

JUL 17 1998

Ms. Harriet Mendez  
Vice Chairperson, Yavapai-Apache Nation  
P.O. Box 1188  
Camp Verde, Arizona 86322

Dear Ms. Mendez:

This letter responds to your request to review and approve the amendment to the Yavapai-Apache Nation's (Nation) gaming ordinance submitted on April 21, 1998. The amendment to the ordinance was adopted by the Nation by Resolution No. 56-97 on October 31, 1997, and the original ordinance approved by the Chairman of the National Indian Gaming Commission (NIGC) on October 22, 1993. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendment to the tribal gaming ordinance of the Yavapai-Apache Nation. The NIGC staff and I continue to look forward to working with you and the Community in implementing the IGRA.

Sincerely yours,

*Tadd M. Johnson  
by Butz*

Tadd M. Johnson  
Chairman

RESOLUTION NO. 56-97  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE NATION

- WHEREAS, the Yavapai-Apache Nation, is a federally recognized Indian tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934; and
- WHEREAS, the Yavapai-Apache Nation, pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 et seq., operates a tribal gaming casino, currently known as "Cliff Castle Casino," located entirely within the exterior boundaries of the Yavapai-Apache Nation; and
- WHEREAS, the Yavapai-Apache Nation, as owner of a tribal casino, conducts gaming at it's Casino, pursuant to the Indian Gaming Regulatory Act and a Compact between the Nation and the State of Arizona; and
- WHEREAS, the tribal casino owned by Yavapai-Apache Nation employees individuals who work entirely as functions pertaining to gaming, and also individuals who work at non-gaming positions; and
- WHEREAS, the Yavapai-Apache Nation Tribal Gaming Agency includes appointed positions and salaried staff involved in the regulation of all gaming within the Yavapai-Apache Nations; and
- WHEREAS, the tribal casino owned by the Yavapai-Apache Nation purchases goods and services from a variety of individuals and corporate vendors, who, along with their principals, must be licensed by the Nation to do business with the Casino, pursuant to the requirements of the Compact between the Nation and the State of Arizona, and pursuant to the requirements of the Tribal Gaming Ordinance; and
- WHEREAS, the Yavapai-Apache Nation, pursuant to the Indian Gaming Regulatory Act, has enacted a Nation ordinance, or gaming code, which provides for the Yavapai-Apache Indian Nations Tribal Gaming Agency to conduct background investigations relating to applicants for employment in gaming and non-gaming positions at the Casino, tribal regulator positions within the Nation, as well as background investigations relating to applicants for vendor licenses, as required by the Compact and Tribal Gaming Ordinance for the purpose of tribal licensure of said individuals; and

**WHEREAS**, the Arizona Department of Public Safety maintains a central state repository for the purpose of maintaining information concerning arrests and convictions of persons for public offenses in Arizona; and

**WHEREAS**, the Arizona Department of Public Safety is authorized, pursuant to A.R. S. Section 41-1750, to provide criminal history record information to the Yavapai-Apache Nation to enable the Nation, through its Tribal Gaming Agency, to evaluate prospective or current licensees, employees, volunteers, and contract employees; and

**WHEREAS**, the Federal Bureau of Investigation (FBI) is authorized, pursuant to Public Law 92-544, to exchange identification records with officials of the state and local governments for employment or licensing purposes; and

**WHEREAS**, the Yavapai-Apache Nation, through its Tribal Gaming Agency, wishes to obtain state and federal criminal history records investigation information from the Arizona Department of Public Safety, which information is to be used solely for the purpose of background checks conducted by the Tribal Gaming Agency to determine whether or not to issue tribal licenses or permits for gaming employees, and non-gaming employees of the Yavapai-Apache tribal casino, tribal regulatory positions within the Nation, and tribal vendors and their principals; and

**NOW, THEREFORE, BE IT RESOLVED**, that each applicant for a gaming position at the gaming casino owned by Yavapai-Apache Nation, each applicant for any non-gaming position at said casino, each applicant for a tribal regulator position within the Nation, each applicant for tribal vendor license and each principal of said vendor applicant, as may be required to be tribally licensed or permitted, shall submit a full set of fingerprints to the Nation through its Tribal Gaming Agency, for the purpose of obtaining a federal criminal records check through the Arizona Department of Public Safety. The Arizona Department of Public Safety is authorized to exchange this fingerprint data with Federal Bureau of Investigations; and

**BE IT FURTHER RESOLVED**, that Yavapai-Apache Nation, through its tribal Gaming Agency, hereby requests the Arizona Department of Public Safety to furnish to the Nation through its Tribal Gaming Agency, state and federal criminal history records investigation information which information is to be used solely for the purpose of the background checks conducted by the Tribal Gaming Agency to determine whether or not to issue tribal licenses or permits for gaming employees and non-gaming employees of the Yavapai-Apache tribal casino, whether or not to issue tribal licenses for tribal regulator positions within the Nation, and whether or not to issue tribal vendor licenses to those vendors and their principals who are required to obtain such licenses by Compact with the State of Arizona, or the Tribal Gaming Ordinance; and

BE IT FURTHER RESOLVED, that the Executive Director of the Yavapai-Apache Nation Tribal Gaming Agency is hereby authorized and directed to sign any necessary agreements with the Arizona Department of Public Safety to enable the Nation, through its Tribal Gaming Agency, to obtain such information.

CERTIFICATION

I, the undersigned duly elected Vice Chairperson of the Yavapai-Apache Nation, do hereby certify that, pursuant to powers granted in Article V, (a) and (b) of the Constitution of the Yavapai-Apache Nation, the foregoing Resolution was duly adopted by a vote of Eight (8) For and Zero (0) Against, with Zero (0) Abstaining, at a duly called meeting of the Tribal Council of the Yavapai-Apache Nation held on the 31<sup>st</sup> day of October, 1997, at which a quorum was present.

*Harriet Mendez, vice-chairperson*  
Harriet Mendez, Vice Chairperson

ATTEST:

*Karla Reimer*  
Karla Reimer, Council Secretary