure consistent and effective disclosure of financial information.

(c) The Tribal Gaming Enterprise shall, within the context of the annual audit, also cause to (be) made an independent audit of 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.

(d) The Tribal Gaming Agency, when it deems necessary, may request additional information, from either the Tribal Gaming Enterprise or the independent accountant through the Tribal Gaming Enterprise, regarding either the financial statement, the audit or both. In addition, copies of all letters from the independent accountant to the Tribal Gaming Enterprise regarding internal control matters shall be provided to the Tribal Gaming Agency within thirty calendar days after receipt by the Tribal Gaming Enterprise.

(e) The Tribal Gaming Agency shall provide copies of all annual audits of Gaming Activities and Gaming Operations to the National Indian Gaming Commission and/or to the State Gaming Agency, as required by law. Nothing herein shall limit the Tribal Council or the Tribal Gaming Agency to require such further internal

intermittent, or other audits as may be deemed appropriate.

CHAPTER 9. GAMING OPERATIONS; INTERNAL CONTROLS.

Section 901. Scope of Permissible Gaming.

The Gaming Activities permitted to be conducted within a licensed Gaming Facility on Tribal Lands are those which may lawfully be carried out by an Indian tribe within the State under applicable provisions of federal law including, but not limited to, the Indian Gaming Regulatory Act. Such Gaming Activities shall include all forms of Class I and Class II Gaming, and permissible forms of Class III Gaming, as provided in the Compact. All such Gaming Activities are to be conducted in a manner suitable to protect the public health, safety, morals, good order and general welfare of the Tribes.

Section 902. Hours, Days, Other Standards.

Consistent with the provisions of the Compact, the Tribal Gaming Agency may by regulation establish the permissible hours and days of operation of Gaming, Activities authorized herein, but such regulations may provide that licensed Gaming Facilities may remain open and conduct Gaming Activities twenty-four hours a day, seven days a week. The Tribal Gaming Agency may also establish other standards of operation for such facilities, as it deems appropriate, including a provision that patron payments for wagers must be in cash or cash equivalent, or by credit card or check.

Section 903. Employee and Player Age Limit.

No person under 18 years of age shall be permitted to place any wager, directly or indirectly, in any Gaming Facility. Nor shall any person under 18 years of age be permitted on the Gaming Floor during the business hours of such facility. No person under 18 years of age shall be employed by the Tribal Gaming Enterprise or the Tribal Gaming Agency. No person under 21 years of age shall be employed in the service of alcoholic beverages at any Gaming Facility. The Tribal Gaming Agency shall by regulation establish measures by which The Tribal Gaming Enterprise shall enforce the provisions of this section.

Section 904. Employee Gaming.

The Tribal Gaming Agency shall consider, in its further regulations, whether any person who is an employee of the Tribal Gaming Agency or of the State Gaming Agency, or is an agent or employee of the Tribal Gaming Enterprise, shall participate as a player in any Gaming Activities conducted by the Tribal Gaming Enterprise.

Section 905. Publication of Payoffs.

Payoff schedules or award cards applicable to every licensed game, slot machine and gaming device shall be displayed at all times either on the table or machine or in a conspicuous place immediately adjacent thereto. Payoff schedules or award cards must accurately state actual payoffs or awards in a clear, unambiguous and

immediately accessible manner.

Section 906. Slot Machines and Gaming Devices.

The Gaming Operation shall offer only slot machines and gaming devices for play by the public at the Gaming Facility which have been approved under the provisions of the Compact, or have otherwise been authorized by the Tribal Gaming Agency. The Tribal Gaming Agency may require the testing of any slot machine or gaming device to ensure compliance with the requirements of this section.

Section 907. Unsuitable Methods of Operation.

Neither the Tribal Gaming Enterprise nor any of its employees, agents or affiliates shall, in the course of involvement with Gaming Activities, undertake any conduct or commit any action that is inimical to the public health, safety, morals, good order and general welfare of the Tribe, or that would impose or tend to impose discredit upon the Tribe or its Gaming Operations. The undertaking of any such conduct or commission of any such action shall be deemed to be an unsuitable method of Gaming Activity operation and shall be grounds for disciplinary action by the Tribal Gaming Agency in accordance with the regulations of the Tribal Gaming Agency. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:

(a) Negligently failing to take reasonable precautions or actions to prevent incidents which might reflect on the repute of the Tribe and act as a detriment to the development of the Gaming Operation;

(b) Permitting persons who are visibly intoxicated to participate in Gaming Activities;

(c) Extending service of intoxicating beverages in the casino area to persons who are visibly intoxicated;

(d) Catering to, assisting, employing or associating with, either socially or in business affairs, persons who have been barred from Tribal Gaming Facilities pursuant to Section 505(i) of this Ordinance, or with persons who have been identified in writing by the Tribal Gaming Agency or State Gaming Agency as persons of notorious or unsavory reputation, or with persons who have extensive police records, or with persons who have defied congressional investigation committees or other officially constituted bodies acting on behalf of the United States or any state with regard to gaming;

(e) Employing in any position any person who has been denied a license for such position from the Tribal Gaming Agency, and employing any person lacking a Tribal Gaming Agency license in any position for which such a license is required;

(f) Contracting for the provision of gaming services or gaming devices with any person or entity who has been denied a license to supply gaming services or gaming services by the Tribal Gaming Agency, and contracting for the provision of services, merchandise or equipment with any person or entity who has failed to obtain a license to supply services, merchandise or equipment from the

Tribal Gaming Agency;

(g) Employing in the Gaming Operation any person whom the Tribe or any court has found guilty of cheating or using any improper device in connection with any game, whether as a licensee, dealer or player at a licensed game or device; as well as any person whose conduct of a licensed game as a dealer or other employee of a licensee resulted in revocation or suspension of the license of such licensee;

(h) Failing to comply with or make provision for compliance with all Tribal, Federal and State laws and regulations pertaining to the operation of Gaming Activities;

(i) Conducting, carrying on or operating any Gaming Activities on Tribal Lands which are not conducted, carried out on or operated on the premises of a licensed Gaming Facility, except in the event of a Class I or Class II per-event Gaming Activity conducted pursuant to a permit issued by the Tribal Gaming Agency;

(j) Conducting, carrying on or operating any cheating or thieving game or device on or off the Gaming Facility premises, either knowingly or unknowingly, which may have in any manner been tampered with or otherwise placed in a condition, or operated in a manner, which tends to deceive the public or which might make the game more liable to win or lose, or which tends to alter the normal random selection of criteria that determine the results of the game;

(k) Denying any agent of the Tribal Gaming Agency, the appropriate State Gaming Agency, the Colorado River Indian Tribes police or other officials having jurisdiction, upon proper and lawful demand, access to, and inspection or disclosure of, any portion of the Gaming Facility, as authorized by applicable laws and regulations.

Section 908. Internal Controls.

(a) The Tribal Gaming Agency shall by regulation establish minimum standards of internal controls to be in place at each Gaming Facility licensed hereunder. Internal controls include the plan of organization and all of the coordinate methods and measures adopted within a Gaming Operation to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies. Generically, internal controls shall include a system of accounting controls and a system of administrative controls.

(b) The system of accounting controls shall be governed by the following considerations:

1. It shall provide a plan of organization and a description of procedures and records that will permit reasonable assurance that the following objectives will be maintained:

   (i) safeguarding of assets;

(ii) reliability of financial records;

(iii) execution of transactions in accordance with management's general or specific authorization;

(iv) recording of transactions as necessary to permit recording of gaming revenue and to maintain accountability for assets;

(v) access to assets only in accordance with management's authorization;

(vi) comparison of records of assets with existing assets at reasonable intervals with provision for appropriate action with respect to any differences.

2. In order to accomplish the objectives stated in the preceding paragraph, the system of accounting controls shall, according to regulations prescribed by the Tribal Gaming Agency, at a minimum include a detailed system for counting cash receipts and gross revenues at least daily, which system shall be appropriate to the types of Gaming Activities carried on at the facility and the physical characteristics of the system utilized for collection of cash at the facility.

3. The Tribal Gaming Agency may prescribe accounting regulations detailing treatment of credit for purposes of computing gross revenue.

4. As part of a system of accounting controls, the Tribal Gaming Agency shall require that all bank accounts maintained by the Tribal Gaming Enterprise shall be made known to it and that such bank accounts shall be identified by bank and account number and that all signatories to such accounts shall be identified by name.

(c) The system of administrative controls shall be governed by the following considerations:

1. It shall at a minimum include a complete plan of organization that will set forth an organizational chart showing appropriate segregation of functional responsibilities and a regimen of sound practices to be followed in the performance of such segregated functional responsibilities.

2. The plan of organization shall be both diagrammatic and narrative and shall clearly describe and depict the interrelationship of organizational and administrative control is based.

(d) The overall system of accounting and administrative internal controls shall be accompanied by a report of an independent public accountant licensed in the appropriate State stating that the system conforms in all material respects to the standards of internal controls established by the regulations of the Tribal Gaming Agency, or alternatively setting forth in what material respects it does not so conform.

Section 909. Detention of Persons Suspected of Illegal Acts.

The Tribal Gaming Agency and/or the Gaming Facility Operator may detain any person who may be involved in illegal acts for the purpose of notifying appropriate law enforcement authorities.

[As amended, June 12, 1998.]

CHAPTER 10. NOTICES OF VIOLATION; COMPLAINTS AND DISCIPLINARY ACTIONS.

Section 1001. Notice of Violation.

(a) The Executive Director of the Tribal Gaming Agency shall issue a notice of violation to any person or entity determined by the Tribal Gaming Agency to be in violation of any provision(s) of this Ordinance (including, but not limited to, any of the grounds for disciplinary action listed in Section 907), the Act or any other applicable laws or regulations. A copy of such notice shall also be forwarded to the appropriate State Gaming Agency.

(b) A notice of violation shall contain:

1. a citation to the Ordinance, regulation, Compact provision or federal law that has been or is being violated;

2. a description of the circumstances surrounding the violation, set forth in common and concise language;

3. the action(s) which must be taken to correct the violation;

4. notice that the violation must be corrected within fifteen calendar days from receipt of the notice of violation or, if contested or explained in writing pursuant to Subsection (b)(6) hereof, within fifteen calendar days of the Tribal Gaming Agency's ultimate determination on the matter;

5. notice of the civil fine or other enforcement action that will or could be imposed if the violation is not corrected;

6. notice that a written response to the notice of violation must be submitted to, and received by, the Tribal Gaming Agency within fifteen calendar days of the receipt of the notice of violation; and

7. notice that the Notice of Violation shall be the written decision of the Tribal Gaming Agency in the event that no written response to the notice of violation is submitted to the Tribal Gaming Agency within the time provided in this Section.

(c) in the event the violation is not corrected, or a written response to the notice of violation is not made within fifteen calendar days following receipt of the notice of violation, the Tribal Gaming Agency may take one or more of the following actions;

1. suspend or revoke the license of the person or entity to whom the notice of violation was directed;

2. assess of civil penalty in accordance with the provisions of this Ordinance;

3. forcibly remove the violator from the Gaming Facility;

4. seize the Gaming Facility and all equipment, records and proceeds of the Gaming Activities located within the Gaming Facility; or

5. upon consultation with the Tribe's Attorney General, initiate in the Tribal Court a civil complaint to enforce the Ordinance, regulations of the Tribal Gaming Agency, the Compact or the Act.

(d) Each person or entity to whom a Notice of Violation is issued shall submit a written response to the Tribal Gaming Agency within fifteen calendar days of the receipt of the Notice of Violation, together with any additional information the person believes that the Tribal Agency should consider. Upon receipt of the written response, the Tribal Gaming Agency shall issue a written decision within fifteen calendar days, and shall mail such decision to the person or entity who is the subject of the Notice of Violation by certified or registered mail, return receipt requested. In the event of an adverse decision from the Tribal Gaming Agency, the party responding to the notice of violation may, within fifteen calendar days, appeal the matter to the consideration of the Commissioners of the Tribal Gaming Agency pursuant to procedures set forth in the Tribal Gaming Agency's Administrative Procedure Protocol. The decision of the Commissioners of the Tribal Gaming Agency shall be final unless the Tribal Gaming Enterprise determines that it is in the best interests to appeal the matter to the Tribal Council, in which case a notice of appeal must be made within five calendar days of the Commissioners decision. In the event of an appeal from the Commissioners decision, Tribal Council shall exercise its discretion about whether to entertain the appeal, and if it does choose to entertain the appeal, shall decide the issue according to fair and impartial principles of due process. Any decision by Tribal Council shall be final and not subject to appeal or review by Tribal Court or any other judicial forum.

(e) In the event of an adverse decision from the Commissioners and a refusal (by referral or otherwise) by Tribal Council to entertain an appeal, the party responding to a notice of violation may appeal the matter to Tribal Court. In such instance, however, the Court's power of review shall be limited to issues of due process, civil rights and constitutionality, and shall not entail any determination regarding the merits or correctness of the underlying administrative decision. In addition, if the Tribal Gaming Agency takes any summary action pursuant to Subsection (f) hereof, the party against whom such action is taken may move the Tribal Court for a restraining order and the Tribal Court shall have the power to review such application according to its normal procedures and standards of decisions.

(f) No action to enforce a notice of violation shall be taken by the Tribal Gaming Agency until the Tribal Gaming Agency issues its decision or, if applicable, the Commissioners render their decision; however, the Tribal Gaming Agency may summarily suspend any license issued under this Ordinance or take such other immediate action if the continued licensing of, or conduct by, a person or entity constitutes an immediate threat to the public health, safety or welfare.

Section 1002. Investigation of Complaints.

(a) The Tribal Gaming Agency shall investigate all sworn complaints that are filed with the Tribal Gaming Agency alleging that a licensee is acting in violation of the terms of any license, or a Gaming Facility is not being properly maintained in accordance with the terms of any license or does not adequately protect the health, safety and welfare of the employees or patrons.

(b) The Tribal Gaming Agency shall give written notice of, and provide a copy of, the sworn complaint to the licensee by mailing such notice and complaint to the licensee by certified or registered mail, return receipt requested. The licensee shall file with the Tribal Gaming Agency a written reply to the complaint within fifteen calendar days of receipt of the notice and complaint. The Tribal Gaming Agency shall provide copies of the complaint and the licensee's answer to the Tribal Attorney General's office and to Tribal Council.

(c) Following receipt of the licensee's response on the complaint, the Tribal Gaming Agency shall cause a full investigation to be made of the allegations of the complaint. If the Tribal Gaming Agency determines that a violation of the Ordinance, the Compact or the Act has occurred or is occurring, the Executive Director shall issue a notice of violation in accordance with the provisions of this Chapter.

CHAPTER 11. DISPUTES; LIMITS OF CONTRACTUAL AND TORT LIABILITY TO PATRONS AND/OR OTHER INDIVIDUALS OR ENTITIES.

Section 1101. Patron Disputes.

The Tribal Gaming Enterprise shall notify the Tribal Gaming Agency of every dispute with a patron; moreover

(a) Whenever the Tribal Gaming Enterprise refuses payment of alleged winnings to a patron, and the Tribal Gaming Enterprise and the patron are unable to resolve the dispute to the satisfaction of the patron, and the dispute involves:

1. At least five hundred dollars ($500), the Tribal Gaming Enterprise shall immediately notify the Tribal Gaming Agency; or

2. Less than five hundred dollars ($500), the Tribal Gaming Enterprise shall inform the patron of his or her right to request that the Tribal Gaming Agency shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

(b) The Tribal Gaming Agency shall mail written notice by certified mail, return receipt requested, to the Tribal Gaming Enterprise and the patron of its decision resolving the dispute within thirty calendar days after the date that the Tribal Gaming Agency first receives notification from the Tribal Gaming Enterprise or a request to conduct an investigation from the patron.

(c) The decision of the Tribal Gaming Agency is effective on the date it is received by the aggrieved party as reflected on the return receipt.

(d) Within thirty calendar days after the date of receipt of the written decision, the aggrieved party may file a petition with Tribal Gaming Agency requesting a review of the decision. The Tribal Gaming Agency may set a hearing on the matter or may make a decision based solely upon the prior decision and other documentation provided to it by the patron and the Tribal Gaming Enterprise. The Tribal Gaming Agency shall then issue a written decision and shall mail it to the parties by registered mail or certified mail, return receipt requested. The decision of the Tribal Gaming Agency shall be final and binding upon the patron and the Tribal Gaming Enterprise and shall not be subject to judicial review or other legal action.

Section 1102. Limits of Contractual and Tort Liability.

The Tribal Gaming Enterprise shall enjoy sovereign immunity as an entity of the Tribe's Government, but shall waive such sovereign immunity and be subject to suit in Tribal Court only, and to such damages as are provided hereinafter. The Tribal Gaming Enterprise may be sued for breach of contract; however, the liability of the Tribal Gaming Enterprise in contract shall be limited to actual contractual losses and/or any appropriate injunctive relief, but shall not include special damages or punitive damages. The Tribal Gaming Enterprise may be sued for intentional or negligent tortious conduct, including wrongful death; however, the liability of the Tribal Gaming Enterprise in tort shall be limited to compensatory damages not in excess of the liability limits under the insurance coverage maintained by the Tribal Gaming Enterprise, and shall not include anticipated profits, damages for mental distress, punitive damages or any other measure of damages in excess of the actual sustained loss.

Section 1103. Limits of Liability for Tribal Gaming Agency.

The Tribal Gaming Agency is entitled to exercise an absolute defense of sovereign immunity against any suit brought against, except such suits and actions as are provided for in this Ordinance, or such suits or actions for which the Tribes unilaterally agree to waive the sovereign immunity defense of the Tribal Gaming Agency.

CHAPTER 12. OFFENSES AND REMEDIES

Section 1201. Offenses.

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

(a) conduct or operate any Gaming Activities within Tribal Lands except as provided in this

Ordinance;

(b) receive, distribute, apply or direct any property, funds, proceeds or other asset of any Gaming Activity to the benefit of any individual or other person except as authorized by this Ordinance or by any duly enacted Resolution of the Tribal Council;

(c) tamper with any equipment used in the conduct of Gaming Activities with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming Activity;

(d) do any other act in connection with the conduct of any Gaming Activities with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such Gaming Activities;

(e) participate as a player in any Gaming Activities conducted by the Tribal Gaming Enterprise, while such person is the Executive Director, a Commissioner of the Tribal Gaming Agency, or Gaming Enterprise Director; and

(f) participate as a player in any Gaming Activities conducted by the Tribal Gaming Enterprise, while such person is listed as a person barred from the Tribe's Gaming Facilities pursuant to Section 505 (i) of this Ordinance;

(g) enter the Gaming Facilities while bearing firearm or other deadly weapon unless specifically authorized by the Tribal Gaming Agency to do so.

[As amended, January 8, 2000, by Ord. 2000-01.]

Section 1202. Penalties.

Any individual who violates any provision of this Ordinance or the Compact shall be subject to civil penalties including exclusion from employment by a Gaming Facility Operator, exclusion from attendance at any Tribal Gaming Facility, exclusion from the Tribal Lands if a non-member of the Tribes, or a civil penalty of not more than $10,000 for each such violation. Such penalty shall be within the jurisdiction and discretion of the Tribal Gaming Agency as set forth in Chapter 10 of this Ordinance.

Section 1203. Civil Remedies.

The Tribal Gaming Agency may in the name of the Tribes bring any civil action in the Tribal Court to enforce the provisions of this Ordinance or the Compact or to enjoin or otherwise prevent any violation of this Ordinance, the Compact or the Act occurring on Tribal Lands.

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CERTIFICATION

The foregoing Ordinance was enacted on January 14, 2000, duly approved by a vote of __4__ for, and __1__ against, __1__ abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Article VI of the Constitution of the Tribes, ratified by the Tribes on March 1, 1975, and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984). This Ordinance is effective on the date of its adoption.

COLORADO RIVER INDIAN TRIBES

COLORADO RIVER TRIBAL COUNCIL

_____

Daniel Eddy, Jr.
Chairman, Tribal Council

_____

LaWanda Laffoon
Secretary, Tribal Council