

NATIONAL
INDIAN
GAMING
COMMISSION

MAR 30 1994

Mary V. Thomas, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Thomas:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Gila River Indian Community (the Community) on December 15, 1993, and amended on March 23, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

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

Thank you for submitting the ordinance of the Gila River Indian Community for review and approval. The NIGC staff and I look forward to working with you and the Community in implementing the IGRA.

Sincerely yours,

Anthony J. Hope
Anthony J. Hope
Chairman

cc: Rodney B. Lewis, Esq.



GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

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SACATON



GILA RIVER INDIAN COMMUNITY
GAMING ORDINANCE GR-03-94

THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY ENACTS AN AMENDMENT TO THE
CONSOLIDATED GAMING ORDINANCE GR-01-94

- WHEREAS,** the economic well-being and prosperity of members of the Gila River Indian Community (the "Community") is a concern of the highest priority to its governing Council (the "Community Council"); and
- WHEREAS,** the Community Council, empowered by the Community's Constitution and Bylaws (1960) to pass ordinances toward the fulfillment of its powers, hereby enacts this Ordinance in order to set the terms for the conduct of gaming operations on Community lands; and
- WHEREAS,** the Community Council is fully empowered pursuant to act in matters related to the Community's commercial activities pursuant to; and
- WHEREAS,** the Community, in order to optimize employment opportunities for its members and produce revenues to support the provision of essential tribal services, desires to establish a gaming enterprise which includes the conduct of Class II and Class III gaming as such terms are defined in the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701 et seq. (the "Act") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) (the "Regulations"); and
- WHEREAS,** the Community entered into a fully executed compact with the State of Arizona providing for the joint regulation of Class III gaming on the Gila River Indian Reservation (the "Reservation") on July 6, 1993 (the "Compact"); and
- WHEREAS,** the Community recognizes that the economic success of a gaming enterprise is wholly reliant on its fair and effective regulation by the jurisdictions in which such enterprise is located; and
- WHEREAS,** the Consolidated Gaming Ordinance GR-01-94, which the Community Council adopted on January 19, 1994, has been recommended for a revision by the Government and Management Standing Committee, specifically relating to the Gaming Enterprise being required to post vacancies and positions at least fifteen (15) days prior to filling a position or vacancy.

NOW THEREFORE BE IT RESOLVED, that the Community Council hereby adopts the following amendment to the Consolidated Gaming Ordinance GR-01-94:

00.514 **ADVERTISEMENT OF POSITIONS**

All positions and vacancies in gaming enterprises situated within the exterior boundaries of the Reservation shall be posted at the Gaming Facility where the position is open and at least two other locations selected by the Commission for at least **seven (7) days** prior to filling the position or vacancy. The position notices shall contain a statement of minimum job qualifications, job duties, hours of work, compensation and shall outline the application procedure, including the application deadline.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a), (5), (9), (12), (13), (18), (19), and Section 1 (b), (3), (5), (6), (8), and (9), and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Ordinance was adopted this 16th day of MARCH, 1994, at a Regular Community Council meeting held in District #1, Blackwater, Arizona, at which a quorum of 13 members were present by a vote of 12 FOR; 0 OPPOSE; 1 ABSTAIN; 4 ABSENT; 0 VACANCY.

GILA RIVER INDIAN COMMUNITY

Mary V. Thomas
GOVERNOR 3-23-94

ATTEST:

Janice A. Astau
COMMUNITY COUNCIL SECRETARY

APPROVED: APR 05 1994
Paul [Signature]
Superintendent, Pima Agency

GAMING ORDINANCE NO. GR-01-94



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BUREAU OF INDIAN AFFAIRS
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**GILA RIVER INDIAN COMMUNITY
GAMING ORDINANCE GR-01-94**

**THE GILA RIVER INDIAN COMMUNITY COUNCIL HEREBY ENACTS THE FOLLOWING ORDINANCE
AN ORDINANCE APPROVING A CONSOLIDATED GAMING ORDINANCE FOR THE GILA RIVER
INDIAN COMMUNITY**

WHEREAS, the economic well-being and prosperity of members of the Gila River Indian Community (the "Community") is a concern of the highest priority to its governing Council (the "Community Council"); and

WHEREAS, the Community Council, empowered by the Community's Constitution and Bylaws (1960) to pass ordinances toward the fulfillment of its powers, hereby enacts this Ordinance in order to set the terms for the conduct of gaming operations on Community lands; and

WHEREAS, the Community Council is fully empowered pursuant to act in matters related to the Community's commercial activities pursuant to; and

WHEREAS, the Community, in order to optimize employment opportunities for its members and produce revenues to support the provision of essential tribal services, desires to establish a gaming enterprise which includes the conduct of Class II and Class III gaming as such terms are defined in the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701 et seq. (the "Act") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) (the "Regulations"); and

WHEREAS, the Community entered into a fully executed compact with the State of Arizona providing for the joint regulation of Class III gaming on the Gila River Indian Reservation (the "Reservation") on July 6, 1993 (the "Compact"); and

WHEREAS, the Community recognizes that the economic success of a gaming enterprise is wholly reliant on its fair and effective regulation by the jurisdictions in which such enterprise is located.

NOW THEREFORE BE IT RESOLVED, that the Community Council hereby adopts the attached consolidated Gaming Ordinance for the regulation of Class II and Class III gaming on the Reservation and in compliance with the provisions of the Act and the Compact.

BE IT FURTHER RESOLVED, that the Community Council hereby reaffirms its authorization for the conduct on its lands of Class III gaming as defined in the Act, Public Law 100-447, 25 U.S.C. §§ 2703 (8) subject to the Regulations.

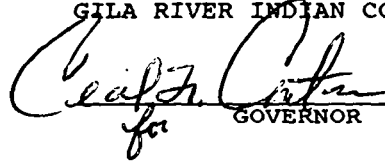
BE IT FURTHER RESOLVED, that, to the extent that they are inconsistent with this Ordinance, all prior gaming ordinances are hereby repealed.

BE IT FINALLY RESOLVED, that the Community Council hereby delegates to the Governor and the Law Office the authority to revise and modify this Ordinance in response to requirements of the National Indian Gaming Commission and further that in the event that the Governor and the Law Office agree to any revision or modification of the Ordinance that the Community Council be notified of any such revision or modification as soon as is practicable.

CERTIFICATION

Pursuant to authority contained in Article XV, Section 1, (a), (5), (9), (12), (13), (18), (19), and Section 1 (b) (3), (5), (6), (8) and (9) and Section 4 of the amended Constitution and Bylaws of the Gila River Indian Community, ratified by the Tribe, January 22, 1960 and approved by the Secretary of the Interior on March 17, 1960, the foregoing Ordinance was adopted this 19th day of January, 1994, at a Regular Council meeting held in District #3, Sacaton, Arizona, at which a quorum of 13 members were present by a vote of 10 FOR: 2 OPPOSE: 1 ABSTAIN: 4 ABSENT: 0 VACANCY.

GILA RIVER INDIAN COMMUNITY


GOVERNOR

ATTEST:


COMMUNITY COUNCIL SECRETARY

December 15, 1993

January 19, 1994

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CHAPTER 1 - RULE OF INTERPRETATION AND DEFINITIONS

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE

- A. Unless a different meaning is clearly indicated, the terms used herein shall be interpreted to have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. Sections 2701 et seq. (the "Act") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Section 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) and the Gila River Indian Community-State of Arizona Gaming Compact (the "Compact").
- B. Definitions as used in this title
1. **Act** shall mean the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. Sections 2701 et seq.
 2. **Applicant** shall mean any person who or organization which has applied for or intends to apply for a License, certification or other finding of suitability under the provisions of this Ordinance, or employment with Tribal gaming enterprises situated on the Reservation, or approval of any transaction required or permitted under the provisions of the Act, the Compact or this Title.
 3. **Application** shall mean a request for the issuance of a License, or finding of suitability, or for employment by the Tribal gaming enterprises situated on the Reservation, or for approval of any act or transaction for which approval is required or permitted under the provisions of the Compact or this Ordinance.
 4. **Bingo** shall mean the game of chance classified as Class II gaming hereunder.
 5. **Bingo Equipment** shall mean, with respect to Class II gaming, bingo gaming, the receptacle from which markers designating numbers or other figures in play are drawn; the master board upon which such objects are placed as drawn; the cards or sheets bearing numbers or other designations to be covered during play and the objects used to cover them; the board or signs, however operated, used to announce selected numbers or designations as they are drawn; the public address system employed during play; and all other articles employed in the conduct and playing of bingo.
 6. **Board of Directors** shall mean the management board of tribal gaming enterprises located on the Reservation.
 7. **Business Year** shall mean the annual period used by a gaming enterprise located within the exterior boundaries of the Reservation for internal accounting purposes.
 8. **Cheat** shall mean acts committed with the intention of altering the selection of criteria which determine:
 - a. the result of a game subject to the provisions of this Title; or
 - b. the amount of frequency in payment in a game subject to the provisions of this Title.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

9. **Chip** shall mean a non-metal or partly metal representative of value, redeemable for cash and issued and sold by a gaming enterprise located within the exterior boundaries of the Reservation, for use at table or counter games at the Enterprise.
10. **Class I Gaming** shall mean social games of chance played solely for prizes of negligible value and traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.
11. **Class II Gaming** shall mean:
- 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 monetary prizes,
 - (2) with cards bearing numbers or other designations,
 - (3) in which the holder of the card covers such numbers or designations when objects, correspondingly numbered or designated, are drawn or electronically determined,
 - (4) in which the game is won by the first person covering an arrangement of numbers or designations determined by the drawing of corresponding numbers or designations, and
 - (5) shall include, if played in a location where other Class II games are conducted, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo, and
 - b. card games that--
 - (1) are explicitly authorized by the laws of the State of Arizona, or
 - (2) are not explicitly prohibited by the laws of the State of Arizona and are played at any location in the State, but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.
 - c. The term "Class II gaming" does not include--
 - (1) any banking card games, including baccarat, chemin de fer, or blackjack (21), or
 - (2) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

12. **Class III gaming** shall mean all other forms of games of chance that are not Class I gaming or Class II gaming, as defined in §§ 4(6) and 4(7) of the Act, 25 U.S.C. §§ 2703(6) and (7).
13. **Commission** shall mean the Gila River Gaming Commission established hereunder at Chapter Three which agency shall be the Tribal Gaming Office for purposes of the Compact.
14. **Commissioner** shall mean a member of the Gila River Gaming Commission.
15. **Community** shall mean the Gila River Indian Community, and as represented in their authorized capacities, its officials, agents and representatives.
16. **Community Council** shall mean the Gila River Indian Community Council, the governing body of the Gila River Indian Community.
17. **Community Court** shall mean the Gila River Indian Community Court.
18. **Community Treasurer** shall mean the Treasurer of the Gila River Indian Community.
19. **Compact** shall mean the Gila River Indian Community-State of Arizona Gaming Compact of July 6, 1993, as may from time to time be amended.
20. **Constitution** shall mean the Constitution and Bylaws of the Gila River Indian Community, Arizona (March 17, 1960).
21. **Credit Officer** shall mean the employee or employees of a Tribal gaming enterprise authorized to extend credit to gaming patrons or gratuities to persons or organizations.
22. **Distributor** shall mean a person who distributes gaming devices for use or play in the gaming enterprises.
23. **Enterprise** shall mean any corporation (other than a publicly traded corporation as defined hereinafter), firm, partnership, limited partnership, trust, or other form of business organization other than a Tribal enterprise wholly owned by the Community; provided, however, that the term shall also include each corporation, firm, partnership, limited partnership, trust or other form of business organization not a natural person which, directly or indirectly, owns, has the power or right to control or holds the power to vote all or any part of the outstanding voting securities, partnership interests, limited partnership interests or beneficial interest in a trust which holds or applies for a License or finding of suitability under the provisions of this Title or the Compact.
24. **Equity Security**, with respect to each of the following shall mean:
 - a. **Corporation** - Any voting stock, or similar security; and security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; any warrant or

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

right; or any security having a direct or indirect participation in the profits of the issuer.

b. **Limited Partnership** - An interest representing the right of a general or limited partner to receive from a limited partnership:

- (1) a share of the profits; any other compensation by way of income;
- (2) a return of any or all of his or her contribution to capital of the limited partnership; or
- (3) the right to exercise any of the rights or powers provided in Title 29 of the Arizona Revised Statutes.

c. **Partnership** - An interest representing the right of a partner to receive from a partnership a share of the profits; any other compensation by way of income; or a return of any or all of his or her contribution to capital of the partnership; or the right to exercise any of the rights or powers provided in Title 29 of the Arizona Revised Statutes.

25. **Executive Director** shall mean the Executive Director of the Commission.
26. **Finding of Suitability** shall mean an approval granted by the Community or the State of Arizona to a person or enterprise providing services or supplies, directly or indirectly, to Tribal gaming enterprises situated on the Reservation and relates only to the specified involvement for which application was made. If the nature of the person's or enterprise's involvement changes from that for which the Applicant was found suitable, the Commission or the Arizona State Gaming Agency may require the person or enterprise to submit for a determination of suitability in the new capacity sought.
27. **Fiscal Year** shall mean a period of twelve (12) consecutive months chosen by a gaming enterprise located within the exterior boundaries of the Reservation as the accounting period for its annual financial reports.
28. **Founding Commissioner** shall mean a Commissioner appointed when the Commission is first established.
29. **Gaming Device** shall mean any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the normal criteria of random selection, affect the operation of any game or determines the outcome of a game. The term does not include a system or device which affects a game solely by stopping its operation so that the outcome remains undetermined.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

30. **Gaming Employee** shall mean any natural person employed in the operation or management of the Corporation, including:
- a. Key Employees;
 - b. Accounting or internal auditing personnel who are directly involved in any record keeping or the examination of records associated with revenue from gaming;
 - c. Boxmen;
 - d. Cage and counting room personnel;
 - e. Cashiers;
 - f. Change personnel;
 - g. Collection personnel;
 - h. Floormen;
 - i. Hosts or other persons authorized to extend complimentary services;
 - j. Keno runners and writers;
 - k. Machine mechanics;
 - l. Odds makers and line setters;
 - m. Security personnel;
 - n. Shift bosses;
 - o. Supervisors or Managers;
 - p. Surveillance personnel; and
 - q. Ticket writers.
31. **Gaming Equipment** shall mean any equipment other than a gaming device as defined herein, including dice, playing cards, equipment which affects the proper reporting of gaming revenue, computerized systems of betting at a sports pool, computerized systems for monitoring gaming devices and devices for weighing or counting money.
32. **Gaming Facility or Gaming Facilities** shall mean the land together with all buildings, improvements and facilities used or maintained in connection with the conduct of gaming on Tribal lands as authorized pursuant to the Act, the Compact, and this Title.
33. **Gaming Services** shall mean the goods and services other than legal services provided in connection with the conduct of gaming within the exterior boundaries of the Reservation and shall include without limitation bingo and gaming equipment and gaming devices, transportation, food, linens, janitorial supplies, maintenance, and security services for the gaming enterprises,

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

whenever delivery of such goods and services results in an expenditure by the Corporation in an amount exceeding \$10,000 in any single month.

34. **Governor** shall mean the Governor of the Community.
35. **General Counsel** shall mean the General Counsel of the Community.
36. **Gross Revenue** or **Gross Receipts** shall mean, with respect to Tribal gaming enterprises, the total of all cash received in the conduct of gaming operations, cash received in payment for credit extended to patrons (unless the Tribal gaming enterprise is a party to a wager placed in the transaction) and compensation received for the conduct of games, less the total of all cash paid out as loss to patrons.
37. **Internal Control System** shall mean the written administrative and accounting procedures implemented to ensure effective control over the internal fiscal affairs of the gaming enterprises within the exterior boundaries of the Reservation.
38. **Interstate Common Pari-Mutuel Pool** shall mean pooled pari-mutuel wagers placed at a track, its intrastate betting locations and other jurisdictions and off-track pari-mutuel wagers placed and accepted by pari-mutuel books.
39. Key Employee shall mean a Gaming Employee who performs one or more of the following functions:
 - a. Bingo Announcer;
 - b. Counting room supervisor;
 - c. Chief of Security;
 - d. Custodian of gaming supplies and cash;
 - e. Floor Manager;
 - f. Pit Boss;
 - g. Dealer;
 - h. Croupier;
 - i. Credit Officer;
 - k. Custodian of gaming devices, including persons with access to cash and accounting records within such devices; and

(1) with respect to any other person or organization:

 - (a) those receiving cash compensation from gaming proceeds in excess of \$50,000 per year; and
 - (b) the four most highly compensated persons in the gaming enterprise.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

40. **Lease** shall mean any formal or informal, written or oral contract, understanding or arrangement whereby any Licensee providing services to a gaming enterprise located within the exterior boundaries of the Reservation obtains the use or possession of any property, whether real or personal, to be used, occupied or possessed in connection with such gaming enterprise. Such term shall be understood to include, any payment under a real property lease, personal property lease, unsecured note, deed of trust, mortgage or a trust indenture, without regard to the existence of relationships of affiliation or control between the parties thereto.
41. **Lessor** shall mean any person who leases or rents any property, whether real or personal, to a gaming enterprise located within the exterior boundaries of the Reservation.
42. **License** shall mean an approval, evidenced in writing, issued by the Commission to any person or organization to be involved in the conduct of gaming or provide gaming services to a gaming enterprise.
43. **Licensee** shall mean any natural person or enterprise approved, Licensed, certified or otherwise found suitable by the Commission to be involved in the conduct of gaming or provide services to gaming enterprises situated within the exterior boundaries of the Reservation.
44. **Live Broadcast** shall mean an audio and video transmission of a race or series of races as simultaneously occur at a track, whether or not furnished by a disseminator or for a fee.
45. **Manufacturer** shall mean a person who or organization which manufactures slot machines or gaming devices for use or play in the conduct of gaming conducted within the exterior boundaries of the Reservation.
46. **Net Revenue or Net Income** shall mean gross receipts of a gaming activity less amounts paid out as, or paid for, prizes, winnings, and total operating expenses.
47. **Off-Track Pari-Mutuel Wager** shall mean a wager placed by a patron and accepted by the Corporation's pari-mutuel book on a race or races offered as part of an interstate common pari-mutuel pool, whether or not the wager is actually included in the total amount of the interstate wagering pool.
48. **Paraphernalia for Manufacturing Slugs** shall be understood to mean the equipment, products and materials intended or designed for use in manufacturing, producing, fabricating, preparing, testing, analyzing, packaging, storing or concealing a counterfeit facsimile of the chips or tokens approved by the Commission or a lawful coin of the United States, the use of which is unlawful. The term includes, but is not limited to:
 - a. lead or lead alloys;
 - b. molds, forms or similar equipment capable of producing a likeness of a gaming token or United States coin;

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

- c. melting pots or other receptacles;
 - d. torches; and
 - e. tongs, trimming tools or other similar equipment.
49. **Pari-Mutuel** shall mean a system of wagering on a race or sporting event whereby the winners divide the total amount wagered, after deducting commission, fees and taxes in proportion to the amount individually wagered.
50. **Primary Management Official** shall mean, with respect to a Tribal gaming enterprise:
- a. any person who has the authority to:
 - (1) hire or fire employees;
 - (2) establish working policy for the conduct of gaming; or
 - b. The chief financial officer or other person who has financial management responsibility for a Tribal Gaming Enterprise.
51. **Principal** shall mean with respect to each of the following:
- a. **Corporation** - Each of its officers and directors; each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager; and each beneficial owner of voting securities.
 - b. **Limited Partnership** - Each general partner and each limited partner owning more than ten (10) percent of an individual limited partnership interest.
 - c. **Partnership** - Each equity holder or partner.
 - d. **Proprietorship** - Each equity holder.
 - e. **Publicly Traded Corporation** - Each officer, director and employee that is, or is to become, actively and directly engaged in the administration and supervision of, or has or is to have any other significant involvement with, the activities of a subsidiary that is or will be involved in a Tribal gaming enterprise situated within the exterior boundaries of the Reservation; and each shareholder who owns more than ten (10) percent of the voting securities thereof.
 - f. **Trust** - Each trustee and beneficiary.
 - g. **Natural Person** - Each person other than a banking institution, insurance company, investment company registered under the Investment Company Act of 1940, or investment banking firm, who has provided financing for an enterprise constituting more than ten (10) percent of the total financing of the enterprise.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

52. **Publicly Traded Corporation** shall mean any corporation or other legal entity other than a natural person which has one or more classes of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 781), or is an issuer subject to Section 15(d) of the Securities Exchange Act of 1934, as amended (15 U.S.C. § 780).
53. **Race Book** shall mean the business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering.
54. **Regulation** shall mean a rule, standard, directive or statement mandated to be uniformly applied which effectuates the provisions and policy of this Title, the Compact or a policy of the Community.
55. **Reservation or Tribal Lands** shall mean Gila River Indian Community Indian lands as defined by 25 U.S.C. Sections 2703 (4)(A) and (B), subject to the provisions of 25 U.S.C. Section 2719.
56. **Slot Machine** shall mean any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object or payment of any consideration, is available to play or operate and, whether by reason of the operator's skill or application of the element of chance, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or something of value, whether the payoff is made automatically from the machine or in another manner.
57. **Sports Pool** shall mean the business of accepting wagers on sporting events by any system or method of wagering other than the system known as the pari-mutuel method of wagering.
58. **State** shall mean the State of Arizona and, when acting in their authorized capacities, its authorized officials, agents and representatives.
59. **Statements of Auditing Standards** shall mean the auditing standards of procedures published by the American Institute of Certified Public Accountants.
60. **Statistical Drops** shall mean the dollar amount of cash wagered by a patron of a gaming enterprise, which amount is placed in the drop box plus the dollar amount of chips or tokens purchased with currency or a credit instrument.
61. **Statistical Wins** shall mean the dollar amount won by the gaming enterprise through table play.
62. **State Gaming Agency** shall mean the agency designated by the State in written notice to the Community as the single State agency primarily responsible for oversight of Class III gaming as authorized by the Compact.
63. **Subsidiary** shall mean a corporation all or any part of the outstanding voting securities of which are owned, subject to a power or right of control, or held with power to vote, by a publicly traded corporation or other holding company.

00.101 INTERPRETATION AND DEFINITIONS AS USED IN THIS TITLE (con't.)

64. **Token** shall mean a metal representative of value, redeemable for cash, issued and sold by a gaming enterprise located within the exterior boundaries of the Reservation for use in slot machines and table or counter games at the gaming enterprise.
65. **Track** shall mean a facility licensed to conduct horse or other racing where pari-mutuel wagering is conducted on such races. Where applicable, the term shall also include track operators, whether natural persons or governmental agencies and associations of track operators.
66. **Tribal Gaming Enterprise** or **Gaming Enterprise** shall mean any enterprise established to conduct Class II or Class III gaming as defined herein, is owned by the Community and situated on lands within the exterior boundaries of the Reservation at which gaming is conducted.
67. **Wager** shall mean a sum of money or thing or value risked on an uncertain occurrence in Class II or Class III gaming.

CHAPTER 2 - GENERAL

00.201 OWNERSHIP OF GAMING ENTERPRISES ON THE RESERVATION

The Community shall have the sole proprietary interest in the conduct of any Class II or Class III gaming operation located within the exterior boundaries of the Reservation. No Class II or Class III gaming enterprise except those owned solely by and operated by the Community shall be allowed to conduct gaming within the exterior boundaries of the Reservation.

00.202 USE OF GAMING REVENUE

- A. Net revenues from Class III gaming shall be used only for the following purposes:
 1. To fund Community government operations and programs;
 2. To provide for the general welfare of the Community and its members;
 3. To promote Community economic development;
 4. To donate to charitable organizations; and
 5. To fund operations of local government agencies of the Community.
- B. If the Community elects to make per capita payments to Community members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior as prescribed according to 25 U.S.C. Section 2710(B)(3).
- C. Any facility housing a gaming enterprise shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

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CHAPTER 3 - ADMINISTRATION

00.301 GILA RIVER GAMING COMMISSION

The Community Council hereby establishes the Gila River Gaming Commission for the purpose of regulating all gaming conducted within the exterior boundaries of the Reservation.

00.302 NECESSARY POWERS

The Commission shall exercise all proper power and authority necessary to effectuate the purposes of this Title. The Commission shall meet with the Executive Director not less than once a month to make recommendations and set policy, to approve or reject reports of the Executive Director and transact other business that may be properly brought before it. The Commission is vested with powers including but not limited to the following:

- A. To permit or refuse permission for the operation or conduct, in whole or in part, of Class II or Class III gaming within the exterior boundaries of the Reservation and to specify the conditions therefor.
- B. To grant, suspend, or revoke Licenses to subject persons and organizations in accordance hereto.
- C. To monitor and oversee the operation and conduct of gaming within the exterior boundaries of the Reservation on a continuing basis, including ongoing monitoring and oversight of Licensees engaged in the operation and conduct of gaming.
- D. To inspect and examine all premises at which gaming is conducted within the exterior boundaries of the Reservation.
- E. To conduct or cause to be conducted background investigations of persons employed or contracted with in relation to the operation or conduct of gaming within the exterior boundaries of the Reservation.
- F. To inspect, examine, photocopy and audit all papers, books and records respecting gross receipts of gaming activities operated or conducted within the exterior boundaries of the Reservation and any other matters necessary to carry out the duties pursuant hereto.
- G. To bring suits in the Community Court seeking temporary and permanent orders to close gaming prohibited hereunder.
- H. To enter into contracts with Tribal, federal, state and private entities for activities and services necessary for the discharge of its duties.
- I. To cooperate with the State Gaming Agency and National Indian Gaming Commission for the enforcement of applicable federal regulation of gaming conducted within the exterior boundaries of the Reservation.
- J. Subject to approval by the Community Council, to recommend an annual budget of the Commission.
- K. Subject to approval by the Community Council, to establish fees for Applications for Licenses.

00.302 NECESSARY POWERS (con't.)

- L. To require, through its powers to subpoena, the attendance and testimony of witnesses and the production of all books, papers and documents relating to any matter under consideration or investigation by the Commission and bring actions in the Community Court for the enforcement of such subpoenas.
- M. To administer or cause to have administered oaths and affirmations to witnesses appearing before the Commission.
- N. To hear appeals arising under Subsection 13 (c) and Sections 14 and 15 of the Compact.
- O. To keep minutes, records and books in which shall be kept a true, faithful, and correct record of all proceedings of the Commission.
- P. To recommend amendments to this Title to the Community Council.
- Q. To submit an annual report to the Community Council regarding the activities of the Commission and information pertaining to funding, income and expenses of the Commission.
- R. To hire personnel or consultants necessary for the effective and efficient operation and conduct of all gaming regulated pursuant hereto.
- S. To promulgate rules and regulations as it deems appropriate to implement the provisions herein.

00.303 COMPOSITION OF THE COMMISSION

The Commission shall consist of five (5) members appointed by a majority of the Community Council. Members of the Commission must be enrolled members of the Gila River Indian Community or, if not a member therein, a person with experience in gaming operations, gaming law, gaming control or regulation, or gaming accounting sufficient to specially qualify him or her for appointment to the Commission.

00.304 TERMS OF COMMISSIONERS

A Commission member shall serve for three (3) years except that in order to initially establish an annually staggered appointment schedule, two (2) of the founding Commissioners shall serve three (3) year terms, two (2) founding Commissioners shall serve two (2) year terms, and one (1) founding Commissioner shall serve a one (1) year term for the initially appointed terms only. Thereafter, all successive terms of appointments to the Commission shall be for three (3) year terms.

00.305 SELECTION OF OFFICERS

The Commission shall select annually, by majority vote, a Chairperson, a Vice Chairperson, and a Secretary.

00.306 RESIGNATION OF COMMISSIONERS

Any Commissioner may resign at any time by giving written notice which specifies the intended effective date of such resignation to the Secretary of the Commission and, by copy, notice to the Community Council. The resignation shall become effective at the time specified in such notice, and the acceptance by the Commission or the Community Council of such resignation shall not be necessary to make it effective.

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00.307 REMOVAL BY THE COMMUNITY COUNCIL

A Commissioner may be removed, with or without cause, from office prior to the expiration of his or her term by a majority vote of the Community Council.

00.308 VACANCIES

Any unexpired portion of a membership in the Commission, howsoever caused, shall be filled by a person qualified pursuant to Sections 00.303 and 00.309 hereof appointed by the Governor with the consent of the Community Council.

00.309 DISQUALIFICATION OF CERTAIN PERSONS FROM COMMISSION MEMBERSHIP

- A. Commissioners may not hold office in or be employed by the Community, nor may they engage in any business which is subject to regulation pursuant to the provisions hereof.
- B. No person shall be eligible or qualified to serve or continue to serve as a Commissioner or as an appointee or employee of the Commission who:
1. has been convicted of a felony or gaming offense; or
 2. has any financial interest in or management responsibility for any gaming activity.

00.310 COMMISSIONERS BARRED FROM GAMING ON RESERVATION

Commissioners may not patronize either directly or through another party any Class II or Class III games conducted within the exterior boundaries of the Reservation or have any personal financial interest whatever in any game or gaming engaged in by a patron of games conducted within the exterior boundaries of the Reservation.

00.311 OATH OF OFFICE

Before undertaking the discharge of his or her duties, each Commissioner shall take the oath of office set forth at Section Eleven of the Constitution.

00.312 COMPENSATION

Commissioners shall be compensated at a rate to be established annually by the Community Council. Commissioners shall be reimbursed for actual expenses incurred in the course of conducting Commission business, including necessary and reasonable travel expenses.

00.313 GENERAL MEETINGS

General meetings of the Commission shall be open to the public and all meetings shall be governed by Roberts Rules of Order.

00.314 SPECIAL MEETINGS

The Chairperson of the Commission shall have the power to convene special meetings of the Commission upon 72 hours written notice or notice by telephone to Commission members.

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00.315 MOTIONS AND RESOLUTIONS

The powers of the Commission are vested in the Commissioners. All official actions of the Commission shall be taken by motion or resolution approved by majority vote of the Commission. The Commission shall meet at the call of the Chairperson or a majority of its members, but shall meet at least once a month.

00.316 QUORUM

A quorum of members of the Commission shall consist of three (3) members. All decisions shall be made by a majority vote of Commissioners.

00.317 QUARTERLY REPORTS

The Commission shall make quarterly reports to the Community Council within thirty (30) days following the close of the calendar quarter for which the information is required. The Commission's reports to the Community Council shall include:

- A. A full and complete statement of revenues collected by all Tribal gaming enterprises, expenses and all other financial transactions of such enterprises as audited, reviewed and approved by the Commission; and
- B. A summary of all licensing and enforcement actions taken by the Commission.

00.318 REGULATIONS

The Commission is empowered to adopt, amend and rescind regulations to effectuate the provisions of the Compact and this Title. Within 90 days of the establishment of the Commission, regulations shall be adopted, amended or rescinded which, among other procedures, effectuate the following:

- A. At least thirty (30) days before the initial meeting of the Commission and twenty (20) days before any subsequent meeting at which the adoption, amendment or rescission of a regulation of the Commission is considered, notice of the proposed action shall be:
 1. published in such locations as the Commission prescribes;
 2. mailed to the State Gaming Agency and to every person who has filed prior to the date of the notice, a request therefore; and
 3. mailed to any person believed by the Commission to have an interest granted pursuant to this Title.
- B. The notice of proposed adoption, amendment or rescission of a regulation of the Commission must include:
 1. a statement of the time, place and nature of the proceedings and a description of the nature of the proceedings as to whether they will concern adoption, amendment or rescission of Commission regulations;
 2. reference to the authority under which the action is proposed; and
 3. either express terms or an informative summary of the proposed action.

00.318 REGULATIONS (con't.)

- C. On the date and at the time and place designated in the notice, the Commission shall grant any interested person as defined pursuant to Subsection B., (immediately above), or his or her authorized representative, or both, the opportunity to present written statements or legal briefs. At the discretion of the Commission, persons submitting statements or legal briefs need not be allowed to present oral argument in a proceeding concerning a hearing conducted pursuant to this Section. The Commission shall, however, consider all relevant matters presented to it, and shall obtain the concurrence of the State Gaming Agency, before adopting, amending or rescinding any regulation of the Commission.
- D. Any Licensee may file a petition with the Commission requesting the adoption, amendment or rescission of a regulation of the Commission. The petition must state clearly and concisely:
1. the substance or nature of the regulation, amendment or rescission requested;
 2. the reasons for the request; and
 3. reference to the authority of the Commission, as granted by the Community pursuant hereto, to take the action requested.
- E. Upon receipt of the petition, the Commission shall within thirty (30) days deny the request in writing or schedule the matter for action pursuant to this Subsection.
- F. In emergencies, the Commission may, with the concurrence of the State Gaming Agency, summarily adopt, amend or rescind any regulation affecting gaming regulated pursuant hereto, if at the same time it files a finding that such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare, together with a statement of the facts giving rise to such state of emergency.
- G. In any hearing under this Section, the Commission or its officers or employees may administer oaths or affirmations and may continue or postpone the hearing from time to time and at such places as it prescribes.
- H. The Commission may request the advice and assistance of the Community Council in carrying out the provisions of this Section.

00.319 AUDIT

- A. The Commission shall cause to be conducted annually an independent audit of every Tribal gaming enterprise and shall submit the resulting audit reports to the Commission and National Indian Gaming Commission.
- B. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except contracts for legal and accounting services, shall be specifically addressed within the scope of such audit.

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00.320 PERSONNEL

The Commission shall hire personnel necessary to ensure the proper enforcement of the provisions of this Title and the Compact. Personnel of the Commission shall be hired through the Community's regular personnel procedure and shall be subject to its personnel policies and salary schedules.

00.321 THE EXECUTIVE DIRECTOR

- A. The Executive Director shall, at a minimum, be charged with the following responsibilities:
1. The fulfillment and ensurance of compliance with the requirements and provisions of this Title, the Compact and the Act;
 2. The cost-effective management of the Commission's resources, including ensuring that a minimum of three (3) bids are obtained before the selection of vendors, service providers, and all other independent contractors whose compensation is \$5,000 or more;
 3. The supervision, according to an organizational chart approved by the Commission, personnel of the Commission according to the provisions of the Community's personnel policies and procedures manual;
 4. The hiring and firing of and the maintenance of personnel records regarding personnel of the Commission;
 5. Cooperation, to the greatest degree possible, with all Law Enforcement officials exercising jurisdiction for the enforcement of this Title or the Compact;
 6. The conduct of background investigations necessary pursuant to the terms of this Title and the Compact;
 7. Regular reporting to the Commission according to a written schedule prepared and approved by the Commission;
 8. The scheduling of and logistical arrangements concerning inspection of Gaming Enterprises;
 9. The collection and maintenance of financial records of the Gaming Enterprises and the enforcement among gaming enterprises of the Financial Reporting requirements of this Title;
 10. The representation of the Commission before the National Indian Gaming Commission and the State Gaming Agency;
 11. Appearing to present claims of violations of the requirements and provisions of this Compact in proceedings of the Commission and representation of the Commission in legal proceedings before courts of competent jurisdiction; and
 12. The performance of all other such duties and responsibilities as may be assigned by the Commission.
- B. The Commission may, in its discretion, add additional provisions to the duties and responsibilities of the Executive Director.

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100.322 COOPERATION WITH LAW ENFORCEMENT AGENCIES

The Commission shall cooperate with law enforcement officials of the State of Arizona, the Bureau of Indian Affairs, the Federal Bureau of Investigation and other law enforcement agencies and shall do all things necessary to assure that only fair and honest gaming, operated in full compliance with the provisions of this Title and the Compact and untainted by illegal activity or interests is conducted within the exterior boundaries of the Reservation.

CHAPTER 4 - LICENSING PROCEDURES

00.401 LICENSING REQUIREMENTS, GENERALLY

- A. All Primary Management Officials and Key Employees and any person having any interest in or duty to perform with respect to gaming conducted within the exterior boundaries of the Reservation, whether that interest or duty is direct or indirect, shall apply for and receive a License from the Commission prior to their participation.
- B. The Commission shall issue and require that a separate License is maintained with respect to each place, facility, or location within the exterior boundaries of the Reservation where the Licensee is involved in the conduct of Class II and Class III gaming pursuant to this Title.

00.402 LICENSE APPLICATION

- A. Notice to Applicant - The following notice shall be placed on the Application form for prospective Key Employees and Primary Management Officials:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. §§ 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by members and staffs of the Gila River Indian Gaming Commission, (the "GRGC"), the National Indian Gaming Commission (the "NIGC") and the Arizona State Gaming Agency (the "ASGA") who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, Tribal, state and local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to requirement by the GRGC, the NIGC or the ASGA 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 gaming enterprise operated within the exterior boundaries of the Gila River Indian Reservation. Failure to consent to the

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00.402 LICENSE APPLICATION (con't.)

disclosures indicated in this notice will result in a finding of ineligibility for employment in a Primary Management Official or Key Employee position by a gaming enterprise operated within the exterior boundaries of the Gila River Indian Reservation as defined pursuant to Title ___ of the Gila River Indian Community Code.

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

An Applicant may claim any privilege afforded by the Constitution of the United States, or the State of Arizona, in refusing to answer questions of the GRGC, the NIGC and the ASGA. However, a claim of privilege with respect to any testimony or evidence pertaining to an Application may constitute sufficient grounds for denial.

Any gaming License or finding of suitability which is issued by the Commission shall be deemed to be a revocable privilege and no person holding such a License or finding of suitability by the Commission is deemed to have acquired any vested rights therein.

The burden of proving the Applicant's qualifications, to receive a License or finding of suitability is understood to be all times on the Applicant. An Applicant assumes any risk of adverse public notice, embarrassment, criticism or other action or financial loss which may result from action with respect to an Application and expressly waives any claim for damages against the Community or the State of Arizona as a result thereof.

In addition to any other factor attaching to an Application required by Gila River Indian Community Code Title ___ or the Compact, an Application for a License or a finding of suitability shall constitute a request to the GRGC, the NIGA and the ASGA for a decision upon the Applicant's general suitability, character, integrity and ability to participate or engage in or be associated with gaming on the Gila River Indian Reservation in the manner or position sought through application to the GRGC, the NIGA or the ASGA the Applicant specifically consents to the making of such a decision by the GRGC, the NIGA or the ASGA at its election when the Application, after filing, becomes moot for any reason other than death.

It shall be grounds for disqualification from consideration for employment (or for termination after hire if selected) for there to be included in your Application any false statement or omission of a material fact necessary to make a given statement not misleading in view of the circumstances under which they occurred or were stated. Additionally, false statements are punishable by fine or imprisonment pursuant to 18 U.S.C. § 1001.

- B. Each Applicant for a License shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified which shall certify:

00.402 LICENSE APPLICATION (con't.)

1. Applicant's full name and other names used (oral or written), Social Security Number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
3. The names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the Applicant during each period of residence listed under paragraph b.(2), immediately above;
4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
6. A description of any existing and previous business relationships with the gaming industry generally and any ownership interest in businesses or enterprises with a direct or indirect involvement in the gaming industry;
7. The name and address of any licensing or regulatory agency with which the person has filed an Application for a License or permit related to gaming, whether or not such License or permit was granted;
8. For any felony for which there is pending prosecution or in relation to which a conviction has been effected, the charge, the name and address of the court involved, and the date and disposition if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within ten (10) years of the date of the Application, the name and address of the court involved and the date and disposition of such matter;
10. For each criminal charge (excluding minor traffic citations), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the Application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this Section, the criminal charge, the name and address of the court involved and the date and disposition;
11. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational License or permit, whether or not such License or permit was granted;
12. A current photograph;
13. Any other information the Commission deems relevant; and
14. Fingerprints consistent with procedures adopted by the Commission according to 25 C.F.R. Section 522.2(h).

00.402 LICENSE APPLICATION (con't.)

- C. Every statement, notice or report filed as part of an Application must be complete as to content, including requested supplemental information. Failure to supply supplemental information within ten (10) days following the date on which the Applicant receives notice of the Commission's request for supplemental information shall constitute grounds for withholding or delaying consideration of the Application.
- D. All information required to be included in an Application must be true and complete as of the date of the Commission's action on the Application. An Applicant bears the responsibility on his or her own initiative to promptly supply by amendment, prior to Commission action on an Application, any information regarding occurrences following the date of the original Application necessary to make material information complete and not misleading.
- E. An Application may be amended in any respect by leave of the Commission or State Gaming Agency at any time prior to final action thereon. Any amendment to an Application shall have the effect of establishing the date of such amendment as the new filing date of the Application with respect to the time requirements set forth in this Title or in the Compact.
- F. Any document filed under any of the provisions of this Title or the Compact may be incorporated by reference in a subsequent Application provided the incorporated document is available in the files of the Commission and the State Gaming Agency and is current as to accuracy on the date of filing.

00.403 APPLICATION AND INVESTIGATIVE FEES

- A. Except as provided elsewhere in this Title, all fees and costs incurred in connection with the investigation of any Application to the Commission will be borne by the Applicant as prescribed below.
- B. In addition to any nonrefundable Application fees paid, the Commission and/or the State Gaming Agency may require an Applicant to pay such supplementary investigative fees and costs as are determined by the Commission or State Gaming Agency. Such supplementary fees and costs may be estimated and the Applicant required to pay a deposit amount into a special investigative account established for the Applicant as a condition precedent to beginning or continuing an investigation, the actual total cost of which is not determined.
- C. The Commission shall not take final action to approve any Application unless all Application and investigative fees and costs have been paid in full. The Commission may deny the Application if the Applicant has failed or refused to pay all Application and investigative fees and costs.
- D. After all supplementary investigative fees and costs have been paid by an Applicant, the Commission shall refund to an Applicant any balance remaining in his or her investigative account of the Applicant.

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00.404 SUMMONING OF APPLICANTS

The Commission, in concert with the State Gaming Agency, may summon any person applying for a License, finding of suitability or employment to appear and testify before the Commission or Staff of the Commission or the State Gaming Agency at such time and place as may be designated. All such testimony may be required to be given under oath and relate to any matter which the Commission or the State Gaming Agency or their staffs may deem relevant to the Application. Failure to appear and testify fully at the time and place designated, unless excused, constitutes grounds for denial of the Application without further consideration by the Commission.

00.405 HEARING ON APPLICATIONS

- A. Upon the conclusion of an investigation by the State Gaming Agency, the Commission may, in its discretion, hold a hearing to consider an Application. The Applicant shall be given at least fifteen (15) days advance written notice of such hearing by certified mail, return receipt requested.
- B. Failure of the Applicant to appear at such hearing and testify fully at the time and place designated, unless excused, shall constitute grounds for denial of the application without further consideration by the Commission.

00.406 WITHDRAWAL OF APPLICATION

- A. A request for withdrawal of an Application may be made at any time prior to final action upon the filing of a written request for such withdrawal with the Commission.
- B. The Commission may, in its discretion, deny a request for withdrawal of an Application or grant the request with or without prejudice.
- C. If a request for withdrawal is granted with prejudice, the Applicant shall be foreclosed from reapplying for licensing or a finding of suitability for a period of one (1) year from the effective date of the withdrawal.

00.407 APPLICATION AFTER DENIAL

Any person or enterprise whose Application has been denied shall be foreclosed from reapplying for licensing or a finding of suitability for a period of one (1) year from the effective date of the denial, unless the Commission expressly advises in writing that the denial is without prejudice as to reapplication.

00.408 APPLICATIONS FOR EMPLOYMENT AFTER DENIAL OR REVOCATION

Any person or enterprise whose Application for employment with a gaming enterprise located within the exterior boundaries of the Reservation denied approval by the Commission or the State Gaming Agency, shall be foreclosed from reapplying for employment with any gaming enterprise located within the exterior boundaries of the Reservation for a period of two (2) years from the effective date on which notice of the Commission or the State Gaming Agency's disapproval was provided to the gaming enterprise at which the person first applied for employment.

00.409 UNSUITABLE AFFILIATES

The Commission may deny, revoke, suspend, limit, condition, or restrict any License, finding of suitability, employment status or related Application upon grounds that the Applicant or Licensee is associated with, controls, or is controlled by, or is under common control with, a person or persons threatening the licensing standards set forth in Section 00.410, immediately below.

00.410 STANDARDS FOR LICENSING

No License or finding of suitability shall be granted unless and until the Applicant has satisfied the Commission that the Applicant:

- A. is a person of good character, honesty, and integrity;
- B. is a person whose background, reputation and associations will not result in adverse publicity for the Tribal gaming enterprises; and
- C. where the Applicant is to be a Key Employee, the Applicant has adequate business competence and experience for the role or position for which an Application is filed.

00.411 LICENSING OF A NATURAL PERSON UNDER THE AGE OF TWENTY-ONE

The Commission shall not grant a License or finding of suitability to an individual under twenty-one (21) years of age.

00.412 BACKGROUND INVESTIGATION

The Commission shall conduct or cause to be conducted an investigation sufficient to make a determination of every Application submitted pursuant hereto.

- A. In conducting a background investigation, the Commission and its agents shall do all things possible to ensure the confidentiality of the identity of any person interviewed in the course of the investigation.
- B. Information provided pursuant to Section 00.402 shall be referenced in the conduct of background investigations in relation to:
 1. Primary Management Officials and Key Employees of each Tribal gaming enterprise;
 2. Every gaming employee and employee of the Commission who is not an enrolled member of the Community; and
 3. Manufacturers and suppliers of gaming devices and services.

00.412 BACKGROUND INVESTIGATION (con't.)

- C. In any instance in which the Commission determines that employment of a person, a background investigation of whom indicates that his or her employment would threaten a risk to the public safety and financial interest of the Community or to the effective regulation of gaming or create or enhance the danger that unsuitable, unfair, or illegal practices and methods and activities would be engaged in the conduct of gaming, all tribal gaming enterprises located within the exterior boundaries of the Reservation shall be foreclosed from employing that person as a Key Employee or Primary Management Official.
- D. Procedures for forwarding Applications and reports for Key Employees and Primary Management Officials to the State Gaming Agency and the National Indian Gaming Commission
1. When a person required pursuant to Key Employee or Primary Management Official status begins work at a gaming operation authorized by this Title, the Commission shall forward to the State Gaming Agency and the National Indian Gaming Commission a completed Application and request that a background investigation be conducted before the Application is granted pursuant to in Section 00.413, below.
 2. The Commission shall forward the report referred to in Section - 00.412 E. to the State Gaming Agency and the National Indian Gaming Commission within sixty (60) days after an employee begins work at a gaming enterprise situated within the exterior boundaries of the Reservation or within sixty (60) days of the approval of this Title by the Chairman of the National Indian Gaming Commission.
 3. No gaming enterprise situated within the exterior boundaries of the Reservation shall employ as a Key Employee or Primary Management Official as defined pursuant hereto a person who does not have a License within ninety (90) days following submittal of his or her Application.
- E. Report to the State Gaming Agency and the National Indian Gaming Commission
1. The Commission shall submit, with the Investigative Report, a copy of the eligibility determination made under Section 00.413 herein.
 2. In the event the Commission determines on its own authority that a License should not be issued, the Commission:
 - a. Shall notify the State Gaming Agency and the National Indian Gaming Commission; and
 - b. Shall forward copies of its noneligibility determination along with documentation of the information on which such determination is based to the State Gaming Agency and the National Indian Gaming Commission for inclusion, with respect to the latter, in the Indian Gaming Individuals Records System.

00.412 BACKGROUND INVESTIGATION (con't.)

- c. With respect to Key Employees and Primary Management Officials, the Commission shall retain Applications for inspection by the State Gaming Agency and the National Indian Gaming Commission for at least a three (3) year period, beginning with the date of on which the employment of such person is terminated.

00.413 GRANTING A GAMING LICENSE

- A. If, within a thirty (30) day period after the State Gaming Agency and the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Commission that it has no objection to the issuance of a License pursuant to an Application by a Key Employee or a Primary Management Official, for whom the Commission has provided an Application and investigative report to the State Gaming Agency and the National Indian Gaming Commission, the Commission may issue a License to such Applicant.
- B. The Commission shall respond to a request for additional information from the Director of the State Gaming Agency and the Chairman of the National Indian Gaming Commission concerning a Key Employee or a Primary Management Official who is the subject of an Investigative Report. Such a request shall suspend the thirty thirty (30) day period under Subsection 00.413 A. until the Director of the State Gaming Agency and the Chairman of the National Indian Gaming Commission receives the additional information.
- C. If, within the thirty (30) day period described above, the State Gaming Agency and the National Indian Gaming Commission provides the Commission 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 provided an Application and investigative report to the State Gaming Agency and the National Indian Gaming Commission, the Commission shall reconsider the Application, taking into account the objections itemized therein. The Commission shall make the final decision whether to issue a License to such Applicant.

00.414 LICENSE SUSPENSION

- A. If, after the issuance of a License, the Commission receives from the State Gaming Agency and the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for employment under 00.413 C., above, the Commission shall suspend such License and shall notify in writing the Licensee of the suspension and the proposed revocation.
- B. The Commission shall notify the Licensee of a time and a place for a hearing on the proposed revocation of a License.
- C. After a revocation hearing, the Commission shall decide to revoke or to reinstate a gaming License. The Commission shall notify the State Gaming Agency and the National Indian Gaming Commission of its decision.
- D. In addition to any other sanction which may be imposed under this Title, a License may be suspended and, after notice and hearing by the Commission pursuant to this Title, and revoked if adequate proof is shown that the Licensee:

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00.414 LICENSE SUSPENSION (con't.)

1. has made a false statement in any Application for a License, in any amendment thereto, or any response to a request by the Commission for supplemental information;
2. has failed to keep sufficient books and records to substantiate the reports required by this Title;
3. has falsified any books or records relating to any transaction connected with the operation or conduct of Class II or Class III gaming conducted within the exterior boundaries the Reservation;
4. has been convicted of any felony or gaming offense;
5. has interfered with or unduly influenced or attempted to interfere or unduly to influence any legislative or administrative decision or process of the Community relating to gaming;
6. has deliberately or substantially failed to provide information to or answer relevant questions of the Commission or otherwise fails to comply with the provisions of this Title or the terms of any License granted pursuant hereto;
7. based upon information officially referred by the State Gaming Agency, the National Indian Gaming Commission or substantiated information from any other source that the Licensee does not meet the standards established in Section 00.410 herein; or
8. has been elected to the Community Council.

00.415 IMMEDIATE SUSPENSION

If, in the judgment of a majority of Commissioners, the public interest, the effective regulation and control of gaming or the certainty that the safe, fair and honest operation and conduct of Class II and Class III gaming within the exterior boundaries of the Reservation require the immediate exclusion of a Licensee from involvement in such gaming, the Commission may immediately suspend a License immediately prior to the conduct of a hearing of the matter. Such an immediate suspension shall take effect upon service of a complaint upon the Licensee.

00.416 SERVICE OF PROCESS

Proceedings to suspend or revoke a License shall be initiated by the Commission by serving a complaint upon the Licensee.

00.417 CONTENTS OF COMPLAINT; SERVICE

A complaint against a Licensee shall state with specificity the violations alleged to have occurred in contravention of the provisions of this Title which the Commission has reasonable cause to believe the Licensee has committed and shall cite such provision or provisions. The complaint shall notify the Licensee of the place and date, which date shall be not less than twenty (20) days following the date of service, at which a hearing on the matter shall be held. The Commission shall cause the complaint and notice of hearing to be served personally upon the Licensee or his or her *bona fide* agent, or sent by certified mail to the Licensee at the address shown upon his or her License.

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00.418 ANSWER; SUBPOENAS

Upon receipt of a complaint and notice of hearing, the Licensee shall answer the complaint and shall inform the Commission whether the Licensee desires to present evidence. At the request of the Licensee for good cause shown, or on its own motion, the Commission shall issue subpoenas for the attendance of witnesses and for the production of papers, books, records, and documents.

00.419 HEARING, WRITTEN DECISION

Hearings of the Commission shall be held and concluded without reasonable delay. Following a hearing, the Commission shall timely issue a decision in writing and shall include findings of fact in support of its decision. The Commission shall issue its decision within thirty (30) days of the hearing. The Licensee shall be informed immediately of the decision and, in the event of a suspension or revocation of his or her License, of the effective date of the suspension or revocation ordered.

00.420 SURRENDER OF LICENSE

When the Commission suspends or revokes a License, the Licensee shall surrender the License to the Commission on or before the effective date of the suspension or revocation. No License shall be valid as of the effective date of an ordered suspension or revocation, whether or not the License is actually surrendered.

00.421 ADDITIONAL SANCTIONS

- A. Upon a determination to suspend or revoke a License and in addition to any other penalties imposed, the Commission may declare a Licensee ineligible to:
 - 1. Operate or conduct Class II or Class III gaming anywhere within the exterior boundaries of the Reservation;
 - 2. Participate, directly or indirectly, in the operation or conduct of Class II or Class III gaming anywhere within the exterior boundaries of the Reservation; or
 - 3. Apply for a License within the periods stated above at 00.406 C. and 00.408.
- B. A declaration of ineligibility determined by the Commission may be extended to, for cause shown and after notice and hearing, include any Primary Management Officials, Key Employees, officers and/or directors of the Licensee and any of its subsidiary organizations, parent organizations, or affiliates.

00.422 DISCIPLINARY PROCEEDINGS OF THE COMMISSION

- A. Service of Complaint - Upon referral by Commission or the State Gaming Agency, the Executive Director shall institute disciplinary proceedings against a Licensee and shall prepare and serve the complaint upon the respondent either personally or by certified mail at his or her address on file with the Agency. Proof of service may be provided by a certificate or affidavit of service, which shall be signed by the person effecting service and specify the date and manner in which service.

00.422 DISCIPLINARY PROCEEDINGS OF THE COMMISSION (con't.)

- B. Contents of Complaint - The complaint issued in relation to a disciplinary proceeding must be a written statement which sets forth in ordinary and concise language the acts or omissions which the respondent is believed to have violated. The complaint must cite the sections of the Compact, the Ordinance or Regulations which the respondent is alleged to have violated and must include a statement of fact on which the allegations are based.
- C. Answer; Setting of Hearing - The respondent shall file an answer to the complaint with the Commission within twenty (20) days after service of the complaint. A copy of the answer must also be served upon the State Gaming Agency.
1. In his or her answer the respondent must:
 - a. state in short and plain terms his or her defenses to each claim asserted;
 - b. admit or deny the facts alleged in the complaint;
 - c. state which allegations are without knowledge or information sufficient to form a belief as to their truth. Such allegations shall be deemed denied; and
 - d. affirmatively set forth any matter which constitutes an avoidance or affirmative defense.
 2. The respondent may demand a hearing which, if elected, must be included in his or her answer to the complaint. Failure to demand a hearing constitutes a waiver of that right but, at the Commission's discretion, a hearing not requested in the respondent's answer may be granted.
 3. Failure to file an answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Commission may take action based on such an admission and on other evidence without further notice to the respondent.
 4. The Commission shall serve notice of the hearing date within seven (7) days following receipt of respondent's answer and shall conduct the hearing within sixty (60) days of the date of said notice, unless the proceedings are continued for good cause.
- D. Appearance Through Counsel
1. Parties to proceedings governed by this Title may appear personally or through an attorney, except that the parties must themselves attend any hearing on the merits unless such attendance is waived by the Commission.
 2. When a party has appeared through an attorney, all future service of notices, motions, orders, decisions or other papers shall be made upon the attorney.
 3. When a party is represented by an attorney, the attorney shall sign all motions, opposition, notices, requests, and other papers on behalf of the party.

00.422 DISCIPLINARY PROCEEDINGS OF THE COMMISSION (con't.)

E. Rehearing Conferences

1. After the respondent files an answer to the complaint, the Chairperson may direct the parties to participate in a conference or conferences before the hearing on the merits, for such purposes as expediting the disposition of the action, resolving discovery issues, and facilitating the settlement of the case.
2. The participants at a rehearing conference shall be prepared to consider and act to address any or all of the following, as directed by the Chairperson:
 - a. the formulation and simplification of the issues;
 - b. the necessity or desirability of amendments to the complaint or answer;
 - c. the possibility of obtaining admissions of fact and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the Chairperson regarding the admissibility of evidence;
 - d. the avoidance of unnecessary findings of proof and evidence;
 - e. the identification of witnesses and documents, the need and schedule for filing and exchanging rehearing briefs, and the date or dates for further conferences and for the hearing on the merits;
 - f. the possibility of settlement;
 - g. the disposition of pending motions;
 - h. the possibility that all evidence can be submitted by affidavits, transcripts, and other documents; and
 - i. such other matters as may aid in the disposition of the action.
3. After a rehearing conference, the respondent and Counsel for the Commission shall set forth in a written stipulation, to be recorded in the proceeding record, any matter no longer in dispute. As to matters for which no agreement has been reached and which require a ruling, the Commission shall enter an order reciting the ruling.

F. Discovery: Mandatory Exchanges

1. Within twenty (20) calendar days following the date on which respondent's answer is received by the Commission, the parties shall confer for the purpose of complying with 00.422 E. 2.
2. At each conference the parties shall:

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- a. Exchange copies of all documents then reasonably available to a party which are then intended to be offered as evidence in support of the party's case in chief;
- b. Identify, describe, or produce all tangible and reasonably available things, other than documents, which are intended to be offered as evidence in support of the party's case in chief, and upon request, arrange for the opposing party or parties to inspect, copy, test, or sample the same under the supervision of the parties;
- c. Exchange written lists of persons each party intends to call as a material witness in support of the party's case in chief. Each witness shall be identified by name, if known; position; business address and a brief description of the purpose for which the witness will be called. If no business address is available, the party shall provide a home address for the witness, or shall make the witness available for service of process. For the purpose of this paragraph, a material witness shall be a person whose testimony relates to a genuine issue in dispute which might affect the outcome of the proceeding.
- d. The parties shall bear a continuing obligation to produce documents, witness lists, and other matters governed by this Section as such become identified by and available to the parties. A party may amend a response by informing the adverse party that documents previously produced or witnesses previously listed will not be introduced in that party's case in chief.

00.423 CONDUCT OF DISCIPLINARY HEARINGS

The following procedures shall apply to proceedings conducted under this Section:

- A. A respondent shall be allowed to present and argue any legal objections to the complaint set forth in his or her answer.
- B. The Executive Director will present his or her opening statement on the merits. The respondent will then be permitted to make an opening statement of the defense, or he or she may reserve the same under commencement of the presentation of the defense.
- C. The Executive Director will then present his or her case in chief in support of the complaint.
- D. Upon conclusion of the Executive Director's case in chief, the respondent may move for dismissal of the complaint. The Agency may hear arguments on the motion, or may grant, deny, or reserve decision thereon, with or without argument.
- E. If no motion to dismiss is made, or if such motion is denied or decision reserved thereon, the respondent shall thereupon present for the defense.
- F. Upon conclusion of the respondent's case, the Executive Director may present his or her case in rebuttal.

00.423 CONDUCT OF DISCIPLINARY HEARINGS (con't.)

- G. Upon conclusion of the Executive Director's case in rebuttal, the Executive Director shall present his or her closing argument, the respondent may present answering argument, and thereafter the Executive Director may present rebuttal argument. Thereupon the matter will stand submitted for decision.
- H. Any member of the Commission may ask questions of witnesses, and may request or allow additional evidence at any time, including additional rebuttal evidence.
- I. Objections asserted by the parties may be immediately ruled upon by the Commission or taken under advisement and the hearing continued.

00.424 EVIDENCE: ADMISSIBILITY

- A. For the purpose of this Section, evidence is reliable if it is the sort of evidence on which responsible persons are accustomed to relying upon in the conduct of serious affairs or if the evidence would be admissible in a court of law.
- B. Irrelevant or unduly repetitious evidence shall be excluded upon request of a party or the Commission's own initiative.

00.425 EVIDENCE: AUTHENTICATION AND IDENTIFICATION

Documentary and other physical evidence may be authenticated or identified by any method through which the matter in question can be shown to be what its proponent claims it to be.

00.426 FAILURE OR REFUSAL TO TESTIFY

- A. If a respondent fails to testify in his or her own behalf or asserts a claim of privilege with respect to any question propounded to him or her, the Commission may infer therefrom that such testimony or answer would have been adverse to his or her case.
- B. If any person controlling, controlled by, or under common control with, or employed by, or an agent of, a respondent fails to respond to a subpoena, or asserts a claim of privilege with respect to any question propounded to him or her, the Commission may, taking into account all of the circumstances, infer that such testimony would have been adverse to the respondent.
- C. If, on a ground other than a properly invoked privilege against self-incrimination, a respondent fails to respond to a subpoena, or fails or refuses to answer a material question propounded to him or her, the Commission may deem such failure or refusal to be independent grounds for granting the relief requested by the Executive Director in the complaint with respect to that respondent.

00.427 CONTINUANCES

A matter shall not be continued except for good cause shown. A motion to continue a hearing must be made at least ten (10) calendar days prior to the hearing date and may be granted or denied in the discretion of the Chairperson.

00.428 DEFAULTS

Failure of a respondent to file an answer to the complaint or to request a hearing, or to appear personally at a hearing on the merits without having obtained a waiver of appearance, shall constitute an admission of all matters and facts contained in the complaint filed with respect to such respondent, and shall be deemed a waiver of the right to an evidentiary hearing. In such cases the Commission may take action based upon such admission or upon any other evidence, including affidavits, and without any further notices whatever to respondent.

00.429 STANDARDS OF PROOF

Findings of fact shall be based upon a preponderance of the evidence standard, that is, a finding of fact must be supported by evidence that, when considered and compared with opposing evidence, has more convincing force and produces in the minds of the Commissioners a belief that what is sought to be proved is more likely true than not true.

00.430 DECISIONS OF THE COMMISSION

Decisions of the Commission regarding disciplinary proceedings shall be in writing, issued within thirty (30) days after the hearing and served upon the parties personally, by certified mail, return receipt requested. A copy shall also be provided to the State Gaming Agency at the same time.

00.431 PENALTIES

The Commission may suspend, revoke, limit or condition the license or finding of suitability of any person or enterprise, or order the suspension or termination of any gaming employee, found to have violated the provisions of this Title, the Compact or the regulations. The Agency may impose a civil fine of not more than \$5,000 for each separate violation. All fines must be paid to the Commission within fifteen (15) days following the date on which the order to pay the fine is issued unless otherwise ordered by the Commission.

00.432 RIGHT TO APPEAL TO COMMUNITY COURT

A licensee may appeal a decision of the Commission to suspend or revoke a license in the Community Court at any time within thirty (30) days after the effective date of such decision.

CHAPTER FIVE - CONDUCT OF CLASS II AND CLASS III GAMING

00.501 FINANCIAL PRACTICES AND REPORTING OF GAMING ENTERPRISES; MONTHLY REPORTS

On or before the third Wednesday of each month, the Primary Management Official of each gaming enterprise operating within the exterior boundaries of the Reservation shall file with the Commission and the National Indian Gaming Commission a certified financial report for the preceding calendar month which states:

- A. The amount of gross receipts derived from the conduct of Class II and Class III gaming;
- B. The operating expenses incurred or paid;
- C. The specific classifications of such expenses;
- D. The names and addresses of each person to whom has been paid an aggregate of \$600 or more;

00.501 FINANCIAL PRACTICES AND REPORTING OF GAMING ENTERPRISES (con't.)

- E. The purposes for which such payments were made; and
- F. The net revenues derived from games of chance.

00.502 MAINTENANCE OF GAMING ENTERPRISE FINANCIAL INFORMATION

- A. The Primary Management Official of each gaming enterprise located within the exterior boundaries of the Reservation shall be responsible for maintaining financial books and records necessary for the development and substantiation of financial reports made to the Commission.
- B. Failure by a Primary Management Official to file a report required by the Commission within the time allowed, or if a report is not properly certified or not fully, accurately and truthfully completed, may result in suspension of the Primary Management Official's license until such time as the deficiency has been corrected.

00.503 MAINTENANCE OF BOOKS AND RECORDS; COMMISSION ACCESS

- A. Full and accurate books of account showing the condition of the business and all transactions relating to Class II or Class III gaming conducted within the exterior boundaries of the Reservation shall be kept.
- B. The Commission and the Community Treasurer shall have access to the books of account prescribed hereunder and shall be entitled to examine them without notice at any time during ordinary business hours or hours during which gaming is conducted.
- C. Books of account of Class II and Class III gaming enterprises regulated pursuant to this Title shall be maintained for five years.

00.504 ALLOWABLE OPERATING EXPENSES

No item of expense shall be incurred or paid in connection with the operation or conduct of Class II or Class III gaming except *bona fide* expenses of reasonable amount. For accounting purposes, only the following shall be considered expenses:

- A. The purchase of goods, wares, and merchandise furnished;
- B. Development fees and construction costs, payments of maintenance or repairs of gaming and related equipment, and for operating or conducting a game of chance;
- C. Rent, janitorial, and security services;
- D. Legal and accounting fees;
- E. Taxes and license fees;
- F. Utilities;
- G. Insurance;
- H. Prizes for winners or games of chance; and
- I. Training of employees.

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00.505 DEPOSIT OF GROSS RECEIPTS; PAYMENT OF OPERATING EXPENSES

All gross receipts of gaming enterprises conducted within the exterior boundaries of the Reservation shall be deposited in a special account of the gaming enterprise. All operating expenses shall be withdrawn from such account by consecutively numbered checks duly signed by an authorized signatory of the enterprise. No check issued by a gaming enterprise located within the exterior boundaries of the Reservation shall be drawn to "cash" or a fictitious payee.

00.506 ANNUAL AUDIT

An outside independent certified audit shall be produced annually by each gaming enterprise located within the exterior boundaries of the Reservation and delivered to the Commission and the National Indian Gaming Commission in accordance with all applicable regulations.

00.507 AUDIT OF CONTRACTS

Any contract for supplies, services, merchandise, in an amount in excess of \$25,000 annually, except contracts for professional legal or accounting services, whether directly or indirectly related to the conduct of Class II or Class III gaming conducted within the exterior boundaries of the Reservation, shall be subject to annual outside independent certified audits.

00.508 DISPOSITION OF NEW REVENUES

The net revenues derived from the conduct of Class II and Class III gaming conducted within the exterior boundaries of the Reservation, including revenues from any source, shall be deposited into the general fund of the Community on a quarterly basis.

00.509 COMPLIANCE WITH THE INTERNAL REVENUE CODE

Every gaming enterprise situated within the exterior boundaries of the Reservation shall maintain a permanent record containing the name and address of each player who receives a prize or payoff required in any instance required by, and in accordance with, the Internal Revenue Code of 1986, as amended.

00.510 PLAYERS REQUIRED TO BE PRESENT

Only persons physically present on the premises where a Class II or Class III gaming is actually operated and conducted may participate as players in the game.

00.511 EMPLOYEES; PROHIBITION AGAINST EMPLOYEES PLAYING BINGO

All persons who operate or conduct, or assist in operation or conduct of Class II or Class III gaming shall wear legible tags evidencing their names and the legend of the gaming enterprise.

00.512 QUALIFICATION FOR EMPLOYMENT; TESTING

Employees of gaming enterprises situated within the exterior boundaries of the Reservation shall be of good moral character, shall not have been convicted of any felony or gaming offense, and, as a condition of their contract of employment, shall agree to any lawful means of testing for truthfulness, including but not limited to polygraph testing, at any time and without prior notice, concerning the handling, collection, and/or disbursement of gross receipts. No person shall be employed by a gaming enterprise situated within the exterior boundaries of the Reservation, whose prior activities, criminal record if any, reputation, habits, or

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associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the operation or conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

00.513 PREFERENCE IN EMPLOYMENT

At least 65 percent of the employees of each gaming enterprise located within the exterior boundaries of the Reservation shall be members of the Community or their spouses or children. Provided, however, that each gaming enterprise employee shall be qualified for the position for which he or she was hired according to standards set by management of the gaming enterprise. If sufficient numbers of qualified members of the Community and their spouses and children are not available so that the provision of this Section can be met, members of other Indian tribes shall be hired instead toward the achievement of this requirement. Gaming enterprises situated within the exterior boundaries of the Reservation shall provide sufficient training opportunities to all employees, and shall provide employees who are Community members with sufficient training opportunities to ensure that Community members acquire the experience and skills necessary to assume management and supervisory positions in the enterprise within projected reasonable timelines.

00.514 ADVERTISEMENT OF POSITIONS

All positions and vacancies in gaming enterprises situated within the exterior boundaries of the Reservation shall be posted at the Gaming Facility where the position is open and at least two other locations selected by the Commission for at least fifteen (15) days prior to filling the position or vacancy. The position notices shall contain a statement minimum job qualifications, job duties, hours of work, compensation and shall outline the application procedure, including the application deadline.

00.515 PERSONNEL POLICIES

Each gaming enterprise situated within the exterior boundaries of the Reservation shall adopt and provide to each employee written personnel policies which shall provide a grievance procedure providing for an employee's right to receive a written statement of reasons in the event of dismissal.

00.516 PROPERTY REPORT

The Gaming Operation shall report to the Commission all leases to which it is a party not later than thirty (30) days following the effective date of the lease and shall include:

- A. the name, address, and a brief statement of the nature of the business of the Lessor.
- B. a brief description of the material terms of the Lease.
- C. a brief description of any business relationships between the operating licensee and the Lessor other than by the Lease.

Gaming enterprises situated within the exterior boundaries of the Reservation shall report to the Commission any changes in the lease within 30 days after such changes occur.

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00.517 EMPLOYEE REPORT

- A. Annually, on or before the 15th of July, each gaming enterprise situated within the exterior boundaries of the Reservation shall submit an employee report to the Commission on a form to be furnished by the Commission. The report shall identify:
1. Every individual who is directly or indirectly engaged in the administration or supervision of the gaming enterprise or security activities of the gaming enterprise.
 2. All individuals who are compensated in any manner in excess of \$80,000 per annum;
 3. All individuals who may approve or extend gaming credit in any amount, or whose recommendations in this regard are ordinarily sought or followed;
 4. All individuals who have authority to hire or terminate gaming employees;
 5. All individuals who have the authority to supervise or direct a shift of any gaming or security activity, including but not limited to supervision or direction of the pit area, keno or bingo games, slot machines, race or sports books, pari-mutuel operations, or any persons having authority to supervise or direct such persons;
 6. All individuals who regularly participate in cash counts more frequently than one day each week or who actually participate in the count more than ten (10) days in any thirty (30) day period;
 7. All individuals who may approve or extend to casino patrons complimentary services other than complementary beverages;
 8. All individuals who supervise or direct other employees engaged in the control of gaming assets and revenues and record keeping, including the recording of cash and evidences of indebtedness, and the maintenance, review or control of the records, accounts, and reports of transactions which are required to be kept;
 9. Any individual who has been specifically represented to the Commission by the gaming enterprise as being important or necessary to the operation of the Gaming Facility;
 10. All persons who individually or as part of a group formulate management policy; and
 11. A description of the gaming duties, casino responsibilities, and casino authority delegated to each individual identified in the report.
- B. Any changes, additions, or deletions to any information contained within the Annual Employee Report which occur subsequent to the filing of the report and prior to the filing of the report for the next calendar year shall be filed with the Commission in writing no less than ten (10) days following the end of the calendar quarter during which the change, addition or deletion occurred.

00.518 LOANS TO GAMING ENTERPRISES

Whenever a gaming enterprise applies for or receives, accepts, or makes use of any cash, property, credit, guarantee, or other form of security loaned to or provided for a gaming enterprise or on behalf of a gaming enterprise, it shall notify the Commission within thirty (30) days of such transaction.

- A. Notice of such a transaction shall be submitted on a form provided by the Commission and shall include:
 1. the names and addresses of all parties to the transaction;
 2. the amount and source of the funds, property or credit received or applied; and
 3. the nature and amount of security provided by or on behalf of the gaming enterprise, the purpose of the transaction.
- B. The report shall be accompanied or supplemented by copies of documents, and such other supporting data as the Commission may require.
- C. If, after such investigation as the Commission deems appropriate, the Commission finds that the transaction is inimical to the health, safety, morals, good order and general welfare of the Community, or would reflect, or tend to reflect, discredit upon the Community, the Commission shall order the transaction rescinded within such time and upon such terms and conditions as it may deem appropriate.

00.519 OPERATIONAL REQUIREMENTS

- A. It is the policy of the Community to require gaming enterprise situated within the exterior boundaries of the Reservation licensed or found suitable in connection therewith, are conducted in a manner suitable to protect the public health, safety, morals, good order and general welfare of the Community and the State.
- B. Responsibility for the employment and maintenance of suitable methods of operation rests with the Licensee and the gaming enterprise and willful or persistent use or toleration of methods of operation deemed unsuitable will constitute grounds for License revocation or other disciplinary action.

00.520 PUBLICATION OF PAYOFFS

- A. Payoff schedules or awards applicable to every Class II or Class III game or Class III Gaming Device shall be displayed at all times either on a gaming table, the gaming device or in a conspicuous place immediately adjacent thereto. In the case of craps, keno and faro games the foregoing requirement will be satisfied if published payoff schedules are maintained in a location readily accessible to players and notice of the location of such schedule is posted on or adjacent gaming to the table.
- B. Payoff schedules or award cards must accurately state actual payoffs or awards applicable to the particular game or device and shall not be worded in such manner as to mislead or deceive the public. Maintenance of any misleading or deceptive matter on any payoff schedule or award card or failure on the part of the Gaming Operation to make payment in strict accordance with posted payoff schedules or award cards may be deemed an unsuitable method of operation.

00.521 GAMING BY PRINCIPALS AND KEY EMPLOYEES

No Licensee or person actively involved in the management of or the conduct of licensed games, shall play or be permitted to, either directly or indirectly through another person, any Class II or Class III game conducted within the exterior boundaries of the Reservation.

00.522 TRANSFER OF INTEREST AMONG LICENSEES

- A. A Licensee who proposes to transfer any portion of his or her interest to another shall give written notice of such proposed transfer to the Commission, including the names and addresses of the parties, the extent of the interest proposed to be transferred and the consideration therefor.
- B. The proposed transferee shall furnish to the Commission a sworn statement setting forth the source of funds to be used by him or her in acquiring such interest and shall also furnish to the Commission such further information as may be required.
- C. The Commission shall forward the information to the State Gaming Agency who may conduct such investigation pertaining to the transaction as it deems appropriate and shall report the results thereof to the Commission within fifteen (15) days following referral of the information. If the Commission does not give notice of disapproval of the proposed transfer of interest within fifteen (15) days after receipt by the State Gaming Agency, the proposed transfer of interest will be deemed approved and the transfer of interest may then be effected in accordance with the terms of transfer as submitted to the Commission. The parties shall immediately notify the Commission when the transfer of interest is actually effected.

00.523 SLOT MACHINES AND GAMING DEVICES

- A. Gaming enterprises located within the exterior boundaries of the Reservation shall make available for play by the public only such Gaming Devices as have been leased, purchased or otherwise obtained from licensed manufacturers and distributors.
- B. The Commission shall require each licensed manufacturer and distributor or verify under oath, on forms provided by the Commission, that the slot machines or gaming devices manufactured or distributed by them for use or play at gaming enterprises located within the exterior boundaries of the Reservation meet the requirements of this Section.
- C. The Commission or the State Gaming Agency may require at all reasonable times the testing of any gaming device to ensure compliance with the requirements of this Section. Any such testing shall be conducted by persons selected by the agency requiring the testing and shall be at the expense of the licensed manufacturer.

00.524 REGULATION OF CHIPS AND TOKENS

- A. Chips and tokens used at gaming enterprises located within the exterior boundaries of the Reservation must be designed, manufactured; and constructed in compliance with all applicable statutes, regulations, and policies of the United States, Arizona and other states so as to prevent counterfeiting of the chips and tokens to the extent reasonably possible. Chips and tokens must not deceptively resemble any current or past coinage of the United States or any other nation.

00.524 REGULATION OF CHIPS AND TOKENS (con't.)

- B. In addition to such other specifications as the gaming enterprise may approve:
1. the name of the gaming enterprise must be inscribed on each side of each chip and token;
 2. the value of the chip or token must be inscribed on each side of each chip and token, other than chips used exclusively at roulette;
 3. the manufacturer's name or a distinctive logo or other mark identifying the manufacturer must be inscribed on at least one side of each chip and token; and
 4. each chip must be designed so that when stacked with chips and tokens of other denominations and viewed on closed-circuit, black and white television, the denomination of the chip can be distinguished from that of other chips and tokens in the stack.
- C. Specifications for Chips - Unless the Commission approves otherwise, chips must be disk shaped, must be .130 inch thick, and must have a diameter of:
1. 1.55 inches, for chips used at games other than baccarat;
 2. 1.55 inches or 1.6875 inches, for chips used at baccarat;
 3. 1.6875 inches, for chips used exclusively at race books and sports pools or other counter games; and
 4. Each side of each chip issued for use exclusively at a race book, sports pool or particular game must bear an inscription clearly indicating that use of the chip is restricted to that game.
- D. Specifications for Tokens - Unless the Commission approves otherwise, tokens must be disk-shaped and must measure as follows:
1. No token may be smaller than 1.459 inches or larger than 1.95 inches in diameter, and no token may be from 1.475 through 1.525 inches in diameter;
 2. One dollar denomination tokens must be from 1.459 through 1.474 inches in diameter, from .095 through .115 inch thick, and, if the token has reeds or serration on its edges, the number of reeds or serration must not exceed 150;
 3. Five dollar denomination tokens must be 1.75 inches in diameter, from .115 through .135 inch thick, and, if the token has reeds or serration on its edges, the number of reeds or serration must not exceed 175;
 4. Twenty-five dollar denomination tokens must be larger than 1.75 inches but no larger than 1.95 inches in diameter (except that such tokens may be 1.654 inches [42 millimeters] in diameter if made of 99.9 percent pure silver), must be .10 inch thick, and, if the token has reeds or serration on its edges, the number of reeds or serration must not exceed 200;

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5. Tokens of other denominations must have such measurements and edge reeds or serration as the Commission may approve;
6. Tokens must not be manufactured from material possessing sufficient magnetic properties so as to be accepted by a coin mechanism, other than that of a slot machine; and
7. Tokens must not be manufactured from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core, nor from a copper-based material, unless the total of zinc, nickel, aluminum, magnesium, and other alloying materials is at least 20 percent of the token's weight.

00.525 USE OF CHIPS AND TOKENS

- A. The gaming enterprises shall:
 1. Comply with all applicable statutes, regulations, and policies of Arizona and of the United States pertaining to chips or tokens;
 2. Sell chips and tokens only to patrons of the gaming enterprise and only at their request;
 3. Promptly redeem its own chips and tokens from its patrons;
 4. Post conspicuous signs at the gaming enterprise notifying patrons that federal law prohibits the use of the Licensee's tokens, and that state law prohibits the use of the Licensee's chips, outside the facility for any monetary purpose whatever; and
 5. Take reasonable steps, including examining chips and tokens and segregating those issued by another gaming enterprise to prevent the issuance to its patrons of chips and tokens issued by another gaming enterprise.
- B. Gaming enterprises shall not accept chips or tokens as payment for any good or services offered at the gaming enterprises with the exception of the specific use for which the chips or tokens were issued, and shall not give chips or tokens as change in any other transaction.
- C. Gaming enterprises shall not redeem its chips or tokens if presented by a person whom the gaming enterprises knows or reasonably should know its not a patron of the gaming enterprise, except that a Licensee shall promptly redeem its chips and tokens if presented by an employee of the gaming enterprises who presents the chips and tokens in the normal course of employment.
- D. Chips, the use of which is restricted to uses other than at specified table games may be redeemed by gaming enterprises at table games or non-specified table games if the chips are presented by a patron, and the gaming enterprises redeems the chips with chips issued for use at the game, places the redeemed chips in the table's drop box, and separates and properly accounts for the redeemed chips during the count performed pursuant to the internal control system.

00.526 REDEMPTION AND DISPOSAL OF DISCONTINUED CHIPS AND TOKENS

If the gaming enterprises permanently removes from use or replaces approved chips or tokens at the gaming enterprise it shall redeem discontinued chips and tokens that remain outstanding at the time of discontinuance pursuant to a plan prepared by the gaming enterprises and approved by the Commission and the State Gaming Agency.

00.527 DESTRUCTION OF COUNTERFEIT CHIPS AND TOKENS

- A. Unless a law enforcement officer instructs or a court of competent jurisdiction orders otherwise in a particular case, the gaming enterprises shall destroy or otherwise dispose of counterfeit chips and tokens discovered at the gaming facilities in such manner as it deems appropriate.
- B. Unless a peace officer instructs or court of competent jurisdiction orders otherwise in a particular case, the gaming enterprises may dispose of coins of the United States or any other nation discovered to have been unlawfully used at its establishment by including them in their coin inventories or, in the case of foreign coins, by exchanging them for United States currency or coins and including the same in their currency or coin inventories, or by disposing of them in any other lawful manner.
- C. The gaming enterprises shall record:
 1. The number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise is disposed of pursuant to this Chapter;
 2. The month during which such coins and counterfeit chips or tokens were discovered;
 3. The date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, the business or person at which or with whom the coins are exchanged; and
 4. The names of the persons carrying out the destruction or other deposition on behalf of the gaming enterprises.
- D. The records required by Section 00.527 C. must be retained for a period of two (2) years.

00.528 OTHER INSTRUMENTALITIES

Other instrumentalities of Class III gaming must be designed, manufactured, approved, used, discontinued, destroyed, or otherwise disposed of in accordance with the provisions of this Chapter.

00.529 PREMISES OPEN TO COMMISSION

Premises where any Class II or Class III is operated or conducted, shall at all times be open to inspection by the Commission and its staff and its employees.

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CHAPTER 6 - CONDUCT OF CLASS II GAMES

00.601 MERCHANDISE PRIZES

When any merchandise is awarded as a prize in a Class II game, the value of such merchandise shall be its actual retail price. Merchandise awarded as a prize shall not be redeemable or convertible into cash, directly or indirectly.

00.602 PRIZE PURCHASE PRICES

Equipment, prizes, and supplies for Class II games of chance shall not be purchased or sold at prices in excess of the usual price thereof.

00.603 NO LIMIT ON PRIZES

There shall be no limit on the size of the prize offered or given in any bingo game or on any occasion.

00.604 CLASS II RULES OF PLAY

- A. The equipment used in Class II games and the method of play shall be such that each card shall have an equal opportunity to win.
- B. The objects or balls to be drawn shall be uniform as to size, shape, weight, balance, and any other characteristic that might influence their selection.
- C. All objects or balls shall be present in the receptacle before each game is begun.
- D. All numbers or designations drawn shall be announced plainly and clearly, and shall be audible or visible to all the players present including, where more than one room is used for any bingo game, all players present in each room.
- E. The receptacle, the caller, and the person removing the objects or balls from the receptacle must be visible to all the players at all times, except that where more than one room is used for any bingo game, the receptacle and the caller must be present in the room where the greatest number of players are present.
- F. The cards or sheets of the players shall be a part of a deck, group, or series of cards, no two of which shall be alike, and which deck, group, or series shall not be so prepared or arranged as to prefer any card.
- G. The particular arrangement of numbers or designations required to be covered in order to win the game and the amount of the prize shall be plainly and clearly described, and audibly or visibly announced to the players immediately before each game is begun.

00.605 PLAYERS ENTITLED TO VERIFICATION

Any player of Class II gaming shall be entitled to call for a verification of all numbers or designations drawn at the time a winner is determined and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the most senior supervisory official for the shift at which the verification is made.

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CHAPTER 7 - ACCOUNTING PROCEDURES

00.701 GAMING ENTERPRISE AUDIT PROCEDURES

Each gaming enterprise situated within the exterior boundaries of the Reservation shall select independent certified accountants qualified and otherwise acceptable to perform the following audit functions for the gaming enterprise as necessary:

- A. To conduct annual and quarterly audits or reviews of the books and records of the gaming enterprise;
- B. To review the accounting methods and procedures used by the gaming enterprise;
- C. To review and observe methods and procedures used by the gaming enterprise to count and handle cash, chips, tokens, negotiable instruments and credit instruments;
- D. To examine the gaming enterprise's records and procedures in extending credit;
- E. To examine and review the gaming enterprise's internal control procedures and compliance therewith;
- F. To examine all accounting and bookkeeping records and ledger accounts of the gaming enterprise;
- G. To examine all contracts for suppliers, services or concessions for any contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to the gaming enterprise;
- H. To conduct its audit in conformity with generally acceptable auditing principles. The independent certified accountants shall prepare an appropriate report at the conclusion of an annual audit and shall submit a copy of the audit report to the gaming enterprise, the Commission for referral to the Community and the State Gaming Agency.

00.702 ACCOUNTING RECORDS

- A. Every gaming enterprise located within the exterior boundaries of the Reservation shall keep accurate, complete, legible, and permanent records of all transactions pertaining to revenues.
- B. Every gaming enterprise located within the exterior boundaries of the Reservation shall keep general accounting records on a double entry system of accounting, maintaining detailed, supporting land subsidiary records, which shall include:
 1. Detailed records identifying revenues, expenses, assets, liabilities, and equity;
 2. Detailed records of all markers, IOU's, returned checks, hold checks or other credit instruments;
 3. Individual and statistical game records to reflect statistical drop, statistical win and the percentage of statistical win to statistical drop by table for each table game, and to reflect

00.702 ACCOUNTING RECORDS (con't.)

statistical drop for each type of table game, either by shift or other accounting period as determined by gaming enterprise management and individual and statistical game records reflecting similar information for all other games;

4. Slot analysis reports which, by each machine, compare actual hold percentages to theoretical hold percentages; and
 5. The records required by the internal control system.
- C. The gaming enterprise shall create and maintain records sufficient to accurately reflect gross gaming revenue and expenses relating solely to the gaming enterprise.

00.703 STANDARD FINANCIAL STATEMENTS

- A. Every gaming enterprise located within the exterior boundaries of the Reservation shall prepare a financial statement covering all financial activities of the gaming enterprise for each fiscal year including food and beverage sales, in accordance with generally accepted accounting standards. The gaming enterprise shall submit the financial statements to the Commission not later than four (4) months following the end of the fiscal year covered by the statement. Each financial statement must be signed by the most senior official of the gaming enterprise who shall thereby attest to the completeness and accuracy of the statement.
- B. When a gaming enterprise changes its Business Year or begins operation, it shall within 120 days thereof prepare and submit to the Commission audited financial statements covering the stub period (i.e., a period of less than one (1) year covered under a regular Business Year to be reported) from the end of the previous Business Year to the beginning of the new Business Year. Alternatively, the financial results of the stub period may be incorporated into the audited financial statements for the new Business Year.

00.704 INTERNAL CONTROLS

Every gaming enterprise located within the exterior boundaries of the Reservation shall be operated pursuant to an approved internal control system that meets the requirements of the Compact. Every gaming enterprise located within the exterior boundaries of the Reservation shall provide a copy of the internal control system and any amendments thereto to the Commission and the State Gaming Agency.

A. GROSS GAMING REVENUE COMPUTATIONS

1. With respect to each table game, gross revenue shall equal the closing bankroll plus credit slips for cash, chips, or tokens returned to the casino cage, plus drop, less opening bankroll and fills to the table.
2. For each slot machine, gross revenue shall equal drop, less fills to the machine, jackpot payout, and the actual cost to the gaming enterprise of any personal property (other than costs of travel, lodging, services and food and beverages) provided for or distributed to a patron as winnings. The initial hopper load shall not be treated as a fill and shall not affect gross gaming revenue. The difference between the initial hopper load and the total amount in the hopper at the end of each quarter must be

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adjusted accordingly as an addition to or subtraction from the drop for the quarter.

3. For each counter game, gross gaming revenues shall equal:
 - a. The money accepted by the gaming enterprise on events or games that occur during the month or will occur in subsequent months, less money paid out during the month to patrons on winning wagers; or
 - b. The money accepted by the gaming enterprise on events or games that occur during the month plus money, not previously included in gross revenue, that was accepted by the gaming enterprise in prior months in relation to events or games occurring in the month, less money paid out during the month to patrons on winning wagers.
4. For each card game and any other game in which the gaming enterprise is not a party to a wager, gross revenue shall equal all money received by the gaming enterprise as compensation for conducting the game.
5. The gaming enterprise shall not include in gross revenue computations either shall win or shall loss.
6. If in any month the amount of gross revenue is less than zero, the gaming enterprise may deduct the excess in the succeeding months, until the loss is fully offset against gross gaming revenue.

B. TREATMENT OF CREDIT FOR PURPOSES OF COMPUTING GROSS REVENUE

1. Gross gaming revenue shall not include credit extended or collected by the gaming enterprise for purposes other than gaming. Gross gaming revenue includes the amount of gaming credit extended to a patron not documented in a credit instrument.
2. The gaming enterprise shall, prior to extending credit, follow the procedures in its internal control system.
3. The gaming enterprise need not include in gross gaming revenue the unpaid balance of a credit instrument if one or more of the following paragraphs are satisfied:
 - a. The gaming enterprise settles the debt for less than its full amount in order to induce a partial payment. This paragraph shall be satisfied only if the gaming enterprise first requests payment of the debt in full from the patron, the patron fails to respond to the request or refuses to pay the debt in full and the patron then makes a partial payment in consideration for settlement of the debt for less than the full amount.
 - b. The gaming enterprise settles the debt for less than its full amount to compromise a genuine dispute between the patron and the gaming enterprise regarding the existence or amount of the debt.

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- c. The gaming enterprise settles the debt for less than its full amount because it in good faith believes that the patron's business will be retained in the future, or the patron's business is in fact retained.
 - d. The gaming enterprise settles the debt for less than its full amount to obtain a patron's business and to induce timely payment of credit extended.
4. The gaming enterprise shall ensure:
- a. That a debt settled pursuant to Subsection 3 is settled either with the patron to whom the credit was initially extended or his or her *bona fide* agent. For purposes of this Section, a personal representative is an individual who has been authorized by the patron to make a settlement on his or her behalf. The gaming enterprise shall document its reasonable basis for its belief that the patron has authorized the individual to settle the patron's debt.
 - b. That the settlement is authorized by persons designated to do so in the internal control system, and the settlement agreement is reflected in a single document prepared within 30 days of the agreement and the document includes:
 - (1) The patron's name;
 - (2) The original amount of the credit instrument;
 - (3) The amount of the settlement stated in words;
 - (4) The date of the agreement;
 - (5) The reason for the settlement;
 - (6) The signatures of the gaming enterprise's employees who authorized the settlement;
 - (7) The patron's signature or, in cases in which the patron's signature is not on the settlement document, written acknowledgement of debt by the patron. If confirmation from the patron is not available because of circumstances beyond the control of the gaming enterprise, the gaming enterprise shall provide such other information regarding the settlement as suffices to confirm the debt and settlement.
 - c. If the Commission determines that it is necessary to independently verify the existence or the amount of a settlement made pursuant to Subsection 00.706 C. the gaming enterprise shall allow the Commission to confirm the settlement and its terms and circumstances with the patron to whom the credit was initially extended.
 - d. The gaming enterprise shall include in gross gaming revenue all revenues and the net fair market value of property or services received by the gaming enterprise in payment of credit instruments.

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- e. The gaming enterprise may exclude money received in payment of credit instruments from gross revenue if the gaming enterprise notifies the gaming enterprise in writing within 45 days of the gaming enterprises's discovery of the alleged criminal misappropriation of the money by an agent or employee of the gaming enterprises where the agent, employee, or person was involved in the collection process, and if the gaming enterprises:
 - (1) Files a written report with the appropriate law enforcement agency, other than the Commission, alleging criminal misappropriation of the money and furnishes a copy of such report to the Commission within 45 days of its request; or
 - (2) Files and prosecutes a civil action against the agent, employee, or person for recovery of the misappropriated money and furnishes copies of legal pleading to the Commission within 45 days of its request; or
 - (3) Otherwise demonstrates that the money was in fact criminally misappropriated and not merely retained by a gaming enterprise agent, employee or a person for payment of services or costs.
- f. For accounting purposes, if the gaming enterprise recovers any money previously excluded from gross gaming revenue the gaming enterprise shall treat the money as gross gaming revenue for the month in which the money is recovered.

00.705 STATE GAMING AGENCY

All records provided to the Commission pursuant to this Chapter shall also be provided to the State Gaming Agency.

00.706 ENFORCEABILITY OF CREDIT INSTRUMENTS

- A. Credit instruments accepted by gaming enterprises located within the exterior boundaries of the Reservation are valid and enforceable and may be enforced through legal process in the Community Courts.
- B. Gaming enterprises may accept an incomplete credit instrument signed by a patron which states the amount of the debt numerically and may complete the instruments as necessary for presentation for payment and:
 - 1. May accept a credit instrument dated later than the date of its execution if that later date is furnished at the time of the execution of the credit instrument by the patron.
 - 2. May not accept a credit instrument which is complete and cannot lawfully be completed to comply with the requirements of the laws of the State governing negotiable instruments.
 - 3. May accept a credit instrument that is payable to an affiliated company or any complete a credit instrument in the name of an affiliated company as payee if the credit instrument otherwise complies with this Subsection and the records of the affiliated

00.706 ENFORCEABILITY OF CREDIT INSTRUMENTS (con't.)

company pertaining to the credit instrument are made available to agents of the Commission upon request.

4. May accept a credit instrument either before, at the time of, or after the patron incurs the debt. The credit instrument and the debt that the credit instrument represents are enforceable without regard to whether the credit instrument was accepted before, at the time of, or after the debt is incurred.
5. This Section shall not prohibit the establishment of an account by a deposit of cash, recognized traveler's check, or any other instrument equivalent to cash.
6. If a credit instrument is lost or destroyed, the debt represented by the credit instrument may be enforced by the gaming enterprises or gaming enterprise management if the existence of the credit instrument can be proven.
7. A patron's claim of having a mental or behavioral disorder involving gambling:
 - a. Shall not be a defense in any action by the gaming enterprises or a person acting on behalf of the gaming enterprises to enforce a credit instrument or the debt that the credit instrument represents; or
 - b. Shall not be a valid counterclaim to such an action.
8. The failure of the gaming enterprises to comply with the provisions of this Section or the regulations does not invalidate a credit instrument or affect the ability to enforce the credit instrument or the debt that the credit instrument represents.

CHAPTER 8 - CLASS I GAMING

00.801 Until such time as the Community Council shall otherwise determine, the Commission is not empowered to take any action to control or regulate Class I gaming activities.

00.802 CLASS I GAMES EXEMPT FROM PROVISIONS OF THIS TITLE

Notwithstanding the provisions of this Title, a nonprofit organization may conduct or operate small bingo games within the exterior boundaries of the Reservation subject to the following restrictions:

- A. The nonprofit organization shall maintain its not-for-profit status and no member, director, officer, employee or agent thereof may receive any direct or indirect pecuniary benefit other than the ability to participate in the games on a basis equal to all other participants.
- B. The nonprofit organization shall have been in existence continuously on the Reservation for at least a two (2) year period immediately prior to the conduct of a small bingo game.

00.802 CLASS I GAMES EXEMPT FROM PROVISIONS OF THIS TITLE (con't.)

- C. No person except a *bona fide* member of the nonprofit organization and an enrolled member in the Community or resident of the Reservation may participate directly or indirectly in the conduct or supervision of a Class I game.
- D. Except as otherwise provided by this Section a prize greater in amount or value than \$1,000 shall not be offered or given away in any single game of bingo and total prizes shall not exceed an amount or value greater than \$3,000 for any occasion or the game shall be a Class II game subject to authority of the Commission. Door prizes, discounts or other inducements with a value exceeding \$50 per occasion shall not be given away.
- E. Upon special application by the nonprofit organization to the Commission, the Commission may, in its discretion authorize one special bonus game to be played at weekly consecutive occasions with a quarterly prize limit of \$12,000. A weekly consecutive occasion shall be an occasion played on the same day of each week during the quarter. The special bonus game may be played at each weekly consecutive occasion subject to rules to be promulgated by the Commission. The special bonus game is not subject to the prize limits set forth in the Section D., above.
- F. A nonprofit organization regulated in Class II gaming shall not conduct or operate more than three (3) occasions of bingo during any calendar week. On any occasion at which bingo games are played they shall not exceed 35 in number in any day.
- G. A separate License shall be required for each place, facility or location at which Class II gaming is conducted.
- H. Public Law 100-497 mandates that tribal licensing requirements to conduct Class II gaming be at least as restrictive as those established by State Law governing similar gaming within the jurisdiction of the State within which such Indian lands are located. Arizona Revised Statutes, Title 5, Chapter 4, and Arizona Administrative Code, Chapter 7, Department of Revenue Bingo Section although not applicable to the Community shall be referred to as a guideline to carry out the Commission's responsibilities under this Section.

CHAPTER 9 - CRIMES AND LIABILITIES CONCERNING GAMING

00.901 FRAUDULENT ACTS

- A. It shall be unlawful for any person:
1. To alter or misrepresent the outcome of a game or other event on which wages have been made after the outcome is arrived at but before it is revealed to the players;
 2. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet;
 3. To aid anyone in the acquisition of such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;

00.901 FRAUDULENT ACTS (con't.)

4. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or a gaming enterprise, with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
5. To knowingly entice or induce another to participate in a gaming conducted or operated in violation of the provisions of this Title with the intent that the other person play or participate in that gambling game;
6. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets;
7. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or the event which is the subject of the bet, including pinching bets; or
8. To manipulate, with the intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge of that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

00.902 USE OF DEVICE FOR CALCULATING PROBABILITIES

It shall be unlawful for any person patronizing a gaming enterprise located within the exterior boundaries of the Reservation to use, or possess with the intent to use, any device to assist:

- A. In projecting the outcome of the game;
- B. In keeping track of the cards played;
- C. In analyzing the probability of the occurrence of an event relating to the game; or
- D. In analyzing the strategy for playing or betting to be used in the game.

00.903 USE OF COUNTERFEIT OR UNAPPROVED CHIPS OR TOKENS OR UNLAWFUL COINS OR DEVICES; POSSESSION OF CERTAIN DEVICES, EQUIPMENT, PRODUCTS OR MATERIALS

- A. It shall be unlawful for any licensed person, enterprise, employee or other person to use counterfeit chips in a game regulated pursuant to this Title.
- B. It shall be unlawful for any person, playing or using any game regulated pursuant to this Title which is designed to be played with, received or operated using chips or tokens approved by the Commission or by lawful coin of the United States:
 1. To knowingly use chips or tokens other than those approved by the Commission or lawful coin, legal tender of the United States, or to use coin not of the same denomination as the coin intended to be used in that gambling game; or

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2. To use any device or means to violate the provisions of the Compact or this Title.
- C. It shall be unlawful for any person, not a duly authorized employee of a gaming enterprise located within the exterior boundaries of the Reservation acting in furtherance of his or her employment with the gaming enterprise, to have on his or her person or in his or her possession on or off the premises any device intended to be used to violate the provisions of this Title or the Compact.
- D. It shall be unlawful for any person, not a duly authorized employee of the gaming enterprise acting in furtherance of his or her employment within the Gaming Facility, to have on his or her person or in his or her possession on or off the premises any key or device demonstrated to have been designed for the purpose of and suitable for opening, entering or effecting the operation of any game regulated pursuant to this Title, drop box or any electronic or mechanical device connected thereto or for moving money or other contents therefrom.
- E. It shall be unlawful for any person to have on his or her person or in his or her possession any paraphernalia for manufacturing slugs.
- F. Possession paraphernalia for manufacturing slugs which includes possession of more than one device, piece of equipment, product or material described in this Section shall permit, in any action against the possessor resulting from such possession, a rebuttable inference that the possessor thereof intended to use them for the purpose of cheating.

00.904 CHEATING

It shall be unlawful for any person, whether he or she is an employee of the gaming enterprise or a patron thereof to cheat at any game regulated pursuant to this Title.

00.905 UNLAWFUL MANUFACTURE, SALE, DISTRIBUTION, MARKING, ALTERING OR MODIFICATION OF EQUIPMENT AND DEVICES ASSOCIATED WITH GAMING; UNLAWFUL INSTRUCTION

- A. It shall be unlawful to manufacture, sell or distribute any cards, chips, dice, game or device intended to be used to violate any provision of this Title or the Compact.
- B. It shall be unlawful to mark, alter or otherwise modify any gaming equipment or gaming device, as defined in the Compact, in a manner that:
 1. Affects the result of a wager by determining win or loss; or
 2. Alters the normal criteria of random selection affecting the operation of a game or which determines the outcome of a game.
- C. It shall be unlawful for any person to instruct another in cheating or in the use of any device for that purpose, with the knowledge or intent that the information or its use so conveyed may be employed to violate any provision of this Title or the Compact.

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00.906 PENALTIES

- A. Any person who violates any provision of this Chapter shall be punished to the maximum extent allowable by Community, federal and state law.
- B. Any person or persons who attempts, or two or more persons who conspire, to violate any provision of this Title, shall each be punished by imposing the penalty provided in A. of this Section for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

00.907 UNLAWFUL DISSEMINATION OF INFORMATION CONCERNING RACING; EXEMPTIONS; PENALTY

- A. It shall be unlawful for any person to furnish or disseminate any information in regard to racing or races, from any point within the State to any point outside the State, by telephone, telegraph, teletype, radio or any signaling devices, with the intention that the information is to be used to induce betting or wagering on the result of the race or races, or with the intention that the information is to be used to decide the result of any bet or wager made upon the race or races.
- B. This Section does not prohibit:
 1. A newspaper of general circulation from printing and disseminating news concerning races that are to be run or the results of races that have been run; or
 2. The furnishing or dissemination of information concerning wagers made in an off-track pari-mutuel system of wagering authorized under this Title or the Compact.

00.908 DETENTION AND QUESTIONING OF PERSONS SUSPECTED OF VIOLATING CHAPTER; LIMITATIONS ON LIABILITY; POSTING OF NOTICE

- A. Authorities who question any person in the gaming enterprise suspected of violating any of the provisions of this Title or the Compact or this Chapter shall not be criminally or civilly liable:
 1. On account of any such questioning; or
 2. For reporting to the Commission, the State Gaming Agency, federal or state regulatory authorities, or law enforcement authorities the identity of the person suspected of the violation.
- B. Any regulatory or law enforcement authorities who have probable cause for believing that there has been a violation of this Title in a gaming enterprise located within the exterior boundaries of the Reservation by any person may take that person into custody and detention in the gaming enterprise in a reasonable manner and for a reasonable length of time.
- C. Such taking into custody and detention shall not render the Authority criminally or civilly liable unless it is established by clear and convincing evidence that the custody and detention were unreasonable under all the circumstances.

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00.908 DETENTION AND QUESTIONING OF PERSONS (con't.)

- D. There must be displayed in a conspicuous place in the gaming enterprise a notice in boldface type which is clearly legible and in substantially this form:

<p><i>Agents of the Gila River Gaming Commission or the State Gaming Agency, or any Authority who has probable cause for believing that a person has violated any provision of the Gila River Indian Community Gaming Ordinance Title __, Chapter Nine prohibiting cheating in gaming may detain that person in the Gaming Facility.</i></p>
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00.909 DISPOSITION OF EVIDENCE SEIZED BY AGENT OF THE TRIBAL GAMING AGENCY OR THE STATE GAMING AGENCY

- A. After the final adjudication of a complaint involving a violation of this Title or the Compact, or of any other complaint involving the seizure of evidence by an agent of the Commission or the State Gaming Agency, a court of competent jurisdiction may enter an appropriate order disposing of all physical evidence pertaining to the complaint, whether or not the evidence was introduced as an exhibit.
- B. Except as otherwise provided herein, evidence seized by an agent of the Commission or the State Gaming Agency related to the investigation which does not result in a complaint charging a violation of the law and evidence for which an order of disposition is not entered pursuant hereto must be disposed of as follows:
1. The Commission shall notify by certified mail each potential claimant of the evidence that he or she has thirty (30) days following receipt of notice within which to file a written claim with the Commission for return of the evidence.
 2. If more than one person files a claim for the evidence:
 - a. The claimants may agree among themselves as to how they wish to divide the evidence, subject to approval of the Commission;
 - b. The claimants may agree to submit the matter to binding arbitration or any claimant may institute legal proceedings before the Community Court to determine the proper disposition of the evidence. The Commission shall return the evidence to the claimants in accordance with any agreement approved by the Commission, final judgment or award made pursuant to the provisions of this Section.
- C. A person to whom property is returned by the Commission pursuant to this Section shall execute such documents as are required by the Commission to defend, hold harmless, indemnify and release the Commission from any liability arising from the delivery of the property to the claimant.
- D. If no claim is submitted, the Commission shall deposit all money with the Community and may use all other property for any lawful purpose. The Commission may dispose of any property which cannot be used for any lawful purpose in any reasonable manner.

00.909 DISPOSITION OF EVIDENCE SEIZED BY AGENT (con't.)

- E. Evidence which constitutes a device for cheating may not be returned to a claimant and must be retained by the Commission and the State Gaming Agency. The Commission and the State Gaming Agency shall periodically destroy such devices in any reasonable manner.

CHAPTER 10 - JURISDICTION; STANDARD OF REVIEW

00.1001 JURISDICTION IN THE COMMUNITY COURT

- A. The Community Court shall have original and exclusive jurisdiction to consider and resolve appeals of Commission decisions to suspend or revoke a license.
1. The Community Court shall affirm the order of the Commission unless such order:
- a. was entered in violation of the due process rights of the appellant;
 - b. was arbitrary or capricious; or
 - c. was otherwise in contravention of law.
- B. If any factor contained in 00.1001 A., immediately above, is present, the Community Court may reverse, vacate, or modify the order of the Commission.
- C. In appeals of suspension and revocation orders of the Commission, the Community Court shall consider only such evidence as appears in records of the Commission and Commission hearing transcripts available at the time of its decision.

00.1002 COMMUNITY COURT JURISDICTION

- A. The Community Court shall have jurisdiction over any matter brought to enforce the provisions of this Title and civil jurisdiction over all persons subject to the provisions of this Title and criminal jurisdiction over all members of federally-recognized tribes.
- B. In addition to civil and criminal penalties available hereunder, the Community Court may grant such other legal and equitable relief as is necessary and proper for the enforcement of the provisions of this Title, including but not limited to injunctive relief against acts committed in violation hereof. Nothing in this Title, however, shall be construed to authorize or require the exercise of criminal jurisdiction over non-Indians except to the extent authorized by any applicable present or future Act of Congress or any applicable federal court decision.

00.1003 VIOLATIONS; JURISDICTION; ENFORCEMENT OF SUBPOENAS

- A. Any person found in the Community Court to have violated any provision of this Title, shall be liable for civil penalties equal to actual damages, except that a person who commits an intentional or willful violation of any provision herein shall be liable for punitive damages, which shall be assessed in an amount not to exceed three times actual damages or \$1,000, whichever is amount is greater.

December 15, 1993

January 19, 1994

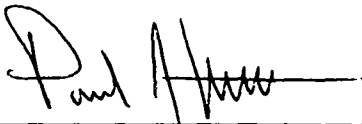
00.1003 VIOLATIONS; JURISDICTION; ENFORCEMENT OF SUBPOENAS (con't.)

- B. Any person convicted in the Community Court to have violated any provision of this Title, shall be guilty of a criminal offense punishable by a fine not to exceed \$5,000, or by imprisonment in the Community jail not to exceed one (1) year, or both.

00.1004 ENFORCEMENT OF COMMISSION SUBPOENAS

- A. The Executive Director may apply to the Community Court for an order returnable in not less than five (5) nor more than ten (10) days directing the person to show cause why he or she should not comply with such subpoena in the event:
1. A person subpoenaed to appear before the Commission, to produce books, accounts, records, or other documents in any investigation or hearing conducted by the Commission fails to obey the command of the subpoena without reasonable cause; or
 2. A person in attendance at any hearing or investigation refuses, without lawful cause, to be examined, to answer any legal and pertinent question, or to exhibit any book, account, record, or other document when ordered to do so by the Commission.
- B. No person shall be excused from testifying or producing any book, account, records or other documents as directed through a subpoena of the Commission on the ground that such testimony or documentary evidence may tend to incriminate himself or herself if the Commission or the General Counsel agree in writing that such person shall not be prosecuted, punished, or subjected to any penalty or forfeiture resulting from such testimony or production of documents. No person, however, shall be exempt from prosecution or punishment for any act of perjury committed in the course of testimony presented under a grant of immunity under this Subsection.

APPROVED: FEB 02 1994



 Superintendent, Pima Agency