



JUN 11 2003

Bradley G. Bledsoe Downes, Esq.
 Dorsey & Whitney LLP
 38 Technology Drive
 Irvine, California 92618-5310

Dear Mr. Downes:

This letter responds to the Karuk Tribe of California's request to the National Indian Gaming Commission (NIGC) to review and approve the Tribe's Gaming Ordinance. The Tribal Executive Council approved the Ordinance on May 4, 2003. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Karuk Tribe of California on future gaming issues.

Sincerely yours,

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Philip N. Hogen
 Chairman

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Greg Bergfeld
 w/ Enclosure
 John Han

Karuk Tribe of California



Administrative Office
64236 Second Ave. • P.O. Box 1016
Happy Camp, CA 96039
(530) 493-5305 Fax (530) 493-5322

Karuk Tribal Health Clinic
64236 Second Ave. • P.O. Box 1016
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(530) 493-2201 Fax (530) 493-5364

RESOLUTION OF THE KARUK TRIBE OF CALIFORNIA

Resolution No: 03-R-36
Date Approved: May 21st, 2003

RESOLUTION AUTHORIZING THE ADOPTION OF GAMING ORDINANCE; REQUEST FOR NIGC REVIEW AND APPROVAL

WHEREAS; the Karuk Tribe of California ("Tribe"), a federally recognized Indian tribe, adopted a Tribal Constitution and Bylaws;

WHEREAS; pursuant to Article IV of the Constitution, the Tribal Executive Council is the governing body of the Tribe;

WHEREAS; pursuant to Article V of the Constitution, the Tribal Executive Council is authorized to exercise the inherent sovereign authority of the Tribe including to adopt ordinances;

WHEREAS; the Tribal Executive Council has developed a Gaming Ordinance to authorize, permit and otherwise regulate gaming on the Tribe's Indian lands;

WHEREAS; said Ordinance is consistent with the Tribe's priorities and is in the best interests of the Tribe as it promotes a strong, self-governing, stable society;

NOW, THEREFORE, BE IT RESOLVED; that the following Gaming Ordinance is hereby adopted;

BE IT FURTHER RESOLVED; that this Ordinance shall supersede any and all former gaming ordinances and that any such formerly enacted gaming ordinances are hereby repealed and shall be of no further force or effect upon enactment of this Ordinance;

BE IT FURTHER RESOLVED; that the Tribal Chairman is hereby further authorized and directed to take such additional steps on behalf of the Tribe as may be required including the forwarding of this Ordinance to the Bureau of Indian Affairs and/or the National Indian Gaming Commission for regulatory review or approval and/or for confirmation that any regulatory approval is not required;

BE IT FURTHER RESOLVED; that the Tribe hereby designates the Sheriff's Department, County of Siskiyou, as the local law enforcement agency responsible for taking fingerprints and

transmitting the fingerprints to the National Indian Gaming Commission; said designation to be effective until such time as the Tribe designates another law enforcement agency or the Tribal Gaming Commission as the local law enforcement agency responsible for such duties;

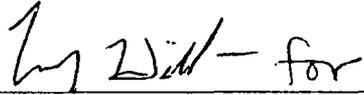
BE IT FURTHER RESOLVED; that the Tribal Chairman is hereby authorized to delegate legal counsel to carry out the directives contained herein; and

BE IT FURTHER RESOLVED; that the Chairman of the National Indian Gaming Commission is hereby requested to review and approve the Gaming Ordinance adopted by the Tribe.

CERTIFICATION

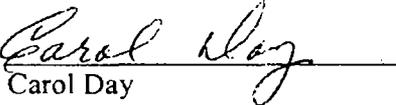
I, the undersigned, as Chairman of the Karuk Tribe of California, do hereby certify that the Tribal Council, composed of nine (9) members, of which (5) were present constituting a quorum at a meeting thereof, duly and regularly called, noticed and convened, and held this (4th) day of May 2003, and that this Resolution was duly adopted by a vote of (5) for and (0) against, and that said Resolution has not been rescinded or amended in any way since its adoption.

Dated this (4th) day of May 2003.



Alvis Johnson, Chairman
Karuk Tribe of California

ATTEST:



Carol Day
Tribal Secretary

MAY - 8 2003

KARUK TRIBE OF CALIFORNIA
TRIBAL GAMING ORDINANCE

I. Purpose

The Karuk Tribe of California acting through the Karuk Tribal Council (hereinafter the "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby enacts this ordinance in order to set the terms for Class II and Class III gaming operations on tribal lands pursuant to the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.* ("IGRA"), and as thereafter amended.

II. Applicability of Ordinance

Unless specifically indicated otherwise, all provisions of this Ordinance shall apply to both Class II Gaming and Class III Gaming including, but not limited to, all licensing and background investigation procedures.

III. Gaming Authorized

Class II gaming as defined at 25 U.S.C. § 2703(7)(A), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 and Class III gaming as defined at 25 U.S.C. § 2703(8), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized, and as thereafter amended.

IV. Unauthorized Gaming

Any person who commits any act of unauthorized Gaming on the Reservation or any other Tribal land shall be guilty of a crime and shall be prosecuted in Tribal Court or any other court of competent jurisdiction. It is hereby declared that authorized Class II Gaming or Class III Gaming conducted on the Reservation, or on any other Tribal land that fully complies with the provisions of this Ordinance, the Rules, the Compact and IGRA shall not be subject to any criminal penalties.

V. Ownership of Gaming

The Tribal shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance; provided, however, that the Tribe may, in accordance with IGRA, enter into a management contract for management of the gaming operation.

VI. Use of Gaming Revenue

A. Net revenues from gaming shall be used only for the following purposes: to fund tribal government operations and programs; provided for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only upon approval of a plan submitted to the United States Secretary of the Interior pursuant to the provisions of 25 U.S.C. § 2710(b)(3).

VII. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection VII.A.

VIII. Protection of the Environment and Public Health and Safety

Gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

IX. Tribal-State Gaming Compact with the State of California

All gaming conducted pursuant to this Ordinance shall comply with the provisions the Compact, including, but not limited to, any licensing, approval, or monitoring requirements contained in the Compact.

X. Gaming Commission; Establishment, Administration and Powers

A. Establishment of Commission. The Karuk Tribal Gaming Commission is hereby established. The Commission shall consist of a minimum of three (3) members up to a maximum of seven (7) members appointed by a majority vote of the Council. The Council shall by Tribal Resolution set the number of Commission members which number may be changed from time to time by appropriate Tribal Council Resolution. A Commissioner shall serve for two (2) years and may be removed from office prior to the end of the Commissioner's term only for cause and by a unanimous vote of the Council after a public hearing, if such hearing is requested by the Commissioner who is subject to removal. The Council may at through the initial appointments establish an annually staggered Commission appointment schedule by appointing the first Commission for terms of less than or more than two years, for their initial terms only. Thereafter, all successive terms of appointment for a Commissioner shall run for two (2) years. Vacancies on the Commission shall be filled within thirty (30) days by a majority vote of the Council. The Commission shall select annually, from its membership, a Commission Chair.

B. Licensing of Commissioners. Applicants for the position of Commissioner must meet the requirements of this Ordinance and must first obtain a License from the Council prior to assuming office.

- C. Failure to Meet License Requirements or License Violations. If the Tribal Chair or the Council has reason to believe that a Licensed Commissioner fails at any time to meet the License requirements under this Ordinance or that the Commissioner has violated this Ordinance, the Rules, the Compact, or the IGRA or any other applicable law, the Tribal Chair or the Council shall direct an investigation to be conducted and may notice the Commissioner for a hearing before the Council. A Commissioner shall have all of the rights and obligations given to a Licensee or Applicant therein, except that all hearings shall be conducted by and before the Council.
- D. Restrictions on Commissioners. No person shall serve on the Commission if that:
1. person's other employment or responsibilities conflict or could potentially conflict with the duties and responsibilities of a member of the Commission;
 2. person is an employee of the Gaming Operation or the person's other employment or responsibilities create an impression or appearance of impropriety in the fulfillment of the duties and responsibilities of a member of the Commission; or
 3. person is a Judge in any Tribal Court.
- E. No Financial Interest in Gaming. No Commissioner shall have any direct or indirect financial interest in any Gaming Operation. For purposes of this section, "indirect financial interest shall not include ownership of any mutual funds which holds stock in a publicly traded company, but shall include direct ownership of such stock. No Commissioner may accept gratuities or any other thing of value from any Licensee or Applicant. Commissioners may not gamble in any Gaming Establishment.
- F. Compensation of Commissioners. Commissioners shall be compensated at a rate to be established annually by the Council. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses.
- G. Commission Meetings.
1. Regular Meetings. The Commission shall meet at least once a month at the Commission's main office or at any other designated meeting place.
 2. Special Meetings. Special meetings shall be convened by the Commission Chair as necessary to carry out the official duties of the Commission. Notice of each special meeting shall be given by the Commission Chair by telephone or mail to each Commissioner. Notice shall be received at least 24 hours in advance of such meeting and shall include the date, time and place of the proposed meeting.
 3. Emergency Meetings. An emergency meeting may be called by the Chair of the Commission with less than 24 hours notice; provided, however, that the Chair of the Commission shall use best efforts to assure that all

Commissioners are notified of such meeting, with as much prior notice as possible under the circumstances.

4. Meetings Open to the Public. All meetings of the Commission shall be open to the public; provided, however, that the Commission may, in its discretion, close any portion of any meeting to the public when discussing any information which the Commission deems confidential pursuant to the provisions of this Ordinance.

- H. Commission Offices. The Commission shall maintain an office in a location established by the Council. Such office shall serve as the Commission's main business office and shall be the site at which Commission records and documents are maintained and stored on a permanent basis. No individual except a Commissioner, or other authorized employee or agent of the Commission may possess a key to or may enter any Commission office without the permission of the Commission. No person may access such records except a Commissioner, a person duly authorized by the Commission, a Commission, or an attorney for the Commission. Nothing herein shall prevent Commission records from being maintained or stored at the offices of the Gaming Monitor.

- I. Quorum. A quorum of the Commission shall consist of a majority of the membership of the Commission, e.g., if a total of three Commissioners, a quorum would consist of two (2) Commissioners. All decisions shall require the concurring votes of at least a majority of the members of the Commission present at the meeting, unless particular power is delegated to the Chairman pursuant to this Ordinance or the Rules.

- J. Organization of Commission. The Commission may organize itself into any functional division it deems necessary, and may alter such plan of organization as it deems expedient.

- K. Commission Record-Keeping. The Commission or Gaming Monitor shall maintain complete records regarding the following:
 1. Applications, financial statements, fingerprints, contracts, Licenses, suspension and cancellation notices and correspondences of all Applicants, including Management Entities or Controlling Shareholders, Key Employees, Primary Management Officials, Gaming Establishments and Gaming Device Suppliers;
 2. Commission Licenses;
 3. Meeting minutes from all Commission meetings;
 4. Compact compliance;
 5. Reports relating to customer disputes, complaints or other issues that affect the integrity of the Gaming Operation;

6. Commission budget and expenditures;
7. Council communications and correspondences;
8. Gaming Device list pursuant to this Ordinance; and
9. Any other records or documents the Commission or Gaming Monitor deems necessary or appropriate.

L. Confidentiality. The Commission shall preserve as confidential all information provided by Applicants and Licensees, provided that the Commission may, in its discretion, advise the NIGC, or the authorized representatives of any federally recognized Indian tribe regarding the denial revocation or withdrawal of any Application or License, or of any disciplinary action taken regarding any License or Licensee.

M. Reports. The Commission shall make monthly reports to the Council within thirty (30) days after the end of each month. Such Reports shall contain the following information:

1. number and types of Licenses issued during the previous 30-day period;
2. information regarding License denials, suspensions or revocations;
3. report of any events of non-compliance, breach or violations of this Ordinance, the Rules, the Compact, IGRA, License or any other law or regulation; provided, however, that these reports are not the subject of or relating to a pending investigation of the Commission or the Gaming Monitor, or hearing before the Commission;
4. a report of Commission expenditures for the prior 30-day period;
5. a summary of any Commission travel and training;
6. the number of and purpose for any special Commission meeting(s); and
7. all other information which the Commission deems relevant in order to keep the Council informed and current on all Gaming regulatory matters.
8. Nothing in this Section shall authorize or permit the Commission or Gaming Monitor to provide the Council with any information pertaining to a pending investigation of the Commission or Gaming Monitor, or hearing before the Commission. Except as provided in otherwise in this Ordinance, all such information shall be kept confidential. The Commission may find that any willful or negligent breach of this provision presents due cause for removal of the person from office or employment. The Gaming Disputes Court shall have the authority to impose civil penalties of up to \$5,000 (FIVE THOUSAND DOLLARS) for each violation. Claims of such disclosure may

be presented by the Monitor, the Commission or the Licensee or Applicant affected, provided that any such claim shall be presented to the Gaming Disputes Court within 60 days of the act complained of, or within 60 days the disclosure becomes known, whichever is later.

- N. Budget.** The Commission shall establish a budget for its operations, including, but not limited to, a budget for the Gaming Monitor, shall acquire such furnishings, equipment, supplies, stationery, books and other items as it deems necessary or desirable to carry out its functions, and incur such other expenses, within the limit of funds available to it, as it deems necessary. Such Commission budget shall be subject to approval by the Council and, once approved by the Council, shall be funded from the Tribe's general revenues. Within the limits of its Council approved budget, the Commission shall employ and fix the salaries of, or contract for the services of, such professional, technical and operational personnel and consultants as the execution of the Commission's duties may require. The Commission budget may, at the Council's discretion, be reviewed and modified by the Council every four (4) months. Any surplus remaining in the Commission's budget at the end of any budget year shall be refunded to the Council.
- O. Powers.** The Commission shall exercise all powers necessary to effectuate the purposes of this Ordinance and all other powers provided for in this Ordinance. In all decisions, the Commission shall act to promote and ensure the integrity, security, honesty and fairness of the operation and administration of all Gaming. The Commission shall have the power to:
1. promulgate Rules pursuant to this Ordinance, for the operation of games and the control of internal fiscal affairs of Gaming Operations and the conduct of all business before the Commission;
 2. grant, conditionally grant or deny any application for License;
 3. limit, cancel, revoke, terminate, condition, modify, suspend, or restrict any License
 4. make findings of suitability or unsuitability;
 5. impose civil penalties of up to \$5,000 (FIVE THOUSAND DOLLARS) or sanctions for each violation of this Ordinance or the Rules upon any Applicant or Licensee;
 6. require the Licensee or Applicant to make restitution for the actual or consequential damages of any violation of this Ordinance or the Rules;
 7. conduct, or cause to be conducted, background investigations on all Applicants and Licensees;
 8. hold administrative licensing hearings under this Ordinance;

9. bring or respond to actions pursuant to this Ordinance or the Rules before the Gaming Disputes Court.

P. Promulgation of Gaming Rules. The Commission may promulgate Rules governing the conduct of all games authorized by the Compact or IGRA, including Rules governing all equipment, (e.g. lottery terminals, computers computer programs, chips, cards, pull tabs, pull tab dispensers), used in such games. The Rules of each authorized game offered shall be posted in a conspicuous location in every licensed Gaming Establishment.

Q. Promulgation of Auditing and Internal Control Rules. The Commission may promulgate Rules governing the control of internal fiscal affairs of Gaming Operations.

XI. GAMING MONITOR

A. Appointment of Gaming Monitor. Subject to approval by the Council, the Commission shall hire a Gaming Monitor who shall be responsible for the day to day monitoring of Gaming on the Tribe's Reservation and to whom the Commission may delegate any of its duties under this Ordinance except for:

1. the conduct of hearings, the decision of matters at issue at such hearing, the issuance, denial, limitation, supervision or revocation of Licenses;
2. the imposition of fines and the setting of the Gaming Monitor's duties and compensation.

The Commission shall take such action as it deems necessary and appropriate to satisfy itself as to the qualifications of the Gaming Monitor before appointing the Gaming Monitor and shall oversee the Gaming Monitor's activities on an ongoing basis. Preference will be given to Gaming Monitor applicants with experience in legal, gaming and/or accounting matters. No Person who has been convicted of a felony of any kind or any misdemeanor which is gaming related or involves, fraud, misrepresentation or bribery may serve as a Gaming Monitor. Other than the interest that may be held by virtue of Tribal membership, the restraints on financial interest in any Gaming Operation set forth in this Ordinance shall also apply to the Gaming Monitor.

B. Gaming Monitor's Contract. The Gaming Monitor shall be hired on a contract basis for a period of at least one year. The terms of the Gaming Monitor's employment contract including, but not limited to, compensation and benefits, shall be negotiated with the Commission and approved by the Council.

C. Termination of Gaming Monitor. The Gaming Monitor's employment contract shall terminate immediately, and without the necessity of a vote or finding by the Council or the Commission, upon the Gaming Monitor's conviction in any court of competent jurisdiction, including the Tribal Court, for a felony of any kind or any misdemeanor which is gaming related or involves, fraud, misrepresentation or bribery or for any breach or failure to perform the duties of the Gaming Monitor. If the Commission,

the Council or any court determines that the Gaming Monitor has violated, or assisted in violations of, any part of this Ordinance, the Commission or the Council (by a majority vote of a quorum) may immediately terminate the Gaming Monitor's employment contract.

- D. Duties of the Gaming Monitor The Gaming Monitor shall, subject to the approval of the Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance and the Compact, subject to the restrictions contained in this Ordinance. In all decisions, the Gaming Monitor shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all Gaming. The duties of the Gaming Monitor shall include, but are not limited to:
1. corresponding with the NIGC and taking necessary actions to ensure continuing compliance with the rules and regulations of the NIGC. Specifically, the Gaming Monitor shall confirm that an annual outside audit of authorized Gaming is performed within the time required by IGRA, and will provide a copy of such outside audit to the NIGC in a timely manner;
 2. conducting, or ensuring that adequate and confidential background investigations are conducted, on all Management Entities or Controlling Shareholders, Gaming Device Suppliers, and Primary Management Officials and Key Employees of any Gaming Operation, and that oversight of such Persons is conducted on an ongoing basis;
 3. ensuring that all applications and background investigations called for by this Ordinance are properly completed and that no Person is employed in any Gaming Operation if that Person's prior activities, criminal record, reputation, habits or associations pose a threat to the public interest or to the effective regulation of Gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming. The Gaming Monitor shall ensure that the NIGC receives the results of any background checks conducted on Primary Management Officials and Key Employees of any Gaming Operations;
 4. reviewing all records, documents or other evidence and information necessary and pertinent to the enforcement of any provision of this Ordinance, the Rules, the Compact, or IGRA;
 5. recommending to the Commission whether a License should be granted, denied, revoked or canceled and whether sanctions should be imposed on any Person pursuant to the provisions of this Ordinance; and
 6. performing any and all other duties as may be required by the Compact, this Ordinance, the Commission, the Rules, or IGRA, subject to any applicable restrictions contained therein.
- E. Right of Inspection The Gaming Monitor and the Commission have the authority to:

1. inspect and examine all premises wherein Gaming is conducted, or Gaming Devices or equipment are manufactured, sold or distributed; and
2. inspect all equipment and supplies in, upon or about any Gaming Establishment, and/or inspect any premises, equipment or supplies wherever located, which may be or have been used in connection with Gaming.

F. Certification of Gaming Devices. All Gaming Devices purchased, leased or otherwise acquired by the Tribe must meet the technical equipment standards of the Compact. The Commission or Gaming Monitor shall maintain a complete list of all Gaming Devices (whether or not such devices are in use) located at any Gaming Establishment.

XII. Licenses for Key Employees and Primary Management Officials

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming enterprise operated on Indian lands:

A. Definitions re Licensing

For the purposes of this section, the following definitions apply:

1. Key Employee means
 - a) A person who performs one or more of the following functions:
 - (1) bingo caller;
 - (2) counting room supervisor;
 - (3) chief of security;
 - (4) custodian of gaming supplies or cash;
 - (5) floor manager;
 - (6) pit boss;
 - (7) dealer;
 - (8) croupier;
 - (9) approver of credit; or
 - (10) custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - c) If not otherwise included, the four most highly compensated persons in the gaming operation.
2. Primary Management Official Means
 - a) the person having management responsibility for a management contract;

- b) any person who has authority;
 - (1) to hire and fire employees; or
 - (2) to set up working policy for the gaming operation; or
- c) the chief financial officer or other person who has financial management responsibility.

B. Application Forms

1. The following notices shall be placed on the application form for a key employee or primary management official before that form is filled out by an applicant.

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

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

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

- a) complete a new application form that contains a Privacy Act notice; or
- b) sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary 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 firing you after you begin work. Also, you may be punished by fine or imprisonment.

(18 United States Code § 1001)

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- a) complete a new application form that contains a notice regarding false statements; or
- b) sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Tribe shall request from each primary management official and from each key employee all of the following information:

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

(b) currently and for the previous 5 years: business and employment positions held, ownership interest in those business, business and residence address, and drivers license numbers;

(c) the names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during period of residence listed under paragraph (1)(b) of this section;

(d) business and residence telephone numbers;

(e) a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

(f) a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those business;

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

(h) for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

(i) 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;

(j) for each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this subsection, the criminal charge, the name and address of the court involved and the date and disposition;

(k) the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(l) a current photograph;

(m) any other information the Tribe deems relevant; and

(n) fingerprints consistent with procedures adopted by the Tribe according to, and consistent with, 25 C.F.R. § 522.2(h).

2. The Tribe shall conduct an investigation sufficient to make a determination under Subsection XII.D. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

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

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribe shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Subsection XII.D.

2. The Tribe shall forward the report referred to in Subsection XII.F to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in Subsection XII.E, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

(a) steps taken in conducting a background investigation;

- (b) results obtained;
- (c) conclusions reached; and
- (d) the basis for those conclusions

2. The Tribe shall submit, with the report, a copy of the eligibility determination made under Subsection XII.D.

3. If a license is not issued to an applicant, the Tribe:

(a) shall notify the National Indian Gaming Commission; and

(b) may forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports (if any) 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. Granting a Gaming License

1. If, within a 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 tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30 day period under paragraph VII.G(1) until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the 30 day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary

management official is not eligible for employment under Subsection XII.D, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

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

3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

XIII. License Locations

- A. The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this Ordinance if the place, facility, or location:
1. is a sound physical structure with adequate and safe plumbing, electrical, heating, cooling and ventilation systems in place and operational;
 2. has been inspected and approved for safety by a building and fire inspector designated by the Commission;
 3. is adequate in all respects to accommodate the Gaming intended to be carried out within the structure;
 4. is equipped with security and surveillance equipment meeting or exceeding provisions set forth in the Tribal-State Compact and the Ordinance;
 5. meets all requirements of applicable federal, tribal and state law; and
 6. has paid all applicable License fees and costs.

XIV. Customer Dispute Resolution Procedure

With respect to Class II and Class III gaming, the general manager of the tribal gaming operation shall attempt to resolve on an informal basis any customer complaints relating to payment of prizes or services and report any such resolution to the governing body of the enterprise. If the complaint cannot be resolved at the general manager level, the customer shall be informed that he/she has the right to present his or her complaint to the governing body of the gaming enterprise, whose decision shall be final.

XV. Agent for Service

The Chairperson of the Tribal Council is hereby appointed as the agent for service of process. The Chairperson's address is: Administrative Office, 64236 Second Avenue, Post Office Box 1016, Happy Camp, California 96039.

XVI. Law Enforcement; Finger printing and Criminal Background Checks

The Tribe and the Commission shall establish a relationship with the Sheriff's Department, County of Siskiyou, or City of Yreka Police Department, or other appropriate law enforcement agency, to take finger prints and conduct appropriate criminal background checks of Applicants and Licensees, as appropriate. Nothing herein shall prohibit the Commission from accessing CLETS as provided by the Compact.

XVII. Amendments

All provisions of this Ordinance are subject to amendment by the Council. All Rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendments to this Ordinance shall be effective upon the date of passage by the Council.

XVIII. Severability

If any provision any of this Ordinance, or any portion of any provision to this Ordinance, is found to be invalid by any court of competent jurisdiction, the full remainder of such provision(s) shall not be affected.

XIX. Words and Terms

- A. Tense, number and gender. In interpreting the provisions of this Ordinance, except when otherwise plainly declared or clearly apparent from the context:
- 1) words in the present tense shall include the future tense;
 - 2) words in masculine, feminine and neuter genders shall include all genders;
and
 - 3) words in the singular shall include the plural, and words in the plural shall include the singular.

XX. Repeal

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

XXI. Amendments

All provisions of this Ordinance are subject to amendment by the Council. All Rules promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission. All amendments to this Ordinance shall be effective upon the date of passage by the Council, subject to review and approval by the NIGC.

XXII. Sovereign Immunity

Except as provided herein, nothing in this Ordinance shall be construed as a waiver of the sovereign immunity of the Karuk Tribe of California or any of its officers, employees, or entities.

XXIII. Effective Date

This Ordinance shall be effective on the date of adoption by the Tribal Council subject to approval by the National Indian Gaming Commission.