

NATIONAL  
INDIAN  
GAMING  
COMMISSION

JUL 21 1995

Matthew Dick, Chairman  
The Confederated Tribes of the Colville Reservation  
P.O. Box 150  
Nespelem, WA 99155

Dear Chairman Dick:

This letter responds to your request to review and approve the tribal gaming ordinance, resolution numbers: 1995-348, 1995-179, and 1995-178, adopted June 1, 1995, February 15, 1995, and February 15, 1995, respectively, by the Confederated Tribes of the Colville Reservation (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).


Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Also, such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

With the Chairman's approval of the Tribe's gaming ordinance, the Tribe is now required to conduct background investigations on its key employees and primary management officials. The NIGC expects to receive a completed application for each key employee and primary management official pursuant to 25 C.F.R. § 556.5(a) and an investigative report on each background investigation before issuing a license to a key employee or primary management official pursuant to 25 C.F.R. § 556.5(b).

As you are aware, pursuant to 25 C.F.R. § 522.4(b)(6), a tribe shall issue a separate license to each place, facility, or location on Indian lands where a tribe elects to allow class II or class III gaming. Enclosed in your submission packet were licenses for the Mill Bay Casino and the Colville Tribal Bingo. Please be advised that if the Tribe elects to allow class II or class III at any other site, a copy of the license shall be submitted for such site.

Thank you for submitting the ordinance of the Confederated Tribes of the Colville Reservation for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

  
Harold A. Monteau  
Chairman

JUL 10 1995

1995-348

R E S O L U T I O N

WHEREAS, it is the recommendation of Public Safety Committee that the Business Council adopt the amendments to Title 40 of the Colville Tribal Code as set forth:

40.2.02 "Primary Management Official" Delete the second sentence in its entirety and substitute "and the chief financial officer or other person who has financial management responsibility or any person having management responsibility for a management contract.

40.4.02 Limitation on Gaming Operation: Substitute a period for the semicolon after the word reservation and delete all of the remaining section beginning with the word provided.

40.5.03 Other Organizations and Entities. Delete this section and renumber sections 40.5.04 to 40.5.06.

It was duly moved and seconded to amend 40.3.01 to 4 other members instead of 2. and 40.3.02 to 4 other members instead of 2. 12 FOR 0 AGAINST. Motion Carried.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in SPECIAL Session, this 1st day of JUNE, 1995, at the Colville Indian Agency, acting for and in behalf of the Colville Confederated Tribes do hereby approve the recommendation of the Public Safety Committee of the Business Council.

The foregoing was duly enacted by the Colville Business Council by a vote of 12 FOR 0 AGAINST, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:

  
Gloria Picard, Acting Chairperson  
Colville Business Council

cc: Joe Pakootas, Chairman, Public Safety Committee  
Alan Stay, Reservation Attorney  
John Dick, Gaming Commissioner  
Kathy Desautel, Financial Officer

R E S O L U T I O N

WHEREAS, the amended Gaming Code, Title 40 was approved by Resolution 1995-178, and

WHEREAS, it is the recommendation of the Executive Committee to amend 40.3.01 of said code that the number of individuals on the Tribal Gaming Commission be increased from 3 to 5 members, and

WHEREAS, it is further recommended that the surveillance of the tribal gaming operations be placed under the Tribal Gaming Commissioner's Office and that this shall totally include the gaming operations security departments, to be effective immediately.

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in SPECIAL Session, this 15th day of FEBRUARY 1995 at the Colville Agency, do hereby approve the recommendation of the Executive Committee of the Business Council.

The foregoing was duly enacted by the Colville Business Council by a vote of 7 FOR 0 AGAINST, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:

E. Palmanteer, Jr.  
Eddie Palmanteer, Jr., Chairman  
Colville Business Council

cc:FCharette, Exec. Committee  
John Dick, Gaming Commissioner  
Clay Antioquia, CEO, CTEC  
Jane Smith, Colville Tribal Court  
Kathy Desautel, Financial Officer

EFFECTIVE THIS DATE AS  
CERTIFIED BY CODE REVISER

FEB 21 1995

Jane M. Smith  
COURT ADMINISTRATOR

cc: Res. Atty. Office  
Elden Wilson  
John Dick  
2-22-95 jms

FEB 23 1995

R E S O L U T I O N

WHEREAS, after the Indian Gaming Regulatory Act was adopted the Tribes found it necessary to amend it's Gaming Code which was adopted in 1981, and

WHEREAS, the Code has been reviewed by the Public Safety Committee, and

WHEREAS, the Public Safety Committee recommends to adopt the attached amended Gaming Code in light of the pending deadline for review by the National Indian Gaming Commission, and

THEREFORE, BE IT RESOLVED, that we, the Colville Business Council, meeting in SPECIAL Session, this 15th day of FEBRUARY 1995, at the Colville Agency, do hereby approve the recommendation of the Public Safety Committee of the Business Council.

The foregoing was duly enacted by the Colville Business Council by a vote of 8 FOR 0 AGAINST, under authority contained in Article V, Section 1(a) of the Constitution of the Confederated Tribes of the Colville Reservation, ratified by the Colville Indians on February 26, 1938, and approved by the Commissioner of Indian Affairs on April 19, 1938.

ATTEST:

E. Palmanteer, Jr.  
Eddie Palmanteer, Jr., Chairman  
Colville Business Council

cc: Francie Charette, Exec. Committee  
John Dick, Gaming Commissioner  
Clay Antioquia, CEO, CTEC  
Jane Smith, Colville Tribal Court  
Kathy Desautel, Financial Officer

EFFECTIVE THIS DATE AS  
CERTIFIED BY CODE REVISER

FEB 21 1995  
Jane M. Smith  
COURT ADMINISTRATOR

FEB 23 1995

cc: Res. Atty Office  
Eldon Wilson  
John Dick  
2-22-95 jms

215 7

TITLE 40

COLVILLE TRIBAL GAMING CODE

JUL 10 1995

Chapter 40.1 Findings, Policy and Purpose

40.1.01 Findings The Colville Business Council finds that:

(a) The Business Council has the authority, under the Constitution and By-Laws of the Tribes, to enact laws necessary for the protection of the health, security, and general welfare of the Confederated Tribes of the Colville Reservation (Tribes);

(b) Certain forms of gaming activities are desired by Colville tribal members, and their regulation is necessary for the protection of the health, security, and general welfare of the Tribes;

(c) Revenues from such activities are essential to fund tribal governmental programs and services;

(d) Authorized forms of gaming activities must be regulated and operated by the Tribes to insure their orderly and lawful operation in order to protect the public interest in the integrity of such gaming activities to prevent improper or unlawful conduct in the course of such gaming activities and to promote the development of a balanced tribal economy by dedicating all of the net revenues from such gaming activities to the public purposes of the Tribes; and

(e) Washington State law is not applicable to tribal operations, nor does it adequately address the special interests and needs of the Tribes in both protecting the Reservation and its residents and providing needed revenues to the Tribes. Under the tribal and federal policies of Indian self-determination, it is necessary and appropriate for the Tribes to regulate gaming on the Reservation.

40.1.02 Policy

It shall be tribal policy to develop and oversee the regulation and operation of authorized gaming activities to the end that the Tribes is better able to provide its members with community and social services and economic development while at the same time insuring that unregulated gambling and gaming are not allowed on the Colville Reservation; and,

40.1.03 Purpose The purposes of this Code are:

(a) To provide a new and continuous source of revenue for governmental and social services to the Tribes and employ tribal members;

(b) To insure the proper regulation and operation of authorized amusement games and gambling;

(c) To allow tribal members and guests to participate in certain forms of amusement games and gambling;

(d) To provide for the social welfare and protection of tribal members and all others who reside within or who may pass through the Reservation; and

(e) To pre-empt State law, including the licensing, taxing, revenue distribution and enforcement parts of RCW 9.46 as that law may apply to those activities specifically covered by this Code, and to implement in the place of State law, tribal regulation and control of the activities covered herein.

### Chapter 40.2 Definitions

40.2.01 Rules of Construction: In this Code, unless otherwise specifically provided:

- (a) The masculine includes the feminine;
- (b) The singular includes the plural
- (c) "Includes" and "including" are not limiting; and
- (d) "Or" is not exclusive.

40.2.02 Definitions: For purposes of this Code, unless otherwise expressly provided, the following definitions shall apply:

**"Act"** means the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§2701-2721 and 18 U.S.C. §§1166-1168.

**"Amusement game"** reserved .

**"Applicant"** means any person who has applied for a license or finding of suitability under the provisions of this Code or Commission regulations, or employment with a Gaming Facility Operator, or approval of any act or transaction for which approval is required or permitted under the provisions of this Code or Commission regulations.

**"Application"** means a request for the issuance of a license or finding of suitability or for employment by a Gaming Facility Operator, or for approval of any act or transaction for which approval is required or permitted under the provisions of this

Code or Commission regulations.

**"Bingo"** means a form of gaming wherein there is an opportunity to win prizes that are awarded on the basis of obtaining designated numbers or symbols on a card, screen, or otherwise; conforming to numbers or symbols selected at random, the opportunity for which persons are charged some consideration.

**"Bingo equipment"** includes all equipment which is actually used, or made or sold for the purpose of use, in bingo games for which consideration is charged persons to play, in connection with which prizes are awarded. Unless otherwise specified, the term shall include, but not be limited to, machines or other devices from which balls or other items are withdrawn to determine the letters and numbers or other symbols to be called, those balls or items themselves, bingo cards, and any other device commonly used in the direct operation of the game.

Bingo game sets commonly manufactured and sold as children's games for a retail price of fifty dollars (\$50) or less shall be presumed not to be bingo equipment for purposes of this Code unless the set, or portion thereof, is actually used in a bingo game as defined above where prizes of a value of five dollars (\$5.00) or more are offered.

**"Class I Gaming"** means all form of gaming defined as Class I in Section 4(6) of the Act, 25 U.S.C. § 2703(6).

**"Class II Gaming"** means all forms of gaming defined as Class II in section 4(7) of the Act, 25 U.S.C. §2703(7).

**"Class III Gaming"** means all forms of gaming as defined in Section 4(8) of Act, 25 U.S.C. §2703(8).

**"Colville Business Council"** means the Business Council of the Confederated Tribes of the Colville Reservation exercising its constitutional functions and duties.

**"Colville Tribal Enterprise Corporation"** means the entity chartered by the Business Council on July 23, 1984 in accordance with Title 25 of the Colville Tribal Code.

**"Commission"** means the Colville Tribal Gaming Commission established by this Code.

**"Commission Director"** means the individual appointed by the Commission as approved by the Business Council to direct the day to day operation of the Commission as provided herein.

**"Credit instrument"** means a writing which evidences a gaming debt owed to the Tribal Gaming Operation, and includes any writing taken in consolidation, redemption or payment of a prior credit instrument.

**"Enterprise"** means the Enterprise(s) established by the Tribes and CTEC to conduct all gaming operations of the Tribes on the Reservation, which currently include Mill Bay Casino and Colville Tribal Bingo.

**"Finding of suitability"** means an approval granted to a person or enterprise directly or indirectly involved with the Gaming Operations and relates only to the specified involvement for which it was made. If the nature of the involvement changes from that for which the applicant is found suitable, the Tribal Gaming Commission may require the person or enterprise to submit for a determination of suitability in the new capacity.

**"Game" and "gambling game"** means any game with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including any banking or percentage game.

**"Gaming" or Gambling" or "Gaming Activity"** means to deal, operate, carry on, conduct, maintain or expose for play any game, slot machine, gaming device, pari-mutuel operation, off-track pari-mutuel operation, interstate common pari-mutuel pool, or race book as defined in this Code and means all forms of Class II and Class III gaming owned and operated by the Tribes and conducted on the Indian Lands of the Tribes, or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes or charges money for operating the game, except as a player nor include traditional Indian games played by tribal members and their guests.

**"Gaming device" or "Electronic Game of Chance"** means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens, or by the use of a credit, and which awards game credits, cash, tokens, replays or a receipt that can be redeemed by the player. For any of the foregoing, the game play may be displayed by:

- Video facsimile; or
- Mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.



**"Gaming employee"** means any person employed as a Primary Management Official or Key Employee of a Gaming Operation of the Tribes and any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to restricted areas of a Gaming facility not otherwise to the public.

**"Gaming equipment"** means any equipment or mechanical electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming, any game that would not otherwise be classified as a gaming device, including dice, playing cards, equipment which affects the proper reporting of gaming revenue, computerized systems for monitoring gaming devices for weighing or counting money.

**"Gaming Facility" or "Gaming facilities"** means the building, improvements and facilities in which Class II and/or Class III gaming, is conducted.

**"Gaming Operation"** means any Gaming Activity conducted within any Gaming Facility.

**"Gaming Facility Operator"** means the Tribes, an enterprise owned by the Tribes, or such other entity of the Tribes as the Tribes may from time to time designate as the wholly-owned Tribal entity having full authority and responsibility for the operation and management of Class II and Class III gaming activities.

**"Gaming services"** means the providing of any goods or services, except for legal services, to the Tribes in connection with the operation of Class II or Class III gaming in a gaming facility, including but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance or security services for the gaming facility, in an amount in excess of \$10,000 in any single month.

**"Gross gaming revenue"** means the total of all cash received as winnings, cash received in payment for credit extended by the Gaming Operation to a patron, and compensation received by the Gaming Operation for conducting any game in which the Gaming Operation is not a party to the wager, less the total of all cash paid out as losses to patrons.

**"Gross receipts"** means the total of all sums received as revenue from the operation of an authorized gambling activity during a given period of time, without allowances, or deduction for pay out of winnings, costs of the transaction, cost of the materials or equipment used, labor expense, interest, discount, rent, taxes or any other allocated or allocable expense or loss during the same period of time.

**"Internal control system"** means written administrative and accounting procedures for the purpose of exercising effective control over the internal fiscal affairs of the Gaming Operation.

**"Interstate common pari-mutuel pool"** means a pari-mutuel pool consisting of pari-mutuel wagers placed at a track, its intrastate betting locations, other jurisdictions and the off-track pari-mutuel wagers placed and accepted by pari-mutuel books.

**"Immediate family"** means and is limited to, the subject individual's spouse, children, and parents--adoptive or biological.

**"License"** means an approval issued by the Tribal Gaming Commission to any natural person or entity to be involved in the Gaming Operation or in the providing of Gaming Services to the Tribes.

**"Licensee"** means any natural person or entity who has been licensed by the Tribal Gaming Commission to be involved in the Gaming Operation or in the providing of Gaming Services to the Tribes.

**"Live Broadcast"** means an audio and video transmission of a race, or series of races, as it occurs at a track, whether or not it is furnished by a disseminator for a fee.

**"Lottery"** means a scheme, plan or device for the distribution of money or property by an element of chance which, for the opportunity to possibly share in such distribution, persons have paid or agreed to pay a valuable consideration. "Valuable consideration" as an element of a lottery shall not include:

(1) Listening to or watching a television or radio program or subscribing to a cable television service;

(2) Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(3) Sending a coupon or entry blank by mail to a designated address in connection with a promotion conducted on the Colville Reservation;

(4) Visitation to any business establishment to obtain a coupon or entry blank;

(5) Mere registration without the purchase of any goods or services;

(6) Expenditure of time, thought, attention or energy in pursuing promotional material;

(7) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or

(8) Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof.

**"Management Contract"** means a contract within the meaning of 25 U.S.C. §§2710(d)(9) and 2711.

**"Management Contractor"** means a natural person or entity that has entered into a Management Contract with the Tribes or a Gaming Facility Operator which has been approved pursuant to 25 U.S.C. §§2710(d)(9) and 2711.

**"Manufacturer"** means a natural person or entity that manufactures Gaming Devices and/or component parts thereof as defined by this Code or Commission regulations for use or play in the Gaming Facilities.

**"National Indian Gaming Commission (NIGC)"** means the federal commission established pursuant to 25 U.S.C. S 2704.

**"Net Revenue"** means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes, winnings and total operating expenses including debt service but excluding management fees paid to a management contractor.

**"Off-track pari-mutuel wager"** means a wager placed by a patron and accepted by the Gaming Operation's pari-mutuel book on a race or races offered as part of an interstate common pari-mutuel pool whether or not the wager is actually included in the total amount of the interstate wagering pool.

**"Pari-mutuel"** means a system of wagering on a race or sporting event whereby the winners divide the total amount wagered, after deducting commission, fees, and taxes, in proportion to the amount individually wagered.

**"Patron"** means any person or group of persons who participate as players in games as defined by this Code, or who are physically present on premises wherein or

whereon such games are being played, but shall not include current employees of the gaming operation who are actually providing services at the time such games are being played.

**"Person"** means any association, partnership, corporation, firm, trust, co-operative or other form of business entity, as well as a natural person.

**"Premises"** means land together with all buildings, improvements, fixtures, and personal property located thereon.

**"Primary Management Official"** means any individual of the gaming enterprise who exercises authority over the daily operation of the gaming facility, including the authority to hire and fire employees, to supervise employees or to establish operational policy for the gaming activity or gaming facility and the chief financial officer or other person who has financial management responsibility for a management contract.

**"Principal"** means with respect to any person;

- Each of its officers and directors;
- Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;
- Each of its owners or partners, if an unincorporated business;
- Each of its shareholders who own more than ten (10) percent of the shares of the corporation, if a corporation;
- Each person other than a banking institution who has provided financing for the entity constituting more than ten (10) percent of the total financing of the entity, and
- Each of the beneficiaries, or trustees of a trust.

**"Race book"** means the business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering.

**"Regulation"** means a rule, standard, directive or statement of general applicability which effectuates the provisions and policy of the Commission, this Code or the policy of the Tribes.

**"Reservation" or "Tribal lands"** means Tribal Indian Lands as defined by 25 U.S.C. §2703 (4)(A) and (B), subject to the provisions of 25 U.S.C. §2719.

**"State"** means the State of Washington, its authorized officials, agents and representatives.

**"Services"** means labor provided by one person to or for another, where such labor is proved in pursuit of the purposes of gambling on the Colville Reservation.

**"Track"** means an in-state or out-of-state facility licensed to operate horse or other racing where pari-mutuel wagering on races is conducted. Where applicable, the term also includes a person or governmental agency in or outside a state that operates a track or shares in its revenues and also includes an association of tracks.

**"Tribal Court"** means the Courts of the Confederated Tribes of the Colville Reservation exercising their constitutional functions.

**"Tribal Law Enforcement Agency"** means the police force of the Tribes established and maintained by the Tribes pursuant to the Tribes powers of self-government to carry out law enforcement on the Reservation.

**"Tribal-State Compact or Compact"** means a written document, either negotiated and agreed to by the Colville Tribes and an official or agency of the State of Washington, or prescribed by the Secretary pursuant to 25 U.S.C. S 2710(7)(B)(vii), governing the conduct of Class III gaming activities on the Colville Reservation.

**"Tribes" and "Tribal"** means the Confederated Tribes of the Colville Reservation

## **Chapter 40.3 Colville Tribal Gaming Commission**

### 40.3.01 Establishment

There is hereby established a Colville Tribal Gaming Commission which shall carry out law enforcement and regulatory functions as defined in this Code, consisting of a chairman and two other members, at least two of whom shall be members of the Tribes, but none of whom shall be employees or managers of the Enterprises or CTEC. The members of the Public Safety Committee of the Business Council shall serve as the Interim Colville Tribal Gaming Commission. The Business Council shall appoint the permanent Commission pursuant to this Code no later than ninety (90) days from the adoption of this Code unless said time period is extended by Resolution of the Business Council.

### 40.3.02 Composition

The commission chairman and two members shall be appointed by Resolution of the Council to a term of 3 years commencing on the date of their appointment; provided, that the initial members so appointed shall serve for terms deemed to commence on April 1, 1995 and one of the initial members appointed shall be

designated to serve an initial term of one year and one of the initial members appointed shall be designated to serve for an initial term of two years.

#### 40.3.03 Qualifications of Commissioners

The Commissioners shall be at least thirty five years of age and shall have substantial education or experience in gaming operations, the practice of gaming law, gaming control, law enforcement, accounting, or public administration. No member or employee of the Commission shall participate as a player in any gaming activities conducted by the Tribes.

#### 40.3.04 Compensation

The members of the Commission shall serve on a part-time basis as needed to perform the functions established by this Code. Compensation for the Commissioners shall be set by the Commission, with approval by the Business Council.,

#### 40.3.05 Powers and Duties of the Commission

The Colville Tribal Gaming Commission is empowered to:

- (a) Administer this code, by exercising general control of all gaming, amusement games and gambling as well as exercising all powers necessary to accomplish the purposes of this code and recommend to the Business Council amendments to this code; and
- (b) Adopt and enforce rules and regulations in furtherance of the purposes of this code and the performance of its administrative functions; and
- (c) Establish by written regulation and oversee any tribal or other amusement game and gambling enterprise including pari-mutuel betting, which may hereafter be authorized by the Commission through regulation.
- (d) Collect fees and payments established by this code or by regulation.
- (e) Issue and revoke licenses given pursuant to this Code.
- (f) Investigate violations of this Code, file complaints under this Code, issue subpoenas and request search warrants upon proper allegations of violations of this Code; and with the aid of the tribal prosecutor request arrest warrants for violations of this Code.
- (g) Establish and revise Standards of Operation and Management for Class

II and Class III gaming activities for adoption by the Business Council, as well as reasonable and necessary standards for Class I gaming..

(h) Impose penalties for violations of this Code, any applicable compact or the standards operation and management in accordance with Chapter 40.8 of this Code.

#### 40.3.06 Tribal Gaming Agents (Inspectors)

The Commission shall have primary responsibility for oversight of tribal gaming operations to assure the integrity of such operations and shall, for that purpose, employ non-uniformed inspectors who shall be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Commission and not to any management employees of the Tribal gaming operations. Such inspectors shall have unrestricted access to all areas of the gaming facilities at all times, and personnel employed by the Enterprise shall for such purposes provide such inspectors access to locked and secured areas of the gaming facilities in accordance with the standards of maintenance and operation adopted by the Business Council. Such inspectors shall report to the Commission regarding any failure by the Enterprise to comply with any of the provisions of this Code and any other applicable documents and laws and ordinances of the Tribes. Inspectors assigned by the Commission shall also receive consumer complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints.

#### 40.3.07 Investigations

The Commission may on its own initiative investigate any aspect of the operations of the Enterprise in order to protect the public interest in the integrity of such gaming activities, and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Enterprise to comply with the provisions of this Code and any applicable Compact and may require the Enterprise to take any corrective action deemed necessary by the Commission upon such terms and conditions as the Commission may determine appropriate. The Commission may compel any person employed by or doing business with the Enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.

#### 40.3.08 Public Safety Plan

The Commission shall prepare a plan for the protection of public safety and the physical security of patrons in each of its gaming facilities, following consultation with local law enforcement agencies, setting forth the respective responsibilities of the Commission, the security department of the Enterprise, the Tribal Police

Department, and local law enforcement agencies.

40.3.09 Health and Safety Standards

The Commission shall enforce the health and safety standards applicable to the gaming facilities of the Enterprise in accordance with this Code. Prior to the opening of any facility for Class III gaming the Enterprise shall obtain a certificate of compliance from the Commission upon a determination that the gaming facilities of the Enterprise comply with such standards.

40.3.10 Complaints

The Commission may receive any complaint from an employee of the Enterprise or any member of the public who is or claims to be adversely affected by an act or omission of the Enterprise which is asserted to violate this Code, any applicable regulation, or the Standards of Management and Operation adopted pursuant to this Code, and may upon consideration of such complaint order such remedial action as it deems appropriate to bring the Enterprise into compliance with such provisions. The Commission may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint.

40.3.11 Budget

The Commission may adopt an annual operation budget which shall be subject to the approval of the Business Council and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Code, and may obtain legal counsel and other professional services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction. The expenses of the Commission in accordance with such budget shall be assessed against the Enterprises and the Enterprises shall pay such assessment to the Tribes.

40.3.12 Chairman

The Chairman of the Commission or any other member of the Commission acting in the absence of the Chairman may, whenever he deems it necessary to protect the public interest in the integrity of Tribal gaming operations, issue in the name of the Commission any order which the Commission has the power to issue, to the Enterprise or any employee or contractor of the Enterprise or to any other person within the jurisdiction of the Tribes to take any action or cease and desist from any action as may be required to protect to the public interest; provided, that such order shall be subject to review by the Commission at its earliest opportunity,



whereupon it may be confirmed or vacated by the Commission.

40.3.13 Commission Director

The Commission shall appoint an individual to serve as a full time Director of the Commission to administer its responsibilities on a day to day basis and to oversee inspectors appointed by the Commission as well as such other staff as the Commission may from time to time employ. The Director shall be responsible for coordination of the functions of the Commission with the Tribal Police and other law enforcement agencies. The Chairman may request the Director to conduct a preliminary investigation and render a recommendation to the Commission with respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Commission. The Director shall have the power, in the name of the Commission, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Commission, as any other powers which the Commission may exercise under this Code.

40.3.14 Procedures of the Commission

(a) Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meeting shall be necessary.

(b) Special meetings of the Commission may be called by the Chairman or the Commission Director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Commission need to be specified in the notice of the meeting.

(c) At any meeting of the Commission, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission. The Chairman shall preside at all meetings of the Commission unless the Chairman designates another member to preside in his absence.

(d) Any action required or permitted to be taken at a meeting of the Commission may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Commission, and shall have the same effect as a

unanimous vote or resolution of the Commission at a legal meeting thereof. Any such action taken by unanimous written consent in the form of resolutions or votes.

(e) Members of the Commission may participate in a meeting of the Commission by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.

(f) No action of the Commission to impose a penalty pursuant to Chapter 40.8 of this Code, or to revoke a license for a gaming employee previously issued by the Commission, shall be valid unless the person affected is given at least seven days notice of the proposed action and the opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue; provided, that if the Commission deems it necessary to protect the public interest in the integrity of the gaming activities, the Commission may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practical following such action. Any person who is denied an initial gaming employee license or who is barred from the gaming facilities by action of the Commission may request a hearing before the Commission by written request submitted within thirty days following receipt of notice of the action of the Commission, and the Commission shall thereupon afford an opportunity to appear and be heard before the Commission, either in person or through a representative or legal counsel, and to submit such evidence as the Commission deems relevant to the matter at issue and thereafter the Commission shall either affirm or reconsider its decision. Any hearing conducted under this sub-section may at the direction of the Commission be conducted by the Commission Director or by one or more members of the Commission designated by the Commission for that purpose.

(g) The Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Code.

## Chapter 40.4 Compliance with the Act

### 40.4.01 Construction Consistent With IGRA

This Code shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

### 40.4.02 Limitation on gaming operation

In compliance with 25 U.S.C. §2710(b)(2)(A), the Tribes shall have the sole proprietary interest and responsibility for the conduct of any gaming activity on the Reservation.

### 40.4.03 Application of net revenues

In compliance with 25 U.S.C. §2710(b)(2)(B), net revenues from any gaming activity are not to be used for purposes other than;

- (a) to fund tribal government operations or programs;
- (b) to provide for the general welfare of the Tribes and its members;
- (c) to promote tribal economic development;
- (d) to donate to charitable organizations; or
- (e) to help fund operations of local government agencies.

Net revenues from gaming may be used to make per capita payments to members of the Tribes upon the preparation of a plan to allocate revenues to the above uses and approval of the plan by the Secretary of the Department of Interior.

### 40.4.04 Annual audit

In compliance with 25 U.S.C. §§2710(b)(2)(C) and (D), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the NIGC. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000.00 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

### 40.4.05 Public Safety Standards

In compliance with 25 U.S.C. §2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with all applicable health, safety and environmental standards enacted by the Tribes and to the extent that federal

water discharge standards are specifically applicable to the Reservation, such federal standards shall govern. The Commission established by this Code shall be empowered to enforce these requirements as provided in Chapter 40.3 hereof.

40.4.06 Background investigations (Finding of Suitability)

In compliance with 25 U.S.C. §2710(b)(2)(F), all Class III gaming employees, including all primary management officials and key employees of any Class II or Class III gaming enterprise, together with other Class II gaming employees as are required by the Commission to secure such licenses, shall be licensed by the Tribes and subject to background investigations and ongoing review, including annual renewal of such licenses. The Tribes shall notify the NIGC of the results of the Commission's licensing process for its primary management officials and key employees in accordance with the regulations and procedures established the NIGC in 25 CFR Part 556.

For all Class III gaming employees and those Class II gaming employees required to obtain a license as a gaming employee from the Commission established pursuant to this Code, the Commission shall conduct background investigations of all such employees and shall deny or revoke such licenses for any employee whose 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 practice and methods and activities in the conduct of gaming. The Commission shall notify the NIGC of the results of its background investigation for the primary management officials and key employees of its Class II gaming operations as provided in 25 CFR Part 558 and all of its Class III employees.

## **Chapter 40.5 Authorization For Gaming Activities**

40.5.01 Tribal Gaming Authorized

(a) The Confederated Tribes of the Colville Reservation may conduct any Class II gaming activity authorized by the Commission consistent with provisions of this Code and the Act.

(b) The Confederated Tribes of the Colville Reservation may conduct any Class III gaming activity authorized by the Commission consistent with the provisions of this Code and the Act.

40.5.02 Tribal Organizations Other Than The Enterprise

The Commission with the consent of the Business Council may authorize Tribal departments, political subdivisions or subordinate charitable organizations of the Tribes to operate raffles and amusement games. Such operation shall be consistent with this Code, and any special conditions imposed by the Commission.

40.5.03 Authorization By Commission

The Commission may authorize any Class II or Class III gaming activity "permitted " within the State as that term is defined under the Act.

40.5.04 Prohibition Against Gaming

No person duly authorized by the Commission shall engage in, conduct of condone any Class II or Class III gaming activity unless such game is approved by the Commission and the regulations for the rules governing such game have been duly promulgated by the Commission.

40.5.05 Traditional Games

Traditional Indian games played by Tribal members and their guests shall not constitute gaming within the meaning of this Code but shall be subject to reasonable and necessary regulation by the Commission.

**Chapter 40.6 Auditing And Internal Control**

40.6.01 Minimum Procedures for Control of Internal Fiscal Affairs

The Commission shall promulgate regulations for control of internal fiscal affairs 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, 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, promote operational efficiency, and encourage adherence to prescribed policies;

- (b) Prescribe minimum reporting requirements to the commission;
- (c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice public accounting;
- (d) Formulate a uniform code of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information. Such code shall require that records be retained that reflect drop (amount of cash wagered by patrons), win/loss (amount of cash won/lost by the gaming operation) and the percentage of win/loss to 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 documentation (ie. checklists, 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 subsection (f) be maintained for a minimum of two (2) years.

#### 40.6.02 Commission Oversight of Internal Fiscal Affairs

(a) The Commission shall, by regulation, require audits of the financial statements of all gaming operations. Such audits must:

(1) be made by independent Certified Public Accountants;

(2) include an opinion, qualified, or unqualified or, if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and regulations of the American Institute of Certified Public Accountants; and

(3) disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulations promulgated by the Commission; and

(4) provide for a preliminary review of the internal control structure, upon adoption of the policies and procedures by the entity, to disclose any deviation from prescribed rules and regulations and report such findings to the Commission and management.

(b) The Commission shall bear its own costs related to performance of the provisions of this section.

40.6.03 Commission Right to Conduct Audit

The Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribes, to conduct its own audit of any gaming operation.

40.6.04 Prohibition Against Embezzlement

Any delay, maneuver or action of any kind which in the opinion of the Chairman is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribes shall constitute grounds for taking disciplinary action against that licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions shall be in imposed in accordance with Chapter 40.8 and may include fining, revoking, suspending, limiting or refusing to renew the license.

40.6.05 Non-Compliance

Failure to comply with this chapter or the regulations promulgated hereunder, shall constitute a per se violation of this Code.

**Chapter 40.7 Prohibited Acts**

40.07.01 Violations

It shall be a violation of this Code for any person to:

(a) Conduct or participate in any Class II or Class III gaming operation on the Reservation other than an Enterprise.

(b) Receive, distribute, apply or divert any property, funds, proceeds or other assets of the Enterprise to the benefit of any individual or any other person except as authorized by this Code and any applicable Resolution of the Tribes.

(c) Tamper with any equipment used in the conduct of tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the publicly announced rules of such gaming activities.

(d) Do any other act in connection with the conduct of the tribal gaming operations with the intent to effect the outcome of any wager other than in accord with the publicly announced rules of such gaming activities.

(e) To participate as a player in any regular public bingo game, any lottery, any pari-mutual wager, or game of chance authorized pursuant to Chapter 40.5 hereof, conducted by the Tribes while such person is a member of the Tribal Council or a Director or employee of the Gaming Enterprise.

## **Chapter 40.8 Enforcement, Sanctions and Penalties**

### **40.8.01      Sanctions**

Any person who within the jurisdiction of the Tribes conducts any unauthorized gaming activity regulated by the Commission shall be subject to the sanctions and penalties of Titles 6 and 8, and Section 5.5.08 of the Colville Tribal Code as now or hereafter amended and shall also be subject to civil penalties for each violation pursuant to §40.8.02 of this Code.

### **40.8 .02      Civil Penalty**

Any person or entity who violates any provision of this Code or regulations adopted hereunder shall be subject to a civil penalty of not less than fifty (\$50) dollars and no more than five thousand (\$5,000) dollars for each violation, in addition to any applicable criminal penalties.

### **40.8.03      Permit or License Suspension**

Any person or entity who violates any provision of this Code or regulations adopted hereunder shall be subject to loss of the license provided under this Code for a period of not less than one month nor more than five years at the absolute discretion of the Commission.

### **40.8.04      Citations**

When the Commission, its Director, an agent of the Commission or a tribal police officer has reasonable cause to believe that a violation of this Code is taking place or has taken place, the Commissioner, police officer or agent shall issue the violator a citation. All citations shall be referred to the Commission, and a duplicate copy delivered to the Tribal Prosecutor.

### **40.8 .05      Removal**

The Commission, its Director, an agent of the Commission or a tribal police officer may remove any person subject to a citation pursuant to section 40.8.04 from a gaming facility whenever the circumstances of the violation lead them to believe



that continuation of the activity will affect the public peace or safety or the honesty of the gaming activity.

40.8.06      Separate Offenses

Each day that a violation continues shall be considered a separate offense for the purposes of this Chapter.

40.8.07      Appeal of Commission Decision

An aggrieved party may appeal any final decision of the Commission under this Chapter to the Tribal Court.

**Chapter 40.9 Jurisdiction**

40.9.01      Tribal Court Jurisdiction

The Colville Tribal Court shall have exclusive jurisdiction to adjudicate controversies under this Code including appeals from final decisions of the Commission under Chapter 40.3.

40.9.02      Sovereign Immunity Preserved

Nothing in this Code is intended or shall be construed as a waiver of the sovereign immunity of the Tribes; and no manager, officer or employee of the Commissioner shall be authorized, nor shall he attempt, to waive the immunity of the Tribes.

40.9.03      Damage Suits

Damage suits against any employee, officer, agent, manager or director of the Tribes or any of its departments or agencies for disputes arising under this Code or regulations promulgated hereunder are prohibited.

**Chapter 40.10 Prior Ordinance Repealed**

The Colville Amended Gambling Code as adopted in Resolution 1983-61 is hereby repealed; provided, however, that the Commissioner, the Tribal Bingo Enterprise, Mill Bay Casino and the General Managers of the Gaming Enterprises and CTEC shall continue to exercise their respective powers and carry out their respective duties as established under the licenses issued under the former

Amended Gambling Code until the Commission notifies each of them that they must obtain the necessary licenses under this Code for gaming activities within the jurisdiction of the Tribes.

### **Chapter 40.11 Amendments and Severability**

#### **40.15.01     Amendments**

All provisions of this Code and any regulations promulgated hereunder are subject to revision, repeal, or amendment by the Business Council at any time.

#### **40.15.02     Severability**

If any provision or application of this Code is determined by review to be invalid, such determination shall not be held to render such provision inapplicable to other persons or circumstances, nor shall such determination render invalid any other provision of this Code.

ADDITIONAL SUBMISSION REQUIREMENTS  
TO THE NATIONAL INDIAN GAMING COMMISSION

11/10/1995

I. DESCRIPTION OF PROCEDURES FOR CONDUCTING BACKGROUND INVESTIGATIONS FOR APPLICATION FOR A COLVILLE GAMING EMPLOYEE LICENSE

A. **Responsibility and Applicability**

The Colville Business Council, governing body of the Confederated Tribes of the Colville Reservation, is responsible for the conduct of the background investigations and the determination of employee suitability prior to the issuance of a license to work at any gaming facility located on the Colville Reservation. This responsibility has been delegated pursuant to Title 40 of the Colville Tribal Code to the Colville Tribal Gaming Commission.

B. **Procedures**

In the process of screening prospective employees for employment in gaming facilities located on the Colville Reservation, the following procedures are prescribed to ensure the integrity and safe operation of gaming activities. All employee application forms shall provide for Tribal authority to conduct investigation of the criminal background of all applicants, and shall provide for the applicant's release of personal information to the Colville Tribal Gaming Commission and Colville Tribal Police Department (CTPD). Gaming employment application forms shall be similar to those in use by the CTPD for hiring full time law enforcement officers or as designated by the Commission.

Once the waiver authorization has been signed, the applicant will be finger-printed by the Colville Tribal Police Department or an agent of the Commission holding a CTPD commission. Those fingerprints will then be submitted to the Federal Bureau of Investigation through the National Indian Gaming Commission for criminal history background and prior arrest information pursuant to the CHRI Agreement dated February 17, 1994. The Tribes may also enter the applicant into the Washington State ACCESS system, a state law enforcement computer network that is linked to the Washington Crime Information Center and the National Crime Information Center to disclose arrest details. Other

criminal jurisdictions will be queried as needed. In some cases Colville Tribal Police Officers or Gaming Commission Agents will travel to other jurisdictions to complete door to door background investigations. In some extreme cases the use of a polygraph is available to the Tribes.

In all investigations, procedures will include, at a minimum, the following disclosures by applicants for a Gaming Employee License:

- 1) The verification, by written or oral communication, of information submitted by the applicant.
- 2) Inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; interview of a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the Tribes to make a finding concerning the eligibility for employment in a gaming operation.
- 3) Documentation of the disposition of all potential problem areas noted and disqualifying information obtained.

All investigations will be documented by a comprehensive written report, detailing the following:

- 1) The steps taken in the conduct of the investigation;
- 2) The results obtained;
- 3) the conclusions reached; and
- 4) The bases for those conclusions.

In all Class III gaming employment situations all information will be shared between the National Indian Gaming Commission, relevant Licensing agencies and the Colville Tribal Gaming Commission. The following organizational chart defines line authority and structure of systems organization.

### C. Organizational Structure

Entities responsible for key elements of the background investigations process include the following:

Colville Business Council: The governing body of the Confederated Tribes of the Colville Reservation, ultimately responsible for compliance with the Tribal Gaming Code, other applicable Tribal laws, and all Federal law. The Colville Business Council delegates authority for the administration of gaming regulations pursuant its Gaming Code to the Colville Tribal Gaming Commission.

Colville Tribal Gaming Commission: Responsible for the administration of all regulations and control of gaming activities on the Colville Indian Reservation in accordance with the Tribal Gaming Code, and the Indian Gaming Regulatory Act (25 U.S.A. sec 2710(b)(2)(F)). Structured independent and separate from gaming business management activities, the Commission is currently composed of the Public Safety Committee of the Colville Business Council. The Code requires the Colville Business Council to appoint three members by April 1, 1995. The Commission is authorized to carry out its responsibilities through the proper screening and investigation, including background checks, of all prospective employees. The Commission initiates background checks through delegation to the Commission's Agency staff and the Colville Tribal Police Department.

Director of Gaming Commission: An employee of the Colville Tribes, reports to the Colville Gaming Commission. Responsible for the review and approval of completed background investigations performed by Tribal Gaming Agents and as applicable, the Colville Tribal Police Department, as well as for the surveillance and security functions. The Director forwards all background information to the National Indian Gaming Commission and other law enforcement agencies as needed.

Tribal Gaming Agents Commissioned By The Colville Tribal Police Department: Under the direction and supervision of the Director, Tribal Gaming Agents and, if needed, Tribal Police Officers will conduct background investigations as directed by the Colville Gaming Commission. All background investigations done on prospective casino employees will be forwarded to the Director who will communicate results to the Colville Gaming Commission.

#### D. Fingerprints

Fingerprints will be taken from each applicant by police commissioned agents of the Colville Tribal Gaming Commission in accordance with established departmental procedures. These fingerprints will be submitted to the Federal Bureau of Investigation, in accordance with the CHRI Agreement.

#### E. Suitability Determinations

The Colville Gaming Commission will make suitability determinations, based on Tribal regulations and Federal law. Tribal Employee Gaming Licenses will only be issued to individuals who have successfully passed the background investigation, and after receiving a certification from the Colville Gaming Commission pursuant to its licensing and certification requirements.

#### F. Selection of Regulatory Personnel

The Colville Gaming Commission is established by Tribal Code, and members are appointed by the Colville Business Council, the governing body of the Confederated Tribes of the Colville Reservation. The Commission currently consists of the members of the Public Safety Committee of the Colville Business Council. The Colville Tribal Gaming Code requires the Council to appoint three Commissioners by April 1, 1995. All Commission nominees also are required to undergo rigorous background investigations, which are presented to the Business Council prior to their final confirmation. All Commission members shall receive training in casino operations, as well as in specialized fields of expertise (i.e. security, surveillance, public policy, auditing, etc.).

## II. LICENSE PROCEDURES FOR KEY EMPLOYEES

Primary management and key employees will be certified and licensed by the Colville Tribes. Each applicant for a Tribal gaming license shall submit the completed application along with the required information to the Colville Gaming Commission. These forms shall contain information, documentation and assurances as may be required by the Commission concerning the applicant's personal history, references, criminal record, business activities, financial affairs, work history and experience, and educational background, in a greater level of detail than would be

required of other non-class III gaming employees. Each completed application must be accompanied by the applicant's fingerprint cards, current photographs, and the fees required by the Commission. Upon receipt, the Tribes will transmit a copy of license application material for each applicant, together with fingerprint cards, a current photograph and any fee required, to the National Indian Gaming Commission. For applicants who are business entities, these provisions shall apply to the principal owners or officers of such entities. The NIGC will then either issue a certification for the key employee, or report to the Tribes why certification should be denied. The Colville Gaming Commission will then issue gaming licenses for properly certified individuals.

### III. DISPUTE RESOLUTION

#### A. Gaming Public

Customer disputes will be referred by the dealer or employee to the person's immediate supervisor in the gaming pit or other department. If a satisfactory solution cannot be obtained, the customer may discuss the problem with the most senior management official at the gaming facility, whose decision shall be final. Customers will also be referred to the Colville Tribal Gaming Commission if they remain dissatisfied or wish to alert these regulatory bodies of a perceived problem in the operation of the gaming facility. The Director shall investigate each complaint received and file its investigative report with the Commission.

### IV. AGENT FOR SERVICE

The Tribe's agent for service for all matters pertaining to the regulation of gaming on the Colville Indian Reservation shall be as follows:

Director, Colville Tribal Gaming Commission  
Confederated Tribes of the Colville Reservation  
P.O. Box 150  
Nespelem, WA. 99155

with a copy to:

Office of Reservation Attorney  
Confederated Tribes of the Colville Reservation

P.O. Box 150  
Nespelem, WA. 99155

The Honorable Eddie Palmanteer, Jr., is the present chairman of the Tribes and has served continuously in that capacity for the past 4 years.

V. IDENTIFICATION OF LAW ENFORCEMENT AGENCY

The Colville Tribal Police Department is responsible for general law enforcement on the Colville Indian Reservation. Agents of the Commission who hold commissions from the CTPD are responsible for fingerprinting all license applicants. That information is then submitted to the National Indian Gaming Commission for background and criminal history checks which shall be conducted by the Federal Bureau of Investigation pursuant to the CHRI Agreement. The Tribes will cooperate with the NIGC to complete the criminal and personal history checks if more in depth information is required.

Minimum investigative procedures includes the verification of information received from applicants through means available to the Colville Tribal Police Department. The background investigation will include inquiry into applicant's prior activities, criminal record, reputation, habits and associations; and interview of a sufficient number of knowledgeable people such as former employers, personal references, and others to whom referred in order to provide a basis for the Tribes to make a finding concerning the eligibility for employment in a gaming operation. An investigative report detailing steps taken in conducting the background investigation, results obtained, conclusions reached and the basis for those conclusions will be documented for the Tribal Gaming Commission's review and action.

VI. COPIES OF TRIBAL GAMING REGULATIONS

Tribal Gaming regulations that have been finalized are being forwarded to the National Indian Gaming Commission. Any new regulations will fully comply with all Tribal and Federal law and will be designed to protect the integrity of the gaming operation for the benefit and protection of the public, the Tribes and its members.



LICENSING FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

1.010 **Definitions** For the purpose of this section, the following definitions apply:

(a) **Key Employee** means:

- (1) A person who performs one or more of the following functions
  - (i) Bingo caller;
  - (ii) Counting room supervisor;
  - (iii) Chief of security;
  - (iv) Custodian of gaming supplies or cash;
  - (v) Floor manager;
  - (vi) Pit Boss;
  - (vii) Dealer;
  - (viii) Croupier;
  - (ix) Approver of credit; or
  - (x) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (3) If not otherwise included, the four most highly compensated persons in the gaming operation.

(b) **Primary management official** means:

- (1) The person having management responsibility for a management contract;
- (2) Any person who has authority:
  - (i) to hire and fire employees; or
  - (ii) to set up working policy for the gaming operation; or
  - (iii) the chief financial officer or other person who has financial management responsibility.
- (3) The chief financial officer or other person who has financial management responsibility.

1.020 **Application Forms**

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

In compliance with the Privacy Act of 1974, the following information is provided: Solicit of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

- (b) Existing key employees and primary management officials shall be notified in writing that they shall either:
  - (1) Complete a new application form that contains a Privacy Act notice; or
  - (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.
- (c) The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant.

A false statement on any part of your application may be grounds for not hiring you, or for firing you after you begin work. Also, you may be punished by fine or imprisonment.

(18 U.S.C. §1001)

- (d) The Tribes shall notify in writing existing key employees and primary management officials that they shall either:
  - (1) Complete a new application form that contains a notice regarding false statements; or
  - (2) Sign a statement that contains the notice regarding false statements.

## 1.030 Background Investigations

- (a) The Tribes shall request from each primary management official and from each key employee all of the following information:
- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
  - (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
  - (3) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under Section 1.030(a)(2);
  - (4) Current business and residence telephone numbers;
  - (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
  - (6) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  - (7) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
  - (8) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
  - (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
  - (10) For each criminal charge (excluding minor traffic violations), within 10 years of the date of application and is not otherwise listed pursuant to Section 1.030(a)(9), the criminal charge, the name and address of the court involved and the date and disposition;

- (11) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
  - (12) A current photograph;
  - (13) Any other information the Tribes deems relevant; and
  - (14) Fingerprints consistent with procedures adopted by the Tribes according to 25 C.F.R. §522.2(h).
- (b) The Tribes shall conduct an investigation sufficient to make a determination under Section 1.040 below. In conducting a background investigation, the Tribes or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

#### **1.040 Eligibility Determination**

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

#### **1.050 Procedures**

Procedures for forwarding applications and reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission.

- (a) When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribes shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background subsection (d) of this section.
- (b) The Tribes shall forward the report referred to in Section 1.060 to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of Title 40 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 after 90 days.

#### **1.060 Report to the National Indian Gaming Commission**

- (a) Pursuant to the procedures set out in Section 1.050, the Tribes shall prepare and forward to the National Indian Gaming Commission an investigative report on 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 basis for those conclusions.
- (b) The Tribes shall submit, with the report, a copy of the eligibility determination made under Section 1.040.
- (c) If a license is not issued to an applicant, the Tribes:
  - (1) Shall notify the National Indian Gaming Commission; and
  - (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 Individuals Records System.
- (d) With respect to key employees and primary management officials, the Tribes shall retain applications for employment and reports (if any) of 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 termination of employment.

#### **1.070 Granting a Gaming License**

- (a) If, within a thirty (30) day period after the National Indian Gaming Commission notifies the Tribes 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 Tribes has provided an application and investigative report to the National Indian Gaming Commission, the Tribes may issue a license to such applicant.
- (b) The Tribes 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 Section 1.070(a) 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 Tribes with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribes has provided an application and investigative report to the National Indian Gaming Commission, the Tribes shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission.

#### 1.080 License Suspension

- (a) If, after the issuance of a gaming license, the Tribes receives from the National Indian Gaming Commission, reliable information indicating that a key employee or a primary management official is not eligible for employment under Section 1.040, the Tribes shall suspend license and shall notify in writing the licensee of the suspension and proposed revocation.
- (b) The Tribes shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (c) After a revocation hearing, the Tribes shall decide to revoke or to reinstate a gaming license. The Tribes shall notify the National Indian Gaming Commission of its decision.