



By First Class Mail

FEB 10 2011

Dan Courtney, Chairman
Cow Creek Board of Directors
Cow Creek Band of Umpqua Tribe of Indians
2371 NE Stephens Street, Suite 100
Roseburg, OR 97470

Re: Cow Creek Band of Umpqua Tribe of Indians gaming ordinance amendments

Dear Chairman Courtney:

This letter responds to your request for the National Indian Gaming Commission to review and approve two amendments enacted by Cow Creek Tribal Board of Directors Resolutions 2010-36 and 2010-26. Resolution 2010-36 amends the Cow Creek Band of Umpqua Indians' (Tribe's) existing gaming ordinance by updating the Privacy Act and false statement notices required by NIGC regulations. Resolution 2010-26 amends the Tribe's existing gaming ordinance by removing provisions that are not required under IGRA or are duplicative of provisions in the Tribe's compact with the State of Oregon. The one addition that Resolution 2010-26 makes to the Tribe's existing ordinance is a provision defining "Per Capita Payment" and setting forth the requirements of 25 C.F.R. Part 290.

Thank you for bringing these amendments to our attention and for providing us a copy of the updated ordinance. The ordinance is approved as it is consistent with the requirements of the Indian Gaming Regulatory Act and the NIGC's regulations. If you have any questions, please feel free to contact Staff Attorney Melissa Schlichting at 202-632-7003.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracie Stevens".

Tracie Stevens
Chairwoman

cc: Dirk Doyle, Associate Legal Counsel
Cow Creek Band of Umpqua Tribe of Indians
(via fax: (541) 673-0432)

**RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF
INDIANS BOARD OF DIRECTORS
ADOPTING THE AMENDED GAMING ORDINANCE PREVIOUSLY
APPROVED BY THE NATIONAL INDIAN GAMING COMMISSION**

WHEREAS, the Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (P.L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987 (P.L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally supervised constitutional ballot, on July 8, 1991; and,

WHEREAS, pursuant to Article III, Section 1 of the Tribe's Constitution, the Cow Creek Tribal Board of Directors (the "Board") is the governing body of the Tribe; and,

WHEREAS, pursuant to Article VII, Section 1 (a) of the Tribe's Constitution the Board has the power to "to negotiate with the Federal, state and local governments on behalf of the Tribe and advise and consult with representatives of the Department of the Interior or any other federal, state or local department, agency or office on all activities of those agencies or offices that may affect the Tribe"; and

WHEREAS, pursuant to Article VII, Section 1 (b) of the Tribe's Constitution the Board has the power to "represent the Tribe before Federal, state and local governments and their departments and agencies"; and

WHEREAS, pursuant to Article VII, Section 1 (I) of the Tribe's Constitution the Board has the power to "enact ordinances and laws governing the conduct of all persons on tribally owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations . . ."; and,

WHEREAS, pursuant to Article VII, Section I (t) of the Tribe's Constitution the Board has the power to "have such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe"; and,

WHEREAS, the Board, on December 12, 2010, authorized amendment to the Tribe's Gaming Ordinance to incorporate changes that were recommended by the National Indian Gaming Commission ("NIGC") and further authorized re-submission to the NIGC for final approval; and

WHEREAS, the NIGC has approved the re-submitted amended Gaming Ordinance in substantially the form as attached hereto as Exhibit 1; and

WHEREAS, the Board believes that it is in the best interests of the Tribe and its members to formally adopt the amended Gaming Ordinance; now

THEREFORE, BE IT RESOLVED that the Tribe, by and through the Board, hereby adopts the Gaming Ordinance attached hereto as Exhibit 1 effective as of the date below appearing.

BE IT FURTHER RESOLVED, that any and all actions heretofore or hereafter taken by any Tribal officers, employees or agents regarding the foregoing resolution be, and hereby are, ratified and confirmed as the act and deed of the Tribe taken or made by them within the scope of their duties to the Tribe; and,

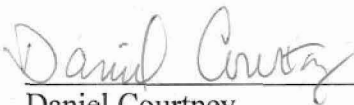
BE IT FURTHER RESOLVED, that neither this resolution nor any document or representation related herewith or therewith shall constitute a waiver of the sovereign immunity of the Tribe, or its officers acting in their official capacity within the scope of their authority; and,

BE IT FURTHER RESOLVED, that the actions authorized and taken by this Resolution are intended to advance the sovereign self governance of the Tribe, and to protect the political integrity, economic security and health and welfare of the Tribe and its members; and,

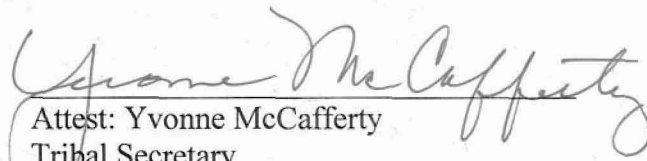
BE IT FURTHER RESOLVED, any prior Tribal regulations, resolutions, orders, motions, legislation, codes or other Tribal law which are materially inconsistent with this Resolution are hereby repealed, but only to the extent of any such inconsistency and as applied to the specific matter in which any such inconsistency arises.

CERTIFICATION

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 9, constituting a quorum, were present at a meeting duly held on the 9th day of January, 2011, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS ADOPTING THE AMENDED GAMING ORDINANCE PREVIOUSLY APPROVED BY THE NATIONAL INDIAN GAMING COMMISSION** by the affirmative vote of 9 for and 2 against.



Daniel Courtney
Tribal Chairman



Attest: Yvonne McCafferty
Tribal Secretary

Exhibit "1"

**COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
TRIBAL GAMING ORDINANCE
AS AMENDED AND RESTATED ON DECEMBER 12, 2010**

DEFINITIONS

Definitions. Unless a different meaning is clearly indicated from the context or is set forth below, the terms used in this Ordinance shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988), 25 U.S.C. 2701, et seq. ("IGRA").

"Board" means the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians.

"Class I Gaming" means either social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, Tribal ceremonies or celebrations.

"Class II Gaming" means Class II gaming as defined at 25 U.S.C. §2703(7) (A), and any regulations promulgated thereunder, and:

- (a) The game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith)
 - (1) Which is played for prizes, including, but not limited to, cash and/ or merchandise with cards bearing numbers or other designations,
 - (2) In which the holder of the card covers or blocks such numbers or designations when an object or symbol, similarly numbered or designated, is drawn or electronically determined, and
 - (3) In which the game is won by the first person covering a designated arrangement of numbers or designations on such cards, including (if played in the same location), pull tabs, lotto punch boards, tip jars, instant bingo, and other games similar to bingo;
- (b) Card games that are:
 - (1) Authorized by laws of the State of Oregon,
 - (2) Not prohibited by the laws of the State of Oregon, and

- (3) Played in conformity with those laws and regulations (if any) of the State of Oregon regarding hours or periods of operation of, or limitations on wagers or pot sizes in, such card games; and
- (c) The term "Class II Gaming" shall not include:
- (1) Any banking card games, including baccarat, chemin de fer, blackjack (a/k/a "21"), or
 - (2) Slot machines of any kind.

"Class III Gaming" means, consistent with the Compact, 25 U.S.C. §2703(8), and any regulations promulgated thereunder, all forms of gambling that are not Class I Gaming or Class II Gaming.

"Commission" means the Cow Creek Tribal Gaming Commission.

"Commissioner" means an individual member of the Cow Creek Tribal Gaming Commission.

"Compact" means the "Tribal State Compact for Regulation of Class III Gaming between the Cow Creek Board of Umpqua Tribe of Indians and the State of Oregon" executed by the Governor of Oregon, the Chairperson of the Tribe, and the Secretary of the Interior as of February 7, 2007, and all amendments, appendices, exhibits and other attachments thereto.

"Key Employee" means:

- (a) A person who performs one or more of the following functions:
 - (1) Bingo caller,
 - (2) Counting room supervisor,
 - (3) Chief of security,
 - (4) Custodian of gaming supplies or cash,
 - (5) Floor manager,
 - (6) Pit boss,
 - (7) Dealer,
 - (8) Croupier,

- (9) Approver of credit, or
 - (10) Custodian of gambling terminals or other devices operated by the management of any Gaming Operation, including persons with access to cash and accounting records for such devices;
- (b) If not otherwise included, any other person whose total cash compensation from employment in any Gaming Operation exceeds \$50,000 per year;
 - (c) If not otherwise included, the four most highly compensated persons in any Gaming Operation; or
 - (d) Any employee of any Gaming Operation that the Commission deems a Key Employee.

"Net Revenue" means gross income less operating expenses, not including taxes imposed by the Tribe, on all aspects of any Class II or Class III gaming operations and any directly connected facilities ancillary to such gaming operations including, without limitation, food and beverage revenues, gift shop revenues, hotel revenues and event revenues.

"NIGC" means the National Indian Gaming Commission.

"Primary Management Officials" means:

- (a) The Person(s) having management responsibility over all or any part of any Gaming Operation;
- (b) Any Person who has authority:
 - (1) To hire and fire employees of a Gaming Operation,
 - (2) To establish working policy for a Gaming Operation;
- (c) The chief financial officer or other Person who has financial management responsibility for any Gaming Operation;
- (d) Any person who is considered a Controlling Shareholder; or
- (e) Any Person the Commission deems a Primary Management Official.

"Rules" means any Rules of the Commission established pursuant to this Ordinance.

"Trust Land" or "Reservation" means any lands, title to which is either held in trust by the United States for the benefit of the Cow Creek Band of Umpqua Tribe of Indians, or held by the Cow Creek Band of Umpqua Tribe of Indians subject to restriction against alienation by the United States and over which the Cow Creek, Band of Umpqua Tribe of Indians exercise governmental authority.

CHAPTER I PURPOSE, APPLICABILITY AND AUTHORIZATIONS

Section 1.01 Purpose. The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians, pursuant to authority granted in Article VII, of the Tribe's Constitution, enacts this Ordinance in order to regulate all forms of Gaming on Trust Lands.

Section 1.02 Class I Gaming Authorized. Class I Gaming is hereby authorized on lands within the jurisdiction of the Tribe.

Section 1.03 Class II Gaming Authorized. Class II Gaming is hereby authorized on lands within the jurisdiction of the Tribe; provided, however, that such Class II Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.04 Class III Gaming Authorized. Class III Gaming is hereby authorized on lands within the jurisdiction of the Tribe; provided, however, that class III Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.05 Ownership of Gaming. The Tribe shall have the sole proprietary interest in any Gaming Operation authorized by this Ordinance.

Section 1.06 Use of Gaming Revenue. Net Revenues from any form of Gaming authorized under this Ordinance, other than Class I Gaming, shall be used for the following purposes: to fund Tribal government operations and programs; to provide for the general welfare of the Tribe and its members; to promote Tribal economic development; to make donations to charitable organizations; or to help fund operations of local government agencies, all subject to applicable Tribal Law, including, without limitation, Title 100-25.

Section 1.07 Per Capita Payments.

- (a) "Per Capita Payment" means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.
- (b) If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

- (1) The Tribe shall authorize and issue such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).
- (2) The Tribe shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved, and that the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person, under a plan approved by the Board and the Secretary of the Interior. The Tribe must also establish criteria and a process for withdrawal of funds by the parent or legal guardian.
- (3) The Board shall designate or create a Tribal court system, forum, or administrative process for resolution of disputes concerning the allocation of net gaming revenues and the distribution of per capita payments and will explain how it will correct deficiencies.
- (4) The Board shall ensure that the Tribal revenue allocation plan reserves an adequate portion of net gaming revenues from the tribal gaming activity to do one or more of the following purposes: fund Tribal government operations or programs; provide for the general welfare of the Tribe or its members; promote tribal economic development; donate to charitable organizations; or to help fund operations of local government.
- (5) The Board shall ensure that distributions of per capita payments are made according to specific eligibility requirements.
- (6) The Board shall ensure that Tribal members are notified of the tax liability for per capita payments and how taxes will be withheld.

CHAPTER II ADMINISTRATION AND ENFORCEMENT

Section 2.01 Establishment of Commission. The Cow Creek Tribal Gaming Commission is hereby established. The Commission shall consist of five (5) members appointed by a majority vote of the Board. A Commissioner shall serve for five (5) years, and each term shall be staggered annually, so that one position on the Board is open for a vote every year. A Commissioner may be removed from office prior to the end of his term for cause by a unanimous vote of the Board. Vacancies on the Commission shall be filled within thirty (30) days by the Board.

Section 2.02 Restrictions on Commissioners. Commissioners may hold other paid positions within the Tribal Government and may engage in other business activities; provided, however, that Commissioners may not be employed in or by any Gaming facility. Further, Commissioners and Commission employees shall not engage or participate in any gaming whatsoever at the Gaming Facility.

Section 2.03 Compensation of Commissioners. Commissioners shall be compensated at a rate to be established annually by the Commission, subject to approval by the Board. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses.

Section 2.04 Selection of Chairperson. At the Annual Meeting the Commission shall select, from its membership, a Commission chairperson who shall have the power to convene special meetings of the Commission upon twenty-four (24) hours written or actual notice to Commissioners.

Section 2.05 Quorum. A quorum of the Commission shall consist of three (3) Commissioners. All decisions shall be made by a majority vote of a quorum of the Commission, unless indicated otherwise in this Ordinance.

Section 2.06 Gifts or Other Compensation. The Commissioners and members of the Board and their immediate families shall receive no compensation, gift, reimbursement or payment of any kind from any person doing business or desiring to do business with the Tribe, relating to Gaming, nor with any person wishing to obtain an unfair advantage in any Gaming, except as approved by a vote of the majority of the Board. Any property received in violation of this Section, including cash payments, shall be immediately forfeited to the Tribe and the offending Person(s) shall be prosecuted to the full extent possible for accepting a bribe. The Commission and the Board shall cooperate to the fullest extent possible with any applicable law enforcement agency to pursue prosecution of such Person(s) under applicable law.

CHAPTER III LICENSING PROCEDURES

Section 3.01 Gaming License Required. The Commission is hereby authorized to issue all Licenses for the conduct of all Gaming, other than Class I Gaming, authorized under this Ordinance, or any other License related to Gaming, which the Commission may require. The licensing requirements of this Ordinance are in addition to any state certificates or licenses required by the Compact.

- (a) **Persons.** The following Persons must obtain Licenses as a precondition to employment in or management of any Gaming Operation:
 - (1) Any Management Entity or Controlling Shareholder. Any Person deemed a Controlling Shareholder must comply with the same licensing requirements

as if such Person were a Primary Management Official; however, if any Controlling Shareholder is a non-natural person, such Controlling Shareholder shall be subject to Management Entity licensing procedures;

- (2) All Primary Management Officials;
 - (3) All Key Employees; and
 - (4) Any other employee or class of employees as determined by the Commission.
- (b) **Facilities.** Each place, facility, or location where Gaming, other than Class I Gaming, is conducted must obtain a separate license from the Commission. A Gaming Establishment must obtain both a Class II License and a Class III License if both Class II and Class III Gaming, or just Class III Gaming, will be conducted at such Gaming Establishment.
- (c) **Notice.** The following notice shall be placed on the application form for a Key Employee, Management Entity or a Primary Management Official before such form is completed 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 Chapter 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. "

(d) **Key Employees, Management Entities, and Primary Management Officials** hired prior to the effective date of this Ordinance shall be notified in writing that they shall either:

- (1) Complete a new application form that contains the Privacy Act notice set forth above, or
- (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice of any prior employment applications and related documents.

(e) The following notice shall be placed on the application form for Key Employees, Management Entities or Primary Management Officials before such form is completed by an Applicant:

"A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment . (U.S. Code, Title 18, Section 1001)."

(f) The Commission, in its sole discretion, may require any Key Employees, Primary Management Officials, hired prior to the effective date of this Ordinance, and any Management Entity or Controlling Shareholders who are party to a Management Contract that is in effect on the date of this Ordinance, to:

- (1) Complete a new License application form that contains the notice regarding false statements set forth above and undergo a new background investigation, or
- (2) Sign a statement that contains the notice regarding false statements, set forth above.

CHAPTER IV BACKGROUND INVESTIGATIONS

Section 4.01 Required Background Investigations. Background investigations shall be conducted by the Commission on all Persons specified in Section 3.01 of this Ordinance.

Section 4.02 Standards for Background Investigations. The Commission shall supervise and direct all background investigations to ensure that Gaming Operations shall not employ or contract

with persons whose prior activities, 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 such Gaming. Such investigations shall be conducted according to requirements at least as stringent as those set forth at 2S C.F.R parts 556 and 558, Section 4.03 of this Ordinance and the Compact. If the Commission or Board determines that employment of a 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 Gaming Operation shall not employ that person. The Oregon State Police shall conduct all background investigations in accordance with Article VII(A)(4)(A & B) of the Compact. In the case of background investigations of Primary Management Officials and Key Employees, the report required by 25 C.F.R part 558, shall be prepared and submitted to the NIGC, and shall contain the required eligibility determination. All background investigations shall meet the standards for such investigations imposed by this Ordinance, IGRA and the Compact and shall be updated as required under this Ordinance, IGRA and the Compact, as applicable. Nothing herein shall prevent the conduct by the Commission or the Board of more comprehensive background investigations than those required under IGRA or the Compact.

Section 4.03A Background Investigation Information.

- (a) Each Person subject to a background investigation under Section 4.01 of this Ordinance shall be required to provide, subject to the Privacy Act of 1974, at a minimum, and in such form as maybe prescribed by the Commission, all of the following information:
- (1) All information required by Article VII (A) of the Compact;
 - (2) Citizenship, gender, all languages (spoken or written);
 - (3) Ownership interests in any businesses held within the past five (5) years;
 - (4) The names and current addresses of at least three (3) personal references;
 - (5) Current business and residence telephone numbers;
 - (6) A description of any existing and previous business relationships with any Native American Indian tribe, including but not limited to a description of the amount and type of ownership interest in those businesses;
 - (7) A description of any existing and previous business relationships with the gaming industry generally, including but not limited to a description of the amount and type of ownership interest in those businesses;

- (8) 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 any gaming or gambling, whether or not such license or permit was granted;
 - (9) 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; and
 - (10) Fingerprints consistent with the requirements of 25 C.F.R §522.2(h). The Oregon State Police and/or the Douglas County Sheriff's Office are hereby identified as the law enforcement agencies with law enforcement authority to take fingerprints of Key Employees and Primary Management Officials of all Gaming Operations.
- (b) Background investigations conducted by the Commission sufficient to make the determination described at Section 4.03B. In conducting a background investigation, the Tribe or its agents shall maintain the confidentiality of the identity of each Person interviewed in the course of investigation.
 - (c) The Commission may require that an Applicant or Licensee submit any other information it deems relevant to an eligibility determination. The Commission may require an Applicant or Licensee to complete any additional forms the Commission deems necessary to conducting a thorough background investigation.

Section 4.03B Eligibility Determination. The Commission shall review an Applicant's prior activities, criminal record, reputation, habits and associations to make a finding concerning the eligibility of a Management Entity, Controlling Shareholder, Key Employee, or Primary Management Official for employment in a Gaming Operation. With respect to a Management Entity or Controlling Shareholder, the Commission may consider, as part of its eligibility determination, previous oral representations made to members of the Tribe, the Commission or the Board by the Applicant.

Section 4.04 Report to the National Indian Gaming Commission.

- (a) Pursuant to the procedures set out in Section 4.04, the Commission shall forward to the NIGC a report on each background investigation and relevant to the issuance of a license. At a minimum, include all of the following:
 - (1) Steps taken in conducting the background investigation;
 - (2) Results obtained;

→ the Rules not §4.04

- (3) Conclusions reached by the Commission; and
 - (4) The Commission's basis for those conclusions.
- (b) The Commission shall submit with the report a copy of the eligibility determination made pursuant to Section 4.03B.
 - (c) The report shall be submitted to the NIGC within sixty (60) days after a Key Employee or Primary Management Official commences work at a Gaming Operation.
 - (d) No Gaming Operation shall continue to employ as a Key Employee or Primary Management Official any Person who does not have a license within ninety (90) days of commencing work at a Gaming Operation.
 - (e) If a License is not issued to an Applicant, the Commission:
 - (1) Shall notify the NIGC; and
 - (2) Shall forward copies of its eligibility determination and any relevant report regarding a background investigation of the Applicant to the NIGC for inclusion in the Indian Gaming Individuals Records System.
 - (f) With respect to Key Employees and Primary Management Officials, applications for employment and reports of background investigations shall be retained for inspection by the Chairman of the NIGC or his designee for no less than three (3) years from the date of termination of employment of each Key Employee or Primary Management Official

Section 4.05 Granting a Gaming License.

- (a) If, within a thirty (30) day period after the NIGC receives all required applications and reports, the NIGC 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, the Commission may issue a License to such Applicant.
- (b) The Commission shall respond in a timely manner to requests for additional information from the Chairman of the NIGC concerning Key Employees or Primary Management Officials who are the subject of any report filed with the NIGC by the Commission. Any such request by the Chairman of the NIGC shall suspend the thirty (30) day period referred to in this Section until the Chairman of the NIGC receives the additional information requested.

- (c) If, within a thirty (30) day period after the NIGC receives all required applications and reports, the NIGC 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 Commission has submitted an application and all required reports to the NIGC, the Commission shall reconsider the application, taking into account the itemized by the objections of the NIGC. The Commission shall make the final decision whether to issue a License to such Applicant.

Section 4.06 License Revocation and Suspension Following Receipt of Information from NIGC.

- (a) If, after the issuance of a License, the Tribe receives information from the NIGC indicating that a Management Entity or Controlling Shareholder, Key Employee, or Primary Management Official is not eligible for employment under Section 4.02 of this Ordinance, the Commission shall suspend such License, shall notify the Licensee in writing of such suspension and the potential revocation of the Licensee's License, shall notify the Licensee of a time and a place for a hearing, and shall conduct a hearing in accordance with the Rules regarding the proposed License revocation.
- (b) After a hearing, the Commission shall revoke or reinstate a License suspended pursuant to Subsection (a) of this Section. The Commission shall notify the NIGC of its decision. A decision of the Commission to revoke a License after the hearing called for by subsection (a) of this Section shall be final and there shall be no appeal. A Management Entity whose License has been revoked or suspended pursuant to this Section may not operate a Gaming Operation.

**CHAPTER VI
AUDITING AND INTERNAL CONTROL**

Section 6.01 Minimum Procedures for Control of Internal Fiscal Affairs. The Commission shall promulgate Rules governing the control of internal fiscal affairs of all Gaming Operations. At a minimum, such Rules shall:

- (a) Prescribe minimum procedures for the safeguarding of a Gaming Operation's assets and revenues, including recording of cash and evidence of indebtedness, and mandatory count procedures. Such Rules shall establish a controlled environment, accounting system, and control procedures that safeguard the assets of the Gaming Operation, assure 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 conducted in accordance with generally accepted accounting principles by internal auditors licensed or certified to practice public accounting in the State of Oregon;
- (d) Formulate a uniform code of accounts and accounting classifications to assure the consistency, comparability and effective disclosure of financial information. Such a 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 in each Gaming Operation;
- (e) Prescribe the intervals at which such information shall be furnished;
- (f) Provide for the maintenance of documentation, (i.e., 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 this Section be maintained for a minimum of five (5) years.

Section 6.02 Oversight of Internal Fiscal Affairs. The Commission shall require independent audits of the financial statements of all Gaming Operations. Such independent audits must:

- (a) Be made according to generally accepted accounting principles by independent accountants licensed or certified to practice public accounting in the State of Oregon;
- (b) Included 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 Oregon State Board of Accountancy and the American Institute of Certified Public Accountants;
- (c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation conform with this Ordinance and the Rules; and
- (d) Provide a review of the internal financial controls of the audited Gaming Operation to disclose any deviation from the requirements of this Ordinance and the Rules and report such findings to the Commission and the management of the audited Gaming Operations.

Section 6.03 Conduct of Audit.

- (a) The Commission or the Tribe shall cause to be conducted annually an independent audit of Gaming Operations and shall submit the resulting audit reports to the NIGC.

- (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 described in Section 6.03(a).

CHAPTER X MISCELLANEOUS

Section 10.01 Compliance with Other Laws. The construction, maintenance and operation of any Gaming Operation shall be in a manner which protects the environment, public health and safety, and shall comply with all applicable laws relating to environmental protection and public health and safety.

Section 10.02 Repeal. To the extent that they are inconsistent with this Ordinance, all prior gaming laws, rules, ordinances or regulations of the Tribe are hereby repealed.

Section 10.03 Patron Disputes. Any Person who has any dispute, disagreement or other grievance with the Gaming Operation that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order: (a) a member of the staff relevant of the Gaming Operation, (b) the supervisor in the area of the relevant Gaming Operation in which the dispute arose, (c) the manager of the relevant Gaming Operation, and (d) the Commission.

Section 10.04 Patron Rights Regarding Disputes. When a Person brings a dispute for resolution pursuant to Section 10.3, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level as set forth in Section 10.03. Resolution of any dispute by the personnel of a Gaming Operation shall always involve two or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, or, in the case of the general manager of the Gaming Operation, to the Commission.

Section 10.05 Gaming Commission Action on Patron Disputes. All disputes which are submitted to the Gaming Commission shall be decided by the Commission based on information provided by the complainant, including any witnesses for, or documents provided by or for, the complainant. The decision of the Commission shall be in writing, shall be issued within fourteen (14) days of submission of the matter to the Commission, and shall be provided to the general manager of the Gaming Operation and to the complainant.

Section 10.06 Agent for Service of Process. The Board chairperson shall be designated agent for service of process for the Cow Creek Band of Umpqua Tribe of Indians.

REFERENCES:

1. **Source:** Board Resolution No.2010-26, dated August 25, 2010.
Comment: Amends and restates in entirety Tribal Gaming Ordinance and Tribal Rules regarding Gaming Commission.

2. **Source:** Board Resolution No.2011-01, dated January 9, 2011
Comment: Amends and restates in its entirety Tribal Gaming Ordinance regarding Gaming Commission to incorporate changes recommended by NIGC following authorization for approval by the Tribal Board on December 12, 2010 and further authorizes re-submission to NIGC for final approval.

**RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF
INDIANS BOARD OF DIRECTORS
AUTHORIZING AMENDMENT TO THE TRIBAL GAMING
ORDINANCE TO INCORPORATE CHANGES RECOMMENDED BY THE
NIGC AND AUTHORIZING RE-SUBMISSION TO NIGC FOR FINAL
APPROVAL**

WHEREAS, the Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (P.L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987 (P.L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally supervised constitutional ballot, on July 8, 1991; and,

WHEREAS, pursuant to Article III, Section 1 of the Tribe's Constitution, the Cow Creek Tribal Board of Directors (the "Board") is the governing body of the Tribe; and,

WHEREAS, pursuant to Article VII, Section 1 (a) of the Tribe's Constitution the Board has the power to "to negotiate with the Federal, state and local governments on behalf of the Tribe and advise and consult with representatives of the Department of the Interior or any other federal, state or local department, agency or office on all activities of those agencies or offices that may affect the Tribe"; and

WHEREAS, pursuant to Article VII, Section 1 (b) of the Tribe's Constitution the Board has the power to "represent the Tribe before Federal, state and local governments and their departments and agencies"; and

WHEREAS, pursuant to Article VII, Section 1 (d) of the Tribe's Constitution the Board has the power to "administer the affairs and assets of the Tribe, including Tribal lands"; and

WHEREAS, pursuant to Article VII, Section 1 (I) of the Tribe's Constitution the Board has the power to "enact ordinances and laws governing the conduct of all persons on tribally owned land; to maintain order and protect the safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations . . ."; and,

WHEREAS, pursuant to Article VII, Section I (t) of the Tribe's Constitution the Board has the power to "have such other powers and authority necessary to meet its obligations,

responsibilities, objectives, and purposes as the governing body of the Tribe”; and,

WHEREAS, on August 25, 2010, the Board approved amending and restating the Tribe’s Gaming Ordinance and authorized its delivery to the National Indian Gaming Commission (“NIGC”) for approval; and

WHEREAS, due to amendments to the NIGC regulations, the NIGC recommended that the Tribe make some minor changes to its Gaming Ordinance and resubmit it to NIGC for approval; and

WHEREAS, the Board believes that it is in the best interests of the Tribe and its members to incorporate the changes recommended by the NIGC into its Tribal Gaming Ordinance (Ordinance #94-1) and to resubmit said ordinance to the NIGC for final approval; now,

THEREFORE, BE IT RESOLVED that the Tribe, by and through the Board, on the date below appearing, authorized amendment to its Tribal Gaming Ordinance consistent with the changes recommended by the NIGC and further authorized that said ordinance be re-submitted to the NIGC for final approval.

BE IT FURTHER RESOLVED, that any and all actions heretofore or hereafter taken by any Tribal officers, employees or agents regarding the foregoing resolution be, and hereby are, ratified and confirmed as the act and deed of the Tribe taken or made by them within the scope of their duties to the Tribe; and,

BE IT FURTHER RESOLVED, that neither this resolution nor any document or representation related herewith or therewith shall constitute a waiver of the sovereign immunity of the Tribe, or its officers acting in their official capacity within the scope of their authority; and,

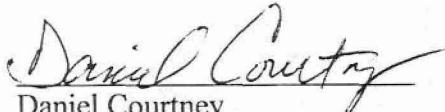
BE IT FURTHER RESOLVED, that the actions authorized and taken by this Resolution are intended to advance the sovereign self governance of the Tribe, and to protect the political integrity, economic security and health and welfare of the Tribe and its members; and,


BE IT FURTHER RESOLVED, any prior Tribal regulations, resolutions, orders, motions, legislation, codes or other Tribal law which are materially inconsistent with this Resolution are hereby repealed, but only to the extent of any such inconsistency and as applied to the specific matter in which any such inconsistency arises.

CERTIFICATION

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom

10, constituting a quorum, were present at a meeting duly held on the 12th day of December, 2010, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS AUTHORIZING AMENDMENT TO THE TRIBAL GAMING ORDINANCE TO INCORPORATE CHANGES RECOMMENDED BY THE NIGC AND AUTHORIZING RE-SUBMISSION TO NIGC FOR FINAL APPROVAL** by the affirmative vote of 10 for and 0 against.


Daniel Courtney
Tribal Chairman


Attest: Yvonne McCafferty
Tribal Secretary

**RESOLUTION OF THE COW CREEK BAND OF
UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS
AMENDING AND RESTATING THE TRIBE'S GAMING ORDINANCE AND RULES
REGARDING THE TRIBAL GAMING COMMISSION**

WHEREAS, The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians, pursuant to Article VII, Section 1, of the Tribal Constitution approved July 17, 1991 by the Bureau of Indian Affairs, is the official governing body of the Tribe, authorized to act in behalf of the Tribal council; and

WHEREAS, The Cow Creek Band of Umpqua Tribe of Indians submitted to the National Indian Gaming Commission on February 15, 1994, the Tribal Gaming Ordinance 91-1, adopted by the Tribe on August 11, 1991, and

WHEREAS, On April 1, 1994 the National Indian Gaming Commission returned Ordinance 91-1 to the Tribe for revision to comply with federal regulations, and

WHEREAS, The Cow Creek Band of Umpqua Tribe of Indians made the requested revisions and other improvements, which were adopted by the Tribal Board of Directors at their May 15, 1994 Board Meeting, now,

THEREFORE, BE IT RESOLVED, that the Tribe is now submitting Tribal Gaming Ordinance 94-1, to replace the previous Tribal Gaming Ordinance 91-1, and seeks approval of the National Indian Gaming Commission as required by the Indian Gaming Regulatory Act, and

FURTHER BE IT RESOLVED, that the Tribal Board of Directors hereby authorizes the Tribal Chairman to submit Tribal Gaming Ordinance 94-1 to the National Indian Gaming Commission.

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 11, constituting a quorum, were present at a meeting duly held on the 25th day of August, 2010, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS AMENDING AND RESTATING THE TRIBE'S GAMING ORDINANCE AND RULES REGARDING THE TRIBAL GAMING COMMISSION** by the affirmative vote of 11 for and 0 against.

/s/ Daniel Courtney
Daniel Courtney
Tribal Chairman

/s/ Yvonne McCafferty
Attest: Yvonne McCafferty
Tribal Secretary

NOV - 7 2010

**COW CREEK BAND OF UMPQUA
TRIBE OF INDIANS**

**TRIBAL GAMING ORDINANCE
94-1**

AS AMENDED AND RESTATED ON AUGUST 25, 2010

**COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
TRIBAL GAMING ORDINANCE
AS AMENDED AND RESTATED ON AUGUST 25, 2010**

DEFINITIONS

Definitions. Unless a different meaning is clearly indicated from the context or is set forth below, the terms used in this Ordinance shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (Oct. 17, 1988), 25 U.S.C. 2701, et seq. ("IGRA").

"Board" means the Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians.

"Class I Gaming" means either social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, Tribal ceremonies or celebrations.

"Class II Gaming" means Class II gaming as defined at 25 U.S.C. §2703(7) (A), and any regulations promulgated thereunder, and:

- (a) The game of chance commonly known as bingo (whether or not electronic, computer, or other technological aids are used in connection therewith)
 - (1) Which is played for prizes, including, but not limited to, cash and/ or merchandise with cards bearing numbers or other designations,
 - (2) In which the holder of the card covers or blocks such numbers or designations when an object or symbol, similarly numbered or designated, is drawn or electronically determined, and
 - (3) In which the game is won by the first person covering a designated arrangement of numbers or designations on such cards, including (if played in the same location), pull tabs, lotto punch boards, tip jars, instant bingo, and other games similar to bingo;
- (b) Card games that are:
 - (1) Authorized by laws of the State of Oregon,
 - (2) Not prohibited by the laws of the State of Oregon, and

- (3) Played in conformity with those laws and regulations (if any) of the State of Oregon regarding hours or periods of operation of, or limitations on wagers or pot sizes in, such card games; and
- (c) The term "Class II Gaming" shall not include:
- (1) Any banking card games, including baccarat, chemin de fer, blackjack (a/k/a "21"), or
 - (2) Slot machines of any kind.

"Class III Gaming" means, consistent with the Compact, 25 U.S.C. §2703(8), and any regulations promulgated thereunder, all forms of gambling that are not Class I Gaming or Class II Gaming.

"Commission" means the Cow Creek Tribal Gaming Commission.

"Commissioner" means an individual member of the Cow Creek Tribal Gaming Commission.

"Compact" means the "Tribal State Compact for Regulation of Class III Gaming between the Cow Creek Board of Umpqua Tribe of Indians and the State of Oregon" executed by the Governor of Oregon, the Chairperson of the Tribe, and the Secretary of the Interior as of February 7, 2007, and all amendments, appendices, exhibits and other attachments thereto.

"Key Employee" means:

- (a) A person who performs one or more of the following functions:
 - (1) Bingo caller,
 - (2) Counting room supervisor,
 - (3) Chief of security,
 - (4) Custodian of gaming supplies or cash,
 - (5) Floor manager,
 - (6) Pit boss,
 - (7) Dealer,
 - (8) Croupier,

- (9) Approver of credit, or
 - (10) Custodian of gambling terminals or other devices operated by the management of any Gaming Operation, including persons with access to cash and accounting records for such devices;
- (b) If not otherwise included, any other person whose total cash compensation from employment in any Gaming Operation exceeds \$50,000 per year;
 - (c) If not otherwise included, the four most highly compensated persons in any Gaming Operation; or
 - (d) Any employee of any Gaming Operation that the Commission deems a Key Employee.

"Net Revenue" means gross income less operating expenses, not including taxes imposed by the Tribe, on all aspects of any Class II or Class III gaming operations and any directly connected facilities ancillary to such gaming operations including, without limitation, food and beverage revenues, gift shop revenues, hotel revenues and event revenues.

"NIGC" means the National Indian Gaming Commission.

"Primary Management Officials" means:

- (a) The Person(s) having management responsibility over all or any part of any Gaming Operation;
- (b) Any Person who has authority:
 - (1) To hire and fire employees of a Gaming Operation,
 - (2) To establish working policy for a Gaming Operation;
- (c) The chief financial officer or other Person who has financial management responsibility for any Gaming Operation;
- (d) Any person who is considered a Controlling Shareholder; or
- (e) Any Person the Commission deems a Primary Management Official.

"Rules" means any Rules of the Commission established pursuant to this Ordinance.

"Trust Land" or "Reservation" means any lands, title to which is either held in trust by the United States for the benefit of the Cow Creek Band of Umpqua Tribe of Indians, or held by the Cow Creek Band of Umpqua Tribe of Indians subject to restriction against alienation by the United States and over which the Cow Creek, Band of Umpqua Tribe of Indians exercise governmental authority.

CHAPTER I PURPOSE, APPLICABILITY AND AUTHORIZATIONS

Section 1.01 Purpose. The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians, pursuant to authority granted in Article VII, of the Tribe's Constitution, enacts this Ordinance in order to regulate all forms of Gaming on Trust Lands.

Section 1.02 Class I Gaming Authorized. Class I Gaming is hereby authorized on lands within the jurisdiction of the Tribe.

Section 1.03 Class II Gaming Authorized. Class II Gaming is hereby authorized on lands within the jurisdiction of the Tribe; provided, however, that such Class II Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.04 Class III Gaming Authorized. Class III Gaming is hereby authorized on lands within the jurisdiction of the Tribe; provided, however, that class III Gaming shall be conducted only in accordance with the provisions of this Ordinance, the Rules, the Compact, and IGRA.

Section 1.05 Ownership of Gaming. The Tribe shall have the sole proprietary interest in any Gaming Operation authorized by this Ordinance.

Section 1.06 Use of Gaming Revenue. Net Revenues from any form of Gaming authorized under this Ordinance, other than Class I Gaming, shall be used for the following purposes: to fund Tribal government operations and programs; to provide for the general welfare of the Tribe and its members; to promote Tribal economic development; to make donations to charitable organizations; or to help fund operations of local government agencies, all subject to applicable Tribal Law, including, without limitation, Title 100-25.

Section 1.07 Per Capita Payments.

- (a) "Per Capita Payment" means the distribution of money or other thing of value to all members of the Tribe, or to identified groups of members, which is paid directly from the net revenues of any tribal gaming activity.
- (b) If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall ensure that the following requirements of 25 C.F.R. Part 290 are met:

- (1) The Tribe shall authorize and issue such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. § 2710(b)(3).
- (2) The Tribe shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved, and that the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or other legally incompetent person, under a plan approved by the Board and the Secretary of the Interior. The Tribe must also establish criteria and a process for withdrawal of funds by the parent or legal guardian.
- (3) The Board shall designate or create a Tribal court system, forum, or administrative process for resolution of disputes concerning the allocation of net gaming revenues and the distribution of per capita payments and will explain how it will correct deficiencies.
- (4) The Board shall ensure that the Tribal revenue allocation plan reserves an adequate portion of net gaming revenues from the tribal gaming activity to do one or more of the following purposes: fund Tribal government operations or programs; provide for the general welfare of the Tribe or its members; promote tribal economic development; donate to charitable organizations; or to help fund operations of local government.
- (5) The Board shall ensure that distributions of per capita payments are made according to specific eligibility requirements.
- (6) The Board shall ensure that Tribal members are notified of the tax liability for per capita payments and how taxes will be withheld.

CHAPTER II ADMINISTRATION AND ENFORCEMENT

Section 2.01 Establishment of Commission. The Cow Creek Tribal Gaming Commission is hereby established. The Commission shall consist of five (5) members appointed by a majority vote of the Board. A Commissioner shall serve for five (5) years, and each term shall be staggered annually, so that one position on the Board is open for a vote every year. A Commissioner may be removed from office prior to the end of his term for cause by a unanimous vote of the Board. Vacancies on the Commission shall be filled within thirty (30) days by the Board.

Section 2.02 Restrictions on Commissioners. Commissioners may hold other paid positions within the Tribal Government and may engage in other business activities; provided, however, that Commissioners may not be employed in or by any Gaming facility. Further, Commissioners and Commission employees shall not engage or participate in any gaming whatsoever at the Gaming Facility.

Section 2.03 Compensation of Commissioners. Commissioners shall be compensated at a rate to be established annually by the Commission, subject to approval by the Board. Commissioners shall be reimbursed for actual expenses incurred on Commission business, including necessary travel expenses.

Section 2.04 Selection of Chairperson. At the Annual Meeting the Commission shall select, from its membership, a Commission chairperson who shall have the power to convene special meetings of the Commission upon twenty-four (24) hours written or actual notice to Commissioners.

Section 2.05 Quorum. A quorum of the Commission shall consist of three (3) Commissioners. All decisions shall be made by a majority vote of a quorum of the Commission, unless indicated otherwise in this Ordinance.

Section 2.06 Gifts or Other Compensation. The Commissioners and members of the Board and their immediate families shall receive no compensation, gift, reimbursement or payment of any kind from any person doing business or desiring to do business with the Tribe, relating to Gaming, nor with any person wishing to obtain an unfair advantage in any Gaming, except as approved by a vote of the majority of the Board. Any property received in violation of this Section, including cash payments, shall be immediately forfeited to the Tribe and the offending Person(s) shall be prosecuted to the full extent possible for accepting a bribe. The Commission and the Board shall cooperate to the fullest extent possible with any applicable law enforcement agency to pursue prosecution of such Person(s) under applicable law.

CHAPTER III LICENSING PROCEDURES

Section 3.01 Gaming License Required. The Commission is hereby authorized to issue all Licenses for the conduct of all Gaming, other than Class I Gaming, authorized under this Ordinance, or any other License related to Gaming, which the Commission may require. The licensing requirements of this Ordinance are in addition to any state certificates or licenses required by the Compact.

- (a) **Persons.** The following Persons must obtain Licenses as a precondition to employment in or management of any Gaming Operation:
 - (1) Any Management Entity or Controlling Shareholder. Any Person deemed a Controlling Shareholder must comply with the same licensing requirements

as if such Person were a Primary Management Official; however, if any Controlling Shareholder is a non-natural person, such Controlling Shareholder shall be subject to Management Entity licensing procedures;

- (2) All Primary Management Officials;
 - (3) All Key Employees; and
 - (4) Any other employee or class of employees as determined by the Commission.
- (b) **Facilities.** Each place, facility, or location where Gaming, other than Class I Gaming, is conducted must obtain a separate license from the Commission. A Gaming Establishment must obtain both a Class II License and a Class III License if both Class II and Class III Gaming, or just Class III Gaming, will be conducted at such Gaming Establishment.
- (c) **Notice.** The following notice shall be placed on the application form for a Key Employee, Management Entity or a Primary Management Official before such form is completed 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 Chapter 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 the Commission, the State of Oregon, and/or 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 hiring or firing of an employee, the issuance or revocation of a gaming License, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a Primary Management Official or Key Employee position.

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

(d) **Key Employees, Management Entities, and Primary Management Officials** hired prior to the effective date of this Ordinance shall be notified in writing that they shall either:

- (1) Complete a new application form that contains the Privacy Act notice set forth above, or
- (2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice of any prior employment applications and related documents.

(e) The following notice shall be placed on the application form for Key Employees, Management Entities or Primary Management Officials before such form is completed by an Applicant:

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

(f) The Commission, in its sole discretion, may require any Key Employees, Primary Management Officials, hired prior to the effective date of this Ordinance, and any Management Entity or Controlling Shareholders who are party to a Management Contract that is in effect on the date of this Ordinance, to:

- (1) Complete a new License application form that contains the notice regarding false statements set forth above and undergo a new background investigation, or
- (2) Sign a statement that contains the notice regarding false statements, set forth above.

CHAPTER IV BACKGROUND INVESTIGATIONS

Section 4.01 Required Background Investigations. Background investigations shall be conducted by the Commission on all Persons specified in Section 3.01 of this Ordinance.

Section 4.02 Standards for Background Investigations. The Commission shall supervise and direct all background investigations to ensure that Gaming Operations shall not employ or contract with persons whose prior activities, 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 such Gaming. Such

investigations shall be conducted according to requirements at least as stringent as those set forth at 2S C.F.R parts 556 and 558, Section 4.03 of this Ordinance and the Compact. If the Commission or Board determines that employment of a 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 Gaming Operation shall not employ that person. The Oregon State Police shall conduct all background investigations in accordance with Article VII(A)(4)(A & B) of the Compact. In the case of background investigations of Primary Management Officials and Key Employees, the report required by 25 C.F.R part 558, shall be prepared and submitted to the NIGC, and shall contain the required eligibility determination. All background investigations shall meet the standards for such investigations imposed by this Ordinance, IGRA and the Compact and shall be updated as required under this Ordinance, IGRA and the Compact, as applicable. Nothing herein shall prevent the conduct by the Commission or the Board of more comprehensive background investigations than those required under IGRA or the Compact.

Section 4.03A Background Investigation Information.

- (a) Each Person subject to a background investigation under Section 4.01 of this Ordinance shall be required to provide, subject to the Privacy Act of 1974, at a minimum, and in such form as maybe prescribed by the Commission, all of the following information:
- (1) All information required by Article VII (A) of the Compact;
 - (2) Citizenship, gender, all languages (spoken or written);
 - (3) Ownership interests in any businesses held within the past five (5) years;
 - (4) The names and current addresses of at least three (3) personal references;
 - (5) Current business and residence telephone numbers;
 - (6) A description of any existing and previous business relationships with any Native American Indian tribe, including but not limited to a description of the amount and type of ownership interest in those businesses;
 - (7) A description of any existing and previous business relationships with the gaming industry generally, including but not limited to a description of the amount and type of ownership interest in those businesses;
 - (8) 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 any gaming or gambling, whether or not such license or permit was granted;

- (9) 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; and
 - (10) Fingerprints consistent with the requirements of 25 C.F.R §522.2(h). The Oregon State Police and/or the Douglas County Sheriff's Office are hereby identified as the law enforcement agencies with law enforcement authority to take fingerprints of Key Employees and Primary Management Officials of all Gaming Operations.
- (b) Background investigations conducted by the Commission sufficient to make the determination described at Section 4.03B. In conducting a background investigation, the Tribe or its agents shall maintain the confidentiality of the identity of each Person interviewed in the course of investigation.
 - (c) The Commission may require that an Applicant or Licensee submit any other information it deems relevant to an eligibility determination. The Commission may require an Applicant or Licensee to complete any additional forms the Commission deems necessary to conducting a thorough background investigation.

Section 4.03B Eligibility Determination. The Commission shall review an Applicant's prior activities, criminal record, reputation, habits and associations to make a finding concerning the eligibility of a Management Entity, Controlling Shareholder, Key Employee, or Primary Management Official for employment in a Gaming Operation. With respect to a Management Entity or Controlling Shareholder, the Commission may consider, as part of its eligibility determination, previous oral representations made to members of the Tribe, the Commission or the Board by the Applicant.

Section 4.04 Report to the National Indian Gaming Commission.

- (a) Pursuant to the procedures set out in Section 4.04, the Commission shall prepare and forward to the NIGC a report on each background investigation conducted by the Commission and relevant to the issuance of a license. Such report shall, at a minimum, include all of the following:
 - (1) Steps taken in conducting the background investigation;
 - (2) Results obtained;
 - (3) Conclusions reached by the Commission; and
 - (4) The Commission's basis for those conclusions.

- (b) The Commission shall submit with the report a copy of the eligibility determination made pursuant to Section 4.03B.
- (c) The report shall be submitted to the NIGC within sixty (60) days after a Key Employee or Primary Management Official commences work at a Gaming Operation.
- (d) No Gaming Operation shall continue to employ as a Key Employee or Primary Management Official any Person who does not have a license within ninety (90) days of commencing work at a Gaming Operation.
- (e) If a License is not issued to an Applicant, the Commission:
 - (1) Shall notify the NIGC; and
 - (2) Shall forward copies of its eligibility determination and any relevant report regarding a background investigation of the Applicant to the NIGC for inclusion in the Indian Gaming Individuals Records System.
- (f) With respect to Key Employees and Primary Management Officials, applications for employment and reports of background investigations shall be retained for inspection by the Chairman of the NIGC or his designee for no less than three (3) years from the date of termination of employment of each Key Employee or Primary Management Official

Section 4.05 Granting a Gaming License.

- (a) If, within a thirty (30) day period after the NIGC receives all required applications and reports, the NIGC 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, the Commission may issue a License to such Applicant.
- (b) The Commission shall respond in a timely manner to requests for additional information from the Chairman of the NIGC concerning Key Employees or Primary Management Officials who are the subject of any report filed with the NIGC by the Commission. Any such request by the Chairman of the NIGC shall suspend the thirty (30) day period referred to in this Section until the Chairman of the NIGC receives the additional information requested.
- (c) If, within a thirty (30) day period after the NIGC receives all required applications and reports, the NIGC 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 Commission has submitted an application and all required reports to the NIGC, the Commission shall reconsider the application, taking into account the

itemized by the objections of the NIGC. The Commission shall make the final decision whether to issue a License to such Applicant.

Section 4.06 License Revocation and Suspension Following Receipt of Information from NIGC.

- (a) If, after the issuance of a License, the Tribe receives information from the NIGC indicating that a Management Entity or Controlling Shareholder, Key Employee, or Primary Management Official is not eligible for employment under Section 4.02 of this Ordinance, the Commission shall suspend such License, shall notify the Licensee in writing of such suspension and the potential revocation of the Licensee's License, shall notify the Licensee of a time and a place for a hearing, and shall conduct a hearing in accordance with the Rules regarding the proposed License revocation.
- (b) After a hearing, the Commission shall revoke or reinstate a License suspended pursuant to Subsection (a) of this Section. The Commission shall notify the NIGC of its decision. A decision of the Commission to revoke a License after the hearing called for by subsection (a) of this Section shall be final and there shall be no appeal. A Management Entity whose License has been revoked or suspended pursuant to this Section may not operate a Gaming Operation.

**CHAPTER VI
AUDITING AND INTERNAL CONTROL**

Section 6.01 Minimum Procedures for Control of Internal Fiscal Affairs. The Commission shall promulgate Rules governing the control of internal fiscal affairs of all Gaming Operations. At a minimum, such Rules shall:

- (a) Prescribe minimum procedures for the safeguarding of a Gaming Operation's assets and revenues, including recording of cash and evidence of indebtedness, and mandatory count procedures. Such Rules shall establish a controlled environment, accounting system, and control procedures that safeguard the assets of the Gaming Operation, assure 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 conducted in accordance with generally accepted accounting principles by internal auditors licensed or certified to practice public accounting in the State of Oregon;
- (d) Formulate a uniform code of accounts and accounting classifications to assure the consistency, comparability and effective disclosure of financial information. Such

a 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 in each Gaming Operation;

- (e) Prescribe the intervals at which such information shall be furnished;
- (f) Provide for the maintenance of documentation, (i.e., 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 this Section be maintained for a minimum of five (5) years.

Section 6.02 Oversight of Internal Fiscal Affairs. The Commission shall require independent audits of the financial statements of all Gaming Operations. Such independent audits must:

- (a) Be made according to generally accepted accounting principles by independent accountants licensed or certified to practice public accounting in the State of Oregon;
- (b) Included 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 Oregon State Board of Accountancy and the American Institute of Certified Public Accountants;
- (c) Disclose whether the accounts, records and control procedures maintained by the Gaming Operation conform with this Ordinance and the Rules; and
- (d) Provide a review of the internal financial controls of the audited Gaming Operation to disclose any deviation from the requirements of this Ordinance and the Rules and report such findings to the Commission and the management of the audited Gaming Operations.

Section 6.03 Conduct of Audit.

- (a) The Commission or the Tribe shall cause to be conducted annually an independent audit of Gaming Operations and shall submit the resulting audit reports to the NIGC.
- (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 described in Section 6.03(a).

CHAPTER X MISCELLANEOUS

Section 10.01 Compliance with Other Laws. The construction, maintenance and operation of any Gaming Operation shall be in a manner which protects the environment, public health and safety, and shall comply with all applicable laws relating to environmental protection and public health and safety.

Section 10.02 Repeal. To the extent that they are inconsistent with this Ordinance, all prior gaming laws, rules, ordinances or regulations of the Tribe are hereby repealed.

Section 10.03 Patron Disputes. Any Person who has any dispute, disagreement or other grievance with the Gaming Operation that involves currency, tokens, coins, or any other thing of value, may seek resolution of such dispute from the following persons and in the following order: (a) a member of the staff relevant of the Gaming Operation, (b) the supervisor in the area of the relevant Gaming Operation in which the dispute arose, (c) the manager of the relevant Gaming Operation, and (d) the Commission.

Section 10.04 Patron Rights Regarding Disputes. When a Person brings a dispute for resolution pursuant to Section 10.3, the complainant has the right to explain his or her side of the dispute, and to present witnesses in connection with any factual allegations. At each level, if the dispute remains unresolved, the complainant shall be informed of the right to take the dispute to the next higher level as set forth in Section 10.03. Resolution of any dispute by the personnel of a Gaming Operation shall always involve two or more staff members. All disputes, whether resolved or not, shall be reported in detail by the staff persons involved to their supervisor, or, in the case of the general manager of the Gaming Operation, to the Commission.

Section 10.05 Gaming Commission Action on Patron Disputes. All disputes which are submitted to the Gaming Commission shall be decided by the Commission based on information provided by the complainant, including any witnesses for, or documents provided by or for, the complainant. The decision of the Commission shall be in writing, shall be issued within fourteen (14) days of submission of the matter to the Commission, and shall be provided to the general manager of the Gaming Operation and to the complainant.

Section 10.06 Agent for Service of Process. The Board chairperson shall be designated agent for service of process for the Cow Creek Band of Umpqua Tribe of Indians.

REFERENCES:

- 1. Source:** Board Resolution No.2010-26, dated August 25, 2010.
Comment: Amends and restates in entirety Tribal Gaming Ordinance and Tribal Rules regarding Gaming Commission.

**RESOLUTION OF THE COW CREEK BAND OF
UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS
AMENDING AND RESTATING THE TRIBE'S GAMING ORDINANCE AND RULES
REGARDING THE TRIBAL GAMING COMMISSION**

WHEREAS, The Board of Directors of the Cow Creek Band of Umpqua Tribe of Indians, pursuant to Article VII, Section 1, of the Tribal Constitution approved July 17, 1991 by the Bureau of Indian Affairs, is the official governing body of the Tribe, authorized to act in behalf of the Tribal council; and

WHEREAS, The Cow Creek Band of Umpqua Tribe of Indians submitted to the National Indian Gaming Commission on February 15, 1994, the Tribal Gaming Ordinance 91-1, adopted by the Tribe on August 11, 1991, and

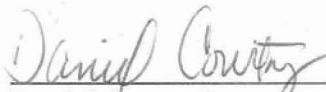
WHEREAS, On April 1, 1994 the National Indian Gaming Commission returned Ordinance 91-1 to the Tribe for revision to comply with federal regulations, and

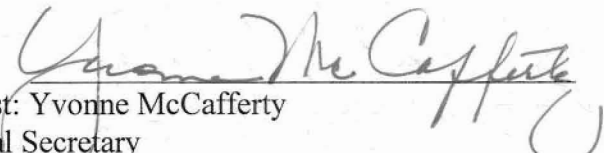
WHEREAS, The Cow Creek Band of Umpqua Tribe of Indians made the requested revisions and other improvements, which were adopted by the Tribal Board of Directors at their May 15, 1994 Board Meeting, now,

THEREFORE, BE IT RESOLVED, that the Tribe is now submitting Tribal Gaming Ordinance 94-1, to replace the previous Tribal Gaming Ordinance 91-1, and seeks approval of the National Indian Gaming Commission as required by the Indian Gaming Regulatory Act, and

FURTHER BE IT RESOLVED, that the Tribal Board of Directors hereby authorizes the Tribal Chairman to submit Tribal Gaming Ordinance 94-1 to the National Indian Gaming Commission.

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 11, constituting a quorum, were present at a meeting duly held on the 25th day of August, 2010, adopted the foregoing **RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS AMENDING AND RESTATING THE TRIBE'S GAMING ORDINANCE AND RULES REGARDING THE TRIBAL GAMING COMMISSION** by the affirmative vote of 11 for and 0 against.


Daniel Courtney
Tribal Chairman


Attest: Yvonne McCafferty
Tribal Secretary

DEC 20 2010

Part 200
TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

RULES RELATING TO THE ESTABLISHMENT OF THE TRIBAL GAMING
COMMISSION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

Authority:

These Rules are promulgated by the Tribal Gaming Commission (the "Tribal Gaming Commission") of the Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") and the Cow Creek Tribal Board of Directors (the "Board") pursuant to the sovereign authority of the Tribe and the terms of the Tribal Gaming Ordinance, (the "Ordinance") as amended and restated on July 15, 1994.

Effective Date:

These Rules were presented to the Board for final approval on August 25, 2010 and were approved, adopted and effective on such date pursuant to Resolution No. 2010-26.

Purpose:

To establish practices and procedures of the Tribal Gaming Commission, to establish internal controls, to provide for self-monitoring by the Tribal Gaming Commission and for other purposes related to the regulation of Gaming and enforcement of the Ordinance, the IGRA, and the Tribal-State Compact for Regulation of Class III gaming between the Cow Creek Band of Umpqua Tribe of Indians and the State of Oregon (the "Compact").

Title:

Rules Relating to the Practices, Procedures and Duties of the Tribal Gaming Commission of the Cow Creek Band of Umpqua Tribe of Indians, adopted pursuant to the Cow Creek Tribal Gaming Ordinance, as amended and restated on July 15, 1994. The short title shall be "Cow Creek Tribal Gaming Commission Rules."

Rule 2.1 **Definitions.** Unless the context specifically indicates otherwise, all terms used in these Rules shall have the same meaning as in IGRA, the Compact, and the Ordinance.

Rule 2.2 **Licensing of Tribal Gaming Commissioners.** Each Tribal Gaming Commissioner shall meet all licensing requirements set forth in these Rules. All Tribal Gaming Commissioners shall be required to complete a License application and shall be subject to the same background investigation as a Key Employee. Such background investigation shall be performed by or at the

direction of the Board or delegate. Upon background clearance, a Tribal Gaming Commissioner shall be issued a License in the form set forth in these Rules.

Rule 2.3 **Restrictions on Tribal Gaming Commissioners.** Tribal Gaming Commissioners are subject to the restrictions of Section 2.02 of the Ordinance.

Rule 2.4 **Compensation of Tribal Gaming Commissioners.** Tribal Gaming Commissioners shall be compensated as detailed in Section 2.03 of the Ordinance.

Rule 2.5 **Selection of Chairperson.** The Tribal Gaming Commission shall select a Chairperson as detailed in Section 2.04 of the Ordinance.

Rule 2.6 **Quorum.** A quorum of the Tribal Gaming Commission shall be as detailed in Section 2.05 of the Ordinance.

Rule 2.7 **Deficiencies and Removal of Members.** In the event the Tribal Gaming Commission finds that a Tribal Gaming Commissioner fails at any time to meet the requirements for licensure, he/she shall be notified in writing of the alleged deficiencies and requested to voluntarily resign from the Tribal Gaming Commission, which shall immediately notify the Board of such action.

Rule 2.8 **Hearings and Appeal to Board.** If, after receiving written notice of deficiencies, a Tribal Gaming Commissioner, who does not choose to resign, may deliver a written request for a hearing before the Tribal Gaming Commission within ten (10) days of receipt of such notice. Such hearings shall be conducted as provided by Rule 6.1 et. seq. and shall be subject to appeal to the Board. The finding of the Board shall be final and that decision shall not be subject to any further appeal.

Rule 2.9 **No Financial Interest in Gaming.** No Tribal Gaming Commissioner shall be employed in Gaming Establishment without the express written consent of the Tribal Gaming Commission and the Board. No Tribal Gaming Commissioner may participate in any act which gives the appearance of any impropriety, such as the acceptance of gratuities or any other thing of value from any Licensee or Applicant.

Rule 2.10 **Self-Monitoring By Tribal Gaming Commission.** It shall be the continuing responsibility of the Tribal Gaming Commission to monitor its members for eligibility to serve on the Tribal Gaming Commission. Each member of the Tribal Gaming Commission shall be accountable to the Tribal Gaming Commission as a body. No Tribal Gaming Commissioner shall take any official action without the prior approval of the Tribal Gaming Commission. The Tribal Gaming Commission shall evaluate its effectiveness as a Tribal agency on a regular basis and shall establish priorities and target dates for meeting its regulatory goals and responsibilities imposed by these Rules, the Ordinance, the Compact, IGRA on any other applicable Tribal or Federal law. If the Tribal Gaming Commission is deliberating allegations of deficiencies regarding the qualifications

to assist it in carrying out its goals and duties. All salaries and payments of Tribal Gaming Commission employees shall be included in and paid from the approved Tribal Gaming Commission budget or from special appropriations from Tribal Gaming Commission funds which shall be subject to the approval of the Board. The Tribal Gaming Commission shall provide necessary oversight and supervision for such employees. All personnel actions pursuant to this Rule shall be by official action of the Tribal Gaming Commission. Permanent employees shall be subject to a performance review every three months for the first year of their employment, with annual reviews thereafter. All employees shall provide quarterly (or upon demand from the Tribal Gaming Commission) written reports to the Tribal Gaming Commission regarding their activities. The Tribal Gaming Commission shall stipulate (upon hiring) the content and frequency of such reports. All information relating to or generated by a Tribal Gaming Commission employee shall be made available to the Board upon demand.

Rule 2.16 Personnel Procedures. It shall be the duty of the Tribal Gaming Commission as a body to interview and screen all applicants and to select the most qualified person for the available position.

Rule 2.17 Tribal Gaming Commission Travel and Training.

- A. **Travel.** A Tribal Gaming Commission member using his/her private vehicle shall be reimbursed mileage at a rate approved by the Board for all approved travel. Such travel expenses shall be part of and shall be paid from the Tribal Gaming Commission budget. Approved travel shall include the following:
- (1) Trips to and from Gaming Establishments for the purpose of carrying out Tribal Gaming Commission business;
 - (2) Trips to attend any Tribal Gaming Commission meeting or hearing;
 - (3) Travel to any authorized training session;
 - (4) Travel to any relevant seminar, meeting or industry function provided such travel has been approved in advance by vote of the Tribal Gaming Commission; and
 - (5) Any other approved travel performed in furtherance of official Tribal Gaming Commission duties at the specific request of the Tribal Gaming Commission or the Board.
- B. **Training.** Tribal Gaming Commission members may attend such training and educational sessions which the Tribal Gaming Commission, pursuant to official action, deems necessary and relevant to the official duties of its members. Only the cost of attending those sessions that have been pre-approved by vote of the Tribal

Gaming Commission shall be reimbursed. The Tribal Gaming Commission shall not approve any such costs until it has reviewed information relating to the session and a preliminary budget which includes a total cost of such training. All costs associated with such training shall be paid from the Tribal Gaming Commission budget. The Tribal Gaming Commission shall not approve any training costs in excess of those set forth in its Board-approved budget. All reimbursement amounts shall be determined and be paid in accordance with current Tribal policy relating to such matters.

Rule 2.18 **Tribal Gaming Commission as Tribal Agency.** The Tribal Gaming Commission shall maintain its autonomy as a governmental agency subject only to the Board's authority, supervision and control.

Rule 2.19 **Tribal Gaming Commission Offices.** The Tribal Gaming Commission shall maintain an office in a location established by the Board. Such office shall serve as the Tribal Gaming Commission's main business office and shall be the site at which Tribal Gaming Commission records and documents are maintained and stored on a permanent basis. In addition, the Tribal Gaming Commission shall maintain an office at the site of any Gaming Operation. Such office shall be clearly marked with appropriate signs indicating that such office belongs to the Tribal Gaming Commission. All office sites shall be approved by the Board. No individual except a Tribal Gaming Commissioner, Board member or authorized (by official action of the Board or Tribal Gaming Commission) employee of the Tribal Gaming Commission may possess a key to any Tribal Gaming Commission office.

Rule 2.20 **Tribal Gaming Commission Record-Keeping.** The Tribal Gaming Commission shall maintain complete documentation regarding the following:

- A. Management Entity: applications, financial statements, fingerprints, contracts, License issuance and suspension/ termination notices;
- B. Key Employees Primary Management Officials, High Security Employees, and Low Security Employees: same as subsection A above;
- C. Tribal Gaming Commission Licenses; same as subsection A above;
- D. Facilities;
- E. Casino revenues;
- F. Tribal Gaming Commission Directives;
- G. Meeting minutes: all regular and special meetings;

- H. Compact compliance;
- I. Incident reports;
- J. Tribal Gaming Commission budget and expenditures;
- K. Board communications;
- L. Applicants; and
- M. Any other records the Tribal Gaming Commission deems necessary or appropriate.

All Tribal Gaming Commission records shall be securely stored at a Tribal Gaming Commission office in locked file cabinets. No individual may access such records except: Tribal Gaming Commissioners, those persons which the Tribal Gaming Commissioners designate as record keepers, Tribal Gaming Commission investigators, or attorneys for the Tribal Gaming Commission.

Rule 2.21 Enforcement of Gaming Regulations. The Tribal Gaming Commission is primarily responsible for the enforcement of Gaming Regulations as detailed in Article IX (A) of the Compact, and for assuring that all Gaming Operations and/or Licensees fully comply with the Ordinance, Rules, the Compact, the Indian Gaming Regulatory Act, any applicable Management Agreement.

Rule 2.22 Regular and Special Meetings. The Tribal Gaming Commission shall meet at least once a month at the Tribal Gaming Commission's main office or at any other designated meeting place. Special meetings shall be convened as necessary to carry out the official duties of the Tribal Gaming Commission. Notice of each special meeting shall be given by telephone or mail to each Tribal Gaming Commissioner. Notice shall be received at least 24 hours in advance of such meeting and shall include the date, time and place of the proposed meeting. An emergency meeting may be called by the Chairperson of the Tribal Gaming Commission with less than 24 hours notice; provided, however, that the Chairperson of the Tribal Gaming Commission shall use his/her best efforts to assure that all Tribal Gaming Commissioners are notified of such meeting, with as much prior notice as possible under the circumstances. All meetings of the Tribal Gaming Commission shall be open to the public; provided, however, that the Tribal Gaming Commission may, in its discretion, close any meeting pertaining to personnel, proprietary or other matters of a confidential nature.

Rule 2.23 Tribal Gaming Commissioner Stipends; Payments for Meals. Each Tribal Gaming Commissioner, except any Tribal Gaming Commissioner who is receiving a wage or salary for performance of his/her Tribal Gaming Commission duties, may be paid a stipend for attendance at a duly convened meeting. The amount of such stipend shall be determined by the Board. The payment of such stipends shall be from the Tribal Gaming Commission budget. The Tribal Gaming Commission may reimburse any party for meals provided to any Tribal Gaming Commissioner or to Tribal Gaming Commission staff, and may require any such party to maintain appropriate and

accurate records regarding such transactions.

Rule 2.24 **Salaries of Tribal Gaming Commissioner.** Commissioners shall be compensated as detailed in Section 2.03 of the Ordinance.

Rule 2.25 **Reports to Board.** Pursuant to the Gaming Ordinance, the Tribal Gaming Commission shall issue a monthly report to the Board containing the following information:

- A. Number and types of Licenses issued during the previous three (3) day period;
- B. Information regarding License suspensions, revocations and/or Tribal Gaming Commission directives;
- C. Report of any events of non-compliance, breach or legal violations relating to the Ordinance, these Rules, the compact, any Management Agreement or any other law or regulation;
- D. A report of all revenues from any Gaming Operation, including a detailed breakdown of sources thereof, operational expenses and Tribal payments;
- E. A detailed reporting of all Tribal Gaming Commission expenditures for the prior thirty (30) day period;
- F. A summary of any Tribal Gaming Commission travel and/or training;
- G. The number of and purpose for any special Tribal Gaming Commission meeting(s); and
- H. All other information which the Tribal Gaming Commission deems relevant in order to keep the Board informed and current on all Gaming-related matters.

Part 300

TRIBAL GAMING COMMISSION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

RULES RELATING TO THE AUTHORITY, DUTY, AND RESPONSIBILITY OF THE TRIBAL GAMING COMMISSION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

Rule 3.1 **Tribal Gaming Commission Authority.** The Tribal Gaming Commission's authority is as detailed in Article IX, Section A (1) of the Compact.

Rule 3.2 **Tribal Gaming Commission Responsibilities.** The Tribal Gaming Commission responsibilities are as detailed in Article IX, Section A (2) of the Compact.

Rule 3.3 **Tribal Gaming Commission Inspections, Investigations, and Sanctions.** The Tribal Gaming Commission Inspections, Investigations, and Sanctions shall be as detailed in Article IX, Section A (3-4) of the Compact.

Rule 3.4 **Tribal Gaming Commission Report to Oregon State Police (OSP).** The Tribal Gaming Commission shall make a report to the OSP following a Tribal Gaming Commission Inspection, Investigation, and/or Sanction as detailed in Article IX, Section A (5) of the Compact.

Part 400

TRIBAL GAMING COMMISSION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

RULES RELATING TO THE AUTHORIZATION AND CONDUCT OF CLASS III GAMING

Rule 4.1 **Authorized Games.** Authorized Class III Gaming is as detailed in Article V, Section B (1) of the Compact.

Rule 4.2. **Unauthorized Gaming.** The Tribal Gaming Commission shall not offer any type of gaming in violation of Article V, Section B (3) and Article V, Section B (5-6) of the Compact.

Rule 4.3. **Class II Gaming.** The Tribal Gaming Commission may permit any gaming activity classified by federal regulation as Class II Gaming at the Gaming Facility.

Rule 4.4. **Number of Authorized VLTs.** The Tribal Gaming Commission may permit VLTs as detailed in Article V, Section D of the Compact.

Rule 4.5 **Number of Authorized Table Games.** The Tribal Gaming Commission may permit table games as detailed in Article V, Section E of the Compact.

Rule 4.6 **Introduction of Authorized Games at Gaming Facility.** The Tribal Gaming Commission may introduce authorized games at the Gaming Facility as detailed in Article V, Section F of the Compact.

Rule 4.7 Additional Regulations Regarding Class III Gaming.

- A. **Gaming Regulations.** The Tribal Gaming Commission shall ensure that the conduct of all Class III Gaming authorized under the Compact shall be in accordance with Article VIII, Section A of the Compact
- B. **Identification Badges.** The Tribal Gaming Commission shall require all employees of the Tribal Gaming Operation employed at the Gaming Facility to wear Identification Badges as detailed in Article VIII, Section B of the Compact.
- C. **Credit.** The Tribal Gaming Commission shall extend credit only as detailed in Article VIII, Section C of the Compact.
- D. **Attendance and Play of Minors in the Gaming Facility.** The Tribal Gaming Commission shall regulate minors as detailed in Article VIII, Section D of the Compact.
- E. **Firearms in the Gaming Facility.** The Tribal Gaming Commission shall regulate Firearms in the Gaming Facility as detailed in Article VIII, Section E of the Compact.
- F. **Service of Alcohol in the Gaming Facility.** The Tribal Gaming Commission shall regulate the service of alcohol in the Gaming Facility as detailed in Article VIII, Section F of the Compact.

Part 500

**TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

**RULES RELATING TO THE LICENSING OF MANAGEMENT ENTITIES,
CONTROLLING SHAREHOLDERS, PRIMARY MANAGEMENT OFFICIALS, KEY
EMPLOYEES, HIGH SECURITY EMPLOYEES, LOW SECURITY EMPLOYEES,
MANUFACTURERS AND DISTRIBUTORS, AND GAMING FACILITIES**

Rule 5.1 Applications for Employment and Gaming Licenses.

- A. Each individual applying for employment at the gaming facility, whether as a Primary Management Official, Key Employee, High Security Employee, or Low Security Employee, shall be required to complete an employment application in a form approved by the Tribal Gaming Commission.

- B. Facilities. A Facility License is required as detailed in Chapter III, Section 3.01 (b) of the Ordinance.
- C. Each individual or entity applying for any type of License must complete an application form and shall be subject to this Part 500.
- D. Any individual or entity requested by the Tribal Gaming Commission to complete a Gaming License application form must do so within the period of time specified by the Tribal Gaming Commission. Failure to complete the application in a timely manner shall disqualify the Applicant from any further consideration for a Gaming License.

Rule 5.2 **Application Forms.** The Tribal Gaming Commission shall develop or approve all License and application forms relevant to Gaming. Where applicable, the Tribal Gaming Commission, in its sole discretion, may use the State Gaming Agency's Gaming License application forms. The Tribal Gaming Commission may use the same License application form for those individuals who are considered Primary Management Officials, Key Employees, or High Security Employees.

- A. **Required Information.** The application form shall request, without limitation, the information listed in Article VII, Section A (2) of the Compact.
- B. **Notices.** The application form for a Key Employee, Management Entity or a Primary Management Official shall include the notice of rights detailed in Chapter III, Section 3.01 (c), (d), and (e) of the Ordinance.

Rule 5.3 **Initial Review by Personnel Department.**

- A. Prior to considering an Applicant for employment in any Gaming Operation, a designated individual within the personnel department of the relevant Gaming Operation shall conduct an initial screening of each applicant in accordance with sound business practices. With respect to each applicant, such screening shall include at minimum, the following:
 - 1. Verification of employment history and contacts with all listed employers within the five-year period prior to the application date;
 - 2. Confirmation of the truthfulness of any statement relating to any License or financial interest in any gaming venture in any location; and
 - 3. A report of the steps taken to verify the information in 1 and 2 above.

- B. Following the initial review of an Applicant by the personnel department of the relevant Gaming Operation, said personnel department shall either reject or recommend the Applicant for hiring. With respect to applicants for positions designated as Primary Management Officials, Key Employees, High Security Employees, or Low Security Employees the personnel department shall submit: (i) the employment application; (ii) the relevant License application; and (iii) all other relevant information along with a written statement setting forth the proposed position of the applicant and requesting that a provisional License be issued to such Applicant. The employee may be hired at any time following notification by the Tribal Gaming Commission that a provisional License has been issued to the Applicant.

Rule 5.4 **Review by Tribal Gaming Commission.** Following an applicant's initial review by the Personnel Department, the Tribal Gaming Commission shall complete a review of the completed license application form and all related documents, and either (i) approve the Applicant for employment by issuing a provisional License; (ii) request additional information; or (iii) reject the Applicant.

Rule 5.5 **Fingerprint Forms Required.** The Commission shall choose an agency to take fingerprints and then the fingerprint cards shall be submitted directly to the NIGC for transmittal to the Federal Bureau of Investigation for processing. Reports obtained from such fingerprint processing shall be delivered to the Tribal Gaming Commission to be incorporated into the Applicant's personnel file.

Rule 5.6 **License Application Fees.** The Tribal Gaming Commission may establish a license application fee for each type of required License.

Rule 5.7 **Issuance of Provisional License; Clearance for Limited Employment.** No Primary Management Official, Key Employee, High Security Employee, or Low Security Employee may begin employment at any Gaming Establishment until the Tribal Gaming Commission has issued a Provisional License to such employee. Such provisional License shall be in the form approved by the Tribal Gaming Commission. A provisional License may be issued to manufacturers, suppliers and distributors if all applicable fees are paid to the Tribal Gaming Commission. The Tribal Gaming Commission may issue such provisional License when it has determined that the following minimum requirements have been met:

- A. The Applicant has fully completed the license application form;
- B. The personnel department of the relevant Gaming Operation has completed the initial review described in Rule 5.3 and recommends the employee for hiring;
- C. All required documents have been submitted along with the application;

- D. The Tribal Gaming Commission has submitted the application for review by the OSP as detailed in Article VII, Section A (8) of the Compact.
- E. All previous associations with any gaming venture, in any location, have been investigated and no adverse material information regarding the Applicant has been forthcoming;
- F. The Tribal Gaming Commission knows of no reason why the Applicant should not be retained as a Primary Management Official, Key Employee, High Security Employee or Low Security Employee;
- G. The Applicant has notified the Tribal Gaming Commission of all gaming or professional Licenses he/she currently holds or has previously held, any pending License applications and any License applications which have been denied;
- H. All applicable Tribal Gaming Commission fees have been paid; and
- I. Any conditions for provisional Licenses the Tribal Gaming Commission deems necessary to preserve the integrity of gaming.

Rule 5.8 Background Investigations.

- A. Standards for Background Investigations. In all cases where the Tribal Gaming Commission has issued a provisional License to an applicant, the Tribal Gaming Commission shall supervise and direct all background investigations for such Applicants pursuant to the standards detailed in Chapter IV, Section 4.02 of the Ordinance.
- B. Required Information. The Tribal Gaming Commission shall require from each Person subject to a background investigation information as detailed in Chapter IV, Section 4.03A (a) of the Ordinance.
- C. The Tribal Gaming Commission shall maintain the confidentiality of the identity of each Person interviewed in the course of investigation per Chapter IV, Section 4.03A (b) of the Ordinance.
- D. The Tribal Gaming Commission may require that an Applicant or Licensee submit any other information it deems relevant to an eligibility determination. The Tribal Gaming Commission may require an Applicant or Licensee to complete any additional forms the Tribal Gaming Commission deems necessary to conducting a thorough background investigation per Chapter IV, Section 4.03A(c) of the Ordinance.

- E. OSP Background Investigation. The Tribal Gaming Commission shall forward applicant information to the OSP as detailed in Article VII, Section A (4) (a) of the Compact. The Tribal Gaming Commission may request that the OSP conduct a background investigation as detailed in Article VII, Section A (4) (b) of the Compact or Article VII, Section A (7) of the Compact.

Rule 5.9 Eligibility Determination. The Tribal Gaming Commission shall conduct an Eligibility Determination as detailed in Chapter IV, Section 4.03B of the Ordinance.

Rule 5.10 Report to the National Indian Tribal Gaming Commission. The Tribal Gaming Commission shall prepare and forward to the NIGC a report as detailed in Chapter IV, Section 4.05 of the Ordinance. 4

Rule 5.11 Granting a Gaming License. The Tribal Gaming Commission shall grant a Gaming License only as detailed in Chapter IV, Section 4.06 of the Ordinance. 5

Rule 5.12 License Revocation and Suspension Following Receipt of Information from NIGC. The Tribal Gaming Commission shall revoke or suspend a license as detailed in Chapter IV, Section 4.07 of the Ordinance. 6

Rule 5.13 Annual License.

- A. At the discretion of the Tribal Gaming Commission, Annual Licenses for management Entities may be issued if the Tribal Gaming Commission finds the following licensing criteria have been met relating to the Applicant:
1. A review of available criminal history records information is satisfactorily completed with the assistance of the Federal Bureau of Investigation;
 2. The Oregon State Police or analogous state agency satisfactorily completes a background investigation;
 3. The Tribal Gaming Commission satisfactorily completes a background investigation into the Management Entity's prior or ongoing activities;
 4. All applicable Tribal Gaming Commission fees are paid; and
 5. All shareholders of the Management Entity who are subject to the Tribe's licensing process have received their License.
- B. Primary Management Officials Key Employees, High Security Employees, or Low Security Employees. Those subject to Primary Management Official, Key Employee, High Security Employee, or Low Security Employees licensing procedures may be

issued Annual Licenses at such time as the background investigations described in these Rules are satisfactorily completed and the Applicant has been approved by the Oregon State Police.

Rule 5.14 **Duration of License and Renewal.** License duration and renewal shall be as detailed in Article VII, Section A (9) of the Compact.

Rule 5.15 **Standard Form of License.** The Tribal Gaming Commission shall create a standard form of License for all Licensees. The same form shall be used for provisional and for annual Licenses; provided, however, that such status shall be clearly indicated on each License.

Rule 5.16 **Facility License.** The Tribal Gaming Commission may require and issue an annual Facility License, if following inspection by the Tribal Gaming Commission, it is determined that the criteria set forth below have been met and all applicable Tribal Gaming Commission fees have been paid. The Facility License criteria are as follows:

- A. The structure is a sound physical structure with adequate and safe plumbing, electrical, heating, cooling and ventilation systems in place and operational;
- B. The structure has been inspected and approved for safety by a building and fire inspector designated by the Board;
- C. The structure is adequate in all respects to accommodate the Gaming intended to be carried out within the structure;
- D. The structure is equipped with security and surveillance equipment meeting or exceeding provisions set forth in the Compact and the Ordinance;
- E. In the judgment of the Tribal Gaming Commission the structure meets all requirements of applicable federal, tribal and state laws;
- F. In the judgment of the Tribal Gaming Commission, the structure, from an aesthetic and functional perspective, would not be a detriment to the image and reputation of the Tribe; and
- G. All applicable Tribal Gaming Commission fees have been paid.

Rule 5.17 **Official Action for Suspension or Revocation of Licenses.**

- A. No License may be permanently suspended or revoked without notifying the Licensee of their right to a hearing by the Tribal Gaming Commission at a duly convened

meeting of its members. When necessary to preserve the public safety, or the integrity of any Gaming Establishment, a temporary suspension, pending a hearing, may be ordered:

1. By the Tribal Gaming Commission along with a preliminary notice of violation; or
 2. By the extraordinary written order of the Chairperson of the Tribal Gaming Commission; or
 3. By the Executive Director of the Tribal Gaming Commission
- B. In cases involving suspensions ordered by the Chairperson of the Tribal Gaming Commission, the affected party shall be afforded an opportunity for a hearing before the Tribal Gaming Commission within 72 hours of the suspension. The Tribal Gaming Commission shall then receive evidence and argument as provided in these Rules and shall determine whether the suspension shall be continued or rescinded. If the Tribal Gaming Commission has issued the suspension in conjunction with a preliminary notice of violation or if the Tribal Gaming Commission votes to uphold the extraordinary order of the Chairperson of the Tribal Gaming Commission and continue the suspension, the affected party may request a further hearing.
- C. The Tribal Gaming Commission shall provide a monthly report to the OSP as detailed in Article VII, Section A (12) of the Compact.

Rule 5.18 License Suspension, Denial, and Revocation.

- A. **Discretionary Suspension or Denial.** The Tribal Gaming Commission may suspend or deny any Licensee or Applicant upon a finding that:
1. Another federally recognized Indian tribe or other authority with gaming regulatory authority has refused to issue a License or has suspended a License held by the Licensee;
 2. The Licensee or Applicant fails to receive NIGC approval to participate in Indian Gaming. If the Licensee or Applicant is a Management Entity and a significant number of shareholders, officers or directors who were subject to the Tribe's licensing process fail to receive NIGC, State or Tribal approval, it shall be considered grounds for suspension of the Management Entity's gaming license;
 3. The Licensee or Applicant is charged with or under investigation for a felony offense in any jurisdiction;

4. It is probable that the employee committed an act which, if proven, would constitute a violation of the Ordinance, or a felony in any other jurisdiction;
5. The Licensee or Applicant is in violation of Article VII, Section A (5) (c) of the Compact;
6. The Licensee or Applicant fails to comply with any order, ruling, or directive of the Tribal Gaming Commission or order of the Chairperson the Tribal Gaming Commission;
7. The Licensee or Applicant has failed to comply with any aspect of these Rules;
8. The Licensee or Applicant has failed to cooperate with any aspect of the License application procedure, including background investigations;
9. The Licensee or Applicant fails to comply with any order of the Tribal Court of the Cow Creek Band of Umpqua Tribe of Indians;
10. The Licensee or Applicant's activities or 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; and
11. Low Security Employees: The Tribal Gaming Commission may suspend or deny a gaming license of any Low Security Employee applicant as provided in Article VII, Section A (5) of the Compact.

B. Duration of Suspension. A License suspension shall continue until the occurrence of one of the following events:

1. An investigation conducted by or at the request of the Tribal Gaming Commission reveals that the information leading to the suspension or revocation was of insufficient merit;
2. Any criminal or other investigation being conducted in the State of Oregon or any other jurisdiction, and upon which such License suspension has been solely predicated, has been terminated with no charges filed;
3. Following a hearing, or an appeal before denial, the Tribal Gaming Commission determines that sufficient cause for revocation or suspension does not exist; and

4. Pursuant to Tribal Court or Board action, a final order directs reinstatement.
- C. **Reinstatement of Suspended License.** A License that is suspended by the Tribal Gaming Commission may be reinstated at any time if the Tribal Gaming Commission determines that the grounds for suspension were unfounded or no longer exist.
- D. **Mandatory Denial and Revocation.** The Tribal Gaming Commission shall revoke or deny a License as provided in Article VII, Section A (5) of the Compact.

Rule 5.19 **Licensing of Manufacturers, Suppliers and Distributors.** No item of gaming equipment shall be purchased by or placed in use in a Gaming Establishment unless the manufacturer and distributor of such item has been approved and Licensed by the Tribal Gaming Commission and has received any and all other approvals required pursuant to the Compact. Notwithstanding the fact that the Applicant may have been approved by the State, the Tribal Gaming Commission may determine that the best interests of the Tribe require further inquiry. If so, the Tribal Gaming Commission shall conduct an independent investigation of the Applicant, at the expense of the Applicant. The Applicant manufacturer or distributor shall complete a License application and shall be subject to the licensing requirements in the Compact and the Ordinance; provided, however, that no provisional License shall be issued until the required background investigation is satisfactorily completed.

Rule 5.20 **Licensing and Certification of Gaming Devices.**

- A. The Tribal Gaming Commission shall maintain at its main office a complete list of all Gaming Devices (whether or not such devices are in use) located at the site of any Gaming Operation. Such list shall include the following information relating to each gaming device: manufacturer, model and serial number; type of game; date put into service; date removed from service (if applicable); distributor; date of purchase; and date of certification by Tribal Gaming Commission and certification number. In addition, the Tribal Gaming Commission shall maintain at all times a current schematic showing the location of each in-service Gaming Device (by certification number).
- B. Prior to placing any Gaming Device into service at the site of any Gaming Operation, the Tribal Gaming Commission shall inspect or cause an inspection and, if appropriate, a test of such device for compliance with standards set by the Tribal Gaming Commission and other applicable law including, but not limited to, the Compact. The Licensee or Applicant may be required to advance to the Tribal Gaming Commission funds sufficient to cover all anticipated costs for such inspection and testing; upon conclusion of such inspection and testing, the Tribal Gaming Commission shall refund any excess from the deposit to the Applicant. The

Tribal Gaming Commission may, without additional testing or inspection, approve and certify any gaming device that is approved for use by the State of Oregon.

- C. When the Tribal Gaming Commission has completed its inspection and, if necessary, testing, and all applicable Tribal Gaming Commission fees have been paid, it shall certify each Gaming Device that meets the requirements set forth in B above. Each Gaming Device so certified shall be given a unique number which shall be attached to the device along with the official seal of the Tribal Gaming Commission.
- D. Each Gaming Device operated in any Gaming Operation shall be annually inspected and, if the Tribal Gaming Commission deems it necessary, tested for compliance with all applicable laws.

Rule 5.21 Security Risks Created by Relationships Among Casino Employees.

- A. It shall be the sole duty of the Tribal Gaming Commission to monitor the hiring, placement, promotion and transfer of all casino managers and employees to assure that the Gaming Operation is, and is perceived to be, operated with the utmost integrity and security. In order to accomplish this objective, Primary Management Officials, Key Employees and High Security Employees who (i) are related by marriage or are considered Immediate Family, as defined in Rule 5.21 (D), or (ii) co-habitate, shall not, without the express written consent of the Tribal Gaming Commission and the Board, be employed in positions which create the appearance or potential for the unfair play of any game, collusion, fraud, avoidance of internal controls, or diminution of surveillance, or security procedures.
- B. Upon a Tribal Gaming Commission finding fact establishing the probable existence of a security risk as described in (A) above, the Tribal Gaming Commission shall, by Directives to the casino management and other affected Licensees, order that personnel described in Rule 5.21(A) of this Rule be (i) repositioned in their employment, or (ii) if repositioning is not feasible, be suspended from employment until such time as repositioning becomes possible. Any existing relationship which may present a security risk pursuant to this Rule 5.21 shall be reported to the Tribal Gaming Commission within thirty (30) days of the effective date of these Rules.
- C. The Tribal Gaming Commission shall have full authority to make factual determinations regarding the relationships and apparent or actual security risks described in Rule 5.21A of this Rule. Casino management or any affected Licensee or Employee may appeal the finding of the Tribal Gaming Commission by requesting an evidentiary hearing in the manner set forth in these Rules. Prior to a final determination in each case, the Tribal Gaming Commission Directive shall remain in full force and effect. Following an evidentiary hearing, the Tribal Gaming

Commission shall withdraw, modify or reaffirm its Directive. In the event the Directive is modified or reaffirmed, any affected party may bring an appeal pursuant to these Rules.

- D. "Immediate Family" shall mean: A spouse, father, mother, brother, sister, grandparent, child, or stepchild of the Primary Management Officials, Key Employees and High Security Employees at issue.

Part 600

**TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

RULES RELATING TO TRIBAL GAMING COMMISSION HEARINGS

Rule 6.1 Rules of Procedure Governing Hearings.

- A. **Scope of Rules of Procedure.** All hearings and investigations conducted pursuant to these Rules, including but not limited to, License application hearings and investigations and violations hearings and investigations, shall be governed by these rules of procedure, unless indicated otherwise herein or in direct conflict with other Tribal law.
- B. **Investigations.**
1. For the purpose of conducting a License application investigation in relation to a hearing pending or underway before the Tribal Gaming Commission, the Tribal Gaming Commission, or Special Counsel appointed by Board, shall investigate all applications for Licenses and shall report all material facts to the Tribal Gaming Commission. The Special Counsel may investigate, without limitation, the background and suitability of the Applicant, the suitability of the proposed premises for Gaming and applicable standards, laws and Rules, the suitability of the Applicant's financing and the Applicant's business probity.
 2. The Tribal Gaming Commission or Special Counsel appointed by the Board may investigate any violation of this Ordinance, the Compact, the Indian Gaming Regulatory Act, the License, or any other applicable law.
 3. No Applicant or Licensee shall neglect or refuse to produce records or evidence or to give information upon written demand by any member of the

Tribal Gaming Commission, Special Counsel, or any other designated agent of the Tribal Gaming Commission, within ten (10) days of receipt of such request, or shall otherwise interfere with any proper and lawful efforts by the Tribal Gaming Commission, the Special Counsel or any other designated agent of the Tribal Gaming Commission to obtain such information. Each Applicant or licensee, shall make the Applicant's or Licensee's premises, books and records available for inspection by any Tribal Gaming Commission member, Special Counsel any other designated agent of the Tribal Gaming Commission.

4. The Tribal Gaming Commission may require any Person, including, but not limited to, any Applicant, any Person licensed, found suitable, registered, or approved by the Tribal Gaming Commission to appear and testify before it or its agents with regard to any matter within its jurisdiction at such time and place as it may designate. Such testimony shall be under oath and may include any matters which the Tribal Gaming Commission or any other designated agent of the Tribal Gaming Commission deems relevant to the discharge of the Tribal Gaming Commission's official duties. Any person required to appear and testify shall have the right to be represented by counsel. Testimony shall be recorded by a duly certified court reporter and may be used by the Tribal Gaming Commission as evidence in any proceeding or matter before the Tribal Gaming Commission. Failure to appear and testify fully at the time and place designated may constitute grounds for the refusal to grant a License, the revocation or suspension of a license held by the Person or entity summoned, its principal, or employer, or for the inference therefrom that such testimony or answer would have been adverse to that party.
5. Any Person or entity investigated pursuant to these Rules shall bear the full cost of any such investigation including, but not limited to, Court reporter's fees and expenses, Special Counsel's fees and expenses, investigators fees and expenses and all costs of the Tribal Gaming Commission that are not regularly covered in the Tribal Gaming Commission's Board-approved budget. Failure to make full payments of such investigation costs within ten (10) days of a request for payment by the Tribal Gaming Commission.

- C. **Complaint.** For the purpose of conducting a violations hearing, if the Special Counsel believes that any person or entity Licensed by the Tribal Gaming Commission has violated the Gaming Ordinance, these Rules, the Compact, IGRA, the License, or any other applicable laws, Rules or agreements, including, but not limited to any agreement with the Tribe, the Special Counsel shall file a written complaint with the Tribal Gaming Commission setting forth the facts constituting reasonable cause for the disciplinary action sought.

- D. **Notice of Hearing.** The Tribal Gaming Commission shall send written notice to an Applicant or respondent of the time and place of the hearing held before the Tribal Gaming Commission at least ten (10) days prior to the date set for the hearing. The Tribal Gaming Commission shall publish such notice during such period at least once in a tribal newspaper, or if a tribal newspaper is not currently in publication, in such other local newspaper serving the community that may be affected by the license as authorized by the Tribal Gaming Commission. The notice shall state the subject, date, time and place of the hearing. In the event of a violations hearing, the Tribal Gaming Commission shall also serve upon the respondent by registered or certified mail to the record address, or personally, a copy of the written complaint.
- E. **Ex Parte Communications.** Unless the Board has expressly consented in an official writing, no Applicant, Licensee or representative thereof shall communicate directly or indirectly in connection with any issue of fact or law related to a proceeding under the Ordinance, with any member of the Tribal Gaming Commission, unless Special Counsel is a party to that communication. Any such communications may be found to be ground for civil penalties, denial, suspension or revocation of the subject License.
- F. **Appearance through Counsel.**
1. Parties to proceedings governed by this regulation may appear personally or through counsel, except that a party must personally attend any hearing on the merits unless his attendance has been waived, in writing, by the Tribal Gaming Commission.
 2. When a party has appeared through counsel, service of all notices, motions, orders, decisions and other papers shall thereafter be made upon counsel, unless the party requests otherwise in writing.
 3. When a party is represented by counsel, such counsel shall sign all motions, notices, requests, and other papers on behalf of the party, including a request for subpoenas.
 4. Upon the establishment of the Cow Creek Band of Umpqua Tribe of Indians Bar, any attorney appearing before the Tribal Gaming Commission must be duly admitted and licensed by the Cow Creek Band of Umpqua Tribe of Indians Bar.
- G. **Discovery.**
1. For the purpose of conducting a violations hearing, the respondent and the Special Counsel shall exchange a list of persons that each party intends to call

as a material witness in support of that party's case in chief no later than three (3) business days before a scheduled violations hearing. Each witness shall be identified by name, if known, position, and business address. If no business address is available, a home address for the witness shall be provided. Any witness not identified or made known to the opposing party in accordance with this section may, at the sole discretion of the Tribal Gaming Commission, be prohibited from testifying at a hearing.

2. The Special Counselor respondent may make a written request to inspect, copy, test, or sample any documents or tangible things the opposing party intends to be offered as evidence in support of the party's case in chief. Such written request shall be made no later than seven (7) business days before a scheduled violations hearing. Such inspection, copying, testing, or sampling shall be conducted under the supervision of the Special Counsel, or a representative of the Special Counsel, no later than three (3) business days of a scheduled violations hearing. Failure to make available any document or tangible thing in accordance with this section may, in the Tribal Gaming Commission's discretion, be grounds to deny the admission into evidence of such document or tangible thing.

H. Confidential Materials.

1. Prior to making any documents available to the Tribal Gaming Commission or Special Counsel, the Applicant or respondent may designate any document it believes to contain confidential information as "Subject to a Confidentiality Claim" by so marking the document prior to providing a copy of the document to the Tribal Gaming Commission or its authorized agents.
2. No document provided to the Tribal Gaming Commission which has been marked in accordance with Paragraph 1 above, and no nonpublic information contained within the document, shall be made a part of the public record of the Tribal Gaming Commission proceedings or otherwise disclosed by the Tribal Gaming Commission to any person other than its authorized agents (or except as may be required under any laws, Rules, court or administrative order, or the Compact, without first providing the Applicant or respondent with the opportunity to seek a ruling by the Tribal Gaming Commission that the document and/or non-public information contained therein should not be made public.) The request for such a ruling and any discussions relating to the document shall be heard and ruled upon by the Tribal Gaming Commission in executive session. If the request for such a ruling is made during a public hearing session, the hearing session shall be adjourned and the Tribal Gaming Commission shall conduct an Executive Session meeting in order to hear and rule upon the Applicant's or respondent's request. The

Applicant or respondent may present to the Tribal Gaming Commission in Executive Session written and oral argument regarding the confidentiality claim, along with any facts the Applicant or respondent believes to be relevant to such argument.

3. In determining whether a document marked in accordance with Paragraph 1 above should be made part of the public record of the Tribal Gaming Commission proceedings related to a License application, the Tribal Gaming Commission shall follow the relevant procedures set forth below:
 - (a) Upon request by the Tribal Gaming Commission or its authorized agents to make documents available, the Applicant shall, within seven (7) working days of the request, make available for review and photocopying all requested documents, necessary applications, and computer records.
 - (b) Any documents requested by the Tribal Gaming Commission or its authorized agents that are subject to the protection of the attorney/client privilege or work product doctrine need not be produced. The Applicant, however, must, within seven (7) working days of the request, provide to the Tribal Gaming Commission a list of all documents claimed to fall within the attorney/client privilege or work product doctrine, identifying for each document its date, author and recipients, and a brief description of its contents. After this list is received, the Tribal Gaming Commission will make a determination, in executive session, as to whether each document is subject to protection on the grounds stated. The Tribal Gaming Commission also may determine, in executive session, that it is necessary for consideration of the License application to require disclosure of a document notwithstanding the fact that the document falls within the attorney/client privilege or work product doctrine. In the event the Tribal Gaming Commission determines that disclosure is required, the Applicant may present to the Tribal Gaming Commission, in Executive Session, written and oral argument to the contrary, along with any facts the Applicant believes to be relevant to such argument. On receipt of such facts and argument, the Tribal Gaming Commission may accept or reject the view of the Applicant. If the Tribal Gaming Commission rules that the document in question should be disclosed, the Applicant may elect not to disclose the document, but the Tribal Gaming Commission may then weigh the refusal along with the other evidence in making its determination on the License application. As previously agreed by the Applicant as a condition of the application, any election not to disclose a requested

document may be deemed sufficient cause for the Tribal Gaming Commission to refuse to issue a License.

- (c) Prior to producing any documents, the Applicant may designate any document it believes to contain confidential information as "Subject to a Confidentiality Claim" by so marking the document prior to providing a copy of the document to the Tribal Gaming Commission or its authorized agents.
- (d) No document provided to the Tribal Gaming Commission which has been marked in accordance with Paragraph (c) above, and no non-public information contained within the document, shall be made a part of the public record of the Tribal Gaming Commission proceedings on the License application or otherwise disclosed by the Tribal Gaming Commission to any person other than its authorized agents (or except as may be required under any laws, Rules, court or administrative order, or the Compact, without first providing the License Applicant with the opportunity to seek a ruling by the Tribal Gaming Commission that the document and/or non-public information contained therein should not be made public. The request for such a ruling and any discussions relating to the document shall be heard and ruled upon by the Tribal Gaming Commission in executive session. If the request for such a ruling is made during a public hearing session relating to the License application, the hearing session shall be adjourned and the Tribal Gaming Commission shall conduct an Executive Session meeting in order to hear and rule upon the License Applicant's request. The License Applicant may present to the Tribal Gaming Commission in Executive Session written and oral argument regarding the confidentiality claim, along with any facts the Applicant believes to be relevant to such argument.
- (e) In determining whether a document marked in accordance with subsection (c) above should be made part of the public record of the Tribal Gaming Commission proceedings on the License application, the Tribal Gaming Commission will balance the Applicant's claimed confidentiality concerns against the materiality of the information to the License application, the public's right to be made aware of the information, and the Tribal Gaming Commission's need to make the information part of the public record in order to remain fully accountable for the licensing decision. In making this determination, the Tribal Gaming Commission shall consider all facts and circumstances relevant to making a proper ruling.

- (f) In the event that the Tribal Gaming Commission rules during executive session that the document in question and/or information contained therein should be made part of the public record of the Tribal Gaming Commission's proceedings on the License application, the document and/or information contained therein will be made part of the public record unless the Applicant chooses to: (i) withdraw its License application from consideration by the Tribal Gaming Commission; or (ii) withdraw the document from the Tribal Gaming Commission's possession. In the event the License Applicant chooses to withdraw the document from the Tribal Gaming Commission's possession, the Tribal Gaming Commission will then weigh the withdrawal along with the other evidence in making its determination on the License application. Withdrawal of documents from the application process shall be looked upon by the Tribal Gaming Commission with disfavor, and, depending on the facts and circumstances, the Tribal Gaming Commission may deem the withdrawal of any document to be sufficient cause in and of itself for denial of the License application.

- (g) In the event that the Tribal Gaming Commission rules during Executive Session that the document and/or information contained therein should not be made part of the public record, the document shall be designated "Confidential" and will not be made part of the public record. The Tribal Gaming Commission may consider the document and information contained therein in camera in making its determination on the License application.

- (h) At the conclusion of the Tribal Gaming Commission proceedings on the License application, the Tribal Gaming Commission will return to the license Applicant all documents marked as "Subject to a Confidentiality Claim" pursuant to Paragraph (c) above that were not (i) made part of the public record of the gaming license application or (ii) designated as "Confidential" and considered by the Tribal Gaming Commission in camera.

I. Subpoenas.

- 1. The Tribal Gaming Commission has the power and discretion to issue subpoenas.

- 2. Subpoenas may be issued only to compel any Person to appear at the hearing on the merits of the case, to give oral testimony, or to produce documents or other tangible things.

J. Hearings.

1. All testimony given at hearings governed by these Rules shall be under oath, shall be transcribed by a duly certified court reporter, and may include any matter which the Tribal Gaming Commission deems relevant. Any such testimony may be used by the Tribal Gaming Commission as evidence in any proceeding or matter before the Tribal Gaming Commission.
2. In a hearing before the Tribal Gaming Commission concerning an alleged violation of the Ordinance, the following procedures will apply:
 - (a) The Special Counsel will present its opening statement on the merits. The respondent will then be permitted to make an opening defense statement or may reserve the same until commencement of the presentation of the defense.
 - (b) The Special Counsel will then present its case in chief in support of the complaint.
 - (c) Upon conclusion of the Special Counsel's case in chief, the respondent shall thereupon present the case for the defense.
 - (d) Upon conclusion of the respondent's case, the Special Counsel may present its case in rebuttal.
 - (e) Upon conclusion of the Special Counsel's case in rebuttal, the Special Counsel shall present its closing argument, the respondent may present answering argument, and thereafter the Special Counsel may present rebuttal argument. Thereafter the matter will stand submitted for decision.
 - (f) Any member of the Tribal Gaming Commission may ask questions of witnesses, and may request or allow additional evidence at any time, including additional rebuttal evidence.
 - (g) A party may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

K. Evidence.

1. In hearings governed by these Rules, the Tribal Gaming Commission shall not be bound by technical rules relating to evidence and witnesses. The Tribal Gaming Commission shall exclude immaterial, irrelevant or unduly

repetitious testimony. Any relevant evidence may be admitted, and such evidence shall be sufficient in itself to support a finding if in the sole discretion of the Tribal Gaming Commission it is relevant and reliable. Statements or documents made during the course of an attorney-client relationship shall not be admitted into evidence unless that privilege is waived. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

2. Documentary and other physical evidence may be authenticated or identified by any reasonable means, by evidence or other showing that the matter in question is what its proponent claims it to be.
3. The record in a hearing governed by these Rules shall include:
 - (a) All applications, pleadings, intermediate rulings and exhibits and appendices thereto;
 - (b) Evidence received or considered, stipulations and admissions;
 - (c) A statement of matters officially noticed;
 - (d) Questions and offers of proof, objections, and rulings thereon;
 - (e) Any proposed findings or decisions and exceptions;
 - (f) Any decision, opinion or report by the Tribal Gaming Commission; and
 - (g) The transcript prepared by a duly certified court reporter.

L. **Sanctions.** If any party or his attorney fails to comply with any provision of this regulation, the Ordinance, or any order entered, regarding any matter, including, but not limited to, discovery matters and the failure to appear at a hearing at the scheduled time, the Tribal Gaming Commission upon a motion by a party to the pertinent hearing or upon its own initiative, may in its discretion impose upon such party or his attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including, but not limited to, the following:

1. An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited or exchanged pursuant to these Rules or order of the Tribal Gaming Commission;
2. An order that designated facts shall be taken to be established;

3. An order that the disobedient party may not support or oppose designated claims or defenses;
4. An order striking out pleadings or parts thereof, or staying further proceedings or dismissing the proceeding or any part thereof, or entering a judgment by default against the disobedient party;
5. A finding against the disobedient party; or
6. Any sanction provided for in the Ordinance or these Rules.

Rule 6.2 Appeal Process. A Licensee may appeal a ruling of the Tribal Gaming Commission following an evidentiary hearing by filing a notice of appeal with the Tribal Gaming Commission and Tribal Court or Board within ten (10) days of the date of the issuance of the initial ruling.

Rule 6.3 Review by Tribal Court or Board. Any Licensee who has exhausted the administrative remedies set forth in these Rules may, within ten (10) days of the date of the Tribal Gaming Commission action, file an appeal to the Cow Creek Tribal Court. If the Tribal Court does not exist, the appeal shall be heard by the Board. The Tribal Gaming Commission shall certify the hearing record to the Court or the Board within thirty (30) days of the date of the filing of the appeal. The Tribal Court or Board shall review the case on the record below. Decisions of the Tribal Gaming Commission interpreting applicable law shall be affirmed unless the Tribal Court or Board finds that the Tribal Gaming Commission's action was arbitrary and capricious. The Tribal Court's or Board's decision shall be final, and no further appeal may be had.

Part 700

TRIBAL GAMING COMMISSION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS

RULES RELATING TO THE INVESTIGATION, REVIEW, EXECUTION, DENIAL AND TERMINATION OF CONTRACTS WITH VENDORS, MANUFACTURERS, AND SUPPLIERS

Rule 7.1 Review of Contracts. All contracts and transactions for goods or services purchased or provided to any Gaming Operation are subject to review by the Tribal Gaming Commission.

- A. **Payment.** All contracts and transactions for goods or services requiring a single or aggregate payments in excess of \$5,000 to any provider shall be in writing and shall be delivered to the Tribal Gaming Commission as soon as possible, but in no event later than seven (7) calendar days after such payment is made, along with sufficient information to permit review as provided by this Rule. Contracts and transactions

for less than \$5,000 may be oral, but shall be recorded by purchase order, or other disbursement record. All payments shall be in the form of checks or other negotiable instruments. NO CASH PAYMENTS TO PROVIDERS OF GOODS OR SERVICES FROM THE FUNDS OF ANY GAMING OPERATION ARE AUTHORIZED. Payments and contracts within the approved annual operating budget shall be identified by accounts corresponding to the chart of accounts in the budget. Contracts for expenses which are not pursuant to the approved budget shall be identified, and written explanation of the need for the expenditure shall be provided. Unless the prior written approval of the Tribal Gaming Commission and the Board is obtained, any expenditures which have not been approved within the annual budget shall be subject to rescission by the Tribal Gaming Commission, and any monies paid may be recovered by the Tribe from the Licensee or other party making such disbursement on behalf of the Gaming Operation.

- B. **Review.** Upon review, the Tribal Gaming Commission may determine whether or not the contract or transaction is, (i) legally sufficient, (ii) provides for a price which is commercially reasonable and competitive, (iii) entered into by parties who appear to be dealing at arm's length and without undue influence or favoritism. In all cases the Tribal Gaming Commission may examine the contract transaction to determine: (iv) whether or not the Gaming Operation has or will receive fair value for goods or services for the payment made or contemplated; (v) the business need for such goods or services.
- C. **Penalty.** If the Tribal Gaming Commission finds that the contract fails to satisfy the criteria set forth above, it shall be immediately forwarded to the responsible party at the Gaming Operation along with a statement setting forth specific reasons for disapproval. If a contract for expenditures in excess of the approved budget is approved by the Tribal Gaming Commission, it shall be submitted to the Board with a recommendation for approval. If the Tribal Gaming Commission finds that a contract or transaction entered into by a Gaming Operation fails to meet the above criteria, the Tribal Gaming Commission may, upon due consideration of the circumstances and history of the matter, including any prior violations of these Rules by the responsible party or Licensee, impose civil penalties up to and including the amount of the contract, suspend or revoke the License of any responsible party and, circumstances permitting, order the rescission of the contract or further performance of the contract.

Rule 7.2. Contracts with Manufacturers and Suppliers.

- A. The Tribal Gaming Commission shall manage contracts with Manufacturers and Suppliers as detailed in Article VII (B) of the Compact.

- B. Fees for Background Investigations of Gaming Contractors shall be as detailed in Article VII (C) of the Compact.
- C. Oregon State Police access to contracts shall be as detailed in Article VII (D) of the Compact.

Rule 7.3 Financial Relationships as Affiliate Transactions.

- A. In the event the Tribe enters into a Management Agreement with any manager, operator or investor, the "Management Entity" under the Management Agreement shall include all Persons having a direct financial interest in, or management responsibility for, such agreement and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock.
- B. Any existing or proposed financial transaction, contractual relationship or employment relationship between a Gaming Operation and any affiliate or Immediate Family member of any individual who is part of the Management Group shall be deemed an "Affiliate Transaction." All Affiliate Transactions shall be strictly prohibited unless such transactions are fully disclosed in advance and the prior written approval of the Tribal Gaming Commission is obtained.
- C. For purposes of this Rule 7.4, "Immediate Family" shall mean: spouse and the father, mother, brother, sister, grandparent, child, or stepchild of the member of the Management Group.
- D. The Tribal Gaming Commission shall not knowingly issue any License that is not in compliance with the provisions of this Rule. The Tribal Gaming Commission may immediately suspend or revoke any License issued contrary to the provisions of this Rule until such time as the conflict is cured.

Part 800

**TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

RULES RELATING TO PATRON DISPUTES

Rule 8.1 Patron Disputes. The Tribal Gaming Commission shall manage Patron Disputes as detailed in Section 10.03 of the Ordinance.

Rule 8.2 Patron Rights Regarding Disputes. Patron rights regarding disputes are detailed in Section 10.04 of the Ordinance.

Rule 8.3 Tribal Gaming Commission Action on Patron Disputes. Tribal Commission action on Patron disputes shall be as detailed in Section 10.05 of the Ordinance.

Part 900

**TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

RULES RELATING TO AUDITING AND INTERNAL CONTROL

Rule 9.1 Minimum Procedures for Control of Internal Fiscal Affairs. The Tribal Gaming Commission shall promulgate Rules governing the control of internal fiscal affairs of all Gaming Operations as detailed in Section 6.01 of the Ordinance:

Rule 9.2 Oversight of Internal Fiscal Affairs. The Tribal Gaming Commission shall require independent audits of the financial statements of all Gaming Operations as detailed in Section 6.02 of the Ordinance.

Rule 9.3 Conduct of Audit. The Tribal Gaming Commission shall conduct an Audit of the Gaming Operations as detailed in Section 6.03 of the Ordinance.

Part 1000

**TRIBAL GAMING COMMISSION
OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

**RULES RELATING TO CRIMINAL AND CIVIL JURISDICTION WITHIN THE
GAMING FACILITY**

Rule 10.1 Criminal Jurisdiction. The Tribal Gaming Commission acknowledges that criminal jurisdiction shall be as detailed in Article VI (A) of the Compact.

Rule 10.2. Access. The Tribal Gaming Commission shall permit access by State of Oregon officers to the Gaming Facility as detailed in Article VI (B) of the Compact.

APPENDIX A

TRIBAL GAMING COMMISSION FORM 200A

**TRIBAL GAMING COMMISSION DIRECTIVE
OF THE
TRIBAL GAMING COMMISSION OF THE
COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

Date of Issuance:

To:

From: Cow Creek Tribal Gaming Commission

This is formal notice to you that the Tribal Gaming Commission has made a preliminary finding that you or your employee(s) are apparently out of compliance with or in violation of the following:

(list applicable law/document provisions]

The following facts constitute the apparent violation or noncompliance event:

You are hereby directed to correct or cure the apparent violation described above within _____ days of the date of issuance of this notice or to advise the Tribal Gaming Commission in writing as to the reason you believe this preliminary finding to be in error. If the Tribal Gaming Commission has made a preliminary finding of a violation pursuant to the Tribal Gaming Commission Rules, you have the right to request a hearing to present evidence and show cause why the Tribal Gaming Commission should not find determination that you are responsible for the alleged violation.

If you fail to respond to this Directive by curing the violation within the time frame set forth above, or requesting a hearing, the Tribal Gaming Commission may then make a final determination in your absence and you may be subject to the following sanctions:

Date/time of mailing or personal delivery: _____

By: _____

Title: _____

Cow Creek Tribal Gaming Commission