



September 28, 2004

Mr. Harvey R. Angle, Chairman
Enterprise Rancheria
Estom Yumeka Maidu Tribe
1940 Feather River Blvd., Suite B
Oroville CA 95965

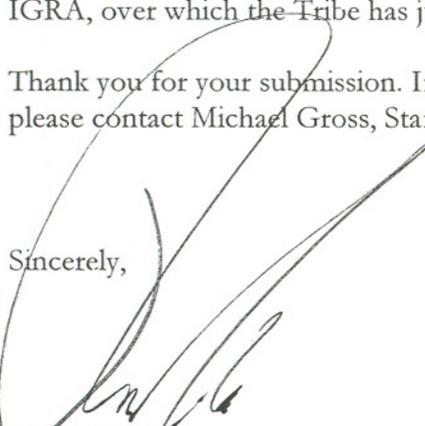
Re: Approval of gaming ordinance

Dear Chairman Angle:

This is in response to your July 20, 2004, letter seeking review and approval of the Enterprise Rancheria gaming ordinance, 04-01, together with Regulations 2004-01, -02, -03, and -04. The ordinance and regulations are consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations, and they are therefore approved. In the future, the Tribe may wish to adoption technical amendments that correct various typographical and grammatical errors. Finally, it is important to note that the ordinance and regulations are approved for gaming only on Indian lands, as defined by IGRA, over which the Tribe has jurisdiction.

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

Sincerely,



Philip N. Hogen
Chairman

**ESTOM YUMEKA MAIDU TRIBE
OF THE
ENTERPRISE RANCHERIA**

AMENDED & REVISED GAMING ORDINANCE NO. 04-01

Be it enacted and ordained by the Enterprise Rancheria that:

ARTICLE I

POLICY AND FINDINGS

Section 1. **Policy of Enterprise Rancheria:** The Estom Yumeka Maidu Tribe of the Enterprise Rancheria, a federally recognized Tribe (herein after referred to as “Tribe”), by the through the General Council of the Rancheria, based upon the exercise of its sovereign inherent authority, pursuant to Article IV, Section 1, of the Tribes Constitution adopted October 29, 2003, do hereby find that in order to protect the general welfare, safety and health of its members and Rancheria and to protect the financial integrity of any and all Class I, Class II and Class III gaming facilities and activities, find it imperative to set forth the rules and regulations by which those gaming activities and operations shall be conducted within the exclusive jurisdiction of the Rancheria.

Section 2. **Findings of Enterprise Rancheria:** The substantive provisions of this Ordinance, which shall be referred to as the **Estom Yumeka Maidu Tribe of Enterprise Rancheria Gaming Ordinance No. 04-01**, adopted and promulgated by the General Council of the Tribe, pursuant to its authority under the Tribe’s Constitution for the purpose of establishing the rules and regulations by which any and all gaming shall be conducted within the jurisdiction of the Tribe for governmental and charitable purposes in conformity with the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. (hereinafter referred to as “IGRA”) and all rules and regulations promulgated under said Act.

Based upon the foregoing the Tribe finds the following:

- (a) Revenues from gaming is a means by which the Tribe will be capable of sustaining economic growth for all of it’s members and the Rancheria as a whole through the revenues from said gaming operations;

- (b) The Tribe finds that it is necessary to establish regulations and rules for said gaming operations and enterprises to protect the financial integrity and in turn the general welfare of the Tribe;

- (c) The Tribe's established gaming operations shall be under the sole ownership of the Tribe and management and all external and internal operations shall be supervised and all authority oversight and ownership shall be vested in the Tribe.

ARTICLE II

GENERAL PROVISIONS

Section 1. **Gaming Activities Authorized and Ownership.** This Ordinance governs all gaming activities relating to Class I, II, III as defined by this Ordinance and the *Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.* and the sole proprietary ownership of any and all Class I, Class II and Class III gaming shall be owned and operated by the Estom Yumeka Maidu Tribe of the Enterprise Rancheria.

Section 2. **Environment and Public Health and Safety.** All tribal gaming operations and facilities shall be constructed, maintained and operated in compliance with federal law if applicable to federally recognized Indian tribes, Tribal Law and Ordinances to protect the environment and the public health and safety of all tribal members and patrons.

- (a) If the Tribe permits the consumption of alcoholic beverages in a gaming facility, no person under the age of twenty-one (21) years shall be permitted to be present in any area in which class II or class III gaming activities are being conducted and in which alcoholic beverages may be consumed, to the extent required by a tribal Alcohol Ordinance and the Department of Alcohol Beverage Control of the State of California. No person under the age of eighteen (18) years shall be permitted to be present in any room in which class II or class III gaming activities are being conducted unless the person is en-route to a non-gaming area of the facility.
- (b) Possession of firearms shall be prohibited at all times in class II and class III gaming facilities operated under this Ordinance, except for possession of firearms by state, local, or tribal security or law enforcement personnel authorized by federal, state or tribal law.

Section 3. **Use of Gaming Revenues.** The Tribal Council reserves the right to adopt and impose any uniform and comprehensive plans for revenue distribution and taxation relating to gaming and to provide such plan as adopted and promulgated in compliance with the Indian Gaming Regulatory Act.

- (a) Net Revenues from gaming shall be used only for the following purposes: to fund tribal government operations and programs; to provide for the general welfare of the Rancheria (Tribe) and its members; to promote Tribal economic development; to donate to charitable organizations; to help and assist funding of local government agencies.
- (b) If the Council elects to make per capita payments to Tribal members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior or delegated authority under 25 U.S.C. § 2710 (b)(3) and such rules as may be promulgated by the Council and/or Secretary under lawful authority.

Section 4. **Audit.** The Tribal Council shall require and cause to be conducted an annual outside audit by a recognized independent accounting firm for the gaming operations and shall submit the resulting audit reports to the Tribe and National Indian Gaming Commission or another entity as may be required by law.

- (a) All gaming relating contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit.

Section 6. **Procurement.** The General Council shall adopt procurement policies from time to time. All purchases of services or supplies shall comply with the tribally adopted procurement policies and procedures for gaming operations.

Section 7. **Indian Preference.** Any management and investment gaming contracts or other contracts must make provisions for the preferential hiring of all duly enrolled members of the Tribe in “*good standing*”, followed by a preference for any duly enrolled member of any other federally recognized Indian tribe or Indians with verifiable Indian descent for any and all employment and contracting for jobs in the construction and operation of any gaming facility or activities.

Section 8. **Patron Disputes.** Patrons of the Tribe’s class II and class III gaming facilities who have complaints against the gaming establishment, including disputes with any management contractor or its employees, shall have as their sole remedy the right to file a petition for relief with the Commission. Complaints shall be submitted in writing no later than thirty (30) days after the occurrence of the incident in which the complaint is based. At the discretion of the Commission, the petitioner may be allowed to present evidence. The Commission will render a decision in a timely fashion and all such decisions will be final when issued. Each claim by a patron shall be limited to a maximum recovery of ten thousand dollars (\$10,000.00), and a cumulative limit of ten thousand dollars (\$10,000.00) per patron in any twelve (12) month period.

ARTICLE III

DEFINITIONS

Section 1. **General Terms Defined.** Unless otherwise specified in this Ordinance, the terms used herein shall have the same meaning as defined in the *Indian Gaming Regulatory Act § 2701 et seq.* and those regulations promulgated pursuant to said Act, under *25 CFR § 500 et seq.*

- (a) **COMPACT:** “Compact” means the Tribal-State Compact between the Tribe and the State of California authorizing Class III gaming activities, as required by *IGRA, 25 U.S.C. § 2710(d)(1)(C)* and as amended from time to time;
- (b) **CONFIDENTIAL RECORDS AND INFORMATION:** “Confidential Records and Information” shall mean:
 - (i) Records or information maintained by the Commission about individuals (such as, but not limited to, personal records and records containing information about applications for Commission licenses, permits or benefits);
 - (ii) Records or information maintained by the Commission about business transactions and finances of a gaming facility or an applicant for a license such as , but not limited to, real or personal property transactions, financial records (e.g., income statements, balance sheets, profit and loss statements), except for financial information subject to disclosure under other provisions of this Ordinance;
 - (iii) Records or information about complaints to the Commission or investigations of those complaints by Commission officials or other investigations conducted by the Commission;
 - (iv) Correspondence of and to the Commission or the Commission Chairman, and
 - (v) Records which reveal the deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work product, theories, or strategy of the Commission.
- (c) **EXECUTIVE DIRECTOR:** “Executive Director” means the individual described herein, pursuant to Article IV;

- (d) **GAMING:** “Gaming” shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.
- (e) **GAMING ACTIVITIES:** “Gaming Activities” shall mean any Class I games as defined pursuant to 25 CFR § 502.1; Class II. games as defined pursuant to 25 CFR § 502.2 and Class III games as defined pursuant to 25 CFR § 502.3, conducted by or under the jurisdiction of the Tribe.
- (f) **GAMING COMMISSION:** “Gaming Commission” means the Enterprise Rancheria Gaming Commission, as established herein to monitor and oversee all gaming activities, pursuant to Article IV, of this Ordinance;
- (g) **GENERAL COUNCIL:** “General Council” means the General Council of the Tribe as described in Article V, of the Tribe’s Constitution;
- (h) **IGRA:** “IGRA” means the *Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.* and any and all regulations promulgated pursuant to said Act, *25 C.F.R. § 500 et seq.*;
- (i) **IMMEDIATE FAMILY:** “Immediate Family” means parents, spouse, siblings and children;
- (j) **INVESTOR:** “Investor” means any person, entity, corporation, sole proprietorship, or other entity that manages or leases equipment and facilities used in gaming activities and who invests financial resources, develops financial resources to the development of construction and development of a gaming facility and enterprise, including all furnishing, fixtures and equipment or controls ten percent (10%) or more of the entity or is an investor who has contributed more than five thousand dollars (\$5,000.00) to such person or entity and said definition does include any and all chartered banks, savings and loan facilities;

(k) **KEY EMPLOYEE:** “Key employee” means:

- (1) A person who performs one or more of the following functions: ~~bingo caller, hard and soft counting room supervisor, chief of security, chief of surveillance, custodian of supplies, head cashier, floor supervisors, pit boss, dealer, croupier, credit approver, custodian of gambling devices,~~ including all persons who have access to cash and accounting of records relating to all financial transactions of the facility; all drop team members;
- (2) If not otherwise included, any other person whose total cash compensation is in excess of fifty-thousand dollars (\$50,000.00) per year in total compensation; or
- (3) If not otherwise included, the four (4) most highly compensated persons in the gaming operation.

(l) **NET REVENUES:** “Net Revenues” shall mean gross revenues from all gaming activities of the gaming enterprises, less amounts paid-out as, or paid for, prizes and less total gaming-related operating expenses, excluding management fees.

(m) **NATIONAL INDIAN GAMING COMMISSION:** “National Indian Gaming Commission” (NIGC) shall mean the Commission established pursuant to the Indian Gaming Regulatory Act.

(n) **PUBLIC INFORMATION:** “Public Information” shall mean any and all information in the Commission records that is not confidential records and information.

(o) **PERSON:** “Person” shall mean any natural person or entity, including but not limited to, corporations, partnerships and trusts.

(p) **PRIMARY MANAGEMENT OFFICIAL:** “Primary Management Official” shall mean any person who has management responsibilities for a management contract; any person who has authority to hire and fire employees or to set up working policy for the gaming enterprises; or the chief financial officer or other person who has financial management responsibility. At the discretion of the Gaming Commission, other positions or persons may be included under and subject to the requirements for primary management officials.

(q) **REGULATIONS:** “Regulations” shall mean regulations that are promulgated by the General Council regarding regulations under and pursuant the Gaming Ordinance.

(r) **STATE:** “State” shall mean the State of California.

(s) **TRIBAL COURT:** “Tribal Court” shall mean any court established by the Tribe to hear disputes of civil or criminal nature relating to the jurisdiction of the Tribe Pursuant to Article VIII, of the Tribe’s Constitution adopted October 29, 2003.

(t) **TRIBAL COUNCIL:** “Tribal Council” shall mean the seven-member council to act on behalf of the Tribe and Enterprise Rancheria pursuant to Article VI, Section 1, of the Tribe’s Constitution adopted October 29, 2003.

(u) **TRIBAL MEMBER:** “Tribal Member” shall mean any duly enrolled lineal member of the Estom Yumeka Maidu Tribe of the Enterprise Rancheria that meets all membership requirements pursuant to Article III, Section 1, of the Tribe’s Constitution adopted October 29, 2003.

(v) **TRIBE:** “Tribe” shall mean the Estom Yumeka Maidu Tribe of the Enterprise Rancheria.

ARTICLE IV

EXECUTIVE DIRECTOR

Section 1. **Powers and Duties of the Executive Director.** The Executive Director shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities for compliance with all applicable federal, state and federal gaming laws and regulations. In addition, the Executive Director shall perform such duties as may be delegated by resolution of the Commission from time to time.

Section 2. **Position.** The Executive Director shall be hired by the Gaming Commission and report directly and only to the Commission. The Executive Director may be terminated for cause by a majority vote of the Commission.

Section 3. **Qualifications.**

- (a) The Executive Director must be at least twenty-five (25) years of age, U.S. Citizen and all due diligence shall be utilized to retain a duly enrolled member or member of another federally recognized tribe who has experience in gaming management and gaming regulatory responsibilities, including minimum internal control standards (MICS).
- (b) The Executive Director must satisfy the licensing and background investigative requirements set out in the background and licensing requirements of Regulation 2004-02,04.
- (c) Any person who has been convicted of, or is currently being prosecuted for, a felony or a crime involving fraud, theft and embezzlement is not eligible to serve as the Executive Director of Gaming.

Section 4. **Compensation.** The Executive Director shall be compensated in accordance with the terms of his or her employment. Compensation shall not be based, in whole or in part, on the profitability of the gaming operation. Compensation shall be paid out of the Commission's budget.

Section 5. **Protections Against Conflicts of Interests.** The restrictions imposed on all Commissioners pursuant to Article V of this Ordinance shall apply equally to the Executive Director.

Section 6. **Reports.** The Executive Director shall make at least monthly reports to the Commission within thirty (30) days after the close of the month for which the information is being provided. The report shall, at a minimum, include a full and complete statement of auditing activities, expenses and all other financial transactions of the Executive Director and a summary of licensing and enforcement actions, including any and all violations of the gaming facilities minimum internal control standards.

ARTICLE V

CONFLICTS OF INTEREST

Section 1. **Conflicts of Interest Prohibited.** No number of the Tribal Council or Gaming Commission for the Enterprise Rancheria shall:

- (a) Be employed by any gaming operation, be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.
- (b) Participate in the approval, denial or renewal of any application for a gaming license by, or participate in the revocation or suspension of any license granted hereunder to any immediate relative of such member of the Tribal Council or the Commission.
- (c) Engage in any business, transaction or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering this Ordinance; provided that a member's conflicting obligation that is not otherwise disqualified under this Section shall be:
 - (i) Promptly disclosed as to any activity or obligation to the Tribal Council or Commission and refrain from voting on any matter, regarding which such activity or obligation, which may constitute a conflict of interest.

Section 2. **Prohibitions Against Participation In Gaming.** Except as provide herein, no Primary Management Official or employee of the Enterprise Rancheria gaming facility shall:

- (a) Participate as a player in any Class II or Class III games conducted by the Enterprise Rancheria where they are employed, except:
 - (i) Employees of the Rancheria in any of its Class II gaming operations may participate as players in any of the Rancheria's Class III gaming operations;

- (ii) Employees of the Rancheria in any of its Class III gaming operations may participate as players in any of the Rancheria's Class II gaming operations;
- (iii) Primary Management Officials in any of the Rancheria's Class II or Class III gaming operations may not participate at any time;
- (iv) Engage in any business transactions or professional activity or incur any obligation of any nature which conflicts with the proper performance of any Management contract or employment duties, as the case may be.

Section 3. **Conflicting Interests.** No employee of the Rancheria's gaming operation shall own, be employed by or have any direct or indirect pecuniary interest in any management contract or other gaming related contract with the Rancheria.

Section 4. **Surveillance and Compliance.** No employee of the Rancheria's gaming operations who is employed in the Surveillance and Compliance areas may participate in any Class II or Class III games.

Section 5. **Table Games.** No Blackjack, floor person, pit boss, dealer, shift supervisor, or trainer shall participate in the play of Blackjack or any other table game.

Section 6. **Promotions.** No Primary Management Official, employee of the Rancheria's gaming operations, members of the Tribal Council or Gaming Commission may participate in any Class II or Class III marketing or promotional programs offered by the gaming operation.

Section 7. **Elected Officials.** No elected official of the Enterprise Rancheria shall participate in any wide area progressive or stand alone progressive slot machine programs offered by the gaming operation.

Section 8. **Gaming Commission.** No Commissioner who is a member of the Enterprise Rancheria Gaming Commission may participate in any of the Rancheria's games of chance, whether Class II or Class III.

Section 9. **Regulations.** All regulations promulgated by the General Council shall be binding upon the Commission and shall have full force and effect under the Gaming Ordinance.

ARTICLE VI

CONFIDENTIALITY

Each Commissioner, Executive Director and any staff employed by the Commission shall be required to sign a confidentiality agreement and will be responsible for ensuring the strictest standards of confidentiality with respect to all information concerning the gaming operation or the Commission's business. All information provided to or obtained by the Commission, the Executive Director or any staff employed by the Commission in performance of their duties shall be kept confidential and shall not be disclosed to any person or organization without the written consent of the Tribal Council and signed and executed release of information by the individual who is the subject of disclosure.

ARTICLE VII

BUDGET

At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the General Council at the annual meeting for the purpose of approving the Annual Budget of the Rancheria (Tribe). In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken in account. The General Council shall adopt, amend, or replace the annual budget and, based thereon, shall authorize the transfer of the annual capital required in accordance with the approved Annual Budget of the Rancheria (Tribe), except the Commission may deviate from the terms of the adopted budget by a margin of not more than five (5%) during the budget year without further approval of the General Council.

ARTICLE VIII

REVIEW

Section 1. **Executive Director.** Any persons or entity adversely affected by a decision of the Executive Director, including but not limited to the gaming operation or any employee thereof, may petition the Commission for review of such decision within (30) days after receiving notice of the decision. Said decision shall only be reversed by a majority vote of the Commission at a duly held meeting at which such matter has been placed on the agenda at least (15) days prior to such meeting.

Section 2. **Gaming Commission's Decisions.** Any person or entity adversely affected by a decision of the Commission, including but not limited to the gaming operation or any employee thereof, may petition the General Council for review of such decision within (30) days after receiving notice of the decision. Said decision shall only be reversed by a majority vote of the General Council at a duly held meeting at which such matter has been placed on the agenda at least (15) days prior to such meeting. The General Council is authorized to reverse a decision made by the Commission only where the General Council finds, by a majority vote of those present at that meeting conclude:

- (a) The Commission's decision was unreasonable, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with applicable tribal, federal and state laws;
- (b) The Commission exceeded its jurisdiction, authority, or limitations, under applicable tribal laws;
- (c) The Commission's decision is unsupported by substantial evidence or unwarranted by the facts presented, either orally or substantively.

Section 3. **General Council Decisions**. The decisions of the General Council shall be final and binding upon the petitioner, Executive Director and Commission and shall not be subject to Tribal Council review, but may be reviewed by the Enterprise Rancheria's Trial Court and the Tribal Court's decision shall be final.

ARTICLE IX

SOVEREIGN IMMUNITY

As an agency of the Tribe's government, the Commission and employees and agents shall enjoy the full benefits of the Tribe's sovereign immunity, and any and all attributes of sovereignty enjoyed by Enterprise Rancheria.

ARTICLE X

INDEMNIFICATION

The General Council of Enterprise Rancheria shall indemnify any Commissioner, Executive Director, employee or agent of the Commission, against expenses actually and reasonably incurred in connection with the defense of any action, suit or proceeding, civil or criminal, in which that individual is made a party by reason of being, or having been such a Commissioner or Officer of the Commission shall be adjudged in such action, suit or proceeding to be liable for gross negligence, fraud or willful misconduct in the performance of their duties for the Commission or the Tribe.

ARTICLE XI

SEVERABILITY

If any provision of this Ordinance shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XII

AMENDMENTS TO ORDINANCE

This Ordinance may be amended or repealed by a majority vote of the General Council at which a quorum is present.

ARTICLE XIII

EFFECTIVE DATE

The Ordinance shall become effective and binding upon adoption by a majority vote of the General Council at which a quorum is present and upon the approval of the Chairman of the National Indian Gaming Commission and published pursuant to 25 U.S.C. § 2710(d)(2)(c).

ARTICLE XIV

SERVICE OF PROCESS

The Estom Yumeka Maidu Tribe of the Enterprise Rancheria, do hereby designate the Tribal Chairperson as the agent for the Tribe for any and all service of process, which shall be served on the Chairperson at the below indicated address:

*Enterprise Rancheria
Attn: Chairperson
1940 Feather River Blvd., Suite B
Oroville, California 95965*

CERTIFICATION

I, the undersigned, as Secretary of the Estom Yumeka Maidu Tribe, also known as Enterprise Rancheria, do hereby certify this Gaming Ordinance was ratified at a duly held meeting of the General Council on June 20, 2004, by a vote of 41 in favor, none against and 1 abstaining, and that this Gaming Ordinance has not been amended or rescinded in any other manner.



Harvey R. Angle, Chairman Enterprise Rancheria

June 20, 2004
Date

ATTEST: 

Lisa Angle, Secretary Enterprise Rancheria

June 20, 2004
Date

Enterprise Rancheria Gaming REGULATION 2004-01

ENTERPRISE RANCHERIA GAMING COMMISSION

Section 1. Establishment of Commission.

- (a) There shall be established a Enterprise Rancheria Gaming Commission consisting of five (5) Commissioners appointed by a majority vote of the General Council acting at a meeting at which quorum is present.
- (b) Each Commissioner shall be appointed by a majority vote of the General Council acting at a duly convened meeting at which a quorum is present. The Enterprise Rancheria encourages all persons who desire to serve on the Commission and who meet the qualifications set forth in Section 2 to apply to the General Council for appointment to the Commission. In furtherance of this goal, the General Council shall notify members of the Enterprise Rancheria of any vacancies on the Commission under such notice provisions as deemed appropriate, and the members of the General Council shall actively recruit qualified applicants from the membership.
- (c) The General Council shall establish such application procedures deemed appropriate for members of the Enterprise Rancheria interested in serving on the Commission.
- (d) The Tribal Council shall select a least seven (7) applicants to be interviewed by the General Council for the initial appointments and at least two (2) applicants per vacancy thereafter.

Section 2. Qualifications. In order to qualify for appointment to the Commission an applicant must satisfy all the following requirements:

- (a) Each applicant must be a duly enrolled member of the Enterprise Rancheria;
- (b) Each applicant must have attained the age of twenty-one (21) years or older;
- (c) Each applicant must have at least a high school or GED equivalent and have knowledge of or some experience in the gaming industry;

- (d) Have no prior criminal record of conviction of, or entry of plea of guilty or no contest to, any of the following tribal, county, state or federal court, unless he or she has been pardoned by the jurisdiction where the conviction was entered or said plea taken:
 - (i) Any felony;
 - (ii) Any gaming related offense;
 - (iii) Fraud or misrepresentation in any connection;
 - (iv) A violation of any provisions of this Gaming Ordinance, Regulations or any other ordinance of the Enterprise Rancheria regulating gaming.
- (e) Not be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation or control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto;
- (f) No applicant may be serving on the Tribal Council for the Enterprise Rancheria at the time of his or her appointment to, during his or her term of office on the Commission. This prohibition does not include persons serving on other Committees of the Enterprise Rancheria;
- (g) No applicant may be an immediate family member of any Tribal Council member; immediate family member as defined by the Gaming Ordinance;
- (h) No applicant may be a Primary Management Official or Owner or Controlling person with respect to any Management Contract, and not a relative of a Primary Management Official or Owner or Controlling Person with respect to any Management Contract;

Section 3. **Term of Office.** Each Commissioner shall serve as a full time employee and shall not be terminated "*without cause*".

Section 4. **Quorum.** Any three (3) Commissioners present at a duly called meeting shall constitute a quorum.

Section 5. **Compensation.** Commissioners shall serve on a full time basis, unless otherwise approved by the Tribal Council. Commissioners shall be paid the necessary travel expenses for meetings duly called under the Gaming Ordinance and Regulations, in accordance with established policies and guidelines of

Enterprise Rancheria. Additional compensation, if any shall be established by the Enterprise Rancheria Tribal Council in accordance with established policies and guidelines of the Tribe.

Section 6. **Removal.** Any Commissioner may be removed by a majority vote of the Tribal Council acting at a meeting at which a quorum is present. Removal shall be initiated by petition presented to the Tribal Council by any member of the Tribal Council, including the Chairperson. Such removal shall only be for cause, including malfeasance, dereliction or neglect of duty, unexcused failure to meet and attend three successive meetings of the Commission, conviction of a felony in any tribal, county, state or federal court while in office, any willful and persistent misconduct reflecting on the dignity and integrity of the Tribe, or failure to comply with any provisions of the Tribe's Constitution and laws and other applicable laws. Any Commissioner being considered for removal shall be provided an explanation by the Tribal Council in writing, which explanation shall be considered by the Tribal Council in voting on the question of removal. All removal questions shall be considered by the Tribal Council in open session at or after the end of the 30 day notice period at which time the Commissioner and his or her attorney shall have the right to be present and present evidence both oral and substantive and to call any witnesses of their choosing. The Tribal Council shall have ten (10) working days to provide a written decision to the Commissioner who is being considered for removal.

Section 7. **Vacancies.** A vacancy on the Commission through death, resignation, or removal shall be filled by a majority vote of the Tribal Council at a duly called meeting in which a quorum is present to complete the unexpired term of employment. Subsequent to the Tribal Council being notified of a vacancy and making a temporary appointment, a General Council meeting for the purpose of filling the vacancy on the Commission shall be scheduled within ten (30) days of said notification.

Section 8. **Powers and duties of Commission.** The Commission shall be responsible for enforcing this Regulation and shall ensure compliance with the Ordinance, IGRA and the Compact, any licenses issued, and any resolutions of the Tribal Council specifically delegated authority to the Commission. In addition to other duties specifically delegated to the Commission in this Regulation and Gaming Ordinance, the Commission shall have the following powers and duties:

- (a) The Commission may recommend policies and guidelines relating to gaming, including any amendments to the Ordinance;
- (b) The Commission shall monitor all Class I, Class II and Class III gaming on the Rancheria's lands and all monthly reports and annual audits of such activities to insure that such activities conform to the provisions of the Gaming Ordinance, Regulations, IGRA and the Compact;

- (c) Except as otherwise provided, the Commission shall issue and deny gaming licenses in accordance with the Gaming Ordinance and Regulations;
- (d) The Commission or the Tribal Council shall refer any apparent violations of the Ordinance, Regulations, IGRA, the Compact, or violations of License Conditions to the Tribal Council for investigation;
- (e) The Commission may refer any violations of the Tribe's laws of general applicability, such as Policy and Procedures and Budgetary violations to the Tribal Council for its consideration and action as it may determine appropriate;
- (f) The Commission or the Tribal Council for Enterprise Rancheria may impose penalties for any violations of this Ordinance, any Order of the Commission, or any License condition in accordance with this Ordinance. The Commission may enjoin or otherwise prevent any violation of the Ordinance, Regulations, or any Order of the Commission, any license condition or other laws relating to gaming on Rancheria lands;
- (g) The Commission shall prepare and recommend an annual budget for the purpose of allocating funds to the Commission for its necessary activities and expenses, which must be approved by the General Council. The Commission may in accordance with any approved budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under the Ordinance and Regulations;
- (h) The Commission shall use the Tribal Attorney's Office as its counsel, or such other counsel the Commission so chooses, based upon a budgeted line item;
- (i) The Commission shall have the authority and responsibility to interpret the Ordinance and Regulations and its rules in proceedings before its body;
- (j) Except as otherwise provided in this Regulation or any NIGC approved Management Contract, the Commission shall comply with all policies, guidelines, laws, resolutions and regulations of the Tribal Council and General Council;
- (k) Nothing in this section shall prevent the Commission from attempting to obtain voluntary compliance through warning, conference or any other appropriate means.

Section 9. **Meetings and Hearings of the Commission.**

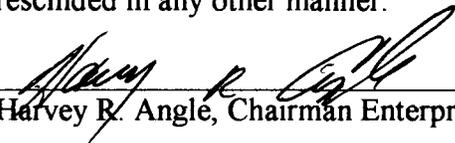
- (a) All meetings and hearings of the Commission (except executive sessions shall be open to all duly enrolled members of the Enterprise Rancheria, and non-members upon invitation of the Commission, the Tribal Council, or the Tribal Attorney. Balloting at all sessions shall be as the presiding officer shall direct. The Commission may, upon motion duly passed, go into executive session. At such sessions all persons shall be excluded from the meeting chamber, and any persons whose presence shall be required before the Commission shall be designated by the presiding officer, and no other person shall be allowed to be present other than the Commissioners.
- (b) The Commission shall post notice of any meeting or hearing in an prominent, noticeable place in the Rancheria's Office(s) no less than 48 hours prior to the meeting or hearing, if possible, such notice at or before the date of posting in a local newspaper or tribal newspaper serving the local community. The notice shall state the date, time and place of the hearing.

Section 10. **Commission Rules of Practice and Procedure.**

Subject to the approval of the Tribal Council, the Commission may adopt Rules of Practice and Procedure, otherwise not inconsistent with the Ordinance and Regulations, to regulate its proceedings. Such rules may provide for the issuance of subpoenas, upon application to the Commission, to compel attendance or the production of documents, and for pre-hearing discovery. Subject to any limitations set forth in the Ordinance and Regulations, such rules may be amended by the Commission at any time, but amendments shall not be effective until approved by the General Council.

CERTIFICATION

I, the undersigned, as Secretary of the Estom Yumeka Maidu Tribe, also known as Enterprise Rancheria, do hereby certify Gaming Regulation No. 2004-01, was ratified at a duly held meeting of the General Council on March 6, 2004, by a vote 26 in favor, none against and 1 abstaining, and that this Gaming Regulation has not been amended or rescinded in any other manner.



Harvey R. Angle, Chairman Enterprise Rancheria

March 6, 2004
Date

ATTEST: 

Lisa Angle, Secretary Enterprise Rancheria

March 6, 2004
Date

Enterprise Rancheria Gaming AMENDED REGULATION 2004-02

LICENSING PROCEDURES

Section 1. Gaming License Required.

(a) **Persons.** Every person employed in any of the Enterprise Rancheria's Gaming Facilities is required to obtain a tribal gaming license. The following persons must obtain tribal licenses under the procedures of this Regulation, as a condition to employment in any Gaming Operation on the Rancheria's lands:

- (i) Any Owner and Controlling person;
- (ii) Primary Management Official;
- (iii) Key Employee; and
- (iv) Any other employee or class of employees as determined by the Tribal Council.

The licensing requirement under this Ordinance is in addition to any state certificates required under the Compact, if any by the State of California. The Rancheria shall issue to any individual a Class II License which shall be valid for any Class II facility and a Class III License which shall be valid for any Class III facility owned and operated by the Enterprise Rancheria.

Section 2. Gaming Facility License. *The Enterprise Rancheria shall by and through its Gaming Commission issue a license hereunder to each place, facility or location on the Rancheria's lands to be designated for the operation and conduction of gaming activities that meets the definition of lands pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.*

Section 3. Standard for License. Licenses issued hereunder shall be issued according to requirements that are at least as stringent as those set forth in regulations promulgated by the NIGC in parts 556 and 558 of Chapter 25 of the Code of Federal Regulations, including any amendments thereto, and also, in the case of Class III gaming, according to the requirements that are at least as stringent as those set forth in the Compact.

Section 4. Application for License.

- (a) No License shall be issued under this Article except upon sworn Application filed with the Commission, in such form as may be prescribed by the Commission. Containing a full and complete showing, at a minimum, of the following:

- (i) Satisfactory proof that the applicant is of good character and reputation among the members of the Rancheria, and is financially responsible;
- (ii) A description of the premises at which the games are to be conducted, with proof of the contractual or other basis upon which the applicant shall conduct the games, or be employed, at such premises;
- (iii) Agreement by the applicant to accept and abide by all conditions of the License as provided by this Ordinance;
- (iv) Satisfactory proof that neither the applicant, nor any Owner or Controlling person of any applicant which is a party to a Management Contract, nor any of the applicant's employees has in any jurisdiction ever been convicted of, or entered a plea of guilty or no contest to, any of the following criminal offenses, unless the person has been pardoned:
 - (a) A felony, other than a felony conviction for an offense under b, c, or d, within the immediately preceding ten (10) years;
 - (b) Any gaming-related offenses;
 - (c) Fraud or misrepresentation in any connection; or
 - (d) A violation of any provisions of California Penal Code relating to gaming offenses or other appropriate state regulatory body, or this Ordinance or any other ordinance of the Rancheria regulating or prohibiting gaming.

Except in the case of Owners or Controlling Persons or persons designated in any Management Contract as having management responsibilities of all or any part of any Gaming Operations, the Tribal Council may in its discretion waive by legislative resolution any requirement set forth in this section for any applicant for a Class III License as permitted by the Compact or for any applicant for a Class II License when the applicant has sufficient evidence of rehabilitation and present fitness to hold a License under the standard set forth in this Section. Decisions of the Tribal Council to grant or to deny a waiver under this subsection shall not be appealable to any tribunal of the Rancheria.

- (v) That the applicant has fulfilled any applicable requirements of IGRA and the Compact as may be required.

- (b) No License shall be issued to any applicant who has been determined by the Tribal Council or the Commission to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.
- (c) The issuance of licenses hereunder also shall be subject to the provisions of Regulation 2004-04, relating to background investigations.
- (d) The following notice shall be inserted on the application form for a key employee or a Primary Management Official before that form is filled out by an applicant:

9

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §2701 et seq. . The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have need of the information in the performance of their official duties. The information may be disclosed to appropriate Federal, State, Tribal, Local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by the Rancheria or the National Indian Gaming Commission in connection with the hiring or firing of an employee the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a Primary Management Official or Key Employee position. ***The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.***

- (e) Key Employees and Primary Management Officials hired prior to the effective date of this Ordinance shall be notified in writing that they shall either;

- (i) Complete a new application form that contains a Privacy Act Notice; or
 - (ii) Sign a statement that contains a Privacy Act Notice and consent to the routine uses described in this Notice.
- (f) The following notice shall be placed in the application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for termination of your employment subsequent to your hiring. Also you may be punished by fine or imprisonment pursuant to U.S.C. Title 18, § 1001.

- (g) The Commission shall notify in writing any Key Employees and Primary Management Officials hired prior to the effective date of this Ordinance that they shall either:
 - (i) Complete a new application form that contains a notice regarding false statements; or
 - (ii) Sign a statement that contains the notice regarding false statements.

Section 5. **Procedures.** All applicants shall be considered by the Commission in accordance with vacancies under the regular procedures of the Commission at duly called meetings hereunder described in Regulation 2004-01.

Section 6. **Authority to Issue License.** The Commission shall grant or deny all Applications for a License, except that the Commission shall deny an application for a License where the applicant or Licensee does not meet the restrictions relating to criminal offenses contained in this Regulation, in which case, in the discretion of the applicant, the applicant may proceed to make a record of findings by the Commission by as to the Applicant's sufficient rehabilitation and present fitness to hold a license. Any license granted by the Commission shall be effective upon the date of the grant, which effectiveness shall be provisional as set forth in this Regulation herein pending the satisfactory completion of all background investigation and pending expiration of the 30-day period of review by the NIGC provided for in regulations promulgated by the NIGC in part 558 of Chapter 25 of the Code of Federal Regulations, including any amendments thereto; provided, however, that the Commission must provide written notice to the Tribal Council of the granting of any Licenses, and the Tribal Council shall have the power to overturn the granting of any License on its own motion at any time provided the Tribal Council has conducted a hearing consistent with the provisions set forth herein. If

overturned by the Tribal Council, a License issued by the Commission shall have no force or effect. Any such denial shall be final, however, any applicant may reapply in two (2) years from the date of the denial to show cause why a License should not be issued.

Section 7. **Appeal of Denial of License.** The applicant may appeal any denial of a license as provided herein to the Tribal Council of Enterprise Rancheria and then to the Trial Court of the Enterprise Rancheria.

Section 8. **Effectiveness of License.** Any license granted hereunder shall be effective on a provisional basis pending the satisfactory completion of all background investigations required under this Ordinance, IGRA, the Compact or any agreement to which the Rancheria is a party, and pending expiration of the 30-day period for review by NIGC provided for in regulations promulgated by the NIGC in part 558 of Chapter 25 of the Code of Federal Regulations, including any amendments thereto, if applicable. Upon the satisfactory completion of all required background investigations and such review by the NIGC, such license shall continue to be effective until it expires. If background investigations or NIGC review are not satisfactorily completed, a provisional license shall have no further force or effect.

Section 9. **Term of License and License Fee.**

- (a) Licenses shall be for a term of two (2) years, and shall expire on the anniversary of the date of issue.
- (b) In order to recover the costs to the Rancheria of complying with federal, tribal, annual license fees shall be imposed as follows:
 - (i) License fees in the amount of \$25,000.00 shall be imposed upon any party to a Management Contract with the Rancheria every two (2) years, which may not be paid as an operating expense of any of the Rancheria's gaming facilities.
 - (ii) License fees shall be imposed on any persons required to obtain a license in accordance with the fee schedule imposed by the Commission.
 - (iii) Every gaming license has the responsibility during the term of each licensing term to assure that there exists a continued disclosure of facts and information relating to his or her suitability to hold a gaming license. Failure to disclose pertinent information in its entirety on a continuing basis shall be cause for revocation or suspension of a gaming license.

- (iv) In addition, to the license fees imposed pursuant to this Section, the Commission may in its discretion impose such fees on licensed persons as are reasonable relating to costs of enforcement, including investigations and proceedings before the Commission, which will in the aggregate be sufficient to enable the Rancheria to recover its reasonable costs of enforcing this Ordinance.

Section 10. **Conditions of License.** Any license issued under this Regulation shall comply with such reasonable conditions as may be fixed and created by the Commission, including but not limited to the following conditions:

(a) **Facility License:**

- (i) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the Licensed Premises;
- (ii) The Licensed Premises shall be subject to patrol by the Rancheria security force and local law enforcement, pursuant to a MOU with any local governments, which shall be approved by the General Council, and the licensee shall cooperate at all times with such security and law enforcement officials;
- (iii) The Licensed Premises shall be open to inspection by duly authorized Rancheria Officials at all times during the regular business hours;
- (iv) There shall be no discrimination in the operation under the License by reason of race, color, or creed, provided, however, nothing herein shall not require the licensee from granting Indian Preference in hiring and training required management and staff personnel for the gaming operation.

Section 11. **Required Notifications.** The Commission shall promptly notify the NIGC and other appropriate federal regulatory body of the issuance or denial of a gaming license, as required by IGRA.

Section 12. **Assignment or Transfer.** No license issued under this Regulation shall be assigned or transferred without the prior written approval of the Commission expressed by formal rule making relating to such actions.

Section 13. **Cancellation or Suspension.** The Licensee and his or her or its employees shall be legally responsible for any violations of the Gaming Ordinance, Regulations, tribal law, Compact or IGRA or the License itself. Any license issued hereunder may be canceled by the Commission for the breach of any of the provisions of the License, the Gaming Ordinance, or any rules promulgated pursuant to the Ordinance.

- (a) The Licensee and his or her or its attorney have the right to be present and to participate in any hearing relating to the revocation or suspension of a license;
- (b) **Suspensions.** A license may be summarily suspended for up to thirty (30) days without prior hearing for good cause by majority vote of the Commission; provided, however, that a license shall be suspended during such period as required under the IGRA, if the cancellation arises as a result of a notice from the NIGC under its own regulations;
- (c) **Appeals.** All decisions of the Commission regarding cancellations of licenses shall be final, unless appealed to the Tribal Council within thirty (30) day of notification of suspension, except that a license canceled by the Commission pursuant to an objection itemized by the NIGC as provided herein may not be appealed. There shall be no right of appeal of any suspension decision, and no gaming shall be conducted by any licensee during the period of suspension. No gaming shall be conducted by the licensee after cancellation, even during the pendency of an appeal proceeding.

Section 14. **Notice of Licensing Action.** The Commission and the Tribal Council shall post public notices of all actions taken in regard to licenses and license applications in a prominent noticeable place in the Rancheria's offices, on gaming premises and shall publish such notice in the local newspaper if so required by the Commission Rules and Regulations.

Section 15. **Provisional Employment Pending Issuance of License and During Provisional License Period.** Primary Management Officials and Key Employees may be employed in the Gaming Operations on the Rancheria's lands prior to the issuance of a license hereunder and during the period that a license shall be effective on a provisional basis as provided in Section 8 of this Regulation, but such employment shall be provisional only and subject to the requirements of this Section. Any person or entity who is required to apply for a waiver under Section 4 (a) (iv) is not eligible for a provisional license or employment in the gaming facility for the Rancheria, unless a waiver decision under that section is granted by the Tribal Council. Employment may begin prior to issuance of license only if the Commission or such other tribal entity or agency as may be authorized by the Tribal Council has made a preliminary determination

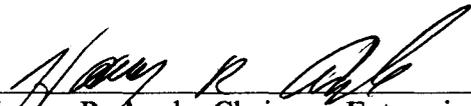
that the Primary Management Official or Key Employee is not a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto. Preliminary employment must be terminated upon the occurrence of any of the following:

- (a) Denial of a license by the Commission or the Tribal Council;
- (b) Unsatisfactory completion of background investigations or NIGC review resulting in nullification of provisional license, as described in Section 8, above, or;
- (c) To the extent required under regulations promulgated by the NIGC in part 558 of Chapter 25 of the Code of Federal Regulations, including any amendments thereto, at the end of 90 days after the starting date of provisional employment, if at the end of such period no license has been issued hereunder or if a license issued hereunder remains effective only on a provisional basis, as provided in Section 15, above; provided, however, that provisional employees terminated for reason described in this subsection, shall be qualified for reemployment upon satisfactory completion of background investigations and NIGC review.

Section 16. **Licensure Fees.** The Gaming Commission shall establish a fee schedule for all licenses issued to individuals herein referred to and such fees shall be made payable to the Tribe (Enterprise Rancheria).

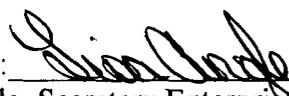
CERTIFICATION

I, the undersigned, as Secretary of the Estom Yumeka Maidu Tribe, also known as Enterprise Rancheria, do hereby certify Gaming Regulation No. 2004-02, was ratified at a duly held meeting of the General Council on June 20, 2004, by a vote of 41 in favor, 0 against and 1 abstaining, and that this Gaming Regulation has not been amended or rescinded in any other manner.



Harvey R. Angle, Chairman Enterprise Rancheria

June 20, 2004
Date

ATTEST: 

Lisa Angle, Secretary Enterprise Rancheria

June 20, 2004
Date

Enterprise Rancheria Gaming REGULATION 2004-03

VENDOR LICENSING

Section 1. **Vendor License.** For the purpose of protecting the financial integrity of the gaming operations, the Enterprise Rancheria (Tribe) hereby adopts this Regulation No. 2004-03 to license any and all vendors doing business with the gaming operations.

Section 2. (a) **Vendors.** All vendors, whether classified as gaming or non-gaming shall be subject to licensing and registration by the Commission as a condition precedent to conducting business with the Enterprise Rancheria gaming facilities.

(i) **Non-Gaming Vendors.** Any classified non-gaming vendor(s), supplier(s), or general contractor(s) who conducts business with the Rancheria's gaming facilities in an amount equal to or exceeding \$100,000.00 in any year shall register with the Commission and pay an annual administrative fee of \$100.00. Non-gaming vendor(s), supplier(s), or general contractor(s) who conduct business with the Rancheria's gaming facility in amounts not less than \$100,000.00 and exceeding \$10,000.00 shall register with the Commission and pay an annual fee of \$50.00. Any classified non-gaming contract or agreement below \$10,000.00 in any year shall be exempt from any registration and the payment of any annual administrative fees.

(ii) **Gaming Vendors.** Any gaming vendor(s), supplier(s) or general contractor(s) who conducts business with the Rancheria's gaming facility in an amount equal to or exceeding \$25,000.00 annually shall pay an annual administrative fee of \$100.00 and any gaming vendor(s), supplier(s) or general contractor(s) below \$25,000.00 in any year shall be exempt from any payment of the annual administrative fees, but are required to register annually with the Commission.

(iii) Any other classified businesses that are determined by the Enterprise Rancheria to be required to pay an annual administrative fee and to register with the Commission.

Section 3.

Application and Procedures for License.

- (a) **Standard.** The standard and procedure for considering and issuing vendor licenses shall be those set out in this Regulation for licensing in general. Any other matters pertaining to licensing shall be governed by other applicable provisions of the Gaming Ordinance and Regulations.
- (b) **Determination of Other Jurisdictions.** In addition, the Commission may consider issuing licenses to gaming vendors who possess valid licenses from other tribal or state jurisdictions until such time that the Enterprise Rancheria completes its own background investigation. In the event that other jurisdictions suspend, revoke, or refuse to renew a license or certificate to a gaming vendor, the Commission may consider the determination of that jurisdiction and may revoke, suspend, or refuse to renew any vendor license issued by the Commission.

Section 4.

Term of Licenses and Fees for Gaming Vendor(s), Supplier(s) and General Contractor(s).

- (a) Vendor licenses shall be for a term of two (2) years, and shall expire on the anniversary of the date of issuance.
 - (i) All vendor licenses must be renewed by written notice to the Commission by the vendor, supplier or general contract of their intent to renew said license with the required license fee;
 - (ii) Failure to file a written notice of intent to renew the vendor license, sixty (60) days prior to the date of expiration by a vendor licensee, shall cause the Commission to issue a letter of expiration. The letter of expiration shall be sent, certified mail to the last known address of the vendor on the bi-annual due date of the license.
- (b) In order to recover the costs to the Rancheria of complying with the federal, tribal and state regulatory processes applicable to Class II and Class III gaming, bi-annual license fees shall be imposed upon the filing of any application for a gaming vendor license, and upon every license renewal thereafter. The amount shall be a set fee of \$100.00 per license renewal period, unless the vendor is exempt. However, any actual costs and

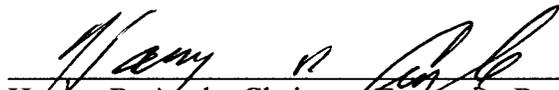
expenses associated and incurred with additional background and suitability investigations shall be assessed the vendor as per an actual cost billing. Vendors classified under Section 4 (b), (i), (g) will upon renewal be assessed the regular fee of \$50.00. The schedule of fees for initial licensing of gaming vendors shall be as follows:

- (i) Existing vendors and those applying for new licenses shall be assessed a non-refundable license back-grounding fee based on the amount of business with the Rancheria's gaming facility and those fees will be further based on the gross dollar amount received from the previous fiscal year:
 - (a) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount equal to or exceeding \$1,000,000.00 shall be assessed a flat fee of \$50,000.00;
 - (b) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount of \$999,999.99 to \$500,000.00 shall be assessed a flat fee of \$10,000.00;
 - (c) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount of \$499,999.99 to \$100,000.00 shall be assessed a flat fee of \$5,000.00;
 - (d) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount of \$99,999.99 to \$50,000.00 shall be assessed a flat fee of \$2,500.00;
 - (e) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount of \$49,999.99 to \$25,000.00 shall pay a flat fee of \$1,000.00;
 - (f) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount of \$24,999.99 to \$10,000.00 shall pay a flat fee of \$250.00;
 - (g) Gaming Vendors conducting business with the Rancheria's gaming facility in an amount less than \$10,000.00 shall be assessed a flat fee of \$50.00;

- (ii) Classified gaming vendors who have not previously conducted business with the Rancheria's gaming facility will be assessed a fee according to the above-indicated fee scale as to the gross dollar amount of the initial proposal with the gaming facility.
- (iii) In addition, to any non-refundable backgrounding license fee paid, the Enterprise Rancheria's Gaming Commission may require a vendor to pay such supplementary investigative fees and expenses as may be incurred additionally by the Commission with respect to the actual background investigation of said vendor.
 - (a) The Enterprise Rancheria Gaming Commission or its designee shall itemize the supplementary investigative fees and expenses and submit said billing to the vendor;
 - (b) The Commission will not take any final action to approve any vendor license application, unless all license and investigative fees and expenses have been paid in full.

CERTIFICATION

I, the undersigned, as Secretary of the Estom Yumeka Maidu Tribe, also known as Enterprise Rancheria, do hereby certify Gaming Regulation No. 2004-03, was ratified at a duly held meeting of the General Council on March 6, 2004, by a vote of 26 in favor, none against and 1 abstaining, and that this Gaming Regulation has not been amended or rescinded in any other manner.



Harvey R. Angle, Chairman Enterprise Rancheria

March 6, 2004
Date

ATTEST: 

Lisa Angle, Secretary Enterprise Rancheria

March 6, 2004
Date

Enterprise Rancheria Gaming AMENDED REGULATION 2004-04

BACKGROUND INVESTIGATIONS

Section 1. **Required Background Investigations.** Background investigations shall be conducted on all persons or entities specified in this Ordinance.

Section 2. **Standards for Background Investigations.** All background investigations shall be conducted under the supervision and direction of the Commission to ensure that the Rancheria's gaming operations shall not employ or contract with persons or entities whose prior activities, or reputations, habits and associations pose a threat to the public interest or to the effective regulation of gaming conducted under the Gaming Ordinance and Regulations, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming. Such investigations shall be conducted according to the requirements that are at least as stringent as those set forth in regulations promulgated by the National Indian Gaming Commission, 25 CFR parts 556 and 558, including any amendments thereto and as provided in this Ordinance and as those set forth in the Compact. If the Commission determines that employment of the person or entity poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair or illegal activities, practices or methods in the conduct of gaming, a tribal gaming operation shall not employ that person in a Key Employee or Primary Management Official position. In the case of investigations of Primary Management Officials and Key Employees, the report required under regulations promulgated by NIGC in 25 CFR part 558, including any amendments thereto, shall be prepared and submitted to the NIGC, which report shall contain the eligibility determination described in such regulations. All background investigations also shall otherwise meet the standard of such investigations imposed under the IGRA and the Compact and shall be updated as required by IGRA and the Compact, as applicable. Nothing herein shall prevent a more extensive background investigation than those required under IGRA or the Compact.

Section 3. **Background Investigations.**

- (a) Each person subject to a background investigation under Section 1, above of this Regulation, shall be required to provide all the following information:
 - (i) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoke and written);
 - (ii) Currently and for the previous five (5) years, all business and employment positions held, ownership interests held in those businesses, business and residential addresses and drivers license number(s);

- (iii) The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during such period of residence listed under paragraph (a)(ii) of this section;
- (iv) Current business and residence telephone numbers;
- (v) A description of any existing and previous business relationships with other federal recognized Indian tribes, including ownership interests in those businesses;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (vii) The name and address of any licensing or regulatory agency with which the person has filed an application for a gaming license or permit, whether or not such license or permit was granted;
- (viii) Each felony for which there is an ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (x) For each criminal charge (excluding minor traffic violations), whether or not there is conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a)(viii) or (a)(ix) of this Section, the criminal charge, the name and address of the court involved and the date and disposition;
- (xi) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit (such as gaming, liquor, accounting or practice of law), including but not limited to, whether or not such license or permit was granted;
- (xii) A current photograph;
- (xiii) Any other information the Commission deems relevant; and
- (xiv) Fingerprints consistent with procedures adopted by the Enterprise Rancheria Gaming Commission pursuant to 25 CFR § 522.2. (h).

- (b) The investigation shall be sufficient to make determination of suitability as set forth under Section 2, above.

Section 4. Designation Fingerprint Processing. The Gaming Commission shall be the designated tribal agency to obtain and process all fingerprints as required by CFR § 522.2 (h), said processing is for the purpose of a criminal history check, including a check of records maintained by the FBI. The Gaming Commission, shall if required under the state compact allow the designated state law enforcement agency to process all fingerprint cards as required and those fingerprint cards shall be forwarded by that state agency to the appropriate federal agencies for processing. Further, the Gaming Commission may designate a Compliance Officer to obtain and process fingerprints. Provided, further, that Gaming Commission may elect to process the fingerprint cards with the identifying NIGC ORI number and then forward the processed fingerprint cards directly to NIGC pursuant to an approved MOU.

Section 5. Investigative Procedures. In the process of background investigation the designated agent of the Gaming Commission shall follow the following background investigation procedures:

- (a) **Verify the applicant's name, place of birth, date of birth, and citizenship by requiring the applicant to provide items such as a birth certificate, social security card, or passport;**
- (b) **Confirm the applicant's business and employment positions held and ownership interests in those businesses currently and for the past five (5) years by attempting to contact through written letter, telephone calls or personal visits to past employers listed in the application and through ownership documentation such as copies of partnership agreements, stock certificates, or IRS tax returns;**
- (c) **Obtain the applicant's driving record by using the applicant's driver license number to contact the Department of Motor Vehicles in the state where the license was issued;**
- (d) **Ascertain character information about the applicant by contacting the personal references, neighbors, co-employees, past employers and other references listed in the application;**
- (e) **Inquire into any existing or previous business relationships the applicant has had with Indian tribes, including the scope of those relationships, by contacting those tribes identified in the application. Also, the investigator or compliance officer should contact with Indian tribes to obtain other information available;**

- (f) *Gather and obtain information about any existing or previous business relationships the applicant has had in the gaming industry, including the scope of those relationships, by contacting those entities identified in the application. Also, when appropriate, the investigator should contact other state gaming agencies or the NIGC to obtain other information available;*
- (g) *Verify the applicant's history and status with any licensing agency identified by the applicant with which the applicant has applied for an occupational license or permit by contacting those agencies;*
- (h) *Obtain information regarding any past felonies, the last 10 years by contacting state, city, county and tribal courts, and state, local and tribal police departments in the applicant's areas of residence. The NIGC recommends obtaining as much information as possible through public documents and records. Also, a tribe may require an applicant to submit any court documents pertaining to the applicant's civil or criminal history;*
- (i) *Obtain and verify any other information the tribe will deem relevant to a complete and thorough background investigation, which may include a credit report;*
- (j) *All potential areas of concern regarding any and all background investigations shall be noted and documented, including any and all disqualifying information.*

Section 5. **Required Background information for Business Entities.** In addition to the background information required in Section 3 Above, the Commission shall request from an applicant that is a business entity all of the following information, provided that two (2) or more business entitles having a commonality of the characteristics identified in the following sub-sections (a)-(d), inclusive, may be deemed to be a single business entity:

- (a) Each of its officers and directors;
- (c) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
- (d) Each of its owners or partners, if an incorporated business;
- (e) Each of its shareholders who owns more than ten (10%) of the shares of the corporation, if a corporation or otherwise;
- (f) Each person or entity (other than a financial institution that the Commission has determined does not meet the requirements of the Compact, that alone or in combination with others, has provided financing to the business entity in connection with any gaming authorized under the Compact, if that person or entity provided more than ten (10%) of:

- (i) start-up capital;
- (ii) bridge loans;
- (iv) operating capital over any twelve (12) month period; or
- (v) any combination thereof.

Section 6. **Reporting to State Gaming Agency.** Except for an application for a non-key gaming employee, as defined by agreement between the Commission and the State Gaming Agency, the Commission shall require the applicant to also file an application with the State Gaming Agency, prior to issuance of any license, including provisional, for a determination of suitability for licensure under the California Gambling Control Act.

- (a) Upon receipt of a completed license application a determination by the Commission that it intends to issue a license, the Commission shall transmit to the State Gaming Agency a notice of intent to license the applicant, together with all the following, if required by the State-Tribal Compact;
 - (i) A copy of the license application materials and information received by the Commission from the applicant.
- (b) Upon receiving notice of the State Gaming Agency's denial of an application of suitability, the Commission shall promptly notify the Tribal Council and, if the Commission objects to the denial, request an opportunity for the Tribe to be heard and diligently exercise its right to a hearing.
- (c) With respect to non-key gaming employees, as defined by agreement with the State Gaming Agency, the Commission shall provide the State Gaming Agency with name, badge identification number, and job descriptions of all such employees on a monthly basis, within seven (7) days of the end of each month.

Section 7. **Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.**

- (a) When a Key Employee or Primary Management Official begins employment at the Rancheria's gaming facility authorized by the Gaming Ordinance, a complete application for employment, the background investigation and determination referred to in Section 3, above shall be forwarded to NIGC.
- (b) The report referred to in Section 5, hereafter shall be submitted to the Nation Indian Gaming Commission within sixty (60) days after an employee begins work or within sixty (60) days of the approval of this Regulation by the Chairman of the National Indian Gaming Commission.

- (c) The gaming operation shall not employ as a Key Employee or Primary Management Official a person who does not have a license after ninety (90) days.

Section 8.

Report to the National Indian Gaming Commission.

- (a) Pursuant to the procedures set out in the previous Section of this Regulation, the Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation upon issuance of a license. An investigative report shall include all of the following:
 - (i) Procedures implemented in conducting background investigation;
 - (ii) Results obtained from said background investigation;
 - (iii) Conclusions reached by the Gaming Commission;
 - (iv) The Commission's bases for its conclusions.
- (b) The Commission shall submit, with the report, a copy of the eligibility determination made pursuant to Section 3, above.
- (c) If a license is not issued to an applicant, the Commission:
 - (i) Shall notify the National Indian Gaming Commission;
 - (ii) May forward copies of its eligibility determination and investigative report, if any, to the National Indian Gaming Commission for inclusion in the Indian Gaming Records System.
- (d) With respect to Key Employees and Primary Management Officials, applications for employment and reports, if any of background investigation shall be retained for inspection by the Chairman of the National Indian Gaming Commission or his or here designee for no less than three (3) years from the date of termination of employment.

Section 9.

Granting a Gaming License.

- (a) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a Key Employee or Primary Management Official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Rancheria may issue the license to said applicant.

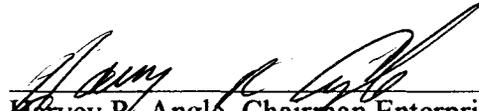
- (b) The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a Key Employee or Primary Management Official who is subject of a report. Such a request shall suspend the 30 day period under subsection (a) above, until the Chairman of the National Indian Gaming Commission receives the additional information.
- (c) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Rancheria with a statement itemizing objections to the issuance of a license to a Key Employee or Primary Management Official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission shall reconsider the application, taking into account the objections of the National Indian Gaming Commission. The Commission shall make the final decision whether to issue a license to said applicant.

Section 10. **License Cancellation and Suspension, Revocation Following Receipt of Information from NIGC.**

- (a) If, after the issuance of a gaming license, the Commission receives from the National Indian Gaming Commission reliable information indicating that Key Employee or Primary Management Official is not eligible for employment under Section 2, above, the Commission may suspend such license and shall notify in writing the licensee of the suspension and the proposed cancellation or revocation of said license.
- (b) The Commission shall conduct a hearing in accordance with this Ordinance on the proposed cancellation and revocation pursuant to Regulation 2004-02, Section 13 , (a) above.
- (c) After a hearing, the Commission shall decide to cancel, revoke or to reinstate a gaming license. The Commission shall notify the National Indian Gaming Commission of its decision. The decision of the Commission to cancel and revoke a license may be appealed to the Trial Court of the Enterprise Rancheria whose decision shall be final.

CERTIFICATION

I, the undersigned, as Secretary of the Estom Yumeka Maidu Tribe, also known as Enterprise Rancheria, do hereby certify Gaming Regulation No. 2004-04, was ratified at a duly held meeting of the General Council on June 20, 2004, by a vote of 41 in favor, 0 against and 1 abstaining, and that this Gaming Regulation has not been amended or rescinded in any other manner.



Harvey R. Angle, Chairman Enterprise Rancheria

June 20, 2004
Date

ATTEST: 

Lisa Angle, Secretary Enterprise Rancheria

June 20, 2004
Date