



December 13, 2023

Nino Maltos, II, Chairman
Sauk-Suiattle Tribal Council
5318 Chief Brown Lane
Darrington, Washington 98241-9420

Re: 2023 Sauk-Suiattle Indian Tribe Gaming Code

Dear Chairman Maltos:

This letter is to inform you that the amended Sauk-Suiattle Indian Tribe Gaming Code (Code), adopted by the Sauk-Suiattle Tribal Council Resolution No. 09/02/2023 on September 8, 2023, and submitted to the National Indian Gaming Commission (NIGC) on September 12, 2023, is deemed approved by operation of law.

Pursuant to the Indian Gaming Regulatory Act, the NIGC Chair has 90 days from the date of submission to either approve or disapprove a gaming ordinance.¹ Any gaming ordinance not acted upon at the end of the 90-day period is considered to have been approved by operation of law but only to the extent such ordinance is consistent with the IGRA and NIGC regulations.² Because no action was taken by the Chair within the 90-day period, Sauk-Suiattle Indian Tribe's (Tribe) Code is considered approved, but only to the extent it is consistent with IGRA and NIGC regulations.

It is the opinion of the Office of General Counsel that certain provisions of the Tribe's Code are not consistent with NIGC regulations. Specifically, the Tribe's definition of "Facility License" is not consistent with 25 C.F.R. § 502.23, and the Tribe's notification requirements for revocation of a key employee or primary management official's license is not consistent with 25 C.F.R. § 558.3(e)(2).

In Section 3H of the Code, the Tribe's definition of "Facility License" contains additional language not contained in the NIGC regulation definition of a "Facility License", and such addition is inconsistent with the NIGC definition under 25 C.F.R. § 502.23. While tribes are not required to define terms in its gaming ordinances, if a tribe does define any terms, the definition of said terms must be consistent with those contained in IGRA and/or NIGC regulations.

¹ 25 U.S.C. § 2710(e).

² 25 C.F.R. § 522.10.

Letter to Chairman Maltos
Re: 2023 Sauk-Suiattle Indian Tribe Gaming Code
December 13, 2023
Page 2 of 2

25 C.F.R. § 558.3(d) requires a tribe to notify the NIGC if it does not license an applicant and to forward copies of its eligibility determination and NOR to the NIGC for inclusion within the Indian Gaming Individual Records and Systems. 25 C.F.R. § 558.3(e)(2) also requires a tribe to forward a copy of its license revocation decision to the NIGC for inclusion in the Indian Gaming Individuals Records System. While Section 24B of the Code requires the Tribe to forward an eligibility determination and NOR to the NIGC, it does not specify that the Tribe must also provide the license revocation decision to the NIGC. We encourage the Tribe to clarify in future Code amendments that the Tribe must forward a copy of a license revocation decision to the NIGC when the Tribe revokes a previously issued license after reconsideration.

We encourage you to address these issues identified above the next time the Tribe submits an amendment to its Code for the Chair's review. If you have any questions, please contact NIGC Staff Attorney Danielle Wu at danielle.wu@nigc.gov or (202) 336-3596.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RC' or similar initials, written in a cursive style.

Rea Cisneros
General Counsel (Acting)

Cc: Jeffrey C. Nelson (jnelson@mctlaw.com)



Tribal Council

5318 Chief Brown Lane
Darrington, Washington 98241-9420

(360) 436-0131
Fax (360) 436-1511

Resolution Number: 09/02/2023

Approving Sauc-Suiattle Gaming Code

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE INDIAN TRIBE

WHEREAS, the Sauc-Suiattle Tribal Council (the "Tribal Council") is the governing body of the Sauc-Suiattle Indian Tribe (the "Tribe") of authority of the Constitution and By-Laws as approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Tribal Council is charged with the responsibility for the protection of the health, welfare and safety of its members; and

WHEREAS, the Tribal Council is authorized to adopt ordinances regulating Tribal Agencies and to promulgate and enforce ordinances governing the conduct of all persons within the jurisdiction of the Tribe; and

WHEREAS, the Tribal Council is authorized to negotiate with the Federal, State, and Local governments on behalf of the Tribe, and to advise and consult with the representatives of the Department of the Interior on all activities of the Department that may affect the Tribe;

NOW THEREFORE BE IT RESOLVED, that Tribal Council hereby approves the Sauc-Suiattle Indian Tribe Gaming Code, September 8, 2023 and authorizes its transmission to the National Indian Gaming Commission for approval.

BE IT FURTHER RESOLVED, that this Gaming Code expressly repeals and replaces all prior Sauc-Suiattle Gaming Ordinances.

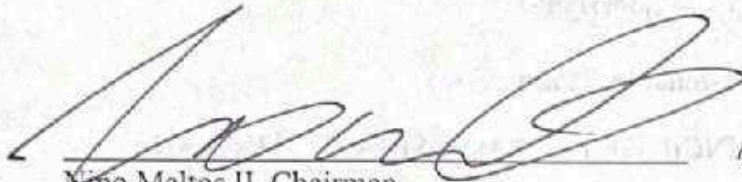
BE IT FURTHER RESOLVED, that the Sauc-Suiattle Tribal Council does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or indirectly from the same, nor does the Sauc-Suiattle Tribal Council waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Point Elliot Treaty; now

BE IT FINALLY RESOLVED, that the Sauc-Suiattle Tribal Council authorizes the Tribal Council Chairman to sign all documents on behalf of the Sauc-Suiattle Tribe and in his absence, the Vice-Chairperson of the Sauc-Suiattle Tribal Council is authorized to sign all documents.

CERTIFICATION

The above resolution was duly approved by the Sauk-Suiattle Tribal Council in a regular meeting conducted September 8, 2023, at which time a quorum was present by a vote of:

5 for; 0 against; 1 abstain; 1 absent.



Nino Maltos II, Chairman

ATTEST:

Natalie Misanes, Secretary

SAUK-SUIATTLE INDIAN TRIBE



Gaming Code
September 8, 2023

Table of Contents

SECTION 1.	FINDINGS AND PURPOSE	1
SECTION 2.	APPLICABILITY	1
SECTION 3.	DEFINITIONS	1
SECTION 4.	GAMING AUTHORIZED	6
SECTION 5.	OWNERSHIP OF GAMING	7
SECTION 6.	USE OF NET GAMING REVENUES	7
SECTION 7.	PER CAPITA PAYMENTS	8
SECTION 8.	TRIBAL GAMING COMMISSION	8
SECTION 9.	AUDITS	14
SECTION 10.	ENVIRONMENT AND PUBLIC HEALTH AND SAFETY	14
SECTION 11.	PATRON DISPUTE RESOLUTION	15
SECTION 12.	FACILITY LICENSES	15
SECTION 13.	AGENT FOR SERVICE OF PROCESS	16
SECTION 14.	TGC ANNUAL REPORTS AND ACCESS TO GAMING FINANCIAL AUDITS	16
SECTION 15.	LICENSES	17
SECTION 16.	LICENSE FEES	20
SECTION 17.	BACKGROUND INVESTIGATIONS	20
SECTION 18.	PROCEDURES FOR CONDUCTING BACKGROUND INVESTIGATIONS	21
SECTION 19.	INVESTIGATIVE REPORTS	22
SECTION 20.	ELIGIBILITY DETERMINATIONS	23
SECTION 21.	NOTICE OF RESULTS OF BACKGROUND INVESTIGATIONS	23
SECTION 22.	GRANTING GAMING LICENSES	24
SECTION 23.	WITHDRAWAL OF APPLICATION	25
SECTION 24.	DENYING GAMING LICENSES	25
SECTION 25.	GAMING LICENSE SUSPENSIONS AND REVOCATIONS	25
SECTION 26.	RECORDS RETENTION	26
SECTION 27.	LICENSES FOR GAMING VENDORS AND NON-GAMING VENDORS	27
SECTION 28.	SUBMISSION OF A GAMING VENDOR LICENSE APPLICATION	27
SECTION 29.	CONTENTS OF GAMING VENDOR LICENSE APPLICATIONS	28
SECTION 30.	GAMING VENDOR BACKGROUND INVESTIGATIONS	29
SECTION 31.	VENDOR LICENSE FEES	30
SECTION 32.	VENDOR BACKGROUND INVESTIGATION REPORTS	30
SECTION 33.	VENDOR LICENSE RESTRICTIONS AND REQUIREMENTS	30

SECTION 34. VENDORS LICENSED BY RECOGNIZED REGULATORY AUTHORITIES 31
SECTION 35. SEVERABILITY 31
SECTION 36. SOVEREIGN IMMUNITY PRESERVED. 31
SECTION 37. REPEAL 31
SECTION 38. EFFECTIVE DATE..... 31

Sauk-Suiattle Indian Tribe Gaming Code

The Sauk-Suiattle Indian Tribe, a federally recognized Indian tribe (“Tribe” or “SSIT”), hereby enacts the following Gaming Code, referred to by the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. §§ 2701 *et seq.*, as a tribal gaming ordinance, to govern Class II and Class III gaming activities on the Tribe’s Indian lands.

Section 1. Findings and Purpose

The Tribe finds that:

Gaming on its Indian 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; and

The Tribe desires to conduct certain forms of gaming to provide needed revenues to the Tribe, provide employment, and to regulate and control such gaming in a manner that will protect the environment, the Tribe’s Reservation, the public health and public safety, economic security and general welfare of the Tribe, the players, and the community.

Therefore, the Tribal Council of the Sauk-Suiattle Indian Tribe, empowered by the Tribe’s Constitution and By-Laws to enact tribal laws, hereby enacts this Gaming Code in order to govern and regulate the operation of Class II and Class III gaming on the Tribe’s Indian lands; to promote tribal economic development, self-sufficiency and sovereignty; to shield the operation of gaming from organized crime and other corrupting influences; and to ensure that gaming is conducted fairly and honestly by both the operators and the players.

Section 2. Applicability

Unless specifically indicated otherwise, all provisions of this Gaming Code shall apply to Class II and Class III gaming on Indian lands within the Tribe’s jurisdiction (“the Tribe’s Indian lands”).

Section 3. Definitions

Unless defined differently below, terms used in this Gaming Code shall have the same meaning and effect as those same terms are defined in the Indian Gaming Regulatory Act (“IGRA”), 25 U.S.C. §§ 2701 *et seq.*, and the National Indian Gaming Commission (“NIGC”) regulations, 25 C.F.R. §§ 500 *et seq.*, if they are defined in IGRA and the NIGC’s regulations.

A. **Applicant.** An individual or entity that applies for a license required by this Gaming Code.

B. **Class I gaming.**

1. Social games played solely for prizes, including cash prizes, of minimal value, as determined by the Tribal Gaming Commission; or
2. Traditional forms of Indian gaming, such as betting on stick games, contests, or in-person pony/horse races, when played by individuals in connection with tribal ceremonies or celebrations, including pow-pows, and including side-betting on traditional games at such tribal ceremonies or celebrations, as may be limited by the Tribal Gaming Commission and not to include any parimutuel wagering.

C. **Class II gaming.**

1. Bingo or lotto (whether or not electronic, computer or other technologic aids are used) when players:
 - a. Play for 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, punch boards, tip jars, instant bingo, and other games similar to bingo, if played in the same location as bingo or lotto;
3. Non-banking card games that:
 - a. State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the State; and
 - b. Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes; and
4. Card games played in the State if:
 - a. The Tribe actually operates the same card games as played on or before May 1, 1988, as determined by the NIGC Chair; and
 - b. The pot and wager limits remain the same as on or before May 1, 1988, as determined by the NIGC Chair.

D. **Class III gaming.** All forms of gaming that are not Class I or Class II

gaming, including, but not limited to:

1. Any house banking game, including but not limited to –
 - a. Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house-banking games); and
 - b. Casino games such as roulette, craps, and keno;
2. Any slot machines, as defined in 15 U.S.C. § 1711(a)(1), and electronic or electromechanical facsimiles of any game of chance;
3. Any sports betting and pari-mutuel wagering; or
4. Lotteries.

E. **Commission, Tribal Gaming Commission, or TGC.** The Commission established by this Gaming Code to license key employees, primary management officials, non-key employees/contractors, vendors, vendor representatives, Gaming Operations and gaming facilities; perform regulatory functions; and carry out the Tribe's regulatory responsibilities under tribal, federal and applicable state laws on the Tribe's Indian lands.

F. **Commissioner.** A Tribal Gaming Commissioner.

G. **Directly related to.** A spouse, child (either adopted or biological), sibling, parent, grandparent, or grandchild, or any person related by blood who lives in the same residence.

H. **Facility License.** A separate license issued by the TGC to each place, facility, or location on Indian lands where the Tribe elects to allow Class II or III gaming, or in the case of mobile gaming, where the Tribe elects to house the gaming server(s);

I. **Gaming.** 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 on a certain outcome, but shall not include bona fide business transactions.

J. **Gaming Activities.** Any Class I, Class II or Class III gaming activity conducted on the Tribe's Indian lands.

K. **Gaming Operation.** Each economic entity that is licensed by the TGC to operate Class II or Class III gaming on the Tribe's Indian lands, including mobile Class II or Class III gaming taking place on the Tribe's Indian lands. A Gaming Operation may be operated by the Tribe directly; by a

management contractor; or, under certain conditions, by another person or entity, such as a temporary charitable operation.

L. **Gaming Vendor.** An individual or business entity providing goods or services to the Tribe or a Gaming Operation, whether on or off site, related to the operation of Class II or Class III Gaming Activities, and shall include but is not limited to gaming-related equipment, maintenance, management or consulting services, financing, gaming supplies, and security or surveillance services. Gaming vendors include manufacturers, suppliers, and distributors of such equipment, services, or supplies. For the purposes of this Gaming Code, gaming services shall not include legal and auditing services conducted by state-licensed professionals, nor provision of indirect goods or services such as food and beverages, laundry services, and the like.

M. **Indian lands.**

1. Any land within the limits of the Sauk-Suiattle Indian Reservation; or
2. Land over which the Sauk-Suiattle Indian Tribe exercises governmental power and that is either;
 - a. Held in trust by the United States for the benefit of the Tribe or one or more individual Indians; or
 - b. Held by the Tribe or one or more individuals subject to restriction by the United States against alienation.

N. **Key Employee.**

1. A person who performs one or more of the following functions for the Gaming Operation:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of Security;
 - d. Floor manager;
 - e. Pit boss
 - f. Dealer;
 - g. Croupier;
 - h. Approver of credit;
 - i. Custodian of gaming systems as defined in 25 CFR 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
 - j. 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 TGRA;

3. If not otherwise licensed as a key employee or primary management official, the four 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.

O. **Licensee.** A person licensed by the TGC as a primary management official, key employee, vendor, on-site vendor representative, or non-gaming employee/contractor; or a Gaming Operation or gaming facility licensed by the TGC.

P. **Management Contract.** Any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a Gaming Operation.

Q. **Net Revenues.** Gross gaming revenues of an Indian Gaming Operation less:

1. Amounts paid out as, or paid for, prizes; and
2. Total gaming-related operating expenses, including all those expenses of the Gaming Operation commonly known as operating expenses and non-operating expenses consistent with professional accounting pronouncements, excluding management fees.

R. **Person.** Any natural person or entity, including but not limited to corporations, partnerships, and trusts.

S. **Primary Management Official.**

1. Any person having management responsibility for a management contract.
2. Any person who has authority:
 - a. To hire and fire employees of the Gaming Operation; or
 - b. 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;

5. Any other employed management official of the gaming enterprise as documented by the TGC as a primary management official.

T. **State.** The State of Washington.

U. **State Gaming Agency.** The person, official, agency, board or commission that the State has duly authorized to fulfill the functions assigned to it under the Tribal-State Compact.

V. **Tribal-State Compact.** Pursuant to 25 U.S.C. § 2710(d), the agreement, as amended, between the Tribe and the State of Washington concerning Class III gaming on the Tribe's Indian lands.

W. **Tribe.** The Sauk-Suiattle Indian Tribe ("SSIT").

X. **Vendor.** An individual or business entity providing only non-gaming related goods or services to the Tribe or a Gaming Operation, whether on or off site, in connection with the operation of a gaming facility, and shall include but is not limited to food and beverage suppliers, laundry service suppliers, non-gaming related equipment, clothing, or supplies for resale in the gaming facility, marketing and publication services, construction, plumbing, janitorial and housekeeping services, non-gaming IT services, and hotel services.

Section 4. Gaming Authorized

A. All gaming activities on the Tribe's Indian lands are prohibited, except as expressly authorized under this Gaming Code.

B. Class I, Class II, and Class III gaming is authorized to be conducted on the Tribe's Indian lands only if conducted in accordance with applicable requirements in this Gaming Code, the Indian Gaming Regulatory Act, the NIGC's regulations, the TGC's regulations, and any other applicable laws or regulations, including, for Class III gaming, the Tribal-State Compact.

C. Class I gaming activities are hereby licensed and permitted to the extent consistent with the Tribe's traditional customs and practices at ceremonies or celebrations, or if limited to social gaming played solely for prizes of minimal value. The TGC may prohibit and prevent any conduct which is claimed to be Class I gaming if the TGC finds that such conduct does not meet the definition of Class I gaming or violates IGRA or other applicable law.

D. Class II and Class III gaming on the Tribe's Indian lands are authorized only as licensed by the TGC under the terms of this Gaming Code.

Section 5. Ownership of Gaming

- A. The Tribe shall have the sole proprietary interest in, and responsibility for, the conduct of any Class II and Class III Gaming Activities authorized by this Gaming Code, except as expressly provided otherwise in this Gaming Code, or as permitted by IGRA.
- B. No person or entity shall conduct Class II or Class III gaming without obtaining a license from the Tribal Gaming Commission.
- C. The Tribal Gaming Commission may issue a license for individually owned gaming, including any temporary charitable gaming, so long as:
 - 1. The individually owned gaming operation is licensed and regulated pursuant to this Gaming Code and the TGC's regulations;
 - 2. The income to the Tribe from an individually owned gaming operation is used only for the purposes listed in this Gaming Code;
 - 3. Not less than 60 percent of the net revenues of the individually owned gaming operation is provided to the Tribe as income, which in the case of charitable gaming, may be donated in whole or in part by the Tribe back to the charitable organization, in the discretion of the Tribal Council;
 - 4. The owner of the individually owned gaming operation pays the annual assessment to the NIGC required by 25 C.F.R. § 514.1;
 - 5. The Tribal Gaming Commission applies licensing standards that are at least as restrictive as those established by State law governing similar gaming; and
 - 6. The Tribal Gaming Commission determines that the owner of the individually owned gaming operation would be eligible to receive a state license to conduct the same activity within the jurisdiction of the State of Washington. State law standards with respect to purpose, entity, pot limits, and hours of operation are hereby incorporated by reference.

Section 6. Use of Net Gaming Revenues

- A. Except as provided for under the terms of an agreement pursuant to the provisions of IGRA, or as otherwise permitted by law, all revenues generated from any Class II or Class III Gaming Activity are the property of the Tribe. Any profits or net revenues from Gaming Activities shall be deposited into the Tribe's general treasury.

- B. Net revenues from Tribal gaming shall be used only for the following purposes:
1. To fund Tribal government operations or programs;
 2. To provide for the general welfare of the Tribe and its members;
 3. To promote Tribal economic development;
 4. To donate to charitable organizations; or
 5. To help fund operations of local government agencies.

Section 7. Per Capita Payments

- A. Net revenues from any Class II and/or Class III gaming activities conducted or licensed by the Tribe may be used to make per capita payments to Tribal members if:
1. The Tribe has prepared a Revenue Allocation Plan (“RAP”) to allocate revenues to one or more of the five uses authorized by Section 6(B) of this Gaming Code;
 2. The RAP is approved by the Secretary of the Interior as adequate, particularly with respect to the uses described in sections 6(B)(1) and 6(B)(3) of this Gaming Code;
 3. The interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved, and the per capita payments are disbursed to the parents or legal guardians of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minors or other legally incompetent persons; and
 4. The per capita payments are subject to federal taxation and the Tribe notifies its members of such tax liability when payments are made.

Section 8. Tribal Gaming Commission

- A. The Tribe hereby establishes a Tribal Gaming Commission (“TGC”) to regulate gaming on the Tribe’s Indian lands. The TGC shall consist of three members, including a Chairperson, Vice-Chairperson and Commissioner.
- B. As addressed in more detail below, the TGC will conduct regulatory

oversight to ensure compliance with Tribal, federal and, if applicable, state laws and regulations. It will serve as the licensing authority for individuals employed in the gaming operation and will administer background investigations as part of the licensing process. The TGC will also have a role in monitoring compliance with each Gaming Operation's internal controls and in tracking gaming revenues. In order to carry out its regulatory duties, the TGC and its staff shall have unrestricted access to all areas of each gaming facility and to all records of each Gaming Operation. The TGC shall have authority to take enforcement actions, including suspension or revocation of an individual's gaming license under the standards set forth below.

- C. Commissioners of the TGC may be nominated by any other Commissioner of the TGC or any member of the Tribal Council, and shall be appointed by a majority vote of a quorum of the Tribal Council.
- D. Terms of office for Commissioners shall be as follows: the Chairperson shall serve an initial term of one (1) year, with subsequent Chairpersons serving 3-year terms; and the Vice-Chairperson and Commissioner shall serve an initial term of two (2) years, with subsequent Vice-Chairpersons and Commissioners serving 3-year terms. Commissioners may serve subsequent terms, and may serve beyond their term until a successor is appointed.
- E. The following persons are not eligible to serve as Commissioners: Tribal Council members; persons who would not be eligible to be officers of the Tribe pursuant to the Tribe's Constitution, Articles and By-Laws for any reason other than being a non-member of the Tribe; any member of an Enterprise Board that oversees any Gaming Operation; current employees of the Gaming Operation; owners, managers, and employees of a Gaming Vendor (including any principal of a management or vendor company contracting with a Gaming Operation); persons directly related to, or sharing a residence with, any of the above; and persons ineligible to be key employees or primary management officials. Non-tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other money-related or honesty-related misdemeanor offense, such as fraud, cannot serve as a Commissioner. Tribal members previously convicted of any felony or misdemeanor offense of embezzlement, theft or any other offense related to money or honesty, such as fraud, will only be allowed to serve as a Commissioner if the Tribal Council specifically finds that a significant amount of time has passed and the person is now of trustworthy character.
- F. The Tribal Council shall require a criminal history check with appropriate law enforcement agencies for each Commissioner candidate; shall review the candidate's criminal history check results; and shall make an appropriate eligibility determination before appointing an individual to the position of

Commissioner.

- G. The Tribe recognizes the importance of an independent TGC in maintaining well-regulated Gaming Operations. The TGC may make independent decisions on all matters within its purview. No prior, or subsequent, review by the Tribal Council of any actions of the TGC shall be required or permitted except as otherwise explicitly provided in this Gaming Code. To avoid potential conflicts of interest between the operation and regulation of the gaming facility, the Tribe requires that, at a minimum:
1. Commissioners and TGC staff are prohibited from engaging in Class II or Class III gaming anywhere within the Tribe's Indian lands;
 2. Commissioners and TGC staff are prohibited from accepting complimentary or reduced-cost items from any Gaming Operation or any Gaming Vendor, except for items of nominal value being offered to the general public, or a wide group of people, or to all participants in an official meeting of the TGC; and
 3. Commissioners may only be removed from office by the Tribal Council prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance, or other acts that would render a Commissioner unqualified for appointment to the position.
- H. Nominees for Commissioner positions must satisfy the eligibility standards set forth for primary management officials and key employees found in Section 20 of this Gaming Code. All requisite background investigations of the TGC shall be performed under the direction of the Tribal Council.
- I. The Tribal Gaming Commission is hereby empowered to take the following actions, but only by a majority vote of the TGC during official meetings, a record of which shall be maintained, and which shall take place at least once a month:
1. Hire such staff and support services as deemed necessary, subject to the availability of funds as provided to the TGC by the Tribal Council pursuant to an annual budget approved by the Tribal Council;
 2. Develop and issue such regulations and guidelines as deemed appropriate to implement the provisions of this Gaming Code, so long as they are in furtherance of, and not in conflict with, any provisions of this Gaming Code. Such authorized regulations include, but shall not be limited to:
 - a. Regulations establishing, and necessary to enforce, Tribal Internal Control Standards and Tribal Technical Standards for

- Class II and Class III gaming and to safeguard the Tribe's gaming-related assets;
- b. Regulations to govern the licensing process, including drug and alcohol testing in conformance with any law or policy adopted by Tribal Council, and requirements to have and display a gaming license, non-gaming license, temporary license, vendor license, or business visitor's license at all times while in the gaming facility;
 - c. Regulations on the levying of fines and/or the suspension or revocation of gaming licenses for violations of this Gaming Code or any Tribal, federal, or applicable state gaming laws or regulations;
 - d. Regulations to govern the establishment, maintenance, and enforcement of a list of persons not allowed to enter and/or gamble in Gaming Operations on the Tribe's Indian lands, either by voluntary or non-voluntary exclusion;
 - e. Regulations necessary to set and enforce age, drug and alcohol limits, consistent with any requirements in the Tribal-State Compact;
 - f. Regulations to ensure the physical safety and health of patrons, employees, and other persons in and around each gaming facility; and
 - g. Regulations exempting vendors from the licensing and/or background investigation requirements if they have received a license from a recognized regulatory authority.
3. Set and enforce drug and alcohol policies, including a system for random testing, for all licensees, in conformance with any law or policy adopted by Tribal Council;
 4. Direct TGC staff to conduct background investigations, or cause such investigations to be conducted, for primary management officials, key employees, gaming vendor companies, gaming vendor on-site representatives, and any other employee at a Gaming Operation that TGC regulations may designate as requiring a background investigation;
 5. Direct TGC staff to review and approve all investigative work conducted in connection with the background investigations authorized above;
 6. Direct TGC staff to create and maintain investigative reports based on the background investigations authorized above;
 7. Designate a law enforcement agency to obtain and process fingerprints and conduct a criminal history check for all primary management officials and key employees that shall include a check of criminal history records information maintained by the Federal Bureau of Investigation;

8. Make licensing eligibility determinations;
9. Direct TGC staff to submit a notice of results (“NOR”) to the NIGC of the background investigations done for each primary management official and key employee applicant;
10. Issue, deny, suspend, revoke, and renew the appropriate gaming licenses or badges to primary management officials, key employees, gaming vendor companies, gaming vendor on-site representatives, and all other employees, contractors, and business visitors at all Gaming Operations;
11. Establish standards and make licensing decisions regarding Gaming Operations and gaming facilities, which standards may include the hours of operation, type and scope of gaming activities allowed, permitted uses of the facility for other purposes, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling, entertainment, and any other such matters as the TGC may deem necessary;
12. Exercise control over the Surveillance Department at each gaming facility; direct appropriate TGC management to supervise the Surveillance Department; inspect, examine, and monitor all of the gaming activities on the Tribe’s Indian lands; and have immediate access to review, inspect, examine, photocopy, and audit all records of the Gaming Operations and gaming facilities;
13. Direct TGC staff to ensure compliance with all Tribal, federal, and applicable state laws, rules, and regulations regarding Indian gaming, including the hiring of one or more certified public accounting firms to conduct agreed upon procedure (“AUP”) reviews and reports to test each Gaming Operation’s internal controls against the NIGC’s Minimum Internal Control Standards (“MICS”) and the TGC’s Tribal Internal Control Standards (“TICS”);
14. Direct TGC staff to investigate any suspicion of wrongdoing associated with any gaming activities on the Tribe’s Indian lands;
15. Issue subpoenas to any TGC licensees to compel testimony or document production, and receive such evidence as the TGC deems relevant in fulfilling its duties;
16. Administer oaths or affirmations and hold hearings related to potential wrongdoing associated with any gaming activities on the Tribe’s Indian lands;
17. Issue warnings, notices of violation, corrective action orders, exclusion

orders, civil fines, license suspensions, license revocations, or other sanctions to any Gaming Operation, Gaming Vendor, or individual licensees who has interfered with or violated the Tribe's gaming regulatory requirements under tribal law, federal law, or the Tribal-State Compact;

18. Make law enforcement referrals to other law enforcement agencies when information obtained by the TGC indicates a potential violation of law that is enforced by the other law enforcement agency;
 19. Hold hearings and make decisions regarding patron complaints, in accordance with procedures established in this Gaming Code and the TGC's regulations;
 20. Comply with any and all reporting requirements under IGRA, the NIGC's regulations and the Tribal-State Compact to which the Tribe is a party, and any other applicable law; and
 21. Create a list of other regulatory authorities that the TGC considers trustworthy, and whose background investigations and licensing decisions regarding Gaming Vendors may be relied upon.
- J. Before adopting, amending, and repealing regulations, the TGC shall give a notice of a minimum of 7 calendar days of any such proposed action to the Tribal Council, the Gaming Operation, and all other persons whom the TGC has reason to believe have a legitimate interest in the proposed action. The notice shall invite comments and describe the general nature of the proposed action and the manner in which comments on the proposed action shall be received by the TGC.
- K. The TGC shall ensure that all records and information obtained as a result of a background investigation, including but not limited to, the identity of each person interviewed in the course of an investigation, shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing and employment processes. Information obtained during the course of an employee background investigation shall be disclosed to members of management, human resource personnel and/or others employed by the Gaming Operation on a need-to-know basis, for HR/employment actions taken in their official capacities.
- L. The confidentiality requirements above do not apply to requests for such records or information from any Tribal, federal, or state law enforcement or regulatory agency, or for the use of such records or information by the TGC and staff in the performance of their official duties, except that Criminal History Records Information ("CHRI") obtained from the NIGC or FBI shall not be disclosed to any other entity.

- M. Two Commissioners shall constitute a quorum. The affirmative vote of at least two commissioners shall be required for any final action or determination by the TGC.
- N. Commissioners shall be compensated at a level determined by the Tribal Council, and the level of compensation shall not be decreased while the subject Commissioner remains in office. Commissioners shall have the same eligibility for fringe benefits as fulltime employees of the Tribe. In order to ensure the TGC is not improperly influenced, a Commissioner's compensation shall not be based on a percentage of gaming revenue.
- O. The TGC shall keep a written record of all its meetings, and after each meeting, shall promptly transmit a summary of the meeting to the Tribal Council, which summary shall not include any personal information obtained from any background investigation, including CHRI obtained from the NIGC or FBI.

Section 9. Audits

- A. The Tribe shall cause to be conducted independent financial audits of Gaming Operations annually and shall submit the results of those financial audits to the NIGC. This shall be the responsibility of each Gaming Operation, as may be monitored and enforced by the TGC.
- B. Annual financial audits shall conform to generally accepted auditing standards.
- C. All gaming-related contracts that result in the purchase of supplies, services, or concessions for more than \$25,000 in any year (except contracts for professional legal and accounting services) shall be specifically included within the scope of the audit conducted under Section 9(A) of this Gaming Code.
- D. Copies of the annual financial audit of each licensed Gaming Operation, and each audit for supplies, services, or concessions of each Gaming Operation, shall be furnished to the NIGC within 120 days after the end of each fiscal year of the Gaming Operation.

Section 10. Environment and Public Health and Safety

Each gaming facility shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public. The TGC shall identify and enforce laws, resolutions, codes, policies, standards, or procedures which are applicable to each gaming facility, to ensure adequate protection of the environment and the health and safety of the public.

Section 11. Patron Dispute Resolution

- A. Patrons with complaints against the Gaming Operation, whether based on tort law or gaming disputes, shall first be encouraged to address the matter informally with the Gaming Operation. If an informal resolution cannot be achieved, such patrons have as their sole formal remedy the right to file a petition for relief with the Tribal Gaming Commission.
- B. Complaints shall be submitted in writing. The TGC shall hold a hearing within 30 days of receipt of the petitioner's complaint. The petitioner may have legal counsel present at the hearing, if such legal counsel is licensed to practice law before the courts of the Tribe or the State. The petitioner may be allowed to present evidence, including witness testimony, at the discretion of the TGC. After the hearing, the TGC shall render a decision in a timely fashion. Any patron complaint must be submitted to the TGC within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of the limit of the applicable insurance coverage, both per occurrence, and as a cumulative limit, except disputes relating to a patron's entitlement to a game prize, which shall be limited to the amount of such prize. The TGC's decision shall constitute the complainant's final remedy, with no opportunity to appeal.

Section 12. Facility Licenses

- A. The TGC shall issue a separate license to each place, facility, or location on Indian lands where Class II and/or Class III gaming is conducted under this Gaming Code.
- B. The TGC is responsible for issuing new or renewed facility licenses to each place, facility, or location at least annually.
- C. The TGC shall require that a facility license application be completed by the chief management official of the gaming facility for each gaming place, facility, or location.
- D. The TGC shall identify the environmental, health and public safety standards with which the place, facility or location must comply, and specify the form, conditions, and content of a facility license application. The application for a gaming facility's initial license shall include:
 - 1. A legal description of the lands upon which the facility is located; and
 - 2. Certification that the site constitutes "Indian lands," as defined in

IGRA, the NIGC's regulations, the NIGC Office of General Counsel and DOI Solicitor Offices' Indian lands legal opinions, judicial decisions, and any other applicable law.

- E. The TGC shall only issue a facility license if the application includes the required information and documentation, and sufficiently satisfies any additional conditions deemed necessary by the TGC or Tribal Council.
- F. The Tribal Council or TGC shall submit to the NIGC Chair a notice that issuance of a facility license is under consideration by the TGC. This notice must be submitted at least 120 days before the opening of any new place, facility, or location on Indian lands where Class II and/or Class III gaming will occur.
- G. The TGC shall submit a copy of each newly issued or renewed facility license to the NIGC Chair within 30 days of issuance, along with any other required documentation.
- H. The Tribal Council or the TGC shall notify the NIGC Chair within 30 days if a facility license is terminated or expires, or if a gaming place, facility, or location closes or reopens.

Section 13. Agent for Service of Process

The Tribe designates the Chairman of the Tribe as the agent for service of any official determination, order or notice of violation.

Section 14. TGC Annual Reports and Access to Gaming Financial Audits

- A. On or before February 15 of each year, the TGC shall provide to the Tribal Council an Annual Report summarizing its activities during the prior calendar year, and accounting for all disbursements made to the TGC from Tribal Council, all fees and fines collected by the TGC, and any other source of income, as well as all expenditures during the calendar year. The TGC's Annual Report shall not include any personal information obtained from any background investigation (e.g., CHRI obtained from the NIGC or FBI). The Tribal Council shall cause copies of the TGC Annual Report to be made available to the tribal membership within thirty (30) days after receipt.
- B. The TGC shall make a copy of each Gaming Operation's annual financial audit available for review to any member of the Tribal Council, upon request. At least once annually at a meeting of the General Council, a representative of the TGC and a representative of each Gaming Operation shall present to tribal membership a summary of the TGC Annual Report and each Gaming Operation's annual financial audit, respectively.

Section 15. Licenses

- A. **Licensing Requirements.** The TGC shall perform background investigations and issue licenses for key employees and primary management officials according to requirements that are at least as stringent as those in 25 C.F.R. parts 556 and 558. Any gaming license, or finding of suitability or approval, which is issued by the TGC 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 Tribal-State Compact.
- B. **Standards.** All persons engaged by or associated with any Gaming Activity on the Tribe's Indian lands shall conduct themselves with honesty, integrity, and with such decorum and manners as may be necessary to reflect positively on the Tribe and its members. Any failure to abide by such standards, or any violation of any law, regulation, rule, custom or tradition of the Tribe, the Reservation, the Gaming Operation, the Tribal-State Compact, or the terms or conditions of an applicable license may be grounds for immediate suspension or revocation of any license issued hereunder, or may be cause for temporary or permanent exclusion from the gaming facilities and possible referral to another law enforcement agency.
- C. **Rewards, Bribes, and Compensation.** No applicant or licensee shall give, provide, or offer to give or provide (directly or indirectly) to any official of the Tribe, TGC, or any other employee or agency of the Tribe any compensation, reward, or share of the money received through gambling activities in consideration for obtaining a license or authorization to participate in any gaming activity. Any violation shall result in denial or revocation of any license held or sought.
- D. **Petitions for Reconsideration.** All decisions of the TGC regarding the issuance of licenses shall be final and effective when issued; provided, within fifteen (15) days of the receipt of the written decision regarding a denial or revocation of a license, the applicant or licensee may file a petition for reconsideration with the TGC. Any tribal member subject to a license denial or revocation shall have thirty (30) days from receipt of the written decision to petition for reconsideration. No license may be issued on reconsideration if such issuance would place the Tribe in violation of the Tribal-State Compact or other applicable law.
- E. **Burden on Applicant.** The burden of proving an applicant's qualification to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process, or any license suspension or revocation proceeding thereafter, and expressly waive any claim for damages as a result thereof.

- F. **Release of Information.** All persons applying for a license shall sign a release and waiver of any applicable privileges that covers all information necessary for the TGC to achieve its goals under this Gaming Code, and which allows the TGC to furnish such information to the NIGC or any other such governmental agency as may be required by law or the Tribal-State Compact.
- G. **License Renewal.** All licenses shall be subject to renewal at least every two years, and more frequently if so required by regulations of the TGC, other applicable law, or the Tribal-State Compact. Such licenses may be suspended or revoked upon the occurrence of any act or event which, if known during the application process, would have tended to disqualify such person for such a license. The TGC shall require applicants renewing a license to submit updated information as requested on the license renewal application. Applicants for renewal will not be required to re-submit historical data already available to the TGC. Unless otherwise specifically provided in these regulations, all licenses shall be effective for two (2) years from the date of issuance, unless revoked, suspended, or otherwise invalidated prior to expiration. A licensee that has applied in a timely manner to renew a license may continue to be employed or provide goods or services under an expired license until the TGC takes action to grant or deny the license, or until the license is revoked, suspended, or otherwise invalidated.
- H. **Continuing Duty to Provide Information.** Applicants and licensees have a continuing duty to provide and update any materials or other information required by the TGC and to fully cooperate in any investigation conducted by or on behalf of the TGC. Any information relevant to the license applicant or licensee's suitability for gaming shall be provided to the TGC, with or without a formal request. If information provided on the license application changes or becomes inaccurate, applicants and licensees must promptly notify the TGC of such changes or inaccuracies. If, subsequent to a formal request to respond or produce information, evidence, or testimony, an applicant or licensee or a person associated with the applicant or licensee, refuses or fails to comply with such request, the TGC may deny the application or revoke the license.
- I. **Temporary Licenses.** Temporary licenses of no more than ninety (90) day duration may be issued by the TGC if the TGC determines that the applicant is likely to be found eligible for a regular license, considering all information then available to the TGC. Such licenses may permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the TGC. Such temporary licenses shall expire no more than ninety (90) days from date of issuance, upon issuance of a regular license, or until a specified act or occurrence, whichever occurs

first. A key employee or primary management official who does not have a license after ninety (90) days shall not be permitted to perform the duties, function, and/or responsibilities of a key employee or primary management official until so licensed.

- J. **Business Visitor Badges.** The TGC shall establish a system to issue Business Visitor Badges to non-patron visitors who have a legitimate business reason to visit any Gaming Operation or gaming facility. Such visitors shall display their Business Visitor Badge at all times while they are within a gaming facility, and shall relinquish their Business Visitor Badge to the TGC upon leaving the facility.

K. **License Application Forms**

1. The following notice shall be placed on the Tribe's license application form for a key employee or a primary management official before it is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided:

Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by the Tribal gaming regulatory authorities and by 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 investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you for a primary management official or key employee position.

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

2. The following additional notice shall be placed on the application form for a key employee or a primary management official before it is filled out by an applicant:

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).

Section 16. License Fees

The Tribe may charge license fees and costs, to be set or determined by the TGC, to cover its expenses in licensing key employees, primary management officials, non-gaming employees, vendors, and on-site vendor representatives.

Section 17. Background Investigations

- A. The TGC or its staff shall perform a background investigation for each primary management official and key employee in each Gaming Operation. The investigation must be sufficient to allow the TGC to make an eligibility determination under Section 20 of this Gaming Code.
- B. The TGC or its staff is responsible for conducting the background investigations of primary management officials and key employees. The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- C. The TGC or its staff shall request fingerprints from each primary management official and key employee. The law enforcement agencies designated to take fingerprints are the Skagit County Sheriff's Office and the Sauk-Suiattle Tribal Police Department.
- D. The TGC or it staff shall require from each primary management official and key employee all of the following application information:
 - 1. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender, and all languages (spoken and/or written);
 - 2. Currently, and for the previous five (5) years; all business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - 3. The 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 listed under paragraph (D)(2) of this section;
 - 4. Current business and residential telephone numbers, and all cell phone numbers;

5. A description of any existing and previous business relationships with other tribes, including any ownership interests in those businesses;
 6. A description of any existing and previous business relationships with the gaming industry generally, including but not limited to ownership interests in those businesses;
 7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 8. For each felony conviction or ongoing felony prosecution, the charge, the name and address of the court involved, and the date of disposition, if any;
 9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, and is not otherwise listed pursuant to paragraphs (D)(8) or (D)(9) of this Section, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
 12. A recent photograph of the applicant;
 13. Fingerprints obtained in accordance with procedures adopted by the TGC consistent with 25 C.F.R. 522.2; and
 14. Any other information the TGC may request through regulations.
- E. The TGC, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Section 18. Procedures for Conducting Background Investigations

- A. The TGC, or its agents, shall employ or engage an investigator to conduct a background investigation of each applicant for a primary management official or key employee position. The investigator shall:

1. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 2. Contact each personal and business reference provided in the license application, when possible;
 3. Conduct a personal credit check;
 4. Conduct a civil litigation history check;
 5. Conduct a tribal, state and federal criminal history records check;
 6. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
 7. Inquire into any previous or existing business relationships with the gaming industry, including with any tribes with gaming operations, by contacting the entities or tribes;
 8. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 9. Take other appropriate steps to verify the accuracy of the information, focusing on any problem areas noted.
- B. In conducting a background investigation, the TGC or its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

Section 19. Investigative Reports

- A. Before issuing a license to a primary management official or key employee, other than a temporary license, the TGC shall create and maintain an investigative report for each background investigation of the primary management official or key employee.
- B. Investigative reports shall include all of the following information:
1. Steps taken in conducting the investigation;
 2. Results obtained;

3. Conclusions reached; and
4. The basis for those conclusions.

Section 20. Eligibility Determinations

- A. Before a license is issued to a primary management official or key employee, the TGC shall make a finding concerning the eligibility of that person for receiving a gaming license by reviewing the applicant's prior activities, criminal record, if any, and reputation, habits, and associations.
- B. Notwithstanding anything herein to the contrary, in the absence of other violations, it shall not automatically be grounds for revocation, suspension or denial for an Indian person from a federally recognized Indian Tribe to have been charged or convicted under State law of the following non-gambling related offenses if the charge or conviction occurred prior to United States Supreme Court rulings upholding state jurisdiction over Indians for such offenses as, but not limited to: (1) fishing or hunting offenses; (2) cigarette, fireworks or alcohol sales offenses; or (3) cases involving the exercise of trust or treaty rights. In the absence of other violations, activities or factors which would warrant denial, revocation or suspension, these Indian persons shall not be barred solely as a result of such activities from certification or licensure.
- C. If the TGC, in applying the standards adopted in this Gaming Code, determines that licensing the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of gaming, the TGC shall not license that person in a key employee or primary management official position.
- D. Copies of the eligibility determination shall be included with the notice of results ("NOR") that must be submitted to the NIGC before the licensing of a primary management official or key employee.

Section 21. Notice of Results of Background Investigations

- A. Before issuing a license to a primary management official or key employee, the TGC shall prepare a NOR regarding the applicant's background investigation to submit to the NIGC.
- B. The NOR must be submitted to the NIGC no later than 60 days after the applicant begins working for the Gaming Operation.
- C. The NOR shall include the following information:

1. The applicant's name, date of birth and social security number;
2. The date on which the applicant began, or will begin, working as a primary management official or key employee;
3. A summary of the information presented in the investigative report, including:
 - a. licenses that have previously been denied;
 - b. gaming licenses that have been revoked, even if subsequently reinstated;
 - c. every known criminal charge brought against the applicant within the last 10 years of the date of the application; and
 - d. every felony offense of which the applicant has been convicted or any ongoing prosecution; and
 - e. A copy of the eligibility determination made in accordance with Section 20.

Section 22 Granting Gaming Licenses

- A. All primary management officials, key employees, non-gaming employees/contractors, vendors, and on-site vendor representatives must have and display a license issued by the TGC when they are within any gaming facility.
- B. The TGC may license a primary management official or key employee applicant after submitting a NOR of the applicant's background investigation to the NIGC, as required by Section 21.
- C. The TGC shall notify the NIGC of the issuance of a license to a primary management official or key employee within 30 days of issuance.
- D. No Gaming Operation shall employ an individual in a primary management official or key employee position who does not have a license after 90 days of beginning work at the Gaming Operation.
- E. The TGC must reconsider a license application for a primary management official or key employee if it receives a statement of itemized objections to issuing such a license from the NIGC, and those objections are received within 30 days of the NIGC receiving a notice of results of the applicant's background investigation. If, within the thirty (30) day period, the NIGC requests additional information concerning an applicant for whom a report is provided, that request suspends the thirty (30) day period until the NIGC receives the information requested.

- F. The TGC shall take the NIGC's objections into account when reconsidering a license application.
- G. The TGC will make the final decision whether to issue a license to an applicant for a primary management official or key employee position.
- H. If the TGC has issued a license to a primary management official or key employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by Section 25.

Section 23. Withdrawal of Application

Gaming applicants may request withdrawal of their application by submitting a written request to the TGC. The TGC may, in its sole discretion, grant or deny a request for withdrawal. The written request to withdraw an application should be received by the TGC at least twenty-four (24) hours prior to issuance or denial of the license.

Section 24. Denying Gaming Licenses

- A. The TGC shall not license a primary management official or key employee if the TGC determines, in applying the standards in Section 20 for making a license eligibility determination, that licensing the person:
 - 1. Poses a threat to the public interest;
 - 2. Poses a threat to the effective regulation of gaming; or
 - 3. Creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and/or activities in the conduct of gaming.
- B. When the TGC does not issue a license to an applicant for a primary management official or key employee position, or revokes a previously issued license after reconsideration, it shall:
 - 1. Notify the NIGC; and
 - 2. Forward copies of its eligibility determination and NOR of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 25. Gaming License Suspensions and Revocations

- A. The TGC may immediately and temporarily suspend any licensee's license upon its good-faith belief that the licensee does not meet the applicable licensing standards; that the licensee has violated this Gaming Code, any

TGC regulation, or the Tribal-State Compact, or that a suspension of the licensee's license is necessary to protect the public health and safety of patrons or employees of a Gaming Operation. Any temporary suspension of a license will be accompanied by a notice of proposed revocation and a hearing date within 30 days of the suspension.

- B. A person whose license has been suspended and proposed for revocation shall be given an opportunity to appear before the TGC during a hearing that may be closed to the public, at the TGC's discretion, but must be recorded by video recording, audio recording, or stenography. The subject licensee may be represented by legal counsel at the hearing, if such legal counsel is licensed to practice law before the courts of the Tribe or the State. The subject licensee may be allowed to present evidence, including witness testimony, at the discretion of the TGC. After the hearing, the TGC shall render a decision, in a timely fashion, regarding whether to revoke the licensee's license. The TGC's decision is final, with no opportunity to appeal, but after one year, the subject licensee may petition the TGC for reinstatement.
- C. If, after a license is issued to a primary management official or a key employee, the Tribe receives notice from the NIGC that the primary management official or key employee is not eligible for employment, the TGC shall do the following:
 - 1. Immediately suspend the license;
 - 2. Provide the licensee with written notice of the suspension and a proposed revocation; and
 - 3. Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license. The right to a revocation hearing shall vest upon receipt of a license or at such earlier time as is determined by tribal law, regulation, and/or policy.
- D. Following a revocation hearing, the TGC shall decide whether to revoke or reinstate the license at issue.
- E. The TGC shall notify the NIGC of its decision to revoke or reinstate a license within 45 days of receiving notification from the NIGC that a primary management official or key employee is not eligible for employment.

Section 26. Records Retention

- A. When any Gaming Operation employs a primary management official or key employee, the Tribe shall maintain a complete application file containing the

application information listed under Section 17(D).

- B. The TGC shall retain, for no less than three years from the date a primary management official or key employee is terminated from employment with the Tribe, the following documentation:
 - 1. Application for licensing, including the Privacy Act notice required by Section 15(K)(1) and the False Statement notice required by Section 15(K)(2);
 - 2. Investigative reports; and
 - 3. Eligibility determinations.

Section 27. Licenses for Gaming Vendors and Non-Gaming Vendors

- A. Every Gaming Vendor and non-gaming Vendor must have a license from the TGC in order to transact business with a Gaming Operation.
- B. All individual on-site representatives of any licensed Gaming Vendor or non-gaming Vendor must have at least a temporary license issued by the TGC to be displayed on their person while they are on-site at any gaming facility.
- C. The TGC, in its sole discretion, may require an employee, officer, or director of a non-gaming Vendor or Gaming Vendor to be licensed individually, even if the Vendor or Gaming Vendor is otherwise exempted from licensing requirements, if the TGC determines that the interest of the Tribe will be served by such licensing. At the request of the TGC, the Vendor or Gaming Vendor shall require such persons to apply to the TGC for a license in accordance with the laws and regulations then in effect.

Section 28. Submission of a Gaming Vendor License Application

- A. In order to obtain a Gaming Vendor or non-gaming Vendor license, the business must complete a vendor application and submit to background checks of itself and its principals. Principals of a business include those officers, directors, managers, owners, partners, and non-institutional stockholders that either own 10% or more of the business' stock or are the 10 largest stockholders, as well as the on-site supervisors or managers designated in an agreement with the Tribe, if applicable.
- B. Each Vendor or Gaming Vendor, as defined herein, is responsible for filing a license application with the TGC within five (5) business days after execution of a contract to do business with a Gaming Operation, and prior to receiving payment thereunder. The TGC may, in its sole discretion, require

licensing or other pre-approval of the company or individuals to be completed prior to execution of the contract or prior to beginning any work with the Gaming Operation.

- C. The TGC is authorized to require the submission of either a greater or lesser amount of information from any Vendor or Gaming Vendor based on factors including but not limited to (a) their relationship to the gaming activities; (b) size, complexity, and organizational structure of the vendor; (c) total dollar amount of contracts with the Tribe and/or the Gaming Operation; (d) licensing status in other jurisdictions; (e) total number of contracts with the Tribe and/or the Gaming Operation; (f) number of on-site employees; (g) frequency and amount of overall contacts with the Tribe and/or the Gaming Operation; (h) reputation and record of the vendor in prior dealings with the Tribe and/or the Gaming Operation; and (g) general reputation of the vendor in business dealings and in the community.

Section 29. Contents of Gaming Vendor License Applications

- A. Applications for gaming vendor licenses must include the following:
 - 1. Name of business, business address, business telephone number(s), federal tax identification number (or social security number, if a sole proprietorship), main office address (if different from business address), any other names used by the applicant in business, and type of service(s) applicant will provide;
 - 2. Whether the applicant is a partnership, corporation, limited liability company, sole proprietorship, or other entity;
 - 3. If the applicant is a corporation, the state of incorporation, and if the state of incorporation is not Washington, the qualification to do business in the State of Washington;
 - 4. Trade name, other names ever used and names of any wholly owned subsidiaries or other businesses owned by the vendor or its principals;
 - 5. General description of the business and its activities;
 - 6. Whether the applicant will be investing in, or loaning money to, the Gaming Operation, and if so, how much;
 - 7. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

8. A list of Indian tribes with which the vendor has an existing or previous business relationship, including ownership, financial or management interests in any non-gaming activity;
 9. Names, addresses and telephone numbers of three (3) business references with whom the company has regularly done business for the last five (5) years;
 10. The name and address of any licensing or regulatory agency with which the business has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 11. If the business has ever had a license revoked for any reason, the circumstances involved;
 12. A list of lawsuits to which the business has been a defendant, including the name and address of the court involved, and the date and disposition, if any;
 13. A list of the business' funding sources and any liabilities of \$50,000 or more;
 14. A list of the principals of the business, their social security numbers, addresses, telephone numbers, titles and percentage of ownership in the company; and
 15. Any further information the TGC includes by regulation.
- B. The following notice shall be placed on the application form for a vendor and its principals:
- Inclusion of false or misleading information in the vendor application may be grounds for denial or revocation of the Tribe's vendor license.
- C. A vendor may submit to the TGC a copy of a recent license application to another jurisdiction if it contains the information listed above. The vendor will be required to submit, in writing, any changes in the information since the other license application was filed, and any information requested by the Tribe not contained in the other application.

Section 30. Gaming Vendor Background Investigations

The TGC shall employ or otherwise engage an investigator to complete an investigation of each Gaming Vendor. This investigation shall include, at a minimum, the following steps:

- A. Determine whether applicable procurement policies were followed with the Vendor, noting which person, program or department recommended the Vendor, whether the Vendor was selected by solicitation of bids, and whether the Vendor is eligible for Indian or tribal preference or is an Indian-owned business;
- B. Verification of the vendor's business' incorporation status and qualifications to do business in the State of Washington;
- C. Obtaining a business credit report, if available, and conducting a Better Business Bureau check on the vendor;
- D. Conducting a check of the vendor's business' credit history;
- E. Calling and questioning each of the references listed in the vendor application; and
- F. Conducting an investigation of the principals of the vendor's business, including facilitating a criminal history check, obtaining criminal history check results, obtaining a credit report, and interviewing the personal references listed.

Section 31. Vendor License Fees

The TGC may set and charge a license fee to cover its expenses in investigating and licensing vendors of the gaming operation.

Section 32. Vendor Background Investigation Reports

The investigator shall complete an investigative report covering each of the steps taken in the background investigation of the gaming vendor and its principals, and present it to the TGC.

Section 33. Vendor License Restrictions and Requirements.

- A. No license shall be granted to a Vendor or Gaming Vendor if an elected official of the Tribe, member of the TGC, or a member of another committee or agency of the Tribe serves on the board of directors or has any financial interest in, or management responsibility for, the Vendor or Gaming Vendor
- B. No vendor shall be granted a license if the TGC determines that the company or its agents have unduly interfered with or influenced for their advantage any decision or process of tribal government or the Gaming Operation or has deliberately or substantially failed to follow the terms of the Tribe's gaming laws.

- C. Every Gaming Vendor licensee shall comply with the Sauk-Suiattle Indian Tribe's Tribal Employment Rights Ordinance (TERO).
- D. All procurement of goods and services by each Gaming Operation from every Gaming Vendor shall comply with the procurement policies of the Tribe and the federal Buy Indian Act.

Section 34. Vendors Licensed by Recognized Regulatory Authorities

The TGC may name specific licensing authorities that it recognizes as being thorough and trustworthy, and may authorize exemptions to the vendor licensing process for vendors who have received a license from one of the named regulatory authorities.

Section 35. Severability

If any provision 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 36. 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 Operation, TGC or the Tribe shall be authorized, nor shall they attempt, to waive the immunity of the Tribe.

Section 37. Repeal

All prior gaming ordinances, acts, and codes of the Tribe, and any tribal gaming regulations issued thereunder, are repealed upon the Effective Date of this Gaming Code.

Section 38. Effective Date

This Gaming Code shall take effect immediately upon its approval by the NIGC Chairperson.