



April 30, 2010

Johnny Hernandez, Chariman  
Iipay Nation of Santa Ysabel  
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Santa Ysabel, CA 92070  
Fax: (760) 765-0320

RE: Gaming ordinance, approval

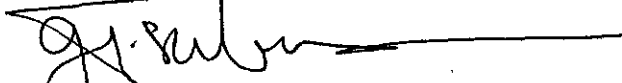
Dear Chairman Hernandez:

On March 29, 2010, the National Indian Gaming Commission received the Iipay Nation of Santa Ysabel Gaming Ordinance which was authorized by LB 05-09. This ordinance authorizes and regulates the terms and conditions under which gaming may be conducted within the boundaries of the Santa Ysabel Indian Reservation.

This letter constitutes approval of that ordinance. Nothing therein conflicts with IGRA's requirements or the NIGC's regulations.

Thank you, and if you have any questions, please feel free to contact Staff Attorney Heather McMillan Nakai at (202) 632-7003.

Sincerely,



George T. Skibine  
Acting Chairman

FIRST LEGISLATURE OF THE  
IIPAY NATION OF SANTA YSABEL  
1st Legislative Session

1647 28 2010

**BILL**

To Enact a Gaming Ordinance to authorize and regulate the terms and conditions under which gaming may be conducted within the boundaries of the Santa Ysabel Indian Reservation.

**BILL NO:** LB 05-09  
**DATE INTRODUCED:** 9/16/2009  
**SPONSORING LEGISLATOR(S):** ALL LEGISLATORS

**SUBJECT:** Gaming Ordinance

**IIPAY NATION OF SANTA YSABEL GAMING ORDINANCE**

**ARTICLE I - TITLE.**

1.01. Title. This law shall be referred to as the "Iipay Nation of Santa Ysabel Gaming Ordinance".

**ARTICLE II - FINDINGS.**

2.01. Findings. The Legislature finds:

- (a) The Nation possesses inherent sovereign powers of government, tribal members; including the power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Iipay Nation of Santa Ysabel and its
- (b) The Iipay Nation of Santa Ysabel ("Nation") owns and operates the Santa Ysabel Resort and Casino ("Casino") within the Territory of the Nation; and
- (c) A valid Gaming Ordinance is a prerequisite to the legal operation of the Casino.

**ARTICLE III - PURPOSE.**

3.01. Purpose. The purpose of this Ordinance is to authorize and regulate the terms and conditions under which gaming may be conducted within the boundaries of the Santa Ysabel Indian Reservation.

**ARTICLE IV - ENACTMENT OF THE SANTA YSABEL GAMING ORDINANCE.**

4.01. Enactment.

- (a) The Legislature hereby enacts the attached document entitled the "Iipay Nation of Santa Ysabel Gaming Ordinance".



(b). All acts, laws or customs and traditions in conflict with this Law are hereby repealed.

**ARTICLE V - SEVERABILITY**

5.01. Severability. If any provision of the Lipay Nation of Santa Ysabel Gaming Ordinance is held to be void, invalid, or unenforceable, it shall be considered deleted and the invalidity of such provision shall not affect the validity or enforceability of any other provision which shall be given effect in the absence of the invalid provision. The remaining provisions shall continue in full force and effect without being invalidated.

SO ENACTED this 273rd day of 2009, by the Legislature of the Lipay Nation in the 1st Session, by a vote of 6 FOR, 0 AGAINST, AND 0 ABSTAINING as follows:

		FOR	AGAINST	ABSTAIN	NOT PRESENT
Donna Devine	Legislative Speaker	1			
Jeff Artis	Legislator	1			
Sunni Dominguez	Legislator	1			
Paul Gonzalez	Legislator	1			
Clinton Linton	Legislator	1			
Ben Linton	Legislator	1			
Allison Linton	Legislator				1

**LEGISLATIVE HISTORY**

Date of Formal Introduction	9/16/2009
Date of Reading into the Legislative Record	9/23/2009
Date of Publication into the Legislative Calendar	12/10/2009
Date of Legislative Hearing	1/20/2009
Date of Approval by the Legislature	2/17/2010
Date of the Chairman's Signature	2/18/2010 <i>4/5 m/l</i>
Date of Chairman's Veto	
Date of the Legislature's Veto Override	
Deadline of Receipt of Verified Petition to GC	
Date of Receipt of Verified Petition	
Date of General Council Repeal	

# IIPAY NATION OF SANTA YSABEL

## GAMING ORDINANCE

MAR 29 2010

### I. Purpose

The Iipay Nation of Santa Ysabel, acting pursuant to Tribal law in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Iipay Nation of Santa Ysabel and its tribal members, hereby ordains and establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which gaming may be conducted within the boundaries of the Santa Ysabel Indian Reservation.

### II. Definitions

A. "Class II Gaming" means such gaming as defined in the Indian Gaming Regulatory Act, 25 U.S.C. § 2703 (7) ("IGRA") and by regulations lawfully promulgated by the National Indian Gaming Commission ("NIGC") that now or hereafter may be in effect is hereby authorized.

B. "Class III Gaming" means such gaming as defined in IGRA, 25 U.S.C. Section 2703(8) and by regulations promulgated by the NIGC that now or hereafter may be in effect is hereby authorized provided such gaming is also authorized by and consistent with a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect or otherwise has been authorized by the Secretary of the Interior or federal law.

C. "Executive Branch" means the Executive Branch of the Tribe's government under the Constitution of the Iipay Nation of Santa Ysabel. Also includes and may refer to the "Tribal Chairman."

D. "Gaming Commission" means the Santa Ysabel Gaming Commission established under the Ordinance. Also referred to as "Commission."

E. "Gaming operation" means the business operation that is authorized by the Tribe to conduct gaming activities on the Santa Ysabel Reservation. Also referred to as "tribal gaming operation."

F. "Gaming Facility" means the building or structure in which tribal gaming activities are conducted.

G. "Gaming Vendor" means vendors who provide gaming supplies and services, including cash-related services.

H. "Key employee" means

1. a person who performs one or more of the following functions:
  - a. Bingo Caller;
  - b. Counting Room Supervisor;
  - c. Chief of Security;
  - d. Custodian of gaming supplies or cash;
  - e. Floor Manager;
  - f. Pit Boss;
  - g. Dealer;
  - h. Croupier;
  - i. Approver of Credit; or
  - j. Custodian of gambling devices including persons with access to cash and accounting records within such devices;
2. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
3. If not otherwise included, the four (4) most highly compensated persons in the gaming operation; or
4. Any other person designated by the Tribe as a key employee.

I. "Legislative Branch" means the Legislative Branch of the Tribe's government under the Constitution of the Iipay Nation of Santa Ysabel. Also referred to as the "Legislature."

J. "License" means any official, legal and revocable privilege issued by the Gaming Commission pursuant to the Ordinance and regulations.

K. "NIGC" means the National Indian Gaming Commission.

L. "Ordinance" means the Iipay Nation of Santa Ysabel Gaming Ordinance.

M. "Per Capita Payment" means the distribution of money or other thing of value to all members of the Tribe, or to identified group of members, which is paid directly from the net revenues of any tribal gaming activity.

N. "Primary management official" means

1. The person having management responsibility for a management contract:
2. Any person who has authority;
  - a. To hire and fire employees; or
  - b. To set up working policy for the gaming operation; or
3. The chief financial officer or other person who has financial management responsibility; or
4. Any other person designated by the Tribe as a primary management official.

O. "Tribal Lands" means the land of the Iipay Nation of Santa Ysabel and is also referred to as the "Santa Ysabel Indian Reservation."

P. "Tribal-State Compact" means the Tribal-State Compact between the Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, a federally recognized Indian Tribe, and the State of California regarding Class III gaming on the Santa Ysabel Reservation. Also referred to as "Compact."

Q. "Tribe" means the Iipay Nation of Santa Ysabel.

### III. Gaming Authorized

A. Class II and Class III gaming are hereby authorized on the lands of the Iipay Nation of Santa Ysabel.

B. All authorized gaming on the lands of the Iipay Nation of Santa Ysabel shall be conducted in accordance with applicable federal and tribal laws and regulations and the requirements of the Tribal-State Compact.

### IV. Ownership of Gaming Operations

The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation, gaming facilities and gaming enterprises authorized by this Ordinance.

**V. Use of Gaming Revenue**

A. Except as specifically authorized pursuant to Subsection B of this Section, net revenues from tribal gaming shall be used only for the following purposes:

1. to fund Tribal government operations and programs;
2. provide for the general welfare of the Tribe and its members;
3. promote Tribal economic development;
4. donate to charitable organizations; or
5. help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments to tribal members from revenues derived from its gaming operations, it shall authorize such payments only in conformity with a plan submitted to and approved by the Secretary of the Interior pursuant to 25 U.S.C. §2710(b)(3) and 25 CFR Part 290. The Tribe shall ensure that the interests of minors and other legally incompetent persons who are entitled to receive any per capita payments under a Tribal per capita payment plan are protected and preserved, and that the per capita payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the health, education, or welfare of the minor or legally incompetent person, under a plan approved by the Legislative Branch of the Tribe and the Secretary of the Interior. The Tribe shall establish criteria and process for withdrawal of funds by the parent or legal guardian.

**VI. Audit**

A. The Tribe shall cause to be conducted at least annually an independent audit of all gaming operations and shall submit the resulting audit reports to the NIGC and to such other agencies as may be required by the terms and conditions of the Tribal-State Compact.

B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A. above.

**VII. Protection of the Environment and Public Health and Safety**

Gaming facilities shall be constructed maintained and operated in a manner that adequately protects the environment and the public health and safety. The Tribe shall adopt such standards that assure adequate protection of the environment and the public health and safety.

## VIII. Licensing

A. Generally A gaming license is a revocable privilege and no holder of a tribal gaming license shall be deemed to have acquired any vested right or property interest as a result of the license. The burden of proving qualifications to hold any license rests at all times on the licensee or applicant. Application for a license pursuant to this Ordinance and acceptance of a gaming license or renewal constitutes an agreement on the part of a licensee to be bound by the tribal gaming laws and regulation, applicable federal law and regulations and the Tribal-State Compact.

### B. Gaming Employee Licenses

1. Employees of Class II and Class III Gaming. Every primary management official and every key employee of any Class II or Class III gaming activity subject to this Ordinance shall possess a current, valid gaming employee license.

2. Other Employees Required to be Licensed. Such other employees of the gaming operation or gaming facility, other than those employees identified in B.1. of this section, whom the Gaming Commission may deem as requiring a gaming license, shall be required to possess a current, valid gaming license.

3. License Required. No employee may employed by the gaming operation who does not have a license after ninety (90) days or has not been issued a temporary license pending their background investigation and license suitability determination.

### C. Employee Application Forms

1. Form All applicants for primary management official and key employee positions, and applicants for such other positions as deemed necessary for licensure by the Gaming Commission, shall submit an application to the Gaming Commission on such form and in such manner as the Gaming Commission may require.

#### 2. Privacy Notice

a. The license application shall also include or be accompanied by a Privacy Act Notice in accordance with 25 C.F.R. §556.2 to be signed by persons applying for a gaming license.



b. The Gaming Commission shall also require existing primary management officials, key employees, and such other employees as designated by the Gaming Commission, to either complete a new application that contains a Privacy Act Notice or sign a statement that contains the Privacy Act Notice and consent to the routine uses described in that Notice.

3. Notice Regarding False Statements.

a. The license application shall also include or be accompanied by a notice regarding false statements in accordance with 25 C.F.R. 556.3 to be signed by persons applying for a gaming license.

b. The Gaming Commission shall also require existing primary management officials, key employees, and such other employees as designated by the Gaming Commission, to either complete a new application that contains a Notice regarding False Statements or sign a statement that contains the Notice of False Statements.

4. License Application Fee. The Gaming Commission may require a non-refundable license application fee be submitted with any application. Such fees may be used to cover the Gaming Commission's expenses in investigating and licensing employees.

D. Background Investigations

1. The Gaming Commission shall request from each primary management official and from each key employee all of the following information:

a. Full name, other names used (oral or written), Social Security number, birth date, place of birth, citizenship, gender, all languages spoken or written;

b. Currently and for the previous five (5) years: all business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license number(s);

c. The names and current addresses of at least three (3) personal references, including one (1) personal reference who was acquainted with the applicant during each period of residence listed under paragraph 1.b. of this Subsection;

- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships or arrangements with the Iipay Nation of Santa Ysabel, or any other Indian Tribe, including ownership interests in those businesses, and including the name of the tribe involved and the name and address of a person who can attest to the accuracy of the information provided;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of every licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- i. For each misdemeanor conviction or ongoing 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;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph 1.h. or 1.i. of this Subsection, the criminal charge, the name and address of the court involved and the date and disposition;
- k. The name and address of each licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Gaming Commission may deem relevant under the circumstances.

2. As part of the license application procedure, each applicant for a key employee or primary management official position, and such other positions as deemed necessary by the Gaming Commission, shall have fingerprints taken in accordance with procedures adopted by the Gaming Commission consistent with 25 CFR §522.2(h). Fingerprints shall be taken by the San Diego County Sheriff's Department or other local police agency. The fingerprint cards shall be forwarded to the NIGC for processing through the FBI and NCIC, pursuant to a Memorandum of Understanding between the Tribe and the NIGC, to determine the applicant's criminal history, if any.

a. If the applicant lived outside the United States for more than six (6) months during the preceding ten (10) years the Gaming Commission shall also submit the applicant's vital information to INTERPOL and request an international criminal history report for the applicant.

3. The Gaming Commission shall conduct an investigation sufficient to make a determination under Subsection E. below. In conducting a background investigation, the Gaming Commission or its agent(s) shall:

a. ensure that all records and information obtained as a result of the background investigation shall remain confidential and shall not be disclosed to persons who are not directly involved in the licensing process. This restriction does not apply to request for information or records from any duly authorized tribal, federal or state law enforcement or regulatory agency, or for the use of such information or records by the Gaming Commission and staff in performance of their official duties;

b. keep confidential the identity of each person interviewed in the course of the investigation.

E. Suitability Determination The Gaming Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the suitability of a key employee, primary management official or other individual for granting of a gaming license. If the Gaming Commission determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Gaming Commission shall not license that person in a key employee or primary management official position or such other position requiring a gaming license.

F. Procedures for Forwarding Applications and Investigative Reports for Key Employees and Primary Management Officials to the NIGC

1. When a key employee or primary management official begins work at a tribal gaming operation, the Gaming Commission shall forward to the NIGC a completed application for employment and conduct the background investigation and make the determination referred to in Subsection E of this Section.
2. The Gaming Commission shall forward the investigative report referred to in Subsection G of this Section to the NIGC within sixty (60) days after an employee begins work.
3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after ninety (90) days.

G. Investigative Report to the NIGC

1. Pursuant to the procedures set out in Subsection D of this Section, the Gaming Commission shall prepare and forward an investigative report on each background investigation to the NIGC. An investigative report shall include all of the following:
  - a. Steps taken in conducting the background investigation;
  - b. Results obtained;
  - c. Conclusions reached; and
  - d. The basis for those conclusions.
2. The Gaming Commission shall submit with the investigative report a copy of the suitability determination made under Subsection E of this Section.
3. If a license is not issued to an applicant, the Gaming Commission:
  - a. shall notify the NIGC; and
  - b. may forward copies of its suitability determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.
4. With respect to key employees and primary management officials, the Gaming Commission shall retain applications for employment and investigative reports (if any) of background investigations for inspection by the Chairman of



the NIGC for no less than three (3) years from the date of termination or denial of employment.

H. Granting a Gaming License

1. If within thirty (30) days after the NIGC receives an investigative report, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a license to the individual who is the subject of the investigative report, the Gaming Commission may issue a license to such applicant.

2. The Gaming Commission shall respond to a request for additional information from the NIGC concerning a key employee or a primary management official who is the subject of an investigative report. Such a request shall suspend the thirty (30) day period under Subsection H.1. of this Section until the NIGC receives the additional information.

3. If, within the thirty (30) day period described above, the NIGC provides the Gaming Commission with a statement itemizing its objection(s) to the issuance of a license to a key employee or a primary management official for whom the Gaming Commission an application and investigative report, Gaming Commission shall reconsider the application taking into account the objection(s) itemized by the NIGC. The Gaming Commission shall make the final decision whether to issue a license to such applicant.

I. Conditional License

1. The Gaming Commission, in its discretion, may issue a license with conditions or impose conditions on an existing license. Such conditions shall be specific to allow proper monitoring by the Gaming Commission to ensure the licensee is complying with the conditions imposed by the Gaming Commission. Failure of the licensee to comply with the conditions may result in immediate suspension or revocation of the license, depending upon the facts surrounding the failure to comply.

2. If the Gaming Commission issues a conditional license or imposes conditions on an existing license, the Gaming Commission shall give the licensee written notice specifying the grounds for the conditions and that the licensee's continued licensure is contingent upon compliance with the imposed conditions.

J. License Suspension

1. The Gaming Commission may suspend a gaming license for a specified period, after notice an opportunity for a hearing, upon a determination that a temporary suspension is warranted or that a licensee is unsuitable for continued licensure based on reliable information from any source, including, but not limited to the NIGC.
2. If the Gaming Commission determines that immediate temporary suspension of the gaming license is necessary based upon the facts before it, the Gaming Commission may immediately suspend the license and give notice to the licensee of the immediate suspension and an opportunity for a hearing.
3. In some instances of a serious nature, the Gaming Commission may determine that suspension is a preliminary step toward revocation and take actions toward revoking the license.

K. License Revocation

1. The Gaming Commission may revoke a gaming license, after notice an opportunity for a hearing, upon a determination that a licensee is unsuitable for continued licensing based on reliable information from any source, including, but not limited to the NIGC.
2. If the Gaming Commission determines that immediate revocation of a license is necessary based upon the facts before it, the Gaming Commission may immediately revoke the license and is not required to suspend the license prior to taking any revocation action. The Gaming Commission shall provide notice of the immediate revocation to the licensee and an opportunity for a hearing.
3. The Gaming Commission shall notify the NIGC of its decision.

IX. Licensing of Gaming Facilities and Locations

A separate license shall be required for each place, facility or location on the Santa Ysabel Reservation where Class II and/or Class III gaming is conducted under this Ordinance.

X. Licensing of Gaming Vendors and Other Entities

A. The Gaming Commission shall require the following to be licensed in order to transact business with the gaming operation:

1. any person or entity that supplies or proposes to supply any goods or services provided or used in connection with gaming activities with a value of \$25,000 or more in any twelve (12) month period;
2. any person or entity that supplies gaming devices;
3. any person or entity doing business or proposing to do business with the gaming operation that the Gaming Commission deems necessary, including a non-gaming vendor.

B. The Gaming Commission shall develop a vendor application form that shall request such information, including but not limited to financial records, sufficient to allow the Commission or its agent to conduct a background investigation and make a suitability determination for issuing a vendor license.

C. The Gaming Commission reserves the right to require non-gaming related vendors to register with the Gaming Commission.

D. The Gaming Commission shall develop such regulations as deemed necessary to effect the licensing and registration of vendors under this section.

#### **XI. Santa Ysabel Gaming Commission**

A. The Tribe hereby establishes the Santa Ysabel Gaming Commission, which shall serve as the Tribe's regulatory agency with sole responsibility to monitor and regulate all gaming authorized under this Ordinance. The purpose the Gaming Commission is regulatory, not managerial.

B. The Gaming Commission shall consist of at least one (1) Commissioner but no more than three (3) Commissioners, with at least one of whom would qualify for licensing under this Ordinance. There shall be a Chairperson of the Gaming Commission, who shall be appointed for a term of two (2) years. The remaining members of the Commission shall be appointed for terms of one (1) year. The members of the Gaming Commission shall be appointed by the Tribe's Chairman, subject to the confirmation by the Legislature. None of the Commissioners shall be employees of the gaming operation, members of the Tribe's enterprise boards, or members of the Legislature.

1. The Gaming Commissioners shall be compensated at a level determined by the Executive Branch.

C. The Commission shall prepare an annual operating budget for all Commission activities, including personnel, and present it to the Executive Branch for approval.

1. Subject to the approval of the Executive Branch and the appropriation of funds therefore, the Gaming Commission shall be authorized to employ such staff as reasonably may be required to fulfill its responsibilities under this Ordinance. Compensation of Commission employees shall be limited to that which is comparable to compensation paid to persons performing similar duties in other governmental gaming regulatory agencies.

D. A majority of the Commissioners shall constitute a quorum for the transaction of business. However, the Commission may act in its official capacity even if there are vacancies on the Commission.

E. Vacancies and Removal of Commissioners.

1. Vacancies. If a Commissioner becomes disabled or is unable to perform in the capacity of a Commissioner, or resigns before the expiration of his or her term, the Tribal Chairman shall select a successor, subject to confirmation by the Legislature, to serve for the balance of the term. In the case of resignation, a Commissioner shall continue in office until his or her successor has been selected and confirmed.

2. Removal. A Commissioner may be removed by the Legislature for the good cause only and upon an affirmative vote of at least four (4) members of the Legislature. The following are examples of good cause for removal: neglect of duty, malfeasance, misconduct in office or any conduct which threatens the honesty and integrity of the Gaming Commission, renders a Commissioner unqualified for his or her position, or otherwise violates this Ordinance. No Commissioner may be removed without notice and an opportunity for a hearing before the Legislature upon at least ten (10) days prior before the scheduled hearing. Such notice shall also state the specific reason(s) for the removal action. The Commission member shall have the right to hear and present evidence concerning his or her removal. The Commission member may request that the hearing may be held in executive session. The Legislature may also elect to elect to receive in executive session any evidence public disclosure of which might compromise any on-going law-enforcement investigation, or which might jeopardize any privilege or immunity possessed by the Tribe. The decision of the Legislature on the removal of the Commissioner shall be final.



3. Immediate Suspension. If the Legislature determines that immediate suspension of a Commissioner is necessary to protect the interests of the Tribe, the Legislature may hold a hearing with the Commissioner to suspend the Commissioner temporarily, and the question of permanent removal shall be determined thereafter pursuant to the hearing procedures in section E.2.

F. Authority and Responsibility In furtherance of, but not in limitation of, the Gaming Commission's purposes and responsibilities, the Gaming Commission shall have the authority and responsibility to do the following:

1. Inspect, monitor and regulate all gaming activities on tribal lands authorized by this Ordinance.
2. Perform the regulatory functions and responsibilities required of the Tribe and the Gaming Commission, as the tribal gaming regulatory agency, under the IGRA, NIGC regulations, federal and tribal laws and regulations, and the Tribal-State Compact, and ensure compliance with the same.
3. Enforce and administer the provisions of this Ordinance and any regulations promulgated by the Gaming Commission.
4. Investigate any reported or discovered violations of this Ordinance, the IGRA, NIGC regulations, federal or tribal law or regulations or the Tribal-State Compact regarding gaming within the jurisdiction of the Tribe.
5. Have immediate and unrestricted access to all areas of the gaming facility during all hours of gaming activities, including the books and records of the gaming operation, to carry out the Gaming Commission's regulatory functions.
6. Develop procedures and any supplementary criteria for licensing for all persons, entities or gaming facilities required to be licensed under the IGRA, NIGC regulations, tribal laws and regulations, and the Tribal-State Compact.
7. Issue or renew tribal gaming licenses for employees, vendors and gaming facilities.
8. Conduct background investigations and render suitability determinations for individuals or entities required to obtain a gaming license.
9. Revoke, suspend or condition a gaming license for violations of IGRA, NIGC regulations, tribal laws and regulations, and the Tribal-State Compact.

10. Conduct hearings as provided for in this Ordinance and regulations promulgated by the Gaming Commission.
11. Inspect and examine any Tribal gaming facility constructed, maintained, and operated on tribal lands to determine compliance with applicable requirements as to the environment, public health and safety.
12. Establish or approve minimum internal control standards (MICS) for the gaming operation.
13. Establish and collect license application fees to cover the costs for investigation and licensing and fulfilling its regulatory responsibilities. All such fees shall be collected by Gaming Commission and used for the purposes enumerated in this Subsection.
14. Levy and collect penalties and fines that may be provided for in this Ordinance and regulations promulgated by the Gaming Commission.
15. Establish or approve the gaming operation's policy and procedure for handling patron disputes.
16. Consult with and make recommendations to the Legislature regarding changes in tribal gaming laws and policies.
17. Take such other actions as the Gaming Commission may deem necessary to fully and properly perform its duties and responsibilities under this Ordinance.

G. Regulations. The Gaming Commission is authorized and directed to adopt regulations as necessary to effectuate the provisions of this Ordinance, other applicable federal and tribal laws and regulations, and the provisions of the Tribal-State Compact. Such regulations shall be promulgated in accordance with legislative due process which includes submission to the Executive Branch and the Legislature for review and comment prior to final approval by the Gaming Commission.

## **XII. Enforcement**

A. Generally. Any person or licensee who is in violation of this Ordinance or any applicable federal, tribal and state law or regulation, or Compact, shall be subject to enforcement action by the Gaming Commission.

B. The Gaming Commission may issue the following types of action against a person or licensee, but is not required to follow any particular succession when taking disciplinary action and may issue more than one type of enforcement action depending on the violation:

1. Conditions Placed on License;
2. Suspension of License;
3. Revocation of License;
4. Civil Penalties;
5. Exclusion from the gaming facility or operation.
6. Such other sanctions or penalty as the Gaming Commission may deem appropriate.

C. Any person or entity subject to any enforcement, sanction or penalty by the Gaming Commission shall have the right to appeal such enforcement action, sanction or penalty in accordance with such rules and regulations as may be promulgated by the Gaming Commission.

### **XIII. Amendments**

This Ordinance may be amended in any manner deemed appropriate to protect what the Legislature determines to be the best interests of the Santa Ysabel Tribe; provided, that an amendment to this Ordinance shall not be less restrictive than the original terms of this Ordinance, or that would constitute a violation of federal law or would be inconsistent with the terms of an approved Tribal-State Compact that is then in effect.

### **XIV. Severability**

In the event that any section or provision of this Ordinance is held invalid, it is the intent of the Legislature that the remaining sections or provisions of this Ordinance shall continue in full force and effect.

### **XV. Repeal**

To the extent that they are inconsistent with this Ordinance, all gaming ordinances previously enacted or amended by the Legislature or General Council are hereby repealed.