



December 5, 2017

Via First Class Mail

Kristy Healing, Esq.
Tribal Attorney
Stillaguamish Tribe of Indians
P.O. Box 277
3322 236th Street NE
Arlington, WA 98223

Re: Gaming Code Amendment

Dear Ms. Healing:

This letter responds to your request for the National Indian Gaming Commission to review and approve an amendment to the Stillaguamish Tribe of Indian's Gaming Code. Thank you for bringing this amendment to our attention.

I appreciate all of the time that the Tribe has invested in updating the Gaming Code in order to attain consistency with the Indian Gaming Regulatory Act and NIGC's regulation. I note that NIGC regulations provide that if, after the issuance of a gaming license, the Tribe receives notice from the NIGC indicating that a key employee or a primary management official is not eligible for employment, the Tribe is required to immediately suspend the license and provide the licensee with written notice of the suspension and proposed revocation. Chapter 4, § 8(A)(1) of the Tribe's code addresses this requirement but omits the word *immediately*. We understand the word *immediately* was unintentionally omitted and that the Tribe's gaming regulations/policies, which interpret and implement the Gaming Code, require immediate suspension of a license upon receipt of notice from the NIGC.

As the Gaming Code is otherwise consistent with IGRA and NIGC regulations, and given our understanding of the Tribe's implementation of the regulation addressed above, the amendment is approved. If you have any questions, please feel free to contact Senior Attorney Esther Dittler at 202-420-9229.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonodev O. Chaudhuri".

Jonodev O. Chaudhuri
Chairman



Stillaguamish Tribe of Indians

PO Box 277 · 3322 236th St. NE
Arlington, WA 98223

BOARD OF DIRECTORS

Resolution 2017/136

APPROVING AND ADOPTING AN AMENDMENT TO THE STILLAGUAMISH TRIBE OF INDIAN'S GAMING CODE

WHEREAS, the Stillaguamish Tribe of Indians is a party to the Treaty of Point Elliott of January 22, 1855, 12 Stat. 927; and is a sovereign, Federally Recognized tribe, which the U.S. Government acknowledged on October 27, 1976; and

WHEREAS, the Stillaguamish Tribe of Indians Board of Directors is the duly constituted Governing Body of the Stillaguamish Tribe of Indians, in accordance with Articles III, IV and V of the Stillaguamish Constitution; and

WHEREAS, the Stillaguamish Tribe of Indians Board of Directors, acting in the best interest of their people is embarked on a course of self-determination; and

WHEREAS, the authority to protect the Tribe as a sovereign political entity is vested in the Stillaguamish Tribe of Indians, Board of Directors under Article III and Article V, Sec. 1 of the Constitution, which Board has enumerated authority under Article V, Sec. 1 (a) to enact a comprehensive law and order code which provides for Tribal, civil and criminal jurisdiction; under Article V, Sec 1 (b) to administer the affairs and assets of the Tribe, including Tribal lands and funds; and under Article V, Sec. 1(h), to exercise other necessary powers to fulfill the Board's obligations, responsibilities and purposes as the governing body of the Tribe; and


WHEREAS, the Board of Directors, acting in the best interests of the Tribe, to protect and preserve the political integrity, economic security and health and welfare of the Tribe, now wishes to approve and adopt an amendment to the Stillaguamish Tribe of Indian's Gaming Code, which is attached hereto and incorporated by reference, and does repeal all prior codes covering the same topics on the date of adoption of this Resolution; now

THEREFORE BE IT RESOLVED that the Stillaguamish Tribe Board of Directors hereby approves and adopts an amendment to the Stillaguamish Tribe of Indian's Gaming Code and does hereby repeal all prior codes covering the same topics on the date of adoption of this Resolution.

BE IT FURTHER RESOLVED that this Resolution and Code shall take effect and be in full force immediately upon the date of adoption of this Resolution.

CERTIFICATION

As Chairman and Secretary of the Stillaguamish Tribal Board of Directors, we hereby certify that the above resolution was duly adopted at a meeting of the Stillaguamish Tribal Board of Directors held on the 7 day of September, 2017 at which time a quorum was present and a vote of 4 for 0 opposed and 0 abstain was cast.



SHAWN YANITY, Chairman



PATRICIA PECOR, Secretary

STILLAGUAMISH TRIBE OF INDIANS

GAMING CODE

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CHAPTER 1 - GENERAL PROVISIONS

SECTION 1. Scope

The Stillaguamish Tribe of Indians, a federally recognized Indian Tribe (“Tribe”), hereby enacts the following ordinance to govern gaming activities on Stillaguamish Tribal lands. The ordinance shall be known as the Stillaguamish Gaming Code (“Gaming Code”). This Gaming Code and any regulations promulgated under this Code shall constitute the entire Gaming Regulations for the Tribe. Unless specifically stated otherwise, all provisions of this ordinance shall apply to Class II and Class III gaming on the Tribe’s lands.

SECTION 2. Purpose and Construction

The Stillaguamish Board of Directors, pursuant to its authority under Article V of The Constitution of the Stillaguamish Tribe of Indians, hereby enacts this Gaming Code for the purpose of establishing the terms for gaming on Stillaguamish Tribal lands for Tribal governmental and charitable purposes, and to develop and operate such gaming consistent with the findings herein and in conformity with the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq. (“IGRA”) and regulations promulgated under this Code, as well as other applicable laws.

(A) The Tribe finds that:

1. Gaming on its Tribal lands is a valuable means of generating revenues that are needed for economic development; to promote Tribal self-sufficiency , employment, job training, and a strong tribal government; and to fund and ensure essential social programs and services;

2. The Tribe desires to conduct certain forms of gaming to provide needed revenues to the Tribe, and to regulate and control such gaming in a manner that will protect the environment, the Tribe's reservation, the health, security and general welfare of the Tribe, the players, and the community; and,
3. The Tribe desires to own all gaming on Tribal lands, and to manage and regulate such gaming in a manner that will adequately address such special interests and needs of the Tribe.

SECTION 3. Definitions

Unless specified otherwise, terms used herein shall have the same meaning as in the IGRA, including but not limited to references to "Net Revenues", "Class I", "Class II", and "Class III" gaming, except for references to "Commissioners", "Commission", or "Gaming Commission", which shall mean the Stillaguamish Gaming Commission or its Commissioners and the Commission's Tribal Gaming Agency staff, established and described herein.

- (A) "Applicant" means an individual or entity that applies for a tribal gaming license or certification.
- (B) "Board of Directors" shall mean the governing body of the Stillaguamish Tribe pursuant to Article IV of the Tribes Constitution.
- (C) "Business Day" shall mean each day other than Saturday and Sunday or other day on which commercial banks in the State are not open for business.
- (D) "Calendar Days" shall mean a day that consists of a 24 hour period and runs consecutively with the calendar to include Saturdays and Sundays.
- (E) "Class I Gaming" means social games solely for prizes of minimal value; or, traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations. Unless defined as Class II or Class III gaming as defined in this Gaming Code, Class I gaming will not fall under the purview of the Stillaguamish Tribal Gaming Commission.
- (F) "Class II Gaming" means:
1. the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used) when players:
 - a. play for prizes, including monetary prizes, with cards bearing numbers or other designations;
 - b. cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

- c. win the game by being the first person to cover a designated pattern on such cards.
 - 2. Pull tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, if played in the same location as bingo and lotto;
 - 3. Non-banking card games that:
 - a. are explicitly authorized by laws of the State of Washington, or
 - b. are not explicitly prohibited by the laws of the State of Washington and are played legally at any location within the State, and
 - c. Players play in conformity with those laws and regulations (if any) of the State regarding periods of operation of such card games and limitations on wagers or pot prizes in such card games.
 - 4. The Term “Class II Gaming” does not include any banking card games, including baccarat, chem de fer, blackjack (21), and pai gow.
- (G) “Class III Gaming” means all forms of gaming that are not Class I Gaming or Class II Gaming and are defined in 25 U.S.C. § 2703(8) and by regulations and formal rulings of the National Indian Gaming Commission and are authorized under the Compact as Class III games.
- (H) “Closely Associated Independent Contractor” shall mean any contractor that shares common ownership, officers, or directors with any management principal or person related thereto.
- (I) “Commission” means the Stillaguamish Tribal Gaming Commission, established to perform gaming regulatory oversight and to monitor compliance with all Class II and Class III gaming upon Tribal property and to maintain compliance with all Tribal, Federal, and applicable State of Washington gaming regulations and is further described in Section 5 below.
- (J) “Commission Regulations” shall mean the rules and regulations of the Commission that set forth the processes and procedures in connection with, but not limited to, the regulatory responsibilities of the Commission duly enacted pursuant to Section 4(K) of this Code.
- (K) “Commissioner” means a Stillaguamish Tribal Gaming Commissioner.
- (L) “Compact” means a Stillaguamish Tribal-Washington State Compact concerning Class III gaming approved by the Secretary of the Interior and published in the Federal Register pursuant to 25 U.S.C. § 2710(d).

- (M) “Directly Related To” means a spouse, child, parent, grandparent, grandchild, aunt, uncle, or first cousin.
- (N) “Director” means the Director of the Tribal Gaming Agency who is responsible for carrying out the daily business duties for the Stillaguamish Tribe as prescribed by the Stillaguamish Gaming Commission and outlined in Section 5(A) of this Code and Tribal Resolution 2007/153.
- (O) “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.
- (P) “Gaming Activities” shall mean any Class II or Class III gaming activity conducted by or under the jurisdiction of the Tribe and permitted by the Indian Gaming Regulatory Act and the Tribal-State Compact.
- (Q) “Gaming Commission” shall mean the Stillaguamish Tribal Gaming Commission. See “Commission.”
- (R) “Gaming Compact” or “Compact” shall mean a Class III Tribal-State Gaming Compact (contract) adopted through an agreement between the State of Washington and the Stillaguamish Tribe to govern the conduct of Class III Gaming Activities on its Tribal Lands.
- (S) “Gaming Contractor” shall mean any person or entity that supplies, vends, leases or otherwise purveys gaming devices or other gaming equipment, personnel, or services (including gaming management or consulting services) to any gaming activity or enterprise.
- (T) “Gaming Device” shall mean any device or mechanism, the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as a result of the operation of an element of chance and any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration.
- (U) “Gaming Employee” shall mean any individual employed in the operation or management of gaming in connection with the Tribes Gaming Operation or Facility, whether employed by or contracted to the Tribe or by or to any person or enterprise providing gaming operation and management services to the Tribe, including but not limited to, gaming operations managers and assistant managers, accounting personnel and Security personnel, cashiers, dealers or croupiers, box person, floor person, pit bosses, shift bosses, cage personnel, collection personnel, gaming consultants, pari-mutuel clerks, management companies and their principals, and any person whose employment duties require or authorize access to areas of the Gaming Facility related to gaming which are not otherwise open to the public, or to areas designed by the Tribal and State Gaming Agencies.

- (V) "Gaming Enterprise" shall mean any gaming business, event, enterprise or activity conducted by or under the jurisdiction of the Tribe.
- (W) "Gaming Facility" shall mean the building(s) in which gaming activities are conducted as authorized by the Indian Gaming Regulatory Act or the Tribal-State Compact.
- (X) "Gaming Services" means the providing of any goods or services to the Tribe, whether on or off site, directly or indirectly and in connection with the operation of Class II and Class III gaming in the Gaming Facility, including equipment, maintenance or security services for the Gaming Facility. Gaming Services shall not include professional legal and accounting services.
- (Y) "Gross Revenues" shall mean all gaming and non-gaming revenues received from the lawful Gaming Enterprise.
- (Z) "Immediate Family" or "Related to" shall mean persons who are the subject individual's spouse, parents, grandparent, grandchild, aunt, uncle, first cousin, siblings, and children (either adopted or biological).
- (AA) "Indian Gaming Regulatory Act" or "IGRA" shall mean Public Law 100-497, 102 Stat. 2426, 25 U.S.C. 2710, *et seq.* (1988), as amended from time to time.
- (BB) "Key Employee" shall mean a person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver of credit, or custodian of gaming devices including those persons with access to cash and accounting records within such devices. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year, and the four most highly compensated persons in the Gaming Enterprise are included in the definition of Key Employees. The Gaming Commission may include other positions or persons into the definition of "Key Employee" by regulation.
- (CC) "Management Contract" shall mean any contract for the management of a Class II or Class III Gaming Facility within the meaning of the IGRA and any contract entered between the Tribe and a Management Contractor, which authorizes a Management Contractor to manage any Gaming Enterprise or Gaming Facility, including any contract defined as a Management Contract under the IGRA by the NIGC.
- (DD) "Management Contractor" shall mean any person who is entered into a Class II or Class III Management Contract, including any person who is regarded as a Management Contractor within the meaning of the IGRA or the NIGC.
- (EE) "National Indian Gaming Commission" or "NIGC" shall mean the commission established under the IGRA.

(FF) “Net Revenue” means gross gaming revenues of the Gaming Facility less:

1. Amounts paid out as, or for, prizes; and,
2. Total gaming related operating expenses, excluding management fees.

(GG) “Patron” means any person who participates as a player in gaming, or who is physically present on the premises.

(HH) “Person(s)” shall mean any natural person or entity, including but not limited to corporations, partnerships and trusts and/or any individual, partnership, joint venture, corporation, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political entity and any owner, director, officer or gaming employee of any such entity or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the government of the Tribe, any governmental entity of the Tribe or any of the above listed forms of business entities that are wholly owned or operated by the Tribe; provided, however, that the term does not include the Federal Government and any agency thereof.

(II) “Primary Management Official” shall mean (a) the person who has management responsibility for a management contract; (b) any person who has authority to hire and fire employees or to set up working policy for the Gaming Enterprise or (c) any Chief Financial Officer or other person who has financial management responsibility. The Gaming Commission may include other positions or persons into the definition of “Primary Management Official” by regulation.

(JJ) “Principal” shall mean with respect to an entity: (a) each of its officers and directors; (b) each of its Primary Management Employees, including any Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, or General Manager; (c) each of its owners or partners, if an incorporated business; (d) each of its shareholders who own more than ten percent (10%) of the shares of the corporation, if a corporation; and (e) each person other than a banking institution who has provided financing for the Gaming Enterprise constituting more than ten percent (10%) of the start-up capital or operating capital over a twelve month period, or a combination thereof. For the purposes of this definition, where there is any commonality of the characteristics identified in (a) through, (b) above, or (c) between any two or more entities, those entities shall be deemed a single entity.

(KK) “State” shall mean the State of Washington.

(LL) “State Gaming Agency”, “SGA” shall mean the person, agency, board, or commission, or official which the State has duly authorized to fulfill the functions assigned to it under an applicable Gaming Compact.

(MM) “Tribal Chairperson” shall mean the person duly elected or selected under the Tribe’s organic documents, customs, or traditions to serve as the primary spokesperson for the Tribe.

(NN) “Tribal Court” shall mean any court established by the Tribe to hear disputes.

(OO) “Tribal Gaming Agency”, “TGA” shall mean the employees of the Tribe that are under the direction of the Stillaguamish Gaming Commission and TGA Director and are assigned to carry out the daily gaming regulatory functions of the Stillaguamish Tribe.

(PP) “Tribal Gaming Agent” shall mean a duly authorized officer or employee of the Gaming Commission. No employee of the Gaming Enterprise or member of the Board of Directors of the Tribe may be a Tribal Gaming Agent.

(QQ) “Tribal Lands” shall mean those lands on which the Tribe is authorized under the IGRA to conduct Gaming.

(RR) “Tribal Member” shall mean any duly enrolled member of the Stillaguamish Tribe.

(SS) “Washington State Gambling Commission”, “WSGC” shall mean the person, agency, board or commission or official which the State of Washington has duly authorized to fulfill the functions assigned to it under an applicable Tribal-State Gaming Compact. Also see “State Gaming Agency”.

SECTION 4. Ownership of Gaming.

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Gaming Code, except to the extent the Tribe may contract with and license a person or entity to operate or manage the enterprise pursuant to the provisions of the IGRA or as otherwise permitted by law.

CHAPTER 2 - GAMING COMMISSION

SECTION 1. Establishment of Gaming Commission

Establishment of Gaming Commission. There is hereby established by the Tribe a Gaming Commission, acting under the authority of the Tribe, yet functioning independently of the Tribe, to be known as the Stillaguamish Gaming Commission. The Gaming Commission shall be governed by the Gaming Commissioners, who shall be three (3) Members of the Tribe, all of whom shall be appointed by the Tribal Board of Directors. The Gaming Commissioners must meet the qualifications established under this Gaming Code, the Indian Gaming Regulatory Act, and any Gaming Compact adopted by the Tribe. The Gaming Commissioners shall appoint a Director of the Tribal Gaming Agency who shall have the day-to-day responsibilities of the oversight and administration of the Gaming Commission and the Tribal Gaming Agency. The Gaming Commissioners may authorize and delegate to the Director such duties, responsibilities and matters related to the Gaming Commission and the Tribal Gaming Agency as the Commission shall deem necessary and appropriate consistent with the powers and duties set forth herein.

SECTION 2. Appointment of Gaming Commission

Appointment of Gaming Commission. The Board of Directors shall appoint Commissioners for three (3) year terms as defined in Section 5(D) below. The Board of Directors shall make such appointments in advance of the expiration of any term of a Commissioner and as such vacancies arise on the Commission during the course of any term.

- (A) Sixty (60) days prior to the expiration of a term of any Commissioner and in the event of a vacancy on the Commission, the Board of Directors shall publish a written announcement of the opportunity to serve on the Commission at the primary offices of the Tribe. The written announcement shall include a description of the qualifications that individual candidates must possess to serve on the Commission, the application requirements that a Tribal member seeking a position as a Commissioner must satisfy, and the deadline for submitting the application. Tribal members seeking a position as a Commissioner must submit a written application to the Board of Directors. The Board of Directors shall schedule a meeting for the purpose of selecting the Person(s) to serve on the Commission and shall publish notice of such meeting at least ten (10) business days prior to such meeting.
- (B) Applicants for the Commission may appear before the Board of Directors meeting scheduled for the purpose of selecting the person(s) to serve on the Commission. Each applicant that appears at such meeting shall be given the opportunity to state their qualifications for the position for which they applied. Following any presentations by the applicants, the Board of Directors shall convene in an executive session to select the Tribal Member to serve on the Commission. The Board of Directors selection shall be by majority vote. An applicant appointed by the Board of Directors to fill a vacant position on the Commission arising mid-term shall serve the remainder of that term and shall be eligible for reappointment by the Board upon the expiration of that term.
- (C) At the request of the Commissioner and at the sole discretion of the Board of Directors and by a majority vote, the Board of Directors may reappoint an existing Gaming Commissioner to continue their duties into a subsequent term of appointment as Commissioner.

SECTION 3. Disqualification for Office

Disqualification for Office. The following persons may not serve as Commissioners:

- (A) Persons employed as Primary Management Officials, Key Employees, gaming employees or persons related to Primary Management Officials, Key Employees, gaming employees or persons otherwise connected with the management, supervision or conduct of any gaming activity on Tribal Lands;
- (B) Persons related to any Gaming Contractor or Management Contractor (including any principal thereof or closely associated independent contractor);

(C) Persons who would not be eligible to be officers of the Tribe pursuant to the Tribe's Constitution;

(D) Unless specifically provided herein, members of the Board of Directors are not eligible to serve on the Gaming Commission during their term on such Boards.

(E) Persons who have been convicted or pled guilty to any criminal conduct which would preclude them from receiving a Class A license under this Code.

SECTION 4. Terms of Office

Terms of Office. The Commissioners shall serve for three (3) year terms calculated on a calendar year (January 1 through December 31) basis, and shall serve for three (3) year staggered terms. Commissioners may serve for more than one (1) three (3) year term.

SECTION 5. Removal from Office

Removal from Office. Commissioners may only be removed from office before the expiration of their terms by the Board of Directors for neglect of duty, malfeasance, or other good cause shown. The procedure for removing a Commissioner shall be the same as for removing an Officer of the Tribe and shall be afforded due process as per the Tribal Constitution, Article IV, Section 5 (2).

SECTION 6. Officers and Officer Duties

Officers and Duties. The Gaming Commission shall select, by majority vote, a Chairman, Vice-Chairman, and Secretary. The Chairman shall preside over meetings of the Gaming Commission and the Vice-Chairman shall preside in absence of the Chairman. The Secretary shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission. Positions in office will be voted on by the Commissioners during the first regularly scheduled meeting in January during executive session.

SECTION 7. Commission Meetings

(A) Quorum. Two (2) members of the Gaming Commission shall constitute a quorum.

(B) Voting. All actions of the Gaming Commission shall be taken by majority vote. The Commission Chairperson may vote on any issue.

(C) Meetings. Meetings shall be held twice a month, on the second (2nd) Monday and fourth (4th) Monday of each month at 4:00 p.m. at the Tribe's administration building ("scheduled meetings"). Any tribal member may attend scheduled meetings. Scheduled meetings may be changed at any time by the Gaming Commission, with notice of such change posted prominently at least (5) business days in advance at the Tribe's administration building. Additional meetings shall be held as called by the Chairman or by at least two (2) other

Commissioners. Notice of meetings shall be given in writing to each Commissioner, served by email, first class mail, or personal delivery at least three (3) business days prior to such meeting; however, meetings may be called at any time, by any means, with unanimous consent of the Commissioners.

1. Meetings on Commission Regulations. All Commission discussions, deliberations, and votes taken regarding Commission Regulations shall be conducted at regularly scheduled meetings and shall be open to any Tribal member and any gaming employee. All final action shall be taken on Commission Regulations at regularly scheduled meetings.
2. Meetings on License Applications and Investigations. All Commission discussions, deliberations, and votes taken regarding specific license applications and related background investigations, or any other investigations, and any other matter the Commission deems must be kept confidential in order to preserve the integrity of the Gaming Enterprise or the Tribe or to protect the privacy of the applicant, shall be held in executive session.

SECTION 8. Compensation for Serving

Compensation for Serving; Fringe Benefits; Reimbursement of Expenses. Commissioners may be compensated for serving on the Commission at rates to be set by the Board of Directors through the annual budget process provided for in Chapter 2, Section 14. The base level of compensation shall be identical for all Commissioners. Step increases in compensation may be allowed based on the length of service and at the discretion of the Board of Directors pursuant to the annual budget of the Commission. Commissioners may be entitled, at the discretion of the Board of Directors, to receive benefits that are available to other employees of the Tribe. Commissioners shall be reimbursed for expenses incurred in connection with the performance of their Gaming Commission duties.

SECTION 9. Regulatory Responsibilities and Establishment of Regulations

Regulatory Responsibilities; Establishment of Commission Regulations. The Gaming Commission and the Tribal Gaming Agency are regulatory entities of the Tribe and shall have the duty, and primary responsibility to carry out the Tribe's regulatory responsibilities for the on-site regulation and safeguarding of the gaming activities conducted at the Gaming Facility as authorized by the IGRA, this Gaming Code, and the Tribal-State Compact. The role of TGA is gaming regulation and the TGA shall not have the authority to engage in operational management or personnel matters. The Gaming Commission and Tribal Gaming Agency in the course of their regulatory duties shall not be involved in the management decisions of the Tribal Gaming Enterprise, provided that such decisions do not violate rules and regulations established by the IGRA, this Gaming Code, Commission Regulations, or the Tribal-State Compact. To carry out those responsibilities in an orderly manner that functions cohesively with the Gaming Operation, promotes due process and fairness, ensures the sound operation of the Gaming Facility, protects the integrity of the Gaming Activities and the reputation of the Tribe, and protects the reputation of the Gaming Enterprise for honesty and fairness, the Gaming

Commission shall promulgate Commission Regulations that set forth the processes and procedures to be followed by the Commission and Tribal Gaming Agency in connection with, but not limited to, the following regulatory duties, responsibilities and actions:

- (A) A regulatory system for overseeing gaming activities, including establishing accounting and contracting guidelines and establishing guidelines and procedures to obtain, access, and inspect records and data of the Gaming Facility and patrons.
- (B) The conduct of inspections, investigations, hearings, enforcement actions, and other powers of the Commission authorized by this Gaming Code, the Tribal-State Compact, and the IGRA.
- (C) The findings of any hearings, enforcement actions, reports, or other information required by or necessary to implement this Gaming Code, the Tribal-State Compact, or the IGRA.
- (D) Interpretation and application of this Gaming Code, the Tribal-State Compact, and the IGRA, as may be necessary to enforce the Commission's duties and exercise its powers.
- (E) The Commission shall establish such Commission Regulations in writing. The Commission shall post proposed Commission Regulations at the Tribe's administration building. The Commission shall allow comment on proposed regulations at the scheduled meeting during which it considers the adoption of any proposed Commission Regulation.
- (F) Upon adoption by the Commission of any Commission Regulations, such Commission Regulation shall be filed with the office of the Secretary of the Board of Directors and shall be accessible to all Tribal members, Primary Management Officials, Key Employees, and gaming employees of the Gaming Facility. Commission Regulations will become effective upon approval by the Board of Directors pursuant to a Tribal resolution.

SECTION 10. Powers and Duties

Powers and Duties. The Gaming Commission shall have the power, duty, and primary responsibility to carry out the Tribe's gaming regulatory responsibilities under Federal or Tribal Law and the Compact; to enforce those requirements; and to protect the integrity of the gaming activities and the reputation of the Tribe and the Gaming Operation for honesty, fairness, and confidence of patrons, under provisions to include the following:

- (A) Inspect, examine, and monitor gaming activities and gaming facilities, including the authority to obtain access to and inspect, examine, photocopy, and audit all papers, books, and records respecting such.
- (B) Investigate any suspicion of wrongdoing or violations in connection with any gaming activities, and require correction of violations as the Gaming Commission deems necessary, including issuing Notices of Violation, establishing and imposing fines or other sanctions against licensees or other persons who interfere with or violate the Tribe's Gaming

regulatory requirements under the Commissions Regulations, applicable Federal Law, Tribal Law, or the Compact.

- (C) Conduct, or cause to be conducted, such investigations in connection with any gaming activity as may be necessary to determine compliance with law, including this Gaming Code, or with any contracts, agreements, goods, services, events, incidents, or other matters related to the Gaming Activities.
- (D) Conduct, or cause to be conducted, background investigations regarding any person in any way connected with any gaming activities and issue licenses to, at minimum, all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558 and the Tribal-State Compact, as well as any persons, employees, investors, contractors, or others required to be licensed under standards established by this Gaming Code, Commission Regulations, the IGRA, or the Tribal/State Compact.
- (E) Hold such hearings, sit and act at such times and places, summon persons on Tribal Lands to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties. Consistent with "Due Process" Chapter 2, Section 13 below, all hearings shall be conducted and testimony and evidence shall be received in a manner that promotes due process and fairness for all parties involved, and that preserves the reputation of the Tribe and the Gaming Commission for fairness and due process of law. Decisions rendered by the Commission are final and are not subject to further appeal.
- (F) Administer oaths or affirmations to witnesses appearing before the Gaming Commission.
- (G) Implement and administer a system for investigating, licensing, monitoring, reviewing, and renewing licenses for the Gaming Facility, gaming employees, gaming contractors and persons, vendors, suppliers, investors, and others connected with gaming activities, as described below, including the issuance of licenses to gaming facilities, individuals, and entities as required under this Gaming Code, Commission Regulations, the IGRA, or the Compact;
- (H) Hear patron disputes against the Gaming Enterprise, in accordance with the procedures established in this Gaming Code, Commission Regulations, or the Tribal-State Compact.
- (I) Hire such staff and support services as deemed necessary, subject to a budget approved by the Board of Directors pursuant to Chapter 2, Section 14 below.
- (J) To arrange for training of Commissioners and the Tribal Gaming Agency staff in areas related to the regulation or operation of gaming.

- (K) To the extent required, comply with any reporting requirements established under this Gaming Code, a Compact to which the Tribe is a party, or other applicable law, including the IGRA and Gaming Commission regulations.
- (L) Establish and impose license fees, sanctions, fines, and conditions, and renew licenses; deny, suspend, or revoke licenses; and issue temporary or conditional licenses as appropriate under the provisions of this Gaming Code, the IGRA, or the Compact.
- (M) Investigate and report violations and compliance failures as required under this Gaming Code, the IGRA, or the Compact.
- (N) Investigate and ensure compliance with any requirements for Tribal ownership, management, and control of the Gaming Facility and Gaming Operation as set forth in Tribal or Federal Law or the Compact.
- (O) Investigate and ensure compliance with age restrictions for patrons including provisions prohibiting minors in the Gaming Facility.
- (P) Issue identification cards or badges to those persons required to be licensed and require such cards or badges to be worn at all times while in the Gaming Facility.
- (Q) Review and monitor gaming facilities on Tribal lands, issue certifications, and ensure Gaming Facility compliance with any inspection and licensing requirements under Federal or Tribal Law and the Compact.
- (R) Carry out any requirements under Tribal or Federal Law or the Compact for the protection of the health and safety of Gaming Facility patrons, guests, gaming employees, and vendors including requirements that Gaming Facilities meet building and safety codes duly adopted by the Tribe.
- (S) Prepare and submit for the Board of Directors approval, proposals including a budget and monetary proposals, which would enable the Tribe to better carry forth the policies and intent of this Gaming Code.
- (T) Carry out such other duties with respect to gaming activities on Tribal Lands as this Gaming Code, Commission Regulations, the IGRA, or the Tribal/State Compact shall direct.

SECTION 11. Annual Reports

Annual Reports. On or before November 15 of each year, the Gaming Commission and/or the TGA Director shall provide to the Tribal Board of Directors an annual report summarizing its activities during the prior twelve (12) month period ending on September 30, and accounting for revenues, receipts, and disbursements. The Tribal Board of Directors shall cause copies of the annual report to be made available to the Tribal Membership within thirty (30) days after receipt.

SECTION 12. Tribal Gaming Commission Agents

Tribal Gaming Commission Agents. The Gaming Commission will employ Tribal Gaming Agents who shall report to and be under the supervision of the Gaming Commission and the TGA Director. Tribal Gaming Agents shall have the authority to exercise, on behalf of the Commission and the TGA Director, the duties of the Commission as set forth in this Gaming Code. The Tribal Gaming Agents shall have unrestricted access to the Gaming Facility during all hours for the purpose of making inspections and examining the accounts, books, papers, and documents of the Gaming Facility in accordance with this Gaming Code and Commission Regulations. All gaming employees of the Gaming Facility shall facilitate such inspection or examinations by giving every reasonable aid to the Commission and to any properly authorized Tribal Gaming Agents.

SECTION 13. Due Process

Due Process. The Gaming Commission shall provide due process to address decisions made by the Stillaguamish Tribal Gaming Agency and provide notice and a hearing to utilize its enforcement capabilities in the administration of its powers and duties. The Gaming Commission shall adopt Policies and Procedures governing procedures for hearings on appeal specifying how a person requests an appeal, notice of hearings, record, and issuance of decisions. All decisions of the Gaming Commission are final and not subject to further appeal.

SECTION 14. Annual Budget

Annual Budget. On or before October 1st of each year, the Gaming Commission and TGA Director shall submit to the Board of Directors, for its approval, an annual budget for the Gaming Commission to enable the Commission to carry out the policies and intent of this Gaming Code.

CHAPTER 3 - GAMING ACTIVITIES AND REVENUES

SECTION 1. Permitted Gaming Activities

- (A) Unauthorized Gaming Prohibited. All gaming activities on Tribal lands (whether Class I, II, or III) are prohibited except as expressly authorized under this Gaming Code.
- (B) Class I Gaming. A tribal license shall not be required for any Class I gaming activity or operation provided; however, that each Class I gaming activity or operation must have written permission of the Board of Directors, and such permission must be on file with the Tribal Secretary, before any such Class I gaming is conducted.
- (C) Class II and III Gaming. Class II and Class III gaming on Tribal lands is hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any Gaming Enterprise, or to the extent the Tribe may contract with and license a person or entity to own, operate or manage the Gaming Enterprise pursuant to the provisions of the IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from

engaging any person or entity to assist the Tribe in the management of a gaming activity pursuant to a management agreement entered into under the provisions of the IGRA. Class III gaming shall be conducted in accordance with the Compact or any alternative thereto as provided by the IGRA.

SECTION 2. Gaming Revenues

- (A) Tribal Property. Except as provided for under the terms of an agreement pursuant to the provisions of the IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III gaming activity shall be the property of the Tribe. Any profits or net revenues from gaming activities shall be deposited into the Tribe's general treasury. Once becoming part of the treasury such funds shall lose any identity as gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law. No Tribal member shall be deemed to have any interest in such profits or net revenues, provided that the Tribe may adopt rules for distributing gaming proceeds to Tribal members on a per capita basis provided such plan meets the requirements of the IGRA, 25 U.S.C. § 2710 (b)(3). Payments from the general treasury funds to Tribal members under other tribal programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed to be "per capita" payments.
- (B) Use of Net Revenues. Net Revenues from gaming activities shall not be used for purposes other than:
1. To fund Tribal government operations or programs;
 2. To provide for the general welfare of the Tribe and its members;
 3. To promote economic development for the Tribe;
 4. To donate to charitable organizations; or,
 5. To help fund operations of local government agencies.

SECTION 3. Operation of Gaming Establishments

- (A) Gaming Permitted as Licensed. Except to the extent authorized by an agreement pursuant to the provisions of the IGRA or as otherwise permitted by law, gaming activities shall only be conducted in Tribally owned, operated, and licensed facilities pursuant to the provisions of this Gaming Code. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Gaming Commission to each facility, and each license must be issued to the facility prior to any Gaming Activities in the facility. Such license investigation shall include the hours of operation, type and scope of gaming activities allowed, permitted uses of the facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment,

and such other matters as the Gaming Commission may deem necessary to the conduct of gaming activities.

- (B) Protection of Environment and Public. Construction or maintenance of any gaming facility, and the operation of gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety.
- (C) Patron Dispute Resolution. Patrons who have gaming complaints against the Gaming Enterprise shall have as their sole remedy the right to file a petition for relief with the Gaming Commission. For such purposes, disputes with any management contractor or its employees shall be made to the Gaming Commission, and such shall be the exclusive remedy for patron complaints. Complaints shall be submitted in writing and, at the discretion of the Gaming Commission, the petitioner may be allowed to present evidence. The Gaming Commission will render a decision in a timely fashion and all such decisions will be final when issued and shall not be subject to any further appeal. Any patron having a claim against the Gaming Establishment or a management contractor or its employees must submit such claim to the Gaming Commission within thirty (30) days of its occurrence. The liability of the Gaming Facility in any dispute under this section shall be limited to the amount of the alleged winnings. No complainant shall be entitled to any other award, including but not limited to special or punitive damages, or damages for mental distress.

SECTION 4. Audits

- (A) Annual Audits. Annual outside auditing by a recognized independent accounting firm shall be conducted on each gaming activity and the results made available to the Tribal Board of Directors and submitted the National Indian Gaming Commission (“NIGC”) or another entity as may be required by law.
- (B) Audit Requirements. All contracts for supplies, services, or concessions for a contract amount in excess of, but not limited to \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming on Tribal lands shall be subject to and included in the annual independent audits.

CHAPTER 4 - LICENSING

SECTION 1. Licensing Required

Licensing Required. It is the declared policy of the Tribe that all gaming activities be licensed and controlled so as to protect the morals, good order, and welfare of Tribal members and other persons on Tribal lands and to preserve the honesty, fairness and integrity of such gaming activities. Accordingly, no person shall engage in any Class II or Class III gaming activities on Tribal lands without an appropriate and valid independent Class II or Class III license which meets the standards set forth in this Gaming Code, the Commission Regulations, the IGRA, and the Compact, and which is issued by the Gaming Commission through the TGA. This licensing requirement does not apply to patrons. Any gaming license, or finding of suitability or approval,

which is issued by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of an applicable law or the Compact.

SECTION 2. Types of Licenses

Types of Licenses. Two classes of licenses (Class A and Class B) shall be issued to persons associated with gaming activities, and a facility license shall be issued to any facility where gaming activities are conducted on Tribal lands. All licenses must be in compliance with the requirements of this Gaming Code, Commission Regulations, the IGRA and the Gaming Compact.

(A) Class A Licenses. Before permitting any person to become permanently associated with any gaming activity as an investor or other person owning or controlling 10% or more of any interest in any management entity, or any Primary Management Official, Key Employee, closely associated independent contractor, or other individual or entity with influence over the management or operation of the Gaming Facility, or a Class II or III gaming employee, supplier, manufacturer or distributor, such person shall obtain a Class A license. The Gaming Commission and/or TGA Director, at their sole discretion, are authorized to require persons employed in any gaming related position to hold a valid Class A license. The Gaming Commission through TGA shall conduct or cause to be conducted a background investigation to determine if such person has:

- a. Any criminal record or any reputation, prior activities, habits, or associations which might pose a threat to the public interest or to the effective regulation of gaming;
- b. Any grounds for denial of State Certification as identified in Section V.C. of the Tribal/State Compact; or
- c. Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

Notwithstanding the above, the Gaming Commission through TGA may immediately issue a license to an applicant who is NOT a Key Employee or Primary Management Official if the prospective employee or entity has a current Class III gaming license or Class III certification issued by the State Gaming Agency and the State Gaming Agency certifies that the prospective employee or entity is in good standing and the employee or entity consents to disclosure of their records to the Gaming Commission. The Gaming Commission through TGA shall notify the NIGC of any license issued under this provision within 30 days in accordance with Section 5(D) below.

(B) Class B Licenses. Persons who are not among those identified in subsection 10(E)(1) above, but are employed at a Gaming Facility on Tribal lands in other gaming related positions or in non-gaming activities, shall be required to obtain a Class B license from the Gaming

Commission. Such persons must establish that they have not been convicted of a crime, or engaged in any activity, which the Gaming Commission and/or TGA Director, in their sole discretion, deems would render such person a danger to the safety or integrity of the gaming activities or the safety or property of the Tribe, any Tribal member, gaming employee, patron or the public.

(C) Facility Licenses. The Tribal Gaming Commission through TGA shall issue a separate license on an annual basis to each place, facility, or location on Tribal lands where Class II and/or Class III gaming is conducted as per this code. The Tribal Gaming Commission shall specify the form, conditions, and content for the issuances of such license. TGA will forward to NIGC information regarding any newly issued facility license, any renewed facility license, any denied facility license, and any expired facility license.

(D) Vendor Licenses. Vendors, suppliers, and other entities doing business with the Gaming Enterprise shall be required to obtain a license from the Gaming Commission under the processes established by Gaming Commission Regulations. Vendor Licenses shall meet all requirements of Commission Regulations, Tribal and Federal Laws and Regulations, and the Tribal-State Compact.

1. Gaming Vendor License. Vendors of goods and services directly related to Class II or Class III gaming and non-exempt gaming financiers must meet all Federal, Tribal, and State certification and/or licensing requirements. The gaming vendor license must be renewed annually. Each manufacturer of Class III gaming services shall be licensed by the Tribal Gaming Agency and certified by the State Gaming Agency prior to the sale of any gaming services to the Tribe, as per the Tribal-State Compact, Section IV, paragraph C, "Manufacturers and Suppliers of Gaming Services." The Tribe or Tribal Gaming Enterprise shall not enter into, or continue to make payments pursuant to any contract or agreement that would require licensing if the gaming vendor has been denied a license or is deemed unsuitable or the license or suitability determination has expired without renewal.
2. Exemption for Gaming Financiers. Financiers for a Class II or Class III gaming enterprise that are either an agency of the United States or are a federally regulated commercial lending institution that is Federal Deposit Insurance Corporation (FDIC) backed or persons employed by such shall be exempt from licensing requirements. All gaming Class III financiers are to meet the requirements as outlined in Section IV, Paragraph D., Financiers, contained in the Stillaguamish-Washington State Tribal Compact.
3. Exemption for Professional Legal Services. Professional legal services shall not be subject to the certification and licensing requirements of this Code.
4. Non-Gaming Vendor License. Vendors that are not deemed to be gaming vendors and who provide only non-gaming goods and services to the Gaming Facility and that do not have the ability to impact the integrity of the Gaming Enterprise shall be required to complete a condensed licensing application. These services include, but are not limited

to, services such as media advertising, facility maintenance services, linen and laundry services, or food and beverage suppliers.

5. State Lottery Retailers. All State lottery retailers shall be required to complete a condensed licensing application.

(E) Conditional Licenses. A conditional license is a license that is issued by the Gaming Commission through the TGA that allows the employee to be employed by the Gaming Enterprise and contains, expresses or is dependent upon defined criteria established by the Gaming Commission that must be met in order for the employee to work or continue working for the Gaming Enterprise. Regularly scheduled reviews will be conducted by the Gaming Commission to monitor and make certain that the employee is meeting the conditions as described and outlined for continuation of licensure. A conditional license may be instituted at any time, provided that the issuance complies with any applicable requirements of the Compact and IGRA. When the terms of the conditional license are met, the licensee will be granted the appropriate regular Gaming Commission license.

SECTION 3. Facility License Applications and Renewals

(A) Initial application. The Chief Management Official of the Gaming Enterprise shall submit to the Tribal Gaming Commission (1) the legal description of the lands where the facility is located and a certification that said premises constitute "Indian Lands" as specified in the IGRA and (2) a list identifying the environmental, health, and public safety standards with which the facility must comply and a certification that the facility is in compliance with the standards. The Tribal Gaming Commission through TGA shall only issue such licenses if the applications include the required information and certifications and if such further conditions set by the Tribal Gaming Commission have been met.

(B) Renewals of facility license.

1. Every three (3) years, a full audit of each facility license shall be conducted by TGA to identify any changes or additions to the legal description and applicable environmental, health, and safety standards and to document current certifications of compliance with the standards. The Tribal Gaming Commission through TGA shall only issue such licenses if the required information and certifications and such further conditions set by the Tribal Gaming Commission have been met.
2. In the interim years, TGA will issue annual facility licenses after ensuring that no changes have been made to the gaming facility regarding the requirements in Chapter 4, Section 3(A) above. If changes are identified, TGA shall conduct a full renewal audit as described in Chapter 4, Section 3(B)(1) above.

SECTION 4. License Applications

- (A) Burden on Applicant. The burden of proving an applicant's qualification to receive any license under this Code is at all times upon the applicant. Applicants must accept any risk of adverse public notice, embarrassment, or other action which may result from the application process and expressly waive any claim for damages as a result of the application process.
- (B) Applicant Claim of Privilege. An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence may constitute sufficient grounds for denial, suspension, or revocation of a license.
- (C) Release of Information. All persons applying for a license shall agree to release all information necessary in order for the Gaming Commission to achieve its goals under this Gaming Code, and to furnish such information to the NIGC or such other governmental agency as may be required by law or the Compact.
- (D) Temporary Licenses. Pending completion of an investigation for a license, a temporary license of no more than ninety (90) days duration may be issued by the Gaming Commission only in exceptional circumstances if, in their sole discretion, it deems it appropriate to do so. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an established expiration date, whichever occurs first.
- (E) License Investigations. The Gaming Commission through TGA may employ all reasonable means, including engaging outside services and investigators, and convene hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the Gaming Commission, the NIGC or other Federal Agency, or such other agency as may be required by law or the Compact.
- (F) Full Disclosure. Full license disclosure on a prospective employee or vendor application is mandatory. Omissions from any application will be grounds for denial of a license issued by the Gaming Commission. The responsibility of full disclosure is that of the prospective employee or vendor. Should the prospective employee or vendor fail to disclose all mandatory pertinent information requested by the Gaming Commission or TGA, the prospective employee or vendor will be allowed five (5) working days to provide such information. In the event of out of State document requests, the prospective employee or vendor will be given up to ten (10) working days to provide the requested information to the Gaming Commission. Should the prospective employee or vendor fail to submit the requested information within the timelines specified above the license application will be administratively closed.
- (G) Applicant Pre-Qualification Guidelines. The Gaming Commission through TGA shall deny a gaming license to any prospective employee applicant or prospective vendor applicant

who has ever committed any of the following crimes under the law of any jurisdiction, or is the subject of a civil judgment in any jurisdiction that is based upon facts which constitute the elements of the following crimes:

1. Murder
2. Assault
3. Kidnapping
4. Rape
5. Unlawful Sexual Penetration
6. Sexual Abuse
7. Any Crime Related to Child Pornography
8. Forgery
9. Possession of Forgery Devices
10. Unlawful Factoring of a Credit Card Transaction
11. Falsifying Business Records
12. Sports Bribery or Receiving a Sports Bribe
13. Making a False Financial Statement
14. Obtaining or Executing a Document by Deception
15. Theft by Extortion
16. Gains by Extortion
17. Arson
18. Computer Crimes
19. Robbery
20. Bribery
21. Bribing a Witness
22. Perjury
23. Any Theft Accomplished by Manipulation of Records, e.g. Embezzlement
24. Promotion of Unlawful Gambling
25. Tax Evasion
26. Concealment of a Crime
27. Conviction of any Crime if the Original Charge was Promotion of Unlawful Gambling and a Lesser Charge was Plea-bargained
28. Any Lawful Issues that May Involve Adverse Moral Turpitude

(H) License Fees. Unless specifically waived in advance by the Gaming Commission through TGA, all persons applying for a Class A or B license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application. Estimates of licensing costs shall be provided to Applicants within a reasonable period of time after a request is made. Unless otherwise provided for in advance, all fees and costs must be received by the TGA prior to issuance of the license.

(I) Background Investigations. The Gaming Commission through TGA shall request from each Primary Management Official, each Key Employee, and all other Class A license applicants, all of the information set forth in Chapter 4, Section 4, subsections (I)(1) through (I)(14)

below, as well as any other information required on the gaming license application. The Gaming Commission through TGA reserves the right, at any time, to request additional information either prior to, during, or subsequent to the initial application or any background investigation.

1. Full name, other names used (oral or written), social security number(s), date of birth, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently and for at least the previous ten (10) years: business and employment positions held, ownership interests in those businesses, business and residence addresses and driver's license number(s);
3. Names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence as listed under subsection (1)(2) above;
4. Current business and residence telephone numbers;
5. Description of any existing and previous business relationship with the gaming industry generally, including ownership interests in those businesses;
6. A description of any existing and previous business relationship with Indian tribes, including ownership interests in those businesses;
7. Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
8. For each felony for which there is an on-going prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
9. For each misdemeanor conviction or on-going misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application: the name and address of the court involved, and the date and disposition, if any, of the case;
10. For each criminal charge (excluding minor traffic charges), whether or not there is or was a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed above pursuant to subsections (I)(8) or (I)(9) above: the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;
11. Name and address of any licensing or regulatory agency (federal, Tribal, State, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

12. Two (2) forms of current and valid government approved Identification to include one (1) photo ID, but not limited to, a State issued Driver's License, Passport, Social Security Administration ID Card, Tribal Membership ID card, Birth Certificate, Military ID Card, Merchant Marine Card, or Federally issued Immigration Worker ID Card;
13. Any other information the Tribe or Gaming Commission deems relevant; and
14. Fingerprints consistent with procedures adopted by the Gaming Commission according to the IGRA, 25 C.F.R. § 522.2(h).

SECTION 5. License Determinations

- (A) Investigation Confidentiality. The Gaming Commission through TGA shall conduct or cause to be conducted an investigation sufficient to make a determination of eligibility as required under this Gaming Code. In conducting the background investigation, the Gaming Commission and its Agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.
- (B) Eligibility Determination. The Gaming Commission through TGA shall review a person's prior activities, financial information, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or Primary Management Official, and all other Class A license applicants, for granting of a gaming license. If the Gaming Commission, through TGA, determines that licensing 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, that person shall be denied a license by the Tribe.
- (C) Forwarding Licensing Applications and Reports to the NIGC.

1. Prior to issuing a license to a Primary Management Official or Key Employee, and all other Class A license applicants, the Gaming Commission through TGA shall forward to the NIGC, together with a copy of the eligibility determination made under Section 5(B) above, the notice of results of the applicants background application, an investigative report on each background investigation. The eligibility determination, notice of results, and the investigative report on each background investigation shall be forwarded to the NIGC within sixty (60) calendar days after the employee begins work. The Gaming Enterprise shall not employ or continue to employ any Person as a Key Employee or Primary Management Official who does not have a license within ninety (90) calendar days of beginning such work.

The investigative report shall include the following information:

- a. Steps taken in conducting a background investigation;

- b. Results obtained;
- c. Conclusions reached; and
- d. The basis for those conclusions.

The notice of results of the applicant's background investigation shall contain:

- a. Applicant's name, date of birth, and social security number;
 - b. Date on which applicant began or will begin work as a Key Employee or Primary Management official;
 - c. A summary of the information presented in the investigative report, which shall at a minimum include a list of:
 - i. Licenses that have been previously denied;
 - ii. Gaming licenses that have been revoked, even if subsequently reinstated;
 - iii. Every known criminal charge brought against the applicant within the last 10 years of the date of application; and
 - iv. Every felony of which the applicant has been convicted or any ongoing prosecution.
 - d. A copy of the eligibility determination made.
2. The TGA shall provide to the NIGC, or other agency as required, any other reports and information required by the IGRA and regulations promulgated thereunder. Further, with respect to Key Employees and Primary Management Officials, the Gaming Commission shall retain license applications, eligibility determinations, and reports (if any) of background investigations for inspection by the NIGC for no less than three (3) years from the date of termination of employment.

(D) Granting a Gaming License.

- 1. If, within a thirty (30) day period after the NIGC receives a report as required under Chapter 4, Section 5 (C) above, the NIGC notifies the Tribe that it has "no objection" to the issuance of a license pursuant to the license application filed for a Key Employee or Primary Management Official or Class A license applicant, for whom the Tribe has provided an application and investigative report, the Gaming Commission through TGA may issue the license.

2. The Gaming Commission through TGA shall notify the NIGC within thirty (30) days of the issuance of a license.
3. The Gaming Commission through TGA shall provide any additional information requested by the NIGC concerning a Key Employee or Primary Management Official or Class A license applicant who is the subject of a report as required under this subsection. An NIGC request for additional information shall suspend the thirty (30) day period established under subsection (D)(1) above until the NIGC receives the additional information.
4. If, within the thirty (30) day period established under subsection (D)(1) above, the NIGC provides a statement itemizing objections to issuance of a license to a Key Employee or Primary Management Official or Class A license applicant, the TGA shall take into account such objections and shall deny a license to the applicant.

(E) Denying a License. All decisions of the TGA to deny the issuance of a license shall be final and effective when issued. TGA shall notify the NIGC and the State Gaming Commission of all applicants whose license application is denied and shall forward copies of its eligibility determination, notice of results, and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System. The applicant may file for an appeal with the Gaming Commission under Chapter 2, Section 13. No license may be issued on appeal if such issuance would place the Tribe in violation of the Compact or other applicable law.

SECTION 6. Class A, Class B, and Vendor License Renewal

License Renewal. All Class A, Class B, and Vendor licenses shall be subject to renewal annually, and more frequently if so required by the Gaming Commission, other applicable law, or the Compact. Such licenses may be revoked or suspended upon the occurrence of any act which, if known during the application process, would have disqualified such person for such a license.

SECTION 7. Standards of Conduct

Standards of Conduct. All persons engaged by or associated with any gaming activity on Tribal lands shall conduct themselves with honesty, integrity, and with such decorum and manners as may be necessary to reflect positively on the Tribe, its members, and the gaming activities. Any failure to abide by such standards, or any violation of any rule, ordinance, custom or tradition of the Tribe, the reservation, or the gaming activities, or the terms or conditions of the license may be grounds for immediate suspension or revocation of any license issued hereunder.

SECTION 8. License Suspension

(A) Suspension and Revocation of Existing License – Licensee No Longer Eligible

1. If, after issuance of a gaming license, the Gaming Commission or TGA receives reliable information from the NIGC or other reliable source indicating that a Key Employee or a Primary Management Official or Class A licensee is not eligible to be licensed under the eligibility criteria established in this Gaming Code, the Gaming Commission through TGA shall suspend the license and shall notify the licensee in writing via certified mail of the license suspension and proposed revocation.
2. The Gaming Commission through TGA shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
3. After the Revocation Hearing, the Gaming Commission shall determine whether to revoke or to reinstate the Gaming license. For actions taken in response to information provided by the NIGC, the Gaming Commission through TGA shall notify the NIGC of its decision in no less than forty-five (45) days from the date the Gaming Commission or TGA receives the information that the licensee is no longer eligible. The Gaming Commission through TGA shall notify the State Gaming Agency of any license revoked under this Code. The person will be notified via certified mail the findings of the Gaming Commission.

(B) License Suspension - Violations

A licensee's license may also be suspended for violations of the Tribe-State Gaming Compact, the Stillaguamish Tribal Gaming Code, or other applicable laws. Such a license suspension will be conducted in accordance with policies and procedures adopted by the Gaming Commission.

SECTION 9. Application Forms

Applicant Advisory Notices. Each application from a Key Employee or a Primary Management Official, as well as for all other Class A and Class B license applicants unless otherwise specifically exempted by the Gaming Commission, shall contain the following notices:

(A) Privacy Act Notice:

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 granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and the National Indian Gaming Commission (NIGC) members and staff who have need for the information in the performance of their official duties. The information may be disclosed by the Tribe or the NIGC 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 NIGC in connection with the issuance, denial, or revocation of a gaming license, or investigation 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 license you for a Primary Management Official or Key Employee position.

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

(C) Notice Regarding False Statement. A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment (U.S. Code, title 18, section 1001).

CHAPTER 5 - SUPPLEMENTAL PROVISIONS

SECTION 1. Class III Gaming: Tribal-State Compacts

In addition to the provisions set forth above, no Class III gaming shall be engaged in on Tribal lands unless a Gaming Compact has first been obtained in accordance with the IGRA. All negotiations for such Compacts shall be conducted through the Chairperson of the Tribe, with the advice and suggestion of the Gaming Commission, and shall be finalized only upon the majority vote of the Tribal Membership after consideration of the terms of such Gaming Compact. In the event the Tribe approves a Gaming Compact, the provisions of such Gaming Compact once approved under the IGRA, shall govern over the provisions of this Code, to the extent the Gaming Compact is inconsistent with this Code.

SECTION 2. Interest in Management Contracts by Tribal Officials

No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to the IGRA, nor shall such elected official serve on the Board of Directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or 10% or more of the beneficial interest in any partnership trust, or other entity, in any such corporation, partnership, trust or other entity, having financial interest in, or management responsibility for, such contract.

SECTION 3. Service of Process

The Tribe designates as its agent for the service of receiving any official determination, order, or Notice of Violation, the Chairperson of the Tribe.

SECTION 4. Tribal Gaming Corporation

Nothing in this Gaming Code shall prevent the Tribe from delegating the authority to conduct gaming to one or more Tribal Corporations, so long as the Tribal Corporations to which such authority is delegated agree to meet all requirements established under this Gaming Code.

SECTION 5. Compliance With The Bank Secrecy Act

The Gaming Operation shall comply with the Bank Secrecy Act, 31 U.S.C. §5311 *et seq.*

SECTION 6. Repeal of Prior Gaming Ordinances: Effective Date

This Gaming Code and Regulations promulgated thereunder shall constitute the entire gaming regulations of the Tribe. All prior Gaming Ordinances and Regulations of the Tribe are repealed, and this Gaming Code shall become effective upon its adoption.

SECTION 7. Severability

If any provisions or application of this Gaming Code is determined by review to be invalid such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Gaming Code.

SECTION 8. Amendments

All provisions of this Gaming Code are subject to amendment by the Tribal Board of Directors. Regulations promulgated by the Gaming Commission under this Gaming Code are subject to amendment by the Gaming Commission.

SECTION 9. Sovereign Immunity of the Commission

The Gaming Commission is clothed with all the privileges and immunities of the Tribe, including sovereign immunity from suit in any tribal, federal, or state court. Nothing in this code, nor any action of the Commission, shall be deemed a waiver of this sovereign immunity, nor shall anything in this code be construed to be a consent of the Commission to the jurisdiction of the United States or of any state or other tribe.

SECTION 10. Sovereign Immunity Preserved

Nothing in this Gaming Code is intended or shall be construed as a waiver of the sovereign immunity of the Tribe, and no manager, officer, or employee of the Gaming Commission or the Tribe or the Gaming Facility shall be authorized, nor shall they attempt to waive the immunity of the Tribe.