



January 7, 2021

VIA EMAIL

Charles Miller, Chairman
Skokomish Tribal Council
Skokomish Indian Tribe
N. 80 Tribal Center Road
Skokomish Nation, WA 98584

Re: Revised Skokomish Gaming Ordinance

Dear Chairman Miller:

This letter responds to your request on behalf of the Skokomish Indian Tribe for the National Indian Gaming Commission to review and approve the Tribe's Revised Skokomish Gaming Ordinance. The gaming ordinance was adopted on October 7, 2020, by Skokomish Tribal Council Resolution No. 2020-117.

Thank you for submitting the revised gaming ordinance for my review. The ordinance is approved, as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations.

If you have any questions, please feel free to contact Armando Acosta, Senior Attorney, at 202-632-7003.

Sincerely,

A handwritten signature in blue ink, which appears to read "E. Sequoyah Simermeyer".

E. Sequoyah Simermeyer
Chairman
National Indian Gaming Commission



Skokomish Indian Tribe

Tribal Center (360) 426-4232

N. 80 Tribal Center Road

FAX (360) 877-5943

Skokomish Nation, WA 98584

SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 2020-117

A RESOLUTION TO ENACT ORDINANCES RELATING TO GAMING.

WHEREAS, the Skokomish Indian Tribe is a federally recognized Indian tribe organized under its Constitution and by-laws first adopted on April 2, 1938, and approved by the Secretary of the Interior May 3, 1938, amended January 15, 1980, as approved by the Secretary of the Interior March 17, 1980; and

WHEREAS, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe, pursuant to Article IV, Section 1 of the Constitution of the Skokomish Indian Tribe; and

WHEREAS, the Skokomish Tribal Council, pursuant to the Constitution of the Skokomish Indian Tribe, has the authority under Article V, Sections 1(d), (e), (m), (q), (u) to charter and regulate corporations, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions, and other entities; to license and to regulate the conduct of business activities within the Tribe's jurisdiction; on behalf of the Tribe to consult, negotiate, and contract with agencies and officers of Federal, state, local, and tribal governments and with private persons and organizations; to provide services for the health, education, and welfare of all persons within the tribe's jurisdiction; and to take all actions which are necessary and proper for the exercise of the powers listed in Article V and any powers hereafter vested in the Tribal Council; and

WHEREAS, the Skokomish Indian Tribe on October 18, 1995 enacted the Skokomish Gaming Code (Resolution No. 95-103), and subsequent amendments thereto, in order to facilitate the operations and regulation of gaming on Skokomish Tribal Lands; and

WHEREAS, the Skokomish Tribal Council has directed staff to review and update all existing Skokomish codes and ordinances, including the Skokomish Gaming Code; and

WHEREAS, public hearings were held on August 13, 2019 and a second round of public hearings were held on October 1, 2020 pursuant to Article V, Section 2 of the Constitution of the Skokomish Indian Tribe; and

WHEREAS, the Skokomish Tribal Council has determined that it is in the best interests of the Skokomish Indian Tribe to enact the Revised Skokomish Gaming Ordinance (Chapter 4.02 STC)

based in part on the NIGC's Revised Model Gaming Ordinance (Bulletin No. 2018-1 dated January 10, 2018) and provided comments; and

WHEREAS, the Skokomish Tribal Council has determined that it is in the best interests of the Skokomish Indian Tribe to enact the Tribal Gaming Commission and Tribal Gaming Agency Ordinance (Chapter 4.02A STC) to define the duties and powers delegated thereto; and

WHEREAS, the Skokomish Tribal Council has determined that it is in the best interests of the Skokomish Indian Tribe to enact the Skokomish Gaming Criminal and Civil Infraction Ordinance (Chapter 4.02B STC) to comply with the Tribal – State Compact for Class III Gaming between the Skokomish Indian Tribe and the State of Washington.

NOW, THEREFORE, BE IT RESOLVED that the Skokomish Tribal Council hereby enacts the:

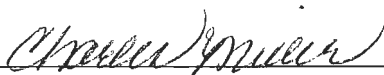
- Revised Skokomish Gaming Ordinance (Chapter 4.02 STC), subject first to review and approval by National Indian Gaming Commission pursuant to 25 U.S.C. § 2712;
- Tribal Gaming Commission and Tribal Gaming Agency Ordinance (Chapter 4.02A STC);
- Skokomish Gaming Criminal and Civil Infraction Ordinance (Chapter 4.02B STC); and

BE IT FURTHER RESOLVED that the attached Revised Skokomish Gaming Ordinance (Chapter 4.02 STC) shall be forwarded to the National Indian Gaming Commission for review and shall take effect immediately upon approval by the National Indian Gaming Commission; and

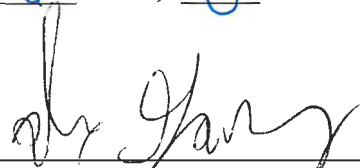
BE IT FINALLY RESOLVED that the attached Tribal Gaming Commission and Tribal Gaming Agency Ordinance (Chapter 4.02A STC) and Skokomish Gaming Criminal and Civil Infraction Ordinance (Chapter 4.02B STC) shall take effect upon approval of Revised Skokomish Gaming Ordinance (Chapter 4.02 STC) by the National Indian Gaming Commission.

CERTIFICATION

I, Charles Miller, Chairperson of the Skokomish Tribal Council, do hereby certify that the foregoing Resolution No. 2020-117, was adopted at a regular meeting held on October 7, 2020 at which time a quorum was present with a vote of 6 FOR, 0 AGAINST, 0 ABSTAINING.



Charles Miller, Chairperson
Skokomish Tribal Council



Alex Gouley, Secretary
Skokomish Tribal Council

REVISED SKOKOMISH GAMING ORDINANCE

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GENERAL PROVISIONS

4.02.010 Purpose

The Skokomish Tribal Council of the Skokomish Indian Tribe, empowered by the Constitution of the Skokomish Indian Tribe to enact ordinances, hereby enacts this Ordinance 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 operator and players.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.020 Applicability

Unless specifically indicated otherwise, the provisions of this Ordinance shall apply to class II and/or class III gaming on the Tribe's Indian lands.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.030 Definitions

The following terms shall have the same meaning and effect as those same terms as 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. Part §§ 500 *et seq.*, if they are defined in IGRA and the NIGC's regulations.

(a) **Class I gaming.**

- (1) Social games played solely for prizes of minimal value; or
- (2) Traditional forms of Indian gaming when played by individuals in connection with tribal ceremonies or celebrations.

(b) **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;
- (4) Card games played in the states of Michigan, North Dakota, South Dakota or Washington, if:
 - (A) A 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;
- (5) Individually owned class II gaming operations:
 - (A) That were operating on September 1, 1986;
 - (B) That meet the requirements of 25 U.S.C. § 2710(b)(4)(B);
 - (C) Where the nature and scope of the game remains as it was on October 17, 1988; and
 - (D) Where the ownership interest or interests are the same as on October 17, 1988.
- (c) **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. § 1171(a)(1), and electronic or electromechanical facsimiles of any game of chance;
 - (3) Any sports betting and pari-mutuel wagering, including but not limited to, wagering on horse racing, dog racing or jai alai; or
 - (4) Lotteries.
- (d) **Commission.** The Tribal Gaming Commission established to perform regulatory oversight and to monitor compliance with tribal, federal and applicable state

regulations.

- (e) **Commissioner.** A Tribal Gaming Commissioner.
- (f) **Facility License.** A separate license issued by the Tribe to each place, facility or location on Indian lands where the Tribe elects to allow class II or III gaming.
- (g) **Gaming Employee.** A person designated as a gaming employee by the Tribal-State Compact.
- (h) **Gaming Operation.** Each economic entity that is licensed by the Tribe, operates the games, receives the revenue, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly; by a management contractor; or, under other conditions, by another person or entity.
- (i) **Indian lands.**
 - (1) Land within the limits of an Indian reservation; or
 - (2) Land over which an Indian tribe exercises governmental power and that is either:
 - (A) Held in trust by the United States for the benefit of any Indian tribe or individual; or
 - (B) Held by an Indian tribe or individual subject to restriction by the United States against alienation.
- (j) **Key Employee.**
 - (1) A person who performs one or more of the following functions:
 - (A) Bingo caller;
 - (B) Counting room supervisor;
 - (C) Chief of Security;
 - (D) Custodian of gaming supplies or cash;
 - (E) Floor manager;
 - (F) Pit boss;
 - (G) Dealer;
 - (H) Croupier;
 - (I) Approver of credit; or

- (J) Custodian of gambling devices, including persons with access to cash and accounting records within such devices;
 - (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year;
 - (3) If not otherwise included, the four most highly compensated persons in the gaming operation; or
 - (4) Any other person designated by the Tribe as a key employee.
- (k) **Primary Management Official.**
- (1) The person(s) having management responsibility for a management contract.
 - (2) Any person who has authority:
 - (A) To hire and fire employees; or
 - (B) To set up working policy for the gaming operation; or
 - (C) The chief financial officer or other person who has financial management responsibility.
 - (3) Any other person designated by the Tribe as a primary management official.
- (l) **Tribal Gaming Agency.** Under the supervision of the Tribal Gaming Commission, the Tribal Gaming Agency is charged with the day-to-day implementation of this Ordinance and any other applicable laws, regulations, and guidelines.
- (m) **Tribal-State Compact.** An agreement between a tribe and State of Washington about class III gaming under 25 U.S.C. § 2710(d).
- (n) **Tribe.** The Skokomish Indian Tribe.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

GAMING PROVISIONS

4.02.040 Gaming Authorized

- (a) Class II and/or class III gaming are authorized to be conducted on the Tribe's Indian lands, if such gaming is conducted in accordance with this Ordinance, the Indian Gaming Regulatory Act, the NIGC's regulations, and any other applicable laws or regulations.
- (b) Class I gaming is authorized to be conducted on the Tribe's Indian lands. Class I

gaming shall not require a license and is not regulated by this Ordinance.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.050 Ownership of Gaming

- (a) The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except as expressly provided in this Ordinance.
- (b) The Skokomish Indian Tribal Enterprise, Incorporated (“SITE, Inc.”) is a federally chartered corporation wholly owned by the Tribe. SITE, Inc. is an authorized gaming operation of the Tribe.
- (c) Nothing herein shall preclude the Tribe from establishing additional gaming operations.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.060 Use of Net Gaming Revenues

Net revenues from Tribal gaming shall be used only for the following purposes:

- (a) To fund Tribal government operations or 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; or
- (e) To help fund operations of local government agencies.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.070 Per Capita Payments.

This Ordinance does not provide for per capita payments.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

TRIBAL GAMING COMMISSION AND TRIBAL GAMING AGENCY

4.02.080 Tribal Gaming Commission and Tribal Gaming Agency

- (a) Commission. The Tribe hereby establishes a Tribal Gaming Commission.
- (b) Tribal Gaming Agency and its Director and Staff. The Tribe hereby establishes a Tribal Gaming Agency and authorizes the hiring of a Director and Staff.

- (c) Powers and Duties. The Commission and Tribal Gaming Agency and its Director and Staff shall faithfully exercise any delegated powers and fulfill any assigned duties as provided for in this Ordinance and any other ordinances enacted by the Tribe.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.090 Audits

- (a) The Tribe or Tribal Gaming Commission shall cause to be conducted independent audits of gaming operations annually and shall submit the results of those audits to the NIGC.
- (b) Annual 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 STC 4.02.090(a) of this Ordinance.
- (d) Copies of the annual 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.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.100 Environment and Public Health and Safety

- (a) 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.
- (b) The Tribal Gaming Commission may promulgate and issue such regulations as it deems necessary for each gaming facility to ensure adequate protection of the environment and the health and safety of the public.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.110 Patron Dispute Resolution

Patrons (i.e., the gaming public) with complaints against the gaming establishment with respect to gaming-related disputes shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission.

- (a) Petitions shall be in writing and set forth the specific facts of the complaint and relief requested.
- (b) Any petition must be submitted to the Commission within thirty (30) days of the incident giving rise to the complaint or the relief is time-barred.

- (c) The Commission shall hold a hearing within thirty (30) days of receipt of the petition, unless the Commission finds good cause exists to extend the hearing date beyond the thirty (30) days.
- (d) The patron may have counsel present at the hearing, at the patron's expense.
- (e) The gaming establishment may have counsel present at the hearing, at the gaming establishment's expense.
- (f) The patron and gaming establishment may present written evidence to the Commission, but witnesses may be called only at the Commission's discretion.
- (g) The Commission may promulgate and issue regulations setting additional rules governing the conduct of any hearing and the form of any decision.
- (h) Recovery for disputes relating to a patron's entitlement to a game prize shall be limited to the amount of such prize.
- (i) For all other gaming-related patron disputes: the maximum recovery amount per occurrence per complaint is two hundred fifty dollars (\$250.00); and the cumulative recovery limit per patron in any twelve-month period is set at one thousand dollars (\$1,000.00).
- (j) After the hearing, the Commission shall render a decision in a timely fashion. All such decisions will be final when issued and are not subject to appeal.
- (k) The Commission's decision shall constitute the patron's final and exclusive remedy.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

LICENSES

4.02.120 Facility Licenses

- (a) The Tribal Gaming Commission 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 Ordinance.
- (b) The Tribal Gaming Commission may promulgate and issue regulations governing facilities licensing.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.130 Agent for Service of Process

The Tribe designates the Director of the Skokomish Legal Department as the agent for service of any official determination, order or notice of violation.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.140 Tribal Access to Financial Information

A copy of the Tribal gaming operation's annual audit will be made available for review, upon request, to the Skokomish Tribal Council.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.150 License Application Forms

- (a) The following notice shall be placed on the license application form for a key employee or a primary management official or gaming employee 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 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 being unable to license you for a primary management official or key employee or gaming 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.

- (b) The following additional notice shall be placed on the application form for a key employee or a primary management official or gaming employee 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).

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.160 License Fees

- (a) The Tribal Gaming Commission may charge a license fee to cover its expenses in investigating and licensing key employees, primary management officials, and gaming employees of the gaming operation.
- (b) The Commission may promulgate and issue regulations setting the license fee.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.170 Background Investigations

- (a) The Tribal Gaming Commission shall perform and is responsible for conducting a background investigation for each primary management official, key employee, and gaming employee in its gaming operation.
 - (1) The investigation must be sufficient to allow the Tribal Gaming Commission to make an eligibility determination under STC 4.02.200 of this Ordinance.
 - (2) The background investigation shall include a check of criminal history records information maintained by the Federal Bureau of Investigations.
- (b) The Tribal Gaming Commission shall request from each primary management official, key employee, and gaming employee all of the following 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; 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 (b)(2) of this Section;
 - (4) Current business and residential telephone numbers, all cell phone numbers, and email addresses;
 - (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 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 for which there is an ongoing prosecution or a conviction, 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 (b)(8) or (b)(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 photograph;
 - (13) Any other information the Tribal Gaming Commission deems relevant; and
 - (14) Fingerprints obtained in accordance with procedures adopted by the Tribal Gaming Commission on behalf of the Tribe.
- (c) By regulation, the Tribal Gaming Commission on behalf of the Tribe shall designate the law enforcement agency authorized to take fingerprints.
- (d) When a primary management official or key employee or gaming employee is employed by the Tribe or Tribe's gaming operation, a complete application file, containing all of the information listed in STC 4.02.0170, STC 4.02.180, and STC 4.02.190, shall be maintained.
- (e) The Tribal Gaming Commission, Tribal Gaming Agency, and its investigators, shall keep confidential the identity of each person interviewed in the course of conducting a background investigation.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.180 Procedures for Conducting Background Investigations

The Tribal Gaming Commission shall promulgate and issue regulations establishing the procedures for conducting background investigations.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.190 Investigative Reports

- (a) The Tribal Gaming Commission shall create and maintain an investigative report for each background investigation of a primary management official or key employee or gaming 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.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.200 Eligibility Determinations

- (a) Before a license is issued to a primary management official or key employee or gaming employee, the Tribal Gaming Commission 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) If the Tribal Gaming Commission, in applying the standards adopted in this Ordinance, 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 Tribal Gaming Commission shall not license that person in a key employee, primary management official, or gaming employee position.
- (c) Copies of the eligibility determination shall be included with the notice of results that must be submitted to the NIGC before the licensing of a primary management official or key employee or gaming employee.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.210 Notice of Results of Background Investigations

- (a) Before issuing a license to a primary management official or key employee or gaming employee, the Tribal Gaming Commission shall prepare a notice of results of the applicant's background investigation to submit to the NIGC.
- (b) The notice of results must be submitted to the NIGC no later than 60 days after the applicant begins working for the Tribe or its gaming operation.
- (c) The notice of results 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 or gaming 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

(4) A copy of the eligibility determination made in accordance with STC 4.02.200.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.220 Granting Gaming Licenses

- (a) All primary management officials, key employees, and gaming employees of the gaming operation must have a gaming license issued by the Tribal Gaming Commission.
- (b) The Tribal Gaming Commission is responsible for granting and issuing gaming licenses to primary management officials, key employees, and gaming employees.
- (c) The Tribal Gaming Commission may license a primary management official or key employee or gaming employee applicant after submitting a notice of results of the applicant's background investigation to the NIGC, as required by STC 4.02.210.
- (d) The Tribal Gaming Commission shall notify the NIGC of the issuance of a license to a primary management official or key employee or gaming employee within 30 days of issuance.
- (e) The Tribe and the Tribe's gaming operation shall not employ an individual in a primary management official, key employee, or gaming employee position who does not have a license after 90 days of beginning work at the gaming operation.
- (f) The Tribal Gaming Commission must reconsider a license application for a primary management official or key employee or gaming 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.
- (g) The Tribal Gaming Commission shall take the NIGC's objections into account when reconsidering a license application.
- (h) The Tribal Gaming Commission will make the final decision whether to issue a license to an applicant for a primary management official, key employee, or gaming employee position.
- (i) If the Tribal Gaming Commission has issued a license to a primary management official or key employee or gaming employee before receiving the NIGC's statement of objections, notice and a hearing shall be provided to the licensee, as required by STC 4.02.240.

4.02.230 Denying Gaming Licenses

- (a) The Tribal Gaming Commission shall not license a primary management official or key employee or gaming employee if an authorized Tribal official determines, in applying the standards in STC 4.02.200 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 Tribal Gaming Commission does not issue a license to an applicant for a primary management official, key employee, or gaming employee position, or revokes a previously issued licenses after reconsideration, it shall:
 - (1) Notify the NIGC; and
 - (2) Forward copies of its eligibility determination and notice of results of the applicant's background investigation to the NIGC for inclusion in the Indian Gaming Individuals Record System.

4.02.240 Gaming License Suspensions and Revocations

- (a) If, after a license is issued to a primary management official or a key employee or a gaming employee, the Tribe's gaming operation or Tribal Gaming Commission receives notice from the NIGC that the primary management official or key employee or gaming employee is not eligible for employment, the Tribal Gaming Commission shall do the following:
 - (1) Immediately suspend the license;
 - (2) Provide the licensee with written notice of the suspension and proposed revocation; and
 - (3) Provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license.
- (b) Following a revocation hearing, the Tribal Gaming Commission shall decide whether to revoke or reinstate the license at issue.
- (c) The Tribal Gaming Commission 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 or gaming employee is not eligible for

employment.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.250 Records Retention

(a) The Tribal Gaming Commission shall retain, for no less than three years from the date a primary management official or key employee or gaming employee is terminated from employment with the Tribe or its gaming operation, the following documentation:

- (1) Application for licensing;
- (2) Investigative Reports; and
- (3) Eligibility Determinations.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.260 Licenses for Vendors; Applications; Background Investigations; Fees; Reports; Reciprocity

The Tribal Gaming Commission may promulgate and issue regulations governing the licensing of vendors that transact business with the gaming operation. Professional legal and accounting services, however, are not subject to licensing or fees under this Ordinance.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.270 Compliance with Federal Law

The Tribe and the Tribe's gaming operation shall comply with all applicable federal laws, including the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

ENACTMENT

4.02.280 Repeal

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

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

4.02.290 Effective Date

This Ordinance shall take effect immediately upon its approval by the National Indian Gaming Commission's Chair.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

SOVEREIGN IMMUNITY

4.02.300 Sovereign Immunity

- (a) Nothing in this Ordinance shall waive the sovereign immunity of: the Tribe, the Tribal Gaming Commission, the Tribal Gaming Agency, or any employees, officials, divisions or departments of the Skokomish Indian Tribe; or any gaming operation or any employees, officials, divisions or departments of any gaming operation.
- (b) A resolution granting a limited waiver of sovereign immunity shall expressly identify the: choice of law; court with jurisdiction and selection of venue; duration of the waiver; types of relief authorized; maximum money judgment allowed; and the assets specifically pledged.
- (c) In the absence of a resolution granting a limited waiver of sovereign immunity consistent with STC 4.02.300 (b), any waiver of sovereign immunity clause contained in a contract or agreement, to which the Tribe or any gaming operation is a party, shall be null and void and without force and effect.

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)

LEGISLATIVE HISTORY

Enacted by Resolution No. 2020-117 (Effective January 7, 2021) (Recodification – Tribal Courts Project)