



Jessica Tavares  
Chairperson  
United Auburn Indian Community  
575 Menlo Dr., Suite 2  
Rocklin, CA 95765

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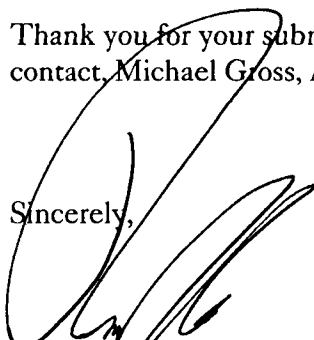
Re: Amended gaming ordinance, Resolution No. 11-28-07-01

Dear Chairperson Tavares:

This is in response to your November 29, 2007 submission seeking review and approval of the amendments to the United Auburn Indian Community's gaming ordinance enacted by Resolution No. 11-28-07-01. The amended ordinance makes NIGC's minimum internal control standards (MICS) applicable to the Community's Thunder Valley Casino and makes other, miscellaneous changes. It is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations and is therefore approved. The NIGC looks forward to once again providing assistance to the Community in its regulation of Class III gaming.

Thank you for your submission. If you have any questions or require assistance, please contact Michael Gross, Associate General Counsel, General Law, at 202-632-7003.

Sincerely,



Philip N. Hogen  
Chairman

cc: Jane Zerbi, Esq.  
Penny Coleman, Acting General Counsel  
Michael Gross, Associate General Counsel, General Law



MIWOK  
MAIDU United Auburn Indian Community  
of the Auburn Rancheria

JESSICA TAVARES  
CHAIRPERSON

KIM DUBACH  
VICE CHAIR

DAVID KEYSER  
SECRETARY

DOLLY SUEHEAD  
TREASURER

GENE WHITEHOUSE  
COUNCIL MEMBER

November 29, 2007

Philip Hogen, Chairperson  
National Indian Gaming Commission  
1441 L Street NW, Suite 9100  
Washington, DC 20005

Re: Amendment to Tribal Gaming Ordinance

Dear Chairman Hogan:

On behalf of the United Auburn Indian Community, enclosed for the review and approval of the National Indian Gaming Commission ("NIGC") under the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 *et seq*, is an amended tribal gaming ordinance along with the original Tribal Council resolution adopting the amended ordinance and authorizing its submission for review and approval.

As communicated to the NIGC Regional Director for California last year and stated in our previous correspondence to you, United Auburn Indian Community consents to the jurisdiction of the NIGC with respect to the monitoring and enforcement of minimum internal control standards adopted by the Tribe that meet or exceed the federal standards at 25 CFR Part 542 ("MICS"). A full MICS audit was conducted by the NIGC at our gaming operation Thunder Valley Casino several months ago.

We believe federal regulatory standards promote and support strong regulatory practices at Indian casinos and strengthen the public's confidence in the integrity of Indian gaming. The enclosed amendments to our gaming ordinance at Section VI affirm once again the Tribe's adoption of minimum internal control standards for the gaming operation that provide a level of control that equal or exceed those federal standards set forth in 25 CFR Part 542 and the monitoring and enforcement of compliance with such standards by the Tribal Gaming Agency as well as by the National Indian Gaming Commission.

A redline of the original ordinance approved in 2000 is also enclosed for your convenience. If you have any questions or comments regarding these amendments, please contact our tribal attorney Jane Zerbi at (916) 244-8550.

Sincerely,

Jessica Tavares, Tribal Chairperson

cc: Jane Zerbi, Dickstein & Zerbi

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**RESOLUTION NO.** 11-28-07-01

**Amendment of Ordinance No. 99-2 Tribal Class II and III Gaming Ordinance**

**WHEREAS,** the United Auburn Indian Community is a federally recognized Indian Tribe (the "Tribe"); and

**WHEREAS,** the Tribe is governed by a Constitution of the United Auburn Indian Community of the Auburn Rancheria (the "Tribal Constitution") approved by the Secretary of the Interior; and

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

**WHEREAS,** Article VIII of the Tribal Constitution, among other powers, provides the Tribal Council with the power to promulgate and adopt ordinances to promote the economic well-being of the Tribe and its members; and

**WHEREAS,** the Tribal Council enacted a Class II and Class III gaming ordinance, which was approved in 2000 by the National Indian Gaming Commission; and

**WHEREAS,** the Tribal Council wishes to amend the gaming ordinance and to specifically affirm the Tribe's adoption of minimum internal control standards for the gaming operation that provide a level of control that equal or exceed those federal standards set forth in 25 CFR Part 542 and the monitoring and enforcement of compliance with such standards by the Tribe's gaming regulatory authority as well as by the National Indian Gaming Commission; and

**WHEREAS,** the Tribal Council has reviewed the attached Amended Tribal Class II and Class III Gaming Ordinance and finds that it will serve the best interests of the Tribe.

**NOW THEREFORE BE IT RESOLVED THAT:**


1. The Tribal Council of the United Auburn Indian Community hereby adopts the attached Amended Ordinance No. 99-2, Tribal Class II and Class III Gaming Ordinance.

2. The Tribal Council authorizes the Tribal Chairperson or designee to submit said amended ordinance to the National Indian Gaming Commission for review and approval.

**CERTIFICATION**

The foregoing resolution was adopted by a vote of 5 for, and 0 against and 0 abstentions, at a duly called meeting of the Tribal Council, at which a quorum was present, on this 28th day of November 2007.

ATTEST:

  
David Keyser, Secretary

  
Jessica Tavares, Chairperson

**UNITED AUBURN INDIAN COMMUNITY**

**AMENDED ORDINANCE NO. 99-2**

**TRIBAL CLASS II AND CLASS III GAMING ORDINANCE**

**I. Purpose**

The Tribal Council of the United Auburn Indian Community of the Auburn Rancheria of California (hereinafter "Tribe"), empowered by the Tribe's Constitution to enact ordinances, hereby amends its Class II and Class III gaming ordinance in order to set the terms for such gaming activities on tribal lands and minimum standards for the Tribe's wholly owned enterprise Thunder Valley Casino.

**II. Gaming Authorized**

A. All forms of Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA") are hereby authorized, including but not limited to bingo, pulltabs, and non-banking card games.

B. All forms of Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(8) ("IGRA") and authorized by the tribal-state compact between the Tribe and the State of California (hereinafter "tribal-state compact") are hereby authorized.

**III. Ownership of Gaming**

The Tribe shall maintain the sole propriety interest in and responsibility for the conduct of all Class II and Class III gaming activities authorized by this ordinance.

**IV. Use of Gaming Revenue**

A. Net revenues from the Tribe's share of Class II and Class III gaming activities authorized herein shall be used only for the following purposes: to fund tribal government operations and programs; provide for general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments, it shall authorize such payments only pursuant to a Plan for the Allocation

of Gaming Revenue approved by the Secretary of the Interior under §2710(b)(3) of IGRA.

## **V. Financial Audit**

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

B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except for contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (A) above.

## **VI. Minimum Internal Control Standards**

A. Applicable Standards. The Tribe shall comply with 25 CFR Part 542 by formally adopting and making applicable to the tribe's gaming operation(s) internal control standards that:

1. Provide a level of control that equals or exceeds those set forth in 25 CFR part 542, as published or as revised by mutual agreement between the National Indian Gaming Commission and the Tribe;
2. Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and
3. Establish internal control standards for Class II and Class III games that are not addressed in the MICS, if any.

B. Annual CPA Testing of Compliance. In order to verify that the gaming operation is in compliance with the internal control standards adopted pursuant to paragraph A, an independent certified public accountant (CPA) shall be engaged annually to perform "Agreed-Upon Procedures" in the manner provided for in 25 CFR 542.3(f).

C. Compliance. The Tribal Gaming Agency and the NIGC shall monitor and enforce compliance with the internal control standards adopted pursuant to paragraph A in the manner provided for in 25 CFR 542.3(g). In addition, the National Indian Gaming Commission shall, for the purpose of enforcing compliance with the internal control standards, have the power to:

- a. monitor all Class II and Class III gaming on a continuing basis;

- b. inspect and examine all premises on which Class II or Class III gaming is conducted; and
- c. demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all Class II and Class III gaming or any other matters necessary to ensure and enforce compliance with the MICS.

D. Enforcement. Any failure to adopt internal control standards pursuant to paragraph A, to perform Agreed-Upon Procedures pursuant to paragraph B, to prevent or obstruct the exercise of any of the Commission's powers under paragraph C, or to comply with the internal control standards once adopted is a violation of this ordinance. The Chairman of the National Indian Gaming Commission shall have the authority to remedy violations of this ordinance under 25 U.S.C. 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.

## **VII. Environmental Protection**

The construction, maintenance and operation of Class II and Class III gaming facilities and Class II and Class III games shall be conducted in a manner which adequately protects the environment and the public health and safety.

## **VIII. Licenses for Key Employees and Primary Management Officials**

The Tribal Gaming Agency shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at Thunder Valley Casino, and any Class II and/or Class III gaming enterprise operated on tribal lands:

### **A. Definitions**

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

#### **1. Key employee.**

(a) A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Counting room supervisor;
- (3) Chief of security;

- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

(d) If not otherwise included, any other person or entity designated by the tribal-state compact or the Tribe as an individual or entity that must be licensed.

## 2. Primary Management Official.

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

- (1) To hire and fire employees; or
- (2) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility.

## B. Application Forms

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

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation.

The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

2. The following notice shall be placed on the application form for all key employees and primary management officials before that form is filled out by an applicant:

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)

C. Background Investigations:

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

- (a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the



applicant during each period of residence listed under paragraph (i)(b) of this section;

- (d) Current business and residence telephone numbers;
- (e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraphs (i)(h) and (i)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) A current photograph;
- (m) Any other information the Tribal Gaming Agency deems relevant; and

- (n) Fingerprints consistent with procedures adopted by a tribe according to 25 C.F.R. § 522.2(h).

2. The Tribal Gaming Agency shall conduct an investigation sufficient to make a determination under subsection D below. In conducting a background investigation, the Tribal Gaming Agency shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

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

2. Without limiting the foregoing, a person who has supplied materially false or misleading information with respect to the required information for that person's background investigation under subsection C above is not suitable under paragraph 1 above.

3. The Tribe's gaming operation shall not employ in a key employee position associated with Class III gaming activity any applicant who fails to meet any necessary suitability requirements under the tribal-state compact.

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

1. Unless otherwise provided for by the Commission, on or before the date when a key employee or primary management official begins work, the Tribal Gaming Agency shall forward to the Commission a completed application and conduct the background investigation and determination referred to in subsections A, B, C and D of this section.

2. Upon completion, the Tribal Gaming Agency shall forward the report referred to in subsection F of this section to the Commission within 60 days after an employee begins work or within 60 days of the Chairman's approval of this ordinance.

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

F. Report to Commission

1. Pursuant to the procedures set out in subsection E of this section, the Tribal Gaming Agency shall prepare and forward to the Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- (a) Steps taken in conducting a background investigation;
- (b) Results obtained;
- (c) Conclusions reached;
- (d) The bases for those conclusions; and
- (e) The Tribal Gaming Agency shall include in its report a copy of the eligibility determination made under section D of this section.

2. If a license is not issued to an applicant:

- (a) The Tribal Gaming Agency shall notify the Commission; and
- (b) Forward copies of its eligibility determination and investigative report (if any) to the Commission for inclusion in the Indian Gaming Individuals Records System.

3. With respect to key employees and primary management officials, the Tribal Gaming Agency shall retain applications and reports (if any) of background investigations for inspection by the Chairman of the Commission or his or her designee for no less than three (3) years from the date of termination of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the Commission receives a report, the Commission notifies the Tribal Gaming Agency that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the Commission, the Tribal Gaming Agency may go forward and issue a license to such applicant.

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

3. If, within the thirty (30) day period described above, the Commission provides the Tribal Gaming Agency with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribal Gaming Agency has provided an application and investigative report to the Commission, the Tribal Gaming Agency shall reconsider the application, taking into account the objections itemized by the Commission.

4. The Tribal Gaming Agency shall ensure compliance with any other procedures regarding licensure which may be required under the tribal-state compact.

#### H. License Suspension

1. If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D above, the Tribal Gaming Agency shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

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

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

4. The Tribal Gaming Agency shall also suspend and revoke the license of a key employee when such person is deemed unsuitable under the tribal-state compact.

#### IX. License Locations

The Tribal Gaming Agency shall issue a separate license to each place, facility, or location on Indian lands where Class II and Class III gaming is conducted under this ordinance.

#### X. Customer Dispute Resolution Procedure

With respect to Class II and Class III gaming, the general

manager of the tribal gaming operation shall attempt to resolve on an informal basis any customer complaints relating to payment of prizes or services and report any such resolution to the governing body of the enterprise. If the complaint cannot be resolved at the general manager level, the customer shall be informed that he/she has the right to present his or her complaint to the Tribal Gaming Agency, as provided for in the tribal-state compact.

**XI. IGRA Compliance**

The Tribal Gaming Agency shall ensure enforcement of rules and regulations for all games played to ensure that they conform to the IGRA, including any effective tribal-state compact, and that the games are honest and fair.

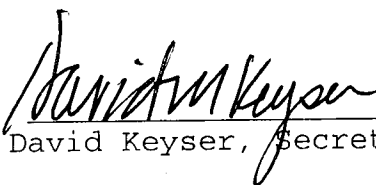
**XII. Amendments**

The Tribal Council may amend this Ordinance in any manner deemed appropriate to protect the Tribe's best interests so long as any such amendment is no less restrictive than the original terms of this Ordinance, complies with all applicable federal law, and is consistent with the terms of any effective tribal-state compact.

**CERTIFICATION**

The foregoing ordinance was adopted by a vote of 5 for, and 0 against and 0 abstentions, at a duly called meeting of the Tribal Council, at which a quorum was present, on this 28th day of November, 2007.

  
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Jessica Tavares, Chairperson

ATTEST:   
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David Keyser, Secretary