



November 20, 2024

***VIA EMAIL***

Chairman Temet Majel  
Pauma Band of Luiseño Mission Indians  
of the Pauma & Yuima Reservation  
1010 Pauma Reservation Rd  
Pauma Valley, CA 92061  
paumareservation@aol.com

**Re: Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation's  
Amended Gaming Ordinance and Regulations**

Dear Chairman Majel,

This letter responds to the August 22, 2024 submission on behalf of the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation (Tribe) informing the National Indian Gaming Commission (NIGC) that the Tribe amended its gaming ordinance and regulations under Tribal Resolution 071424-01. I understand that these amendments reflect changes to comply with recent NIGC regulatory updates.

Thank you for bringing these amendments to my attention. The NIGC's review showed a couple of inconsistencies from the NIGC regulations. First, the Ordinance and regulations do not always prohibit a key employee or primary management official who does not have a license after ninety (90) days to perform the duties, functions, and/or responsibilities of a key employee or primary management official until so licensed as required by 25 C.F.R. § 558.3(c)—instead allowing an exception for temporary licensees. It is my understanding that the Tribe interprets its regulations such that any temporary license is only valid for ninety days, even if it is issued to a key employee or primary management official. That interpretation is consistent with NIGC regulations. It is also my understanding that any licensing notice submissions to the NIGC required by law but not explicitly mentioned by tribal regulations will still be submitted as required by Article VIII, Section 5 of the Ordinance. This includes the requirements to submit copies of license revocations or decisions from a hearing revoke or to reinstate a gaming license within forty-five (45) days of such decision. We recommend that the Tribe consider updating these provisions the next time the Tribe wishes to amend its Ordinance or regulations.

The amended ordinance and regulations, as noted above, are approved as they are generally consistent with the requirements of the Indian Gaming Regulatory Act and NIGC's

Letter to Chairman Temet Majel

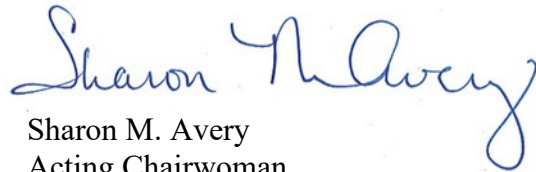
Re: Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation's Amended  
Gaming Ordinance and Regulations

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regulations. If you have any questions, please contact Logan Takao Cooper at (503) 318-7524 or  
Logan.Takao-Cooper@nigc.gov.

Sincerely,



Sharon M. Avery  
Acting Chairwoman

cc: Alex Sanchez, Executive Director, Pauma Gaming Commission, asanchez@paumatga.com  
Joanne Willis Newton, counsel, jwn@willisnewtonlaw.com



# *Pauma Band of Luiseño Mission Indians*

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*Established 1893*

## **Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation**

### **Tribal Resolution No. 071424-01**

#### **RE: Amendments to Gaming Ordinance**

**WHEREAS:** The Pauma Band of Mission Indians is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2700 *et. Seq.* (IGRA); and

**WHEREAS:** The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government;

**WHEREAS:** In August 2023, the National Indian Gaming Commission amended certain definitions in the federal regulations implementing the Indian Gaming Regulatory Act, *ie.*, 25 C.F.R. Part 502, which definitions are included in the Tribe's Gaming Ordinance and therefore require updating;

**WHEREAS:** Under Article XV of the Gaming Ordinance, the General Council holds the authority to amend the Gaming Ordinance;

**NOW, THEREFORE BE IT RESOLVED:** That the Tribe, acting through its General Council, hereby amends Section 2 of Article I of the Gaming Ordinance as follows:


1. The definition of "Gaming Enterprise" found in 25 C.F.R. § 502.25 is added;
2. The definition of "gaming system" as defined in 25 C.F.R. § 547.2 {"Class II gaming system"}; is added;
3. The definition of "key employee" is amended to reflect the changes in 25 C.F.R. § 502.14;  
And;
4. The definition of "primary management official" is amended to reflect the changes in 25 C.F.R. § 502.19;

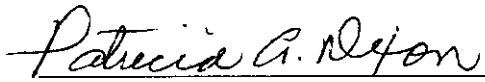
The changes are reflected in the attached copy of the Gaming Ordinance.

**CERTIFICATION**

We, the undersigned Business Committee members of the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation do, hereby, certify that the foregoing Resolution was adopted by the General Council with the results of 51 in favor, 0 opposing and 0 abstaining at a duly called General Council meeting on July 14, 2024 for the purpose of conducting business and that such a resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Temet Majel, Tribal Chairman

  
\_\_\_\_\_  
Sophia Salgado, Vice Chairwoman

  
\_\_\_\_\_  
Patria A. Dixon, Secretary

  
\_\_\_\_\_  
Jenna Aguilar-Linton, Treasurer

  
\_\_\_\_\_  
Martina Garcia, Committee Member

**Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation  
Gaming Ordinance**

**ARTICLE I: PURPOSE**

The Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation (“Tribe”), acting through its General Council, pursuant to the Tribe’s inherent authority and Article 3 of the Tribe’s Articles of Association, duly ratified on June 28, 1968, hereby enacts this Ordinance in order to set the terms for its class II and class III Gaming Operation on the Pauma-Yuima Reservation.

**ARTICLE II: DEFINITIONS**

**Section 1. General**

Unless a different meaning is clearly indicated in this Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*), its regulations (25 C.F.R. § 500 *et seq.*), and the Compact between the State of California and the Tribe, as amended (“Compact”).

**Section 2. Special Terms**

In this Ordinance:

- (a) “Business Committee,” also known as the Tribal Council, means the committee authorized to represent the Tribe pursuant to Articles 3 and 6(C) of the Tribe’s Articles of Association ratified on June 28, 1968;
- (b) “Commission” means the Pauma Gaming Commission established pursuant to Gaming Regulation 012, duly adopted by the General Council;
- (c) “Compact” means the Tribal-State Compact between the Tribe and the State of California authorizing class III gaming activities, as required by IGRA, 25 U.S.C. § 2710(d)(1)(C) and amended from time to time;
- (d) “Gaming Enterprise” means the entities through which the Tribe conducts, regulates, and secures gaming on the Pauma-Yuima Reservation pursuant to the Indian Gaming Regulatory Act;
- (e) “Gaming systems” means all components, whether or not technological aids in electronic, computr, mechanical, or other technological form, that function

together to aid the play of one or more Class II or Class III games, including accounting functions mandated by 25 C.F.R. § 500 *et seq.*;

- (f) “General Council” consists of all enrolled Tribal members who are twenty-one (21) years of age or older;
- (g) “IGRA” means the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* and its regulations, 25 C.F.R. § 500 *et seq.*;
- (h) “key employee” means:
  - (1) A person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security;; floor manager; pit boss; dealer; croupier; approver of credit; custodian of gaming systems and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records; custodian of surveillance systems or surveillance system records;;
  - (2) Any Gaming Operation employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the Commission;
  - (3) If not otherwise licensed as a key employee or primary management official, the four (4) persons most highly compensated by the Gaming Operation;
  - (4) Any other employee of the Gaming Enterprise as documented by the Tribe as a key employee.
- (i) “NIGC” means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704;
- (j) “Primary Management Official,” in reference to the Gaming Operation, means:
  - (1) Any person having management responsibility for a management contract;
  - (2) Any person who has authority to hire and fire employees of the Gaming Operation or to establish policy for the Gaming Operation;
  - (3) The chief financial officer or a position with duties similar to a chief financial officer; ;

- (4) The general manager or a position with duties similar to a general manager; or
- (5) Any other employed management official of the Gaming Enterprise as documented by the Tribe as a primary management official.
- (j) “State Gaming Agency” means the entity defined in Subsection 2.18 of the Compact;
- (k) “Tribal Council” is another name for the Business Committee;
- (l) “Tribal member” means any individual who is duly enrolled in the Tribe in accordance with the Tribe’s Articles of Association ratified on June 28, 1968 and any enrollment ordinance that may be enacted by the Tribe, as amended from time to time;
- (m) “Tribe” means the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation;

### Section 3. Status of Tribal Laws

The General Council may enact other tribal laws relating to gaming activities on the Pauma-Yuima Reservation. In the interest of organizing its gaming laws, the Tribe enacts laws implementing or expanding upon this Gaming Ordinance as regulations rather than as ordinances. Such gaming regulations have the full force of law; however, in the event of a conflict or inconsistency between the regulations and this Ordinance, the Ordinance shall govern. Furthermore, a gaming regulation is deemed to be an “ordinance” as that term is used in the Compact and shall satisfy the Tribe’s obligations under the Compact to adopt certain ordinances, including a labor relations ordinance, a workers’ compensation ordinance, a tort liability ordinance, and an environmental protection ordinance.

### ARTICLE III: GAMING AUTHORIZED

Class II and class III gaming, as defined in 25 U.S.C. §§ 2703(7)(A) and 2703(8) and by the regulations promulgated by the NIGC at 25 C.F.R. §§ 502.3 and 502.4, is hereby authorized. The class III gaming activities authorized by this Ordinance are those gaming activities authorized under the Compact.

### ARTICLE IV: OWNERSHIP OF GAMING

The Tribe, acting through the General Council, shall have the sole propriety interest in and responsibility for the conduct of the Gaming Operation authorized by this Ordinance.

## ARTICLE V: USE OF GAMING REVENUES

### Section 1. Use of Net Revenues

Net revenues from class II and class III gaming shall be used only for the following purposes:

- (a) to fund Tribal government operations and programs;
- (b) to provide for the general welfare of the Tribe and its members;
- (c) to promote Tribal economic development;
- (d) to donate to charitable organizations;
- (e) to help fund operations of local government agencies; or
- (f) to make contributions, as required by the Compact, to any revenue-sharing funds established for the benefit of the State or non-gaming tribes.

### Section 2. Per Capita Payments

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 Secretary of the Interior under 25 U.S.C. §§ 2710(b)(3).

## ARTICLE VI: AUDIT

### Section 1. Annual Audit

The Commission is responsible for arranging an annual independent audit of the Gaming Operation and shall submit the resulting audit reports to the NIGC. The annual audit shall be conducted by an independent certified public accountant, in accordance with the auditing and accounting standards for audits of casinos of the American Institute of Certified Public Accountants.

### Section 2. Gaming Contracts

All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of twenty-five thousand dollars (\$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 Section 1 of this Article.



**ARTICLE VII: PROTECTION OF THE ENVIRONMENT,  
PUBLIC HEALTH AND SAFETY**

The Gaming Facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety. The General Council shall adopt standards for protecting the environment and the public health and safety that are consistent with its obligations under the Compact. At a minimum, the standards for protecting the public health and safety shall include the following prohibitions:

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

**ARTICLE VIII: LICENSES**

**Section 1. License Requirements**

The following persons and entities are required to be licensed by the Commission:

- (a) All gaming employees, including key employees and primary management officials, employed at the Gaming Operation operated under this Ordinance;
- (b) Gaming resource suppliers required to be licensed under Subsection 6.4.5 of the Compact and other vendors required to be licensed under Section III of Gaming Regulation 001, Licensing and Background Investigation Procedures;
- (c) Financial sources required to be licensed under Subsection 6.4.6 of the Compact;
- (d) The Gaming Facility where class II or class III gaming is conducted under this Ordinance;

- (e) Labor unions and representatives of labor unions who are granted access to the Tribe's Gaming Facility or employees;
- (f) Any other persons whose job duties or scope of work require or authorize them to have access to non-public areas of the Tribe's Gaming Facility, whether or not such persons are employed by the Tribe or Gaming Operation, unless such person remains under the escort of a licensee or is a Tribal official who has cleared a background check as a condition of holding his/her position and is present in such area as part of his/her official duties; and
- (g) Any other person determined by resolution of the Business Committee to require licensing.

#### Section 2. Background Investigations

The Commission or its agents shall conduct an investigation of license applicants sufficient to make a determination under Section 3 of this Article. The Commission and its agents are authorized to receive State summary criminal history information, as defined in Subsection 11105(a) of the California Penal Code, or a copy thereof, maintained under a person's name by the California Department of Justice and shall not knowingly furnish such records or information to a person who is not authorized to receive the record or information. In conducting a background investigation, the Commission or its agent shall keep confidential the identity of each person interviewed in the course of the investigation.

#### Section 3. Eligibility Determination

The Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning an applicant's eligibility for a license. A license may not be issued unless the Commission is satisfied the applicant is a person of good character, honesty, and integrity. The Commission shall not license a person if the Commission determines that the licensing of the person: poses a threat to the public interest or to the effective regulation of gaming; creates or enhances dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of business and financial arrangements incidental thereto; or will undermine public trust that Tribal gaming is free from criminal and dishonest elements and would be conducted honestly.

#### Section 4. Periodic Review

The Commission shall review and, if appropriate, renew each license it issues at least every two (2) years after issuance.

**Section 5. Reporting**

To the extent required by IGRA and the Compact, the Commission shall promptly forward applications, background investigation reports, and related information to the NIGC and the State Gaming Agency and notify the NIGC and the State Gaming Agency of its decisions to deny, issue, suspend, or revoke licenses.

**Section 6. Additional Requirements**

The General Council shall adopt, and the Commission shall implement, regulations providing for such additional licensing and background investigation requirements and procedures as it deems appropriate, provided that such additional requirements are at least as stringent as those contained in IGRA (i.e., 25 U.S.C. § 2710(b)(2)(F) and 25 C.F.R. Parts 556 and 558) and the Compact.

**ARTICLE IX: ENFORCEMENT**

The General Council shall promulgate regulations authorizing the Commission or other agent of the Tribe to investigate reported violations of this Ordinance, other Tribal regulations, IGRA, or the Compact and to impose fines or other sanctions within the Tribe's jurisdiction against persons who interfere with the Tribe's obligations under this Ordinance, Tribal regulations, IGRA, or the Compact.

**ARTICLE X: RESOLUTION OF PATRON DISPUTES**

Patron disputes shall be resolved as follows:

- (a) To the extent that a particular patron dispute falls within the scope of a gaming regulation, it shall be processed in accordance with such regulation, including but not limited to:
  - (1) Patron disputes over the play or operation of any class III game shall be processed in accordance with Gaming Regulation 002, Procedures for Resolving Gaming-Related Patron Disputes;
  - (2) Patron claims for money damages resulting from property damage and personal injury arising out of or related class III gaming activities shall be processed in accordance with Gaming Regulation 004, Third Party Injuries Regulations;
  - (3) Patron disputes over exclusion from the Gaming Facility shall be processed in accordance with Gaming Regulation 014, Exclusions; and

- (b) Patrons of the Gaming Facility who have complaints against the Gaming Operation, including disputes with any management contractor or its employees, which complaints are not addressed in a gaming regulation, shall have as their sole remedy the right to file a complaint with the Gaming Operation. The Gaming Operation's authorized management personnel will render a decision in a timely fashion and all such decisions will be final when issued, unless the decision was not made by the highest ranking manager of the Gaming Operation, in which case the decision shall be subject to further review by the highest ranking manager of the Gaming Operation if the patron is dissatisfied with the lower ranking manager's decision.

#### ARTICLE XI: SERVICE OF PROCESS

The Tribe designates the Tribe's Business Committee as its agent for service of any official determination, order, or notice of violation.

#### ARTICLE XII: REPEAL

Once adopted and certified this Ordinance will replace any earlier version(s).

#### ARTICLE XIII: SEVERABILITY

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

#### ARTICLE XIV: SOVEREIGN IMMUNITY

The sovereign immunity of the Tribe is in no manner waived by this Ordinance or by any action by the Gaming Operation, the Commission, or any employee of the Gaming Operation, the Commission, or the Tribe acting pursuant to this Ordinance.

#### ARTICLE XV: AMENDMENT OF ORDINANCE

This Ordinance may be amended or repealed upon approval by the General Council, and any such amendment or repeal shall be effective upon the date of the General Council's decision, unless otherwise determined by the General Council.

**ARTICLE XVI: EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its approval by the Chairman of the NIGC or ninety (90) days after the date of its submission to the Chairman of the NIGC if he or she fails to approve or disapprove this Ordinance within those ninety (90) days.

**CERTIFICATION**

I, the undersigned, as Secretary of the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation, do hereby certify that this Ordinance was reviewed and adopted at a General Council meeting held on June 11, 2000, by a vote of 45 in favor, 0 opposed and 0 abstaining, and amended by the General Council pursuant to the results of a general mail-out ballot of 25 votes in favor, 0 votes opposing, and 1 vote abstaining, results recorded on April 22, 2004, the results of a general mail out ballot of 41 votes in favor, 0 votes opposing, and 4 votes abstaining, results recorded on December 29, 2004, the results of votes taken at General Council meetings held on March 5, 2006, with 51 in favor, 0 opposing, and 0 abstaining, on November 8, 2009, with 61 in favor, 0 opposing, and 0 abstaining, the results of a general mail-out ballot, by a vote of 25 in favor, 18 opposed and 1 abstaining, recorded on November 19, 2020, the results of votes taken at General Council meetings held on July 14, 2024, with 51 in favor, 0 opposing, and 0 abstaining; and that this Ordinance has not been further amended or rescinded in any way.

8/12/24  
Date

Patricia A. Nlym  
Tribal Secretary