



AUG 20 2012

Mr. Dale Delgado, Jr.
Tribal Chairman
Bishop Tribal Council
50 Tu Su Lane
Bishop, CA 93514

RE: Gaming Ordinance Amendments, Resolution Nos. T2012-28 and
T2012-40

Dear Mr. Delgado:

This letter responds to your request on behalf of the Bishop Paiute Tribe for the National Indian Gaming Commission (NIGC) to review and approve the Tribe's gaming ordinance. The gaming ordinance was adopted by the Bishop Tribal Council in Resolutions T2012-28 and T2012-40.

Resolution No. T2012-28 amends the criteria for tribal gaming licenses, the requirements for membership on the Gaming Commission, the duties of the Gaming Commission, and makes other technical corrections to the ordinance. Resolution No. T2012-40 makes additional technical corrections to the ordinance.

Thank you for bringing the amended gaming ordinance to our attention. The ordinance is approved, as it is consistent with the requirements of the Indian Gaming Regulatory Act and NIGC regulations. If you have any questions, please contact Staff Attorney Alison Grigonis at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Tracie L. Stevens".

Tracie L. Stevens
Chairwoman

Cc: Bishop Tribal Council



BISHOP TRIBAL COUNCIL

RESOLUTION T2012-28

MAY 29 2012

SUBJECT: Adoption and approval of Amended Tribal Gaming Ordinance identified as No. 2012-05

WHEREAS: The Bishop Tribal Council is the federally recognized governing body of the Bishop Paiute Tribe; and

WHEREAS: The Bishop Paiute Tribe (Tribe) is engaged in Class II and Class III Gaming conducted in accordance with this Gaming Ordinance as amended and approved by the National Indian Gaming Commission (NIGC) all pursuant to the Indian Gaming Regulatory Act (IGRA); and

WHEREAS: After extensive review including meetings with the Tribe's Gaming Commission, it has been determined that the existing Tribal Gaming Ordinance as last amended and approved by the NIGC April 2, 2007, should be further amended to reflect ongoing changes in the Tribal Gaming industry and scope of Tribal Gaming Regulations.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: That the Bishop Tribal Council hereby approves and adopts Tribal Gaming Ordinance identified as Tribal Ordinance No. 2012-05 this May 24, 2012 subject to formal approval of the NIGC and hereby rescinds Resolution T2012-23.


IT IS FURTHER RESOLVED: That the Tribal Council designates the Chairman of the Tribal Council and the Tribal Council Secretary as being authorized to sign the amended Tribal Gaming Ordinance approved and adopted this May 24, 2012.

CERTIFICATION

We, the undersigned, as the Chairman and Secretary of the Bishop Tribal Council, hereby certify the Bishop Tribal Council, at a duly called meeting which was convened and held on the 24th day of May, 2012, at the Tribal offices in the State of California approved the foregoing resolution, at which a quorum was present voting 4 FOR, 0 AGAINST, 0 ABSTAINING, with the Tribal Chairman not voting, and that this resolution has not been rescinded or amended in any way.

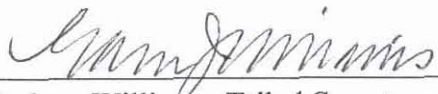
RESOLUTION T2012-05

ATTEST:



Dale Delgado, Jr., Tribal Chairman

Date 5/24/12



Earleen Williams, Tribal Secretary

Date 5-24-12



BISHOP TRIBAL COUNCIL

AUG - 9 2012

RESOLUTION T2012-40

SUBJECT: Adoption and approval of Amended Tribal Gaming Ordinance identified as No. 2012-05

WHEREAS: The Bishop Tribal Council is the federally recognized governing body of the Bishop Paiute Tribe; and

WHEREAS: The Bishop Paiute Tribe (Tribe) is engaged in Class II and Class III Gaming conducted in accordance with this Gaming Ordinance as amended and approved by the National Indian Gaming Commission (NIGC) all pursuant to the Indian Gaming Regulatory Act (IGRA); and

WHEREAS: By cover letter dated May 24, 2012, the Tribal Chairman on behalf of the Bishop Paiute Tribal Council forwarded to the NIGC Resolution T2012-28 and a copy of the proposed Amended Gaming Ordinance referred to as Ordinance No. 2012-05; and

WHEREAS: The NIGC has requested that amendments be made to Ordinance No. 2012-05.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: That Sections 118 and 312 are amended as follows. Section 118 is amended to read as follows:

Section 118. "Owner or Controlling Person" means:

- (a) When a person is a party to a management contract, any person having a direct financial interest in such management contract;
- (b) When a trust is a party to a management contract any beneficiary or trustee;
- (c) When a partnership is a party to a management contract, any partner;
- (d) When a corporation is a party to a management contract, any person who is a director or who holds at least 5% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling when the corporation is publicly traded or the top ten (10) shareholders for a privately held corporation;

- (e) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity are deemed to be persons having a direct financial interest in a management contract; or
- (f) Any person or entity who will receive a portion of the direct or indirect interest of any person or entity listed above through attribution, grant, pledge, or gift.

Section 312 shall read as follows:

Section 312. Temporary Employee Licenses.

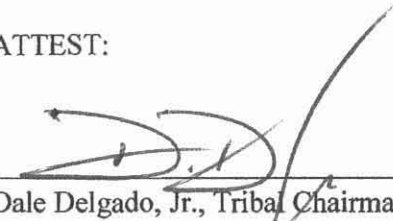
The Gaming Commission may issue a temporary license to any person or entity applying for a license to work in or do business with a licensed gaming establishment, which shall be valid pending the completion of a background investigation of the applicant. In no event shall such a temporary license be valid for longer than 90 days.

CERTIFICATION

We, the undersigned, as the Chairman and Secretary of the Bishop Tribal Council, hereby certify the Bishop Tribal Council, at a duly called meeting which was convened and held on the 7th day of August, 2012, at the Tribal offices in the State of California approved the foregoing resolution, at which a quorum was present voting 4 FOR, 0 AGAINST, 0 ABSTAINING, with the Tribal Chairman not voting, and that this resolution has not been rescinded or amended in any way.


RESOLUTION T2012-40

ATTEST:



Dale Delgado, Jr., Tribal Chairman

Date 8/7/12



Earleen Williams, Tribal Secretary

Date 8-07-12

AUG - 9 2012

**ADOPTED
FEBRUARY 9, 1995
AMENDED JUNE 15, 1995
AMENDED DECEMBER 20, 2006
AMENDED APRIL 2, 2007
AMENDED MAY 24, 2012
AMENDED AUGUST 7, 2012**

**TRIBAL GAMING ORDINANCE
NO. 2012-05
BISHOP PAIUTE TRIBE**

TRIBAL GAMING ORDINANCE BISHOP PAIUTE TRIBE

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GAMING ORDINANCE OF THE BISHOP PAIUTE TRIBE

Chapter 1 - Definitions

For the purpose of this Ordinance:

Section 101. "Applicant" means any person or entity having on file with the Commission an application for a gaming license pursuant to Chapter 3 of this Ordinance.

Section 102. "Application" means the completed forms and information requested by the Commission.

Section 103. "Casino" means: Paiute Palace Casino.

Section 104. "Class II Gaming" means Class II gaming as defined in accordance with the IGRA 25 U.S.C. S 2703 (7) (A).

Section 105. "Class III Gaming" means Class III gaming as defined in accordance with the IGRA, 25 U.S.C. S 2703 (8).

Section 106. "Compact" means any gaming compact between any state and the Tribe entered into pursuant to the IGRA, including any amendments thereto.

Section 107. "Gaming Commission" means the Bishop Paiute Gaming Commission established pursuant to Chapter 4 of this Ordinance.

Section 108. "Gaming Facilities" means the buildings and associated real property within which Class II and Class III gaming and other associated commercial activities are conducted.

Section 109. "General Manager" means the individual who has responsibility for day-today operations of a gaming operation.

Section 110. "Gaming Operation" means all of the Tribe's Class II and Class III gaming operations conducted pursuant to the Ordinance. "Gaming Operation" means an economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes and pays the expenses.

Section 111. "IGRA" means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. SS 2701, et seq., including any amendments thereto. Where appropriate, "IGRA" also means regulations promulgated by the NIGC pursuant to the regulatory authority granted to the NIGC under the IGRA which are valid interpretations of the IGRA.

Section 112. "Key Employee". Means the following persons:

All persons performing one or more of the following functions in any gaming operations:

- (i) Bingo caller, supervisor, cashier;
- (ii) Counting room supervisor, count and drop team personnel;

- (iii) Chief of security;
- (iv) Custodian of gaming supplies or cash;
- (v) Floor manager;
- (vi) Pit boss;
- (vii) Dealer;
- (viii) Croupier;
- (ix) Any cashier;
- (x) Approver of credit;
- (xi) Any employee engaged in finance or accounting functions;
- (xii) Custodian of gaming devices including persons with access to cash and accounting records within such devices; or
- (xiii) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year or if not otherwise included, the four most highly compensated persons in the gaming operation.

Section 113. "Lottery Board" means the California Lottery Board, its authorized officials, agents and representatives.

Section 114. "Management Contract" means 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 any gaming operation.

For purposes of this Ordinance, "collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Tribe (or any of its members, entities or organizations) and a management contractor or subcontractor (or any person related to a management contractor or subcontractor), within the meaning of 25 U.S.C. S 502.5.

Section 115. "Net Revenues" means gross revenues of any Gaming Operation less amount paid out as, or paid for, prizes and total gaming-related operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C S 2711 C..

Section 116. "NIGC" means the National Indian Gaming Commission established pursuant to the IGRA, 25 U.S.C. S 2704.

Section 117. "Ordinance" means this, the Gaming Ordinance of the Bishop Paiute Tribe.

Section 118. "Owner or Controlling Person" means:

- (a) When a person is a party to a management contract, any person having a direct financial interest in such management contract;
- (b) When a trust is a party to a management contract any beneficiary or trustee;
- (c) When a partnership is a party to a management contract, any partner;
- (d) When a corporation is a party to a management contract, any person who is a director or who holds at least 5% of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling when the corporation is publicly traded or the top ten (10) shareholders for a privately held corporation;
- (e) When an entity other than a natural person has an interest in a trust, partnership or corporation that has an interest in a management contract, all parties of that entity

- are deemed to be persons having a direct financial interest in a management contract; or
- (f) Any person or entity who will receive a portion of the direct or indirect interest of any person or entity listed above through attribution, grant, pledge, or gift.

Section 119. "Person" means any individual or entity, including any corporation or general or limited partnership.

Section 120. "Premises" means "Licensed Premises" means any place facility, or location on the Tribe's Lands which Class II or Class III gaming is conducted.

Section 121. "Primary Management" Official means:

- (a) The person or persons having management responsibility for any part of the gaming operation and for a management contract.
- (b) Any person who has authority to
- 1) To hire and fire employees; or
 - 2) To set up working policy for any portion of the gaming operations or
- (c) The chief financial officer or any other person who has financial management responsibility

Section 122. A "Relative" of a person includes any of the person's spouse or cohabitant, parents, and children (including adopted children).

Section 123. "TRIBAL COUNCIL" means the BISHOP TRIBAL COUNCIL, the duly elected governing body of the Tribe.

Section 124. "Tribal Gaming Agency" means: That Tribal entity designated by the Tribe to represent the Tribe for "Association" business under the Compact.

Section 125. "Tribe" means the Bishop Paiute Tribe, a federally recognized Indian Tribe.

Section 126. "Tribe's Lands" means: All lands within the jurisdictional limits of the Bishop Paiute Reservation.

Chapter 2 - ORDINANCE

The BISHOP TRIBAL COUNCIL is the duly elected governing body of the Bishop Paiute Tribe, a federally recognized tribe ("Tribe"), does hereby ordain as follows:

Section 201. Purpose

The Bishop Paiute Tribe (hereinafter "Tribe") a Federally recognized Sovereign Indian Tribe hereby enacts this ordinance to authorize and set terms for Class II and Class III gaming operations on Tribal Lands.

Section 202. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, U.S.C. Section 2703 (7) (a) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 1, 2004) is hereby authorized. Additionally, all forms of Class III gaming set forth in any Compact between the Tribe and the State of California as authorized by IGRA.

Section 203. Ownership of Gaming

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this ordinance (unless the Tribe elects to allow individually owned gaming).

Section 204. License Required

A Tribal license shall be required for each place, facility, or location on Tribal Lands where gaming occurs pursuant to 25 C.F.R. 522.4 B. (6).

Section 205. Use of Gaming Revenues.

The Tribe shall have the sole proprietary interest in, and sole responsibility for, the conduct of the gaming activity. Such provision does not, however, limit the Tribe's ability to enter into a management contract wherein net profits are divided between the Tribe and other parties to the Contract. The Tribe's share of net revenues however generated shall go entirely to the Tribe and shall be used solely for the following purposes:

- (a) Net revenue from Class II and Class III gaming shall be used for the following purposes: to fund Tribal Government, 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 to Tribal members, as permitted under IGRA. Per Capita payments shall be made only pursuant to a plan established by a Tribal Resolution or Ordinance passed or adopted by the Bishop Tribal Council, which Resolution or Ordinance shall be approved by the Secretary of the Interior as required under the IGRA. The interest of minors and other legally incompetent persons as defined under State law that are entitled to receive per capita payments will be protected and preserved as required by the IGRA. (25 U.S.C. 2710 B. (3).)

Section 206. Audit

- (a) The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission as required.
- (b) All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection (a) above.

Section 207. Protection of the Environment and Public Health and Safety.

Class II and Class III gaming facilitated shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

Chapter 3 – LICENSING PROCEDURES

Section 301. License for Class II and Class III Key Employees and Primary Management Officials, and Gaming Employees and Non-Gaming Employees.

All gaming employees, non-gaming employees, key employees and primary management officials shall apply for and receive a Tribal gaming license prior to employment in the gaming operation. The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to anyone employed at any Class II or Class III gaming enterprise operated on Indian Lands:

A. Application Forms

1. The following notice shall be placed on the application form for a gaming employee, non-gaming employee, or 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 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 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 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 notice shall be placed on the application form for all applicants:

"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](#))."

3. Existing gaming employees, non-gaming employees, key employees and primary management officials who have not filled out an application with the privacy act notice or false statement notice as described in section 208.,A, 1 and 2 above shall be notified in writing that they shall either:
 - (a) Complete a new application which contains the appropriate privacy act notice and/or false statement notice; or
 - (b) Sign a statement that contains the privacy act and/or false statement notice.

B. Background Investigations: No license shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or by the carrying on of the business and financial arrangements incidental thereto.

C. License Application Minimum Requirements:

The Tribe shall request from each license applicant all of the following information:

- (a) Full name, other names used (oral or written), security number(s), birth certificate, place of birth, citizenship, gender, all languages (spoken or written);
- (b) Currently and for the previous 10 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 references who was acquainted with the applicant during each period of residence listed under paragraph (b) of this section;
- (d) Current business and residence telephone numbers;
- (e) A description of any existing and previous business relationships with the gaming industry, including ownership interest in those business;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those business;
- (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 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 paragraph (a) (viii) or (a) (ix) 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 Tribe deems relevant; and
- (n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R., 522.2 (h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Bishop Paiute Gaming Commission (Gaming Commission).

NOTE: The Gaming Commission will take fingerprints of applicants via LifeScan electronically which allows submission of the appropriate information to the FBI which meets FBI Appendix F Certification NIST Format. In lieu of the Gaming Commission fingerprint process the law enforcement agency that will take the fingerprints of applicants for key employees and primary management official positions will be the Inyo County Sheriff's Department, City of Bishop and/or the City of Bishop Police Department, City of Bishop, CA. Should the Gaming Commission elect to use the in lieu of process, the Gaming Commission has executed a memorandum of understanding with the NIGC to process fingerprint cards through the FBI, as shown in Attachment A. The BPGC shall also send a letter to NIGC requesting the number of fingerprint cards needed by the Tribe. Fingerprints processed through the NIGC must be taken on fingerprint cards bearing NIGC's ORI number. If the NIGC is responsible for processing the fingerprints, printed cards must be sent directly from the law enforcement agency that takes the fingerprints to the NIGC.

Section 302. Background Investigation of License Applicants Pursuant to Section 522.2 B. of the Rules and Regulations of the National Indian Gaming Commission.

The Tribe acting through the Gaming Commission shall conduct an investigation sufficient to make a License determination under Section 304. below. In conducting a background investigation, the Gaming Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

- A. Pursuant to any approved compact between the Tribe and the State of California any applicable procedures for Tribal licensing and/or State licensing or certification of all gaming Employees for the conduct of Class III gaming are hereby adopted and incorporated by reference.
- B. The minimum procedures for conducting background investigations on license applicants are:
 - 1. Criminal history check;
 - 2. Civil history check;
 - 3. Financial and credit check;
 - 4. Reference check;
 - 5. Previous business and employment check;
 - 6. Relative check;
 - 7. Business and personal associates check;
 - 8. Education verification;
 - 9. Document the disposition of all potential problem areas noted and disqualifying information needed.
 - 10. Any other investigation deemed necessary or appropriate by the Tribal Gaming Office.
- C. The Gaming Commission is primarily responsible for the conduct of the

background investigation and suitability determination in consultation with the National Indian Gaming Commission and the California Gambling Control Commission;

- D. The Gaming Commission shall be responsible for conducting, reviewing and either approving or disapproving the investigative work;
- E. The Gaming Commission is responsible for reporting the results of the background investigation to the National Indian Gaming Commission for key employees and primary management officials only.
- F. For the purpose of obtaining necessary fingerprints for processing, the Tribal Gaming Commission and designated agents shall have Tribal law enforcement authority.
- G. Suitability determination and selection of Gaming Commission members is more specifically set forth later in this ordinance.
- H. The investigative reports shall set forth, in detail the:
 - a. Steps taken in conducting the background investigation;
 - b. Results obtained;
 - c. Conclusions reached;
 - d. The basis for those conclusions.

Section 303. Application Fee

The Gaming Commission office shall set a fee for applications, background investigations and license. All such fees shall be made payable to the Gaming Commission and delivered to the Bishop Paiute Tribal Fiscal Office.

Section 304. Eligibility/Suitability Determination – License Grant/Denial

The Gaming Commission shall review a person's prior activities, criminal record, in any and reputation, habits and associations to make a finding concerning the eligibility of a gaming license applicant. If the Gaming Commission determines that licensing 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, or jeopardizes the integrity reputation of the Tribe or its Gaming Operation, a license shall not be granted.

The Gaming Commission may grant a license to any applicant who has been convicted of any felony or gaming offense, [per Tribal/State Compact Section 6.4.4(c), (d)] or [Tribal Gaming Commission Regulation Section 003 §X. (5), & (6)].

The Gaming Commission may after a full investigation deny a license to any applicant (employee or vendor), or may suspend or revoke the license of any employee or vendor who:

- A. Has knowingly and willfully provided false statements or information or omitted material information on his or her license application; or
- B. Is determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, and methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto, or jeopardized the integrity or reputation of the

Tribe or its Gaming Operation; or

- C. Has violated, failed or refused to comply with the provisions of this Ordinance, the Compact, or any provision of any Federal, State, or Tribal Gaming Regulations, or when any such violation has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;
- D. Knowingly causes, aids, abets, or conspires with another to cause any person or entity to violate any of the laws of this Tribe, State or the applicable rules of the Tribe, State or Gaming Office, or the provisions of the Compact;
- E. Has obtained a State Gaming License or certification or Tribal Gaming license by fraud, misrepresentation, concealment or through inadvertence or mistake;
- F. Has been convicted of, or forfeited bond upon a charge of, or plead guilty to, violent felony, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Government, whether Tribal, State or the United States; or of any crime, whether a felony or misdemeanor, involving any gaming activity, misappropriation of funds or physical harm to individuals or moral turpitude, a violent felony does not include, and is not limited to any crime relating to a motor vehicle such as vehicular manslaughter or driving under the Influence;
- G. Makes misrepresentation of, or fails to disclose material fact to the Federal, State, of Tribal Gaming Regulatory authorities;
- H. Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (f) of this section; provided that the Gaming Commission may defer decision upon application during the pendency of such prosecution or appeal;
- I. In the event an applicant has had a gaming license that was issued by the a state or federally recognized Indian tribe revoked or suspended, or has had a gaming license denied by a state or federally recognized Indian tribe, then in that event the Gaming Commission shall conduct an independent investigation of the facts and circumstances surrounding such revocation, suspension, or denial.

After the conclusion of the investigation, the Commission shall determine if the facts and circumstances surrounding the revocation, suspension, or denial justify a denial of the applicant's current application for employment at the Tribe's Casino.

- J. In the event that it is alleged that the applicant has demonstrated a willful disregard for compliance with Gaming regulatory authority in any jurisdiction, including suspension, revocation, or denial of application for employment or forfeiture of a gaming license, then in that event the Gaming Commission shall conduct an independent investigation of the facts and circumstances surrounding such revocation, suspension or denial.

After the conclusion of the investigation, the Commission shall determine if the facts and circumstances surrounding the revocation, suspension, or denial justify a denial of the applicant's current application for employment at the Tribe's Casino.

- K. Has pursued or is pursuing economic gain in an occupational manner or context which is

in violation of the criminal laws of any state if such pursuit creates probable cause to believe that the participation of such person in gaming or related activity would be detrimental to the proper operation of an authorized gaming or related activity in this State. For the purposes of this paragraph, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

- L. Is a career offender or a member of a career offender organization or an associate of a career offender or career offender organization in such a manner which creates probable cause to believe that the association is of such a nature as to be detrimental to the proper operation of the authorized gaming or related activities in this State. For the purpose of this paragraph, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing such methods as are deemed criminal violations of Tribal law, Federal law or the laws and the public policy of this State. A career offender organization shall be defined as any group of persons who operate together as career offenders;
- M. Is a person whose prior activities, criminal record, if any reputation, habits and associations pose a threat to the public interest of the Tribe or to the effective regulation and control of Gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods, and activities in the conduct of gaming, or the carrying on of the business and financial arrangements incidental thereto; or
- N. Fails to provide any information requested by Gaming Commission office within fourteen (14) days of the request for the information.

A conviction of any crime as set out above will not automatically preclude eligibility for a license if the offense was entered as a judgment more than ten (10) years prior to application being made to the Gaming Commission for a Gaming License.

Section 305. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Official to the National Indian Gaming Commission

- A. Before a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Gaming Commission shall forward to the National Indian Gaming Commission a completed application for a gaming license and conduct the background investigation and make determination referred to in Section 304.
- B. The Tribal Gaming Commission shall forward the report referred to in Section 306 to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- C. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license.

Section 306. Report to the National Indian Gaming Commission

- A. Pursuant to the procedures set out in Section 302, the Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report for each background investigation. An investigative report shall include all of the following:

1. Steps taken in conducting a background investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. The bases for those conclusions.
- B. The Gaming Commission shall submit, with the report, a copy of the eligibility determination made under section 304.
- C. If a license is not issued to an applicant, the Gaming Commission:
1. Shall notify the National Indian Gaming Commission;
 2. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Records System.
- D. With respect to license applicants, the Gaming Commission shall retain applications for licensing and employment and reports (if any) or background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of denial or revocation of a license, or termination of employment, whichever is later.

Section 307. NIGC Contact in Granting a Gaming License.

- A. If, within a thirty (30) day period after the National Indian Gaming Commission receives an investigative report, the National Indian Gaming Commission notifies the Tribe 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 National Indian Gaming Commission, the Tribe may issue a license to such applicant.
- B. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under § A. of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- C. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.
- D. In the event that the National Indian Gaming Commission does not respond within the thirty (30) day period after the National Indian Gaming Commission receives an investigative report, then in that event the Gaming Commission will continue to process the application in accordance with the applicable employment application process.

Section 308. Issuance of a Tribal Gaming License.

The Gaming Commission shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Gaming Commission, reliable information is received that a licensed employee does not meet the standard established under Section 2.11 of this Code, the Gaming Commission shall suspend such license.

Section 309. Class III Gaming

In addition to the above, any Tribal-State licensing and/or certification requirement and procedures for Tribal licensing and/or State certification or licensing under a Compact between the Tribe and State of California are adopted and incorporated herein by reference.

Section 310. License and Regulation of Class III Gaming Activities: Tribal – State Compact Compliance.

The Gaming Commission shall follow every and all of the requirements for licensing and regulation of Class III gaming pursuant to the terms and conditions of any Compact between the Tribe and the State of California.

Section 311. Failure of Applicant to Disclose Material Information.

An applicant licensing shall make true and full disclosure of all information to the Gaming Commission necessary or appropriate to carry out the policies of the Tribe relating to licensing and control of the gaming operation. It is the duty of applicants to disclose all information material to whether the applicant's involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide the information. It shall constitute a violation of this Ordinance to fail to disclose, to mislead or to misstate any such material information to the Gaming Commission.

Section 312. Temporary Employee Licenses.

The Gaming Commission may issue a temporary license to any person or entity applying for a license to work in or do business with a licensed gaming establishment, which shall be valid pending the completion of a background investigation of the applicant. In no event shall such a temporary license be valid for longer than 90 days.

Section 313. Parameters of Licenses.

Violation of any material provision of this Ordinance or any Gaming Commission regulations by a licensee, its agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the TRIBE and the inhabitants of the BISHOP PAIUTE RESERVATION, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall constitute grounds for the imposition of sanctions by the Gaming Commission. If the Commission elects to resolve disputes in a manner other than revocation of a license, such agreement shall be made in writing and supersede any conflicting provisions of this section, so long as the agreement provides a reasonable avenue for the Tribe to ensure a licensee's compliance with all other aspects of this Gaming Ordinance. Acceptance of a gaming license or renewal on the part of the licensee's agreement to be bound by all regulations and conditions of the Gaming Commission and by the provisions of this Ordinance as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Gaming Commission. It is the responsibility of the licensee to keep informed of the contents of such regulation, amendments, provisions, and conditions, and ignorance thereof will not excuse violations. All licenses shall have not more than a two-year duration and will require renewal thereafter in accordance with procedures set forth by the Gaming Commission.

Section 314. Licensing of Vendors.

The Gaming Commission may authorize, require, and issue such licenses as the Gaming Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia, gaming services, and any other equipment, supplies, material, etc. for use in connection with the licensed Gaming Facility or operation.

Section 315. Licensing of Gaming Facility.

Each Tribal Gaming Facility shall be licensed by the Gaming Commission. Prior to the issuance of a facility licensee the Gaming Commissioner shall:

- A. Determine that the facility is constructed in conformance with all applicable building codes;
- B. Ensure that Security and Surveillance systems are in place adequately provide for the safety and security of employees and patrons and for the protection of Tribal assets;
- C. Ensure that all employees and gaming facilities are properly licensed every two years and that the facility is otherwise in compliance with all applicable gaming laws and regulations.

Section 316. Non – Transferability of License

Any license issued pursuant to the provision of this Ordinance is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Gaming Commission.

Section 317. License Fees.

Licensing fees shall be established by the Gaming Commission and approved by the Tribal Council.

Section 318. License Suspension

If, after the issuance of a gaming license, the Gaming Commission receives from the National Indian Gaming Commission or other source, reliable information indicating that a key employee or a primary management official is not eligible for employment under Section 304. above, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

- A. The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- B. After a revocation hearing, the Gaming Commission shall decide to revoke or to reinstate a gaming license. The Gaming Commission shall notify the National Indian Gaming Commission of its decision if the licensee is a Key Employee and or Primary management official.

Section 319. Repeal

Upon approving this gaming ordinance by the Chairman of the National Indian Gaming Commission all prior gaming ordinances enacted by the Tribe are hereby repealed.

Chapter 4

ESTABLISHMENT OF THE GAMING COMMISSION

Section 401. Establishment of the Gaming Commission.

The Gaming Commission is hereby established. The Gaming Commission shall consist of three (3) members appointed by a majority vote of the TRIBAL COUNCIL. A Gaming Commissioner shall serve for four (4) years commencing on the first of the month of their appointment. In order to establish staggered terms, the Gaming Commission Member shall be appointed as follows: That two (2) the Gaming Commissioners appointed shall be designated by the TRIBAL COUNCIL to serve an term of four (4) years, the other initial Gaming Commissioner serve a term of two (2) years. Thereafter, all successive terms of appointment shall run for four (4) years. Vacancies shall be filled within thirty (30) days of term limit by the TRIBAL COUNCIL.

The BISHOP TRIBAL COUNCIL shall establish such application procedures as it deems appropriate for members of the Tribe interested in serving on the Gaming Commission including verification of application. The Tribal Chairperson shall have the power to vote if only four members are present on all issues presented to the Tribe.

Section 402. Selection of Chairperson

The Gaming Commission Board shall appoint a Gaming Commission Chairperson, who shall chair all necessary hearings and meetings. If the Chairperson determines that meetings must be continued or postponed, the Chairperson may set the time and date for additional meeting/hearing times. The Chairperson shall communicate the scheduling of all meetings/hearings with the Gaming Commissioners.

Section 403. Quorum – Majority Vote

A quorum shall consist of two (2) members of the Gaming Commission present at a meeting duly called, shall constitute a quorum. All decisions shall be made by a majority vote of the Gaming Commission. The Commission Chairperson shall have the authority to vote.

Section 404. Meetings and Hearings

The Gaming Commission shall not meet more than twice per month unless deemed necessary by the chairperson or at special request by the Gaming Commission. Should additional meetings be necessary, the Commissioners shall concur on mutually agreeable dates and times. Meetings and hearings shall take place on the Bishop Paiute Reservation. Meetings and hearing proceedings shall have official minutes recorded by the secretary or administrative assistant of the Gaming Commission. Records of board meetings and hearings shall be exempt from state subpoena.

Section 405. Gaming Commission Qualifications for Membership.

In order to qualify for appointment to the Commission, an applicant must satisfy all of the following requirements:

- A. Be a member of the Tribe.
- B. Be age 21 or older.
- C. Have at least a high school diploma. California High School Proficiency or GED equivalent education and have knowledge of or experience in the gaming industry.

- D. Have no prior record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any tribal, county, state or federal court, unless he or she as been pardoned:
1. A violent felony or felony as defined by the State of California as on one involving moral turpitude. A violent felony, as an example, does not include but not limited to any crime relating to a motor vehicle such as vehicular manslaughter or driving under the influence.
 2. Fraud, embezzlement or theft leading to conviction, judgment, or plea of nolo contendere. If there is any conflict between this subsection and D. (1) above, this subsection shall prevail.
 3. A violation of any provisions of any state gaming regulations, any rule promulgated by thee Lottery Board, California Horse Racing Board or other appropriate state regulatory body of any state, or this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming.
 4. A conviction (as set out in D.) above will not preclude eligibility for a gaming license if the offense was entered as a judgment more than ten (10) years prior to the Gaming application being submitted to the Gaming Commission position.
- E. The applicant has fulfilled all applicable requirements of IGRA and the Compact.
- F. Satisfactory proof that the applicant is of good character and reputation and is financially responsible
- G. A TRIBAL COUNCIL member may be appointed as a Gaming Commissioner during his/her Council term, for a period of time not to exceed ninety (90) days.
- H. Not be a relative of any or immediate family member of the TRIBAL COUNCIL at the time of appointment. For the purpose of this section "relative" or immediate "family member" shall be defined as mother, father, son, daughter, brother, sister, spouse or cohabitant.
- I. Not be employed by any Gaming Operation.
- J. Not be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.
- K. Obtain and maintain a Tribal Gaming License. The Gaming Commission Executive Director shall review all background and investigation materials of all potential Gaming Commissioners. All decisions by the Gaming Commission Executive Director as to the issuance or denial of a Gaming License for a potential Gaming Commissioner shall be provided in writing to the Tribal Council.

Section 406. Gaming Commission Staff

All Gaming Commission staff must apply for and obtain a Tribal Gaming License prior to employment with the Gaming Commission. The application procedure for applicants as an employee for the Gaming Commission is the same as for Gaming and Non-Gaming employees.

All present Gaming Commission staff who are not licensed must submit the appropriate application to the Gaming Commission for a Tribal Gaming license within thirty (30) days of the approval of this Amended Ordinance by the NIGC. If a presently employed Gaming Commission staff individual is not issued a license based on the findings of the investigation, that employee shall be removed for cause by the Gaming Commission.

Section 407. Purpose and Authority of the Gaming Commission

The Gaming Commission shall exercise authority necessary to effectuate the purpose of this Ordinance. The Gaming Commission may exercise any proper authority necessary to perform duties assigned to it by this Ordinance, and is limited by the enumeration of powers in this Gaming Ordinance, the Tribal-State Compact, IGRA and NIGC Regulations. The Gaming Commission shall promulgate rules and regulations for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of this Code. In all decisions, the Gaming Commission shall act to promote and ensure the integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation. The Gaming Commission shall have the authority to deny any application; to limit, condition, suspend, or restrict any license; make a finding of suitability or approval of a license, or find suitable the imposition of a fine upon any person or entity licenses, for just cause deemed reasonable by the Gaming Commission pursuant to this ordinance, Compact and IGRA.

Section 408. Independence

In all matters within its preview and responsibilities, the Commission shall be and shall act independently and autonomously from the Tribal Council. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted, except as otherwise explicitly provided in this Ordinance and unless deemed necessary to preserve and protect Tribal assets.

Section 409. Compensation

Commissioners shall be paid the necessary travel expense to meetings, a stipend, and any pre-authorized expenses by the TRIBAL COUNCIL, or may be paid an additional stipend as authorized by the Commission budget as approved by the TRIBAL COUNCIL

Section 410. Removal.

Any Commissioner may be removed by an affirmative vote of four (4) of the members of the TRIBAL COUNCIL acting at a meeting. The Tribal Chairperson shall have the power to vote if only 4 members are present. Such removal shall only be for just cause, including malfeasance, neglect of duty, unexcused failure to attend three successive meetings of the Commission, failure to continue to meet the qualifications for appointment to the Commission. Any Commissioner being considered for removal shall be provided notice in writing stating the grounds for removal and he or she shall have 30 days to provide an explanation to the TRIBAL COUNCIL in person or in writing, which explanation shall be considered by the TRIBAL COUNCIL in voting on the removal in question. All removal questions shall be considered by the TRIBAL COUNCIL at or after the end of the 30-day notice period at which the Commissioner and his or her attorney shall have the right to be present. All TRIBAL COUNCIL determinations to remove a Commissioner shall be final. Under emergency conditions a Commissioner can be suspended pending final outcome of the removal hearing.

Section 411. Vacancies

A vacancy on the Commission through death, written or declared resignation, or removal from office shall be filled by appointment by the TRIBAL COUNCIL, within thirty (30) days to complete the un-expired term.

Section 412. Monthly Report

The Gaming Commission shall make at least monthly reports to the Council within thirty (30) days after the close of the month for which the information is being required. The report shall at a minimum include a full and complete statement of auditing activities, expenses and all other financial transactions of the Commission and summary of all licensing and enforcement actions.

Section 413. Prior Notice of Action

In promulgating, amending, and repealing regulations, the Gaming Commission shall give prior notice of the proposed action to all licensees and other persons whom the Commission has reason to believe a legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Gaming Commission. In emergencies, the Gaming Commission may adopt, amend or repeal any regulation if at the time the Commissioners determine such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order or general welfare, together with a statement of facts constituting the emergency; providing the Gaming Commission shall schedule emergency action for a regular hearing as soon as possible not to exceed thirty (30) days after any such emergency action.

Section 414. Request for Gaming Commission Action

The General Manager of the gaming operation may file a petition in a manner and form approved by the Gaming Commission requesting the amendment or repeal of a regulation. Upon receipt of the petition, the Gaming Commission shall within thirty (30) days schedule the matter for Consideration by the Gaming Commission pursuant to this chapter, and shall immediately forward a copy of the petition to the Tribal Council. The Gaming Commission will consult with the Tribal Council before ruling on any petition and will schedule the matter for hearing only if the Tribal Council disagrees with the Gaming Commission.

Section 415. Due Process, Appealing Commission Actions

Any decision resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license, or the imposition of other sanctions under this code shall be made by the Gaming Commission. Should an applicant or licensee disagree with the determination of the Gaming Commission, the Gaming Commission shall schedule a hearing within thirty (30) days from the date an applicant files his/her written appeal with the Gaming Commission. All appeals of Gaming Commission decisions must be in writing and filed with the Gaming Commission within fifteen (15) days of the Gaming Commission's decision being appealed from by the applicant or licensee.

Section 416. Gaming Commission Findings

Following such hearing, the Gaming Commission shall within three (3) working days reach a determination concerning:

- A. The accuracy of the facts presented at the hearing;
- B. Whether the license in question should be granted, denied, reinstated, suspended, revoked, conditioned, or limited; and
- C. Whether any other action recommended to the Gaming Commission including, but not

limited to fines and forfeitures, should be taken.

Section 417. Notification of Gaming Commission Decisions

Within ten (10) working days following the Gaming Commission determination on the appeal, the Gaming Commission shall inform the applicant or licensee by certified written notice of the determination. All decisions of the Gaming Commission shall be subject to appeal to the TRIBAL COUNCIL. Notice of Appeals must be in writing and received by the Tribal Council within fifteen (15) working days following the Gaming Commission's notice of decision being mailed to or personally served on the applicant or licensee. The TRIBAL COUNCIL shall hold a hearing within ten (10) days following receipt of request for appeal from the applicant or licensee. The decision of the TRIBAL COUNCIL shall be final and non-appealable.

Section 418. Authority and Duties of the Commission.

The Commissioners shall perform all duties, exercise all powers, assume and discharge all responsibilities and carry out and effect all purposes of this Code relating to the regulation of all gaming activity. In all decisions, the Commissioners shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Gaming Commission duties shall include the Gaming Commission Regulations and the following:

- A. The Commission shall have the primary responsibility for developing polices, guidelines and regulations for Class II and Class III gaming on the Tribe's Lands, including any amendments to this Ordinance, and for recommending to the TRIBAL COUNCIL for adoption.
- B. The Commission shall monitor all Class II and Class III gaming on the Tribe's Lands and all Monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance and other applicable laws and regulations of IGRA, NIGC and any State/Tribal Compact.
- C. Except as otherwise provided, the Gaming Commission shall issue and deny gaming licenses in accordance with Chapter 3 of this Ordinance. Each Gaming Commissioner shall read this Ordinance and keep current on all bulletins and notices received from Federal and State Agencies.
- D. The Gaming Commission shall investigate all alleged violations of this Ordinance and recommend actions to the TRIBAL COUNCIL.
- E. The Gaming Commission may recommend to the TRIBAL COUNCIL penalties for violations of this Ordinance in accordance with Chapter 11 of this Ordinance and any other actions to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance or other laws relating to gaming on the Tribe's Lands.
- F. The Gaming Commission shall prepare and recommend an annual budget for the purpose of allocating funds to the Gaming Commission for its necessary activities and expenses, which must be approved by the TRIBAL COUNCIL. The Gaming Commission may in accordance with any approved budget employ such staff as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel and other professional services including investigative services to assist the Gaming Commission with respect to any of the issues over which the Gaming Commission exercises jurisdiction.

- G. In addition to any procedures required under the Tribe's property and procurement manual or other policies, all contracts or non-contract purchases relating to gaming in the amount of \$25,000 or more shall be subject to approval by the TRIBAL COUNCIL.
- H. Be designated as the Tribal Gaming Agency as defined in Section 2.20 of the Compact and Section 126 of this Ordinance.
- I. The surveillance department shall have primary responsibility to both the Gaming Commission and the Casino General Manager as directed by the Tribal Council. The Gaming Commission shall have primary responsibility for the development of Minimal Standards, Policies and Guidelines for rules of procedure for the surveillance department.

The Gaming Facility shall provide surveillance equipment, supplies and space deemed necessary by the Gaming Commission, as required by the Compact and all other regulations formulated for the reasonable protection of patrons, employees and Tribal assets. All surveillance systems, equipment, rooms, etc., shall be under the control and jurisdiction of either the Gaming Commission or Casino General Manager as directed by the Tribal Council to ensure the integrity of the surveillance department. All surveillance staff shall be employees of and report either to the Gaming Commission or Casino General Manager as directed by TRIBAL COUNCIL.

- J. The Gaming Commission, performing its function as the Tribal Gaming Agency, is empowered by this Ordinance to impose fines or other sanctions against gaming licensees or other persons who interfere with or violate this Gaming Ordinance, including its regulatory requirements and obligations under IGRA, this Ordinance and the Compact. For further reference, as to the scope of the Commission's authority for the imposition of sanctions and/or fines.
- K. Negotiating contracts with the advise and input of the Casino General Manager for payments by the Gaming facility for the provisions of security, surveillance, outside independent auditing services. Such contracts must be approved by the Tribal Council and shall not provide a waiver of sovereign immunity by the Tribe unless authorized by the Tribal Council;
- L. Correspond with the National Indian Gaming Commission and do whatever is necessary to ensure compliance with the rules and regulations of that agency. Specifically, the Commission with the approval of the Tribal Council shall arrange for an annual outside audit of authorize gaming and will provide a copy to the National Indian Gaming Commission.
- M. The Gaming Commission will assure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety;
- N. The Gaming Commission will ensure that background investigations are conducted pursuant to Section 209 on all primary management officials, key employees, gaming employees and non-gaming employees of any gaming establishment and that oversight of such officials and their management is conducted on an on-going basis. The Gaming Commission will make suitability determinations on the granting of Tribal licenses for all of the gaming operation employees. The Gaming Commission shall immediately notify the National Indian Gaming Commission of the issuance of such license for primary management and key employees.

The Gaming Commission will review all license applications and background investigations to ensure that no person shall be eligible for employment if that person's prior activities, criminal record (if any), or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or jeopardized the integrity or reputation of the Tribe or its Gaming Operation. The Gaming Commission shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such license to primary management officials and key employees.

- O. Hiring pursuant to the approval of the Tribal Council, such professional, clerical, technical and administrative personnel as may be necessary to carry out the provisions of this Ordinance and within the budgeting limits of the Gaming Commission budget as approved by the Tribal Council.
- P. Inspect, review and copy all records, documents, equipment and facilities, or anything else necessary and pertinent to enforcement of any provisions of this Ordinance.
- Q. Make decisions and execute any sanctions on persons subject to the jurisdiction of this Ordinance, as deemed necessary, appropriate and lawful.

Section 419. Right of Inspection

The Gaming Commission and his/her agents, inspectors, and employees have the authority:

- A. To inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are used, manufactured, sold or distributed;
- B. To inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;
- C. Summarily seize and remove from a gaming establishment and impound such equipment or supplies for the purpose of examination, inspection, evidence, or forfeiture;
- D. To demand immediate access to and inspect, examine and audit all papers, books, and records for applicants and licensees, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Ordinance;
- E. To seize and impound any patron's winnings which the Commission has reason to believe may have been won or obtained in violation of this Ordinance pending a civil forfeiture hearing on such seizure;
- F. The Gaming Commission shall each have full power and authority to issue subpoenas and compel the attendance of witnesses for hearing at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil action. The Gaming Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any licensee failing to comply with any subpoena shall be subject to immediate revocation of their gaming licenses.

Section 420. Confidentiality of Information

Each member of the Gaming Commission and each employee of the Gaming Commission shall be required to sign a confidentiality agreement, and will be responsible for ensuring the strictest standards of confidentiality with respect to information. All information provided to the Gaming Commission and all information obtained by the Gaming Commission in the performance of its duties, shall be kept confidential and shall not be disclosed to any person or organization without the written consent of the Gaming Commission. The Gaming Commission may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information.

Section 421. Gaming Commission Budget

The Gaming Commission shall establish its own budget in conjunction with the Chief Financial Officer of the Tribe for operation and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses within the limit of funds available to it, as it may deem necessary subject to the approval of the Tribal Council. The Gaming Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Gaming Commission may require. The Gaming Commission shall keep and maintain a file on all applications for licenses under this chapter, together with a record of all actions taken with respect to such applications. The Gaming Commission shall keep and maintain such other files and records as they deem appropriate.

Section 422. Sanctions

Any person who engages in activities on property subject to the provisions of this Gaming Ordinance without a license, in violation of any license or terms imposed thereon, in violation of terms of suspension, or in violation of the Ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance without the consent of the licensee and/or the Gaming Commission shall be in violation of this Ordinance and be subject to sanctions in accordance with the provisions of Section 423 hereinafter.

Section 423. Limitations Period

No fine shall be assessed nor any action taken for any violation under preceding section unless the action is initiated within two (2) years of the commission of the offense.

Section 424. Violation of Ordinance – Punishment

Any violation of this Ordinance may be punished by a fine of not more than five thousand dollars (\$5,000.00) for each separate count or violation. Each day of violation shall constitute a separate count or violation under this Ordinance. A violator may also be required to pay costs, storage fees, and auction or sales fees. All property used or which may be used in activities in each and every separate violation of this Ordinance may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Ordinance, licenses may be suspended, revoked, or limited and the gaming establishment may be closed. All such action shall be taken at the discretion of the Gaming Commission, subject to the right of appeal to the Tribal Council. Winnings received that have been found to be in violation of this Ordinance shall be forfeited and become property of the Tribe.

Section 425. Due Process Regarding the Enforcement Actions

The Gaming Commission shall promulgate regulations protecting due process rights of all individuals subject to the enforcement of this Ordinance. Such regulations shall, at a minimum:

- A. Provide standards for emergency or summary suspension of license;

- B. Provide fair notice and opportunity for a hearing before the Gaming Commission regarding Any revocation or suspension of license, and regarding any enforcement action taken pursuant to this Ordinance; and
- C. Provide the right to appeal, de novo, any Gaming Commission disciplinary or enforcement action to the Tribal Council.

Section 426. Patron Disputes

- A. Refusal to Pay Winnings. Whenever the Gaming Facility Operator refuses payment of alleged winnings or machine credits to a patron, and the Gaming Facility Operator and the patron are unable to resolve the dispute to the satisfaction of the patron, and the dispute involves:
 - 1. At least five hundred dollars (\$500), the Gaming Facility Operator shall immediately notify the Gaming Commission. The Gaming Commission shall conduct an investigation as it deems necessary and shall determine whether payment should be made; or
 - 2. Less than five hundred dollars (\$500) and the patron and operator do not come to an agreement, the Gaming Facility Operator shall inform the patron of his or her right to request that the Gaming Commission conduct an investigation. Upon request of the patron, the Gaming Commission shall conduct an investigation if necessary and shall determine whether payment should be made.
- 3. Notice to Patrons. The Gaming Commission shall mail written notice by certified mail, return receipt requested to the Gaming Facility Operator and the patron of the decision resolving the dispute within thirty (30) days after the date that the Gaming Commission first receives notification from the Gaming Facility Operator or a request to conduct an investigation from the patron. Such notice shall include an explanation of the decision.
- 4. Effective Date of Decision. The decision of the Gaming Commission is effective on the date it is received by the aggrieved party as reflected on the return receipt.
- 5. Review of Decision. Within thirty (30) days after the date of receipt of the written decision, the aggrieved party may file a written petition with the Tribal Council. Upon receipt of the petition the Chairperson of the Tribal Council shall immediately forward a copy of the petition to the Gaming Commission. The Tribal Council shall promulgate procedures to determine whether patron disputes are eligible for a hearing and for the conduct of any hearing. The Tribal Council shall take into consideration the prior decision and other documentation provided to it by the patron, and the Gaming Commission. The Chairperson of the Tribal Council shall then issue a written decision and mail it to the parties. The Decision of the Tribal Council shall be final and binding upon the patron and the Gaming Facility Operator and shall not be subject to judicial review, the dispute resolution or other legal action.

Section 427. Conflict of Interest

The Gaming Commission, Gaming Commission Employee's, members of the Tribal Council and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest possible. The

Gaming Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

Section 428. Audit of Gaming Commission

The Tribal Council shall have the opportunity to have an independent audit performed by a Certified Public Accountant (CPA) once a year conducted on the Gaming Commission to ensure:

- A. The Gaming Commission is complying with the terms and conditions of this gaming ordinance.
- B. The Gaming Commission expenditures are in strict compliance with the purpose and intent of each budget line item.
- C. The Gaming Commission is adhering to the reporting requirements of this ordinance, the compact, state, and federal laws.
- D. That all Gaming Commissioners and their staff are properly licensed.
- E. That the Gaming Commission and staff are performing the duties and properly exercising their authority pursuant to Section 418 and Chapter 6 of this ordinance.
- F. The Gaming Commission has implemented minimum internal control standards according to IGRA, the compact, and State laws.

Once the audit is complete, any findings and recommendations presented to the Tribal Council will be reviewed with the Gaming Commission and staff for implementation of corrective action needed to clear all findings.

Chapter 5 MANAGEMENT CONTRACT

Section 501. Management Contract

The Tribe or chartered corporation established for the purpose of operating Tribal gaming may enter into any contract or other agreements to further its gaming interest, including one or more Management Contracts. Each Management Contract shall designate the person or persons having responsibility for management of all or part of any Gaming Operation. Management Contracts and other gaming-related contracts shall contain such provisions as are required under Tribal Gaming Commission Regulations, IGRA and the Compact, shall be submitted to the NIGC or other appropriate state regulatory body for approval if required by the Compact. All such contracts shall be effective pending review by the NIGC, other appropriate federal regulatory body, and/or the Lottery Board or other appropriate state regulatory body.

Chapter 6 Auditing, Fiscal Oversight, and Internal Controls

Section 601. Minimum Procedures for Control of Internal Fiscal Affairs.

The Gaming Commission shall promulgate regulations for internal controls and fiscal audits of all gaming operations. At a minimum, those regulations shall:

- A. Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness and mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, and encourage adherence to prescribed policies;
- B. Prescribe minimum reporting requirements to the Gaming Commission;
- C. Provide for the adoption and use of internal audits by Commission auditors and Certified Public Accountants licensed to practice accounting in the State of California.
- D. Ensure that a uniform code of accounts and accounting classification are formulated to assure consistency, comparability and effective disclosure of financial information. Such code shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win (amount of cash won by the gaming operation) and the percentage of statistical win to statistical drop, or provide similar information, for each type of game or each gaming device.
- E. Prescribe the intervals at which such information shall be furnished;
- F. Provide for the maintenance of documents (i.e., checklists, transaction forms, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this section; and
- G. Provide that all financial statements and documentation referred to in section (f) be maintained for a minimum of five (5) years.

Section 602. Gaming Commission Oversight of Internal Fiscal Affairs.

The Gaming Commission shall, by regulation ensure the conduct of audits of the financial statements of all gaming operations at least annually. Such audits must:

- A. Be made by outside independent Certified Public Accountants holding a permit issued by the State of California to practice public accounting, such accountants shall be selected by and contracted with the Gaming Commission.
- B. Include an opinion that the financial statement fairly and accurately presents the financial condition of the gaming operation in accordance with generally accepted accounting principals (GAAP) and in accordance with the Governmental standards of Accounting and the gaming auditing standards established by the American Institute of Certified Public Accountants;
- C. Disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulation promulgated by the Gaming Commission; and
- D. Provide for preliminary review of the internal control structure upon adoption of the policies and procedures by the entity, provide an opinion regarding the adequacy of controls, to disclose any deviation from prescribed rules and regulations, and report such

findings to the Gaming Commission, Tribal Council and Management.

Section 603. Gaming Commission's Right to Conduct Audit.

The Gaming Commission shall be able to retain its own staff auditors and accountants, or contract an accountant(s), to conduct its own audits of any gaming operation provided the cost of such audit has been budgeted and approved by the Tribal Council.

Section 604. Prohibition Against Embezzlement.

Any action of any kind which in the opinion of the Gaming Commission is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking sanctions against that licensee. If the Gaming Commission finds an unlawful diversion was conducted or attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license, or prosecution

Chapter 7 Authorization of Gaming

Section 701. Prohibition Against Gaming.

No person licensed by the Gaming Commission shall engage, conduct or condone any game unless such game is approved by the Gaming Commission and regulation for rules governing such game have been duly promulgated by the Gaming Commission and approved by the Tribal Council.

Section 702. Grace Period.

The prohibition contained in Section 701 shall not apply to those games already being played as of the date of enactment of this Code, provided however, that the licensee conform to the rules promulgate hereunder within five (5) days of such promulgation.

Section 703. Authorization of Gaming.

The Gaming Commission may authorize the playing of any Class II game not prohibited by this ordinance or the IGRA. The Gaming Commission shall promulgate regulations for rules governing all authorized games, including regulations governing the equipment (chips, dice, cards, tiles, devices, etc.) used in such game. Any provision in the Tribe's Compact with the State of California providing for testing, notice to, and comment from the State, shall be complied with before any game is authorized by the Gaming Commission. When there is reasonable cause to question the classification of a game (i.e. Class II or Class III) the Gaming Commission shall authorize such games to be conducted as Class II, unless or until the National Indian Gaming Commission rules otherwise or until a court of competent jurisdiction has ruled otherwise.

Section 704. Approval of Gaming Equipment.

The Gaming Commission shall have the discretion to review and approve all gaming equipment and other devices used in the gaming operation as to quality, design, integrity, fairness, honesty, and suitability.

Chapter 8 Barment or Exclusion of Individuals

Section 801. List of Undesirables.

The Gaming Commission may, by regulation, provide for the establishment of a list of persons who are to be excluded or barred from any duly licensed gaming operation. The list may include any person who's presence in the gaming establishment is determined by the Gaming Commission or TRIBE to pose a threat to the interest of the Tribe, the gaming public, or to licensed gaming.

Section 802. Prohibition Against Listed Individuals.

It shall be a violation of this Ordinance for any licensed employee to knowingly fail to exclude or bar from the gaming establishment any person(s) placed on the list referred to in Section 801. It shall be a violation of this Ordinance for any person whose name appears on the list referred to in Section 801 to enter or into or engage in any game at a duly licensed gaming establishment, and any such presence shall be considered trespassing.

Section 803. Prohibition Against Certain Individuals.

It is a violation of the Ordinance for any licensee who knowingly fails to exclude or bar from the gaming establishment any individual who is under the age of eighteen years and engaging in gaming activity.

Chapter 9 Unlawful Acts

Section 901. It is Unlawful for any Person

- A. To alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is determined but before it is revealed to the players;
- B. To place, increase or decrease a bet to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
- C. To aid anyone in acquiring such knowledge as set forth in subparagraph B., for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon the event or outcome;
- D. To claim, collect or take or attempt to claim, collect or take money or anything of value in or from a gambling game with intent to defraud, without having a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
- E. Knowingly entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game;
- F. To increase a bet or wager after acquiring knowledge of the outcome of the game or event which is subject of the bet or wager, including past – posting and pressing bets;

- G. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including pinching bets; and
- H. To manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purposes for the component, with knowledge or hope that the manipulation affects the outcome of the game or prize or with knowledge of any event that affects the outcome of the game or prize;
- I. To solicit funds or anything of value from any patron or employee;
- J. To unlawfully take or attempt to take any chips, coin(s), token(s), machine credits, currency, or anything of value from any patron or employee on the premise;
- K. To refuse to leave the gaming establishment when appropriately advised to do so by a member of Management, Security or the Tribal Gaming Commission;
- L. To damage or attempt to damage either intentionally or negligently any property, gaming device or equipment, or any article belonging to the Tribe, patron, employee or Tribal corporation;
- M. Under the age of 21 years of age to make any wager either directly or indirectly in any Class II or Class III gaming activity;
- N. To either intentionally or negligently cause injury or harm to any patron, or employee or threaten to do so;
- O. To possess any chips, tokens, cards, device, paraphernalia, etc., that could reasonable be concluded as useful in cheating, defrauding, manipulating or altering any game, gaming device equipment, machine, computer, or supplies;
- P. For any employee to aid, conspire, collude or assist in any way any other employee or patron to win or have any unfair advantage to win or otherwise acquire anything of value unfairly.

Section 902. Prohibition Against Electronic Aids

Except as specifically permitted by the Gaming Commission, no person shall possess with the intent to use, or actually use at any table game, either by himself or in concert with others any calculator, or computer or other electronic, electrical or electromechanically device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized.

Section 903. Violations and Sanctions

Any patron or employee who commits any violation of this chapter shall be deemed to have committed a violation of this code. If the Gaming Commission should have reasonable cause to believe any such violation was committed, it may impose licensing sanctions, fines, prosecution and exclusion.

Chapter 10

National Indian Gaming Commission

Tribal – State Compact

Sections 1001. National Indian Gaming Commission – Regulations

Notwithstanding any provision of this Gaming Ordinance or any regulation promulgated thereunder, The Gaming Commission is fully empowered to comply with all regulations promulgated by the National Indian Gaming Commission, (NIGC), including but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Indian Gaming Commission. The Gaming Commission shall also serve as the designated agent as required under the National Indian Gaming Commission regulation.

Section 1002. National Indian Gaming Commission – Assessment

Notwithstanding any provisions in the Gaming Ordinance or any regulation promulgated thereunder, the Tribal Gaming Commission is fully empowered to ensure compliance with all assessments authorized by the National Indian Gaming Commission. Such assessment shall be directed to be paid by the gaming operation.

Section 1003. Compact with the State of California

Notwithstanding any provision in this Gaming Ordinance or any regulation promulgated thereunder, the Gaming Commission is fully empowered to comply with the provisions of any compact between the Tribe and the State of California.

CHAPTER 11

Miscellaneous

Section 1101. Security

Each licensed gaming establishment must provide for reasonable security. All security personnel must be licensed by the Gaming Commission

Section 1102. Maintenance of Ordinance and Regulations

Each licensee shall obtain, maintain and keep current a copy of the Gaming Ordinance and regulation promulgated there-under, which shall be located at the premises used for the conduct of any licensed gaming activity. The Ordinance and regulation shall be produced by the licensee and Ordinance shown to any authorized person upon demand. That licensee may not have a current copy of the, or each regulation the Gaming Commission, shall not in way diminish the licensee's obligation to abide by the Ordinance and regulation.

Section 1103. Compliance with other laws

The construction, maintenance and operation of any facility in which gaming and related activities are to take place shall be in a manner which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable and Federal laws relating to environmental protection and public health and safety.

Section 1104. Amendments

All provisions of this Gaming Code are subject to amendment by the Bishop Paiute Indian Tribal Council. All regulations promulgated by the Gaming Commission are subject to proper revision, repeal or amendment by the Gaming Commission.

Section 1105. Severability

If any provision of this Ordinance, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstance, shall not be affected. If any provision of this Ordinance is determined to be in conflict with any Federal or State Gaming laws or regulation, or future Tribal – State Compact, the applicable Federal or State laws and regulations or Compact provisions shall prevail as applicable to that conflicting provision of this Code only. The remainder of this Ordinance shall remain valid and in effect. This section in no way is to be interpreted as a waiver of the Tribe's sovereign immunity.

Section 1106. Designated Agent

The designated agent for notice to any official determination, order, or notice of violation by the NIGC as required by 25 C.F.R. 519.1 is the Gaming Commissioner;

Section 1107. Law Enforcement

This Tribal Gaming Ordinance shall take effect when signed by the Tribal Chairman and upon receipt of approval of the Chairman of the National Indian Gaming Commission. Upon receipt of approval of the Chairman of the National Indian Gaming Commission the Tribal Gaming Ordinance shall supercede and replace any and all other Tribal Gaming, Ordinances.

Section 1108. Right to Exclude any Person from the Premises at Any Time.

Any person may be excluded from the premises for good cause at any time at the direction of any primary management official, general manager or authorized representative or Director of Security or Gaming Commission, pursuant to the authority conferred under this Ordinance and of the Tribal State Compact.

Section 1109. Permissible Alcohol Beverage.

No person shall have in his or her possession any opened alcohol beverage on any premises except for such beverage as are purchased from the Tribe or its authorized agents for on-sale consumption in accordance with licensing and other requirements and laws of the Tribe. Possession and consumption of such beverages is to be confined to such areas as are specifically defied by the TRIBAL COUNCIL.

Section 1110. Prohibited Substances.

No person shall have in his or her possession any substance prohibited by Tribal, Federal, State laws while on the premises.

Section 1111. Firearms.

No person shall have in his or her possession any firearm on any premises. This section shall not apply to on duty law enforcement officers or security personnel employed by the Tribe in its gaming operation. Upon entry to any gaming operation, those carrying firearms shall register them at the cashier's office on a form prescribed for such purpose.

Section 1112. Disorderly Conduct.

No person shall engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide disturbance on any premises.

Section 1113. Enforcement.

Any person who violates any of the above subsections shall be asked to leave the premises. If any person so requested to leave refuses to promptly leave the premises, any of the Tribe's authorized law enforcement officers or security personnel shall be called to escort such person from the premises.

Section 1114. Transportation Providers.

No person providing conveyance on Tribal Lands or whose destination is Tribal Lands, shall be permitted to transport any gaming machines, without the consent of the Gaming Commission.

Section 1115. Agent for Process.

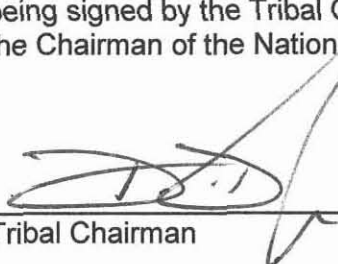
The agent for Service of Process shall be the Tribal Chairperson or his/her designated agent.

**Chapter 12
Rescinding of Prior Ordinances**

This Amended Tribal Gaming Ordinance shall supercede and replace any and all other Tribal Gaming Ordinances previously adopted or enacted by the Tribal Council and any prior Ordinance dealing with the subject of gaming.


**Chapter 13
Effective Date**

This Amended Tribal Gaming Ordinance approved and adopted this date, shall take effect upon being signed by the Tribal Chairman and Tribal Council Secretary and upon receipt of approval of the Chairman of the National Indian Gaming Commission.



Tribal Chairman

Date: 8/8/12



Tribal Council Secretary

Date: 8-08-12

