



MAY 26 2005

Joanne Willis Newton, Senior Staff Attorney
California Indian Legal Services
609 South Escondido Boulevard
Escondido, California 92025

RE: La Jolla Band of Luiseno Indians Gaming Ordinance and Regulations

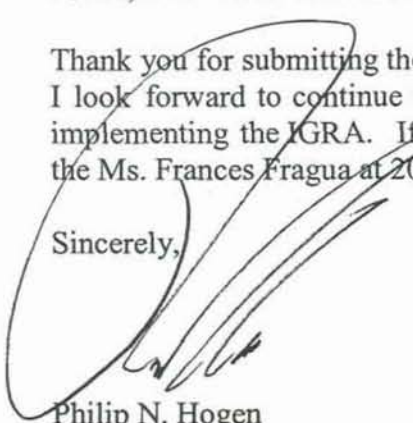
Dear Ms. Newton:

This letter responds to your request for the National Indian Gaming Commission (NIGC) to review and approve the La Jolla Band of Luiseno Indians (Band) Gaming Ordinance. The amendments, regulations and resolutions were received by the NIGC on March 27, 2005.

This letter constitutes approval under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 *et seq.* 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, over which the Band exercises jurisdiction.

Thank you for submitting the Band's ordinance for review and approval. The NIGC staff and I look forward to continue working with you and the La Jolla Band of Luiseno Indians in implementing the IGRA. If you have questions or require further assistance, please contact the Ms. Frances Fragua at 202/632-7003.

Sincerely,



Philip N. Hogen
Chairman

Adopted December 15, 1999
Amended June 17, 2002 and March 16, 2004

LA JOLLA BAND OF LUISEÑO INDIANS GAMING ORDINANCE

Section 1. Purpose

The General Council of the La Jolla Band of Luiseño Indians (hereinafter "Tribe"), a federally recognized Indian Tribe, empowered by Article III, Subsection C(6) of the Tribe's Constitution to enact ordinances, hereby enacts this Ordinance in order to set the terms for Class II and Class III gaming on its Tribal lands.

Section 2. Definitions

Unless specified otherwise, terms used herein shall have the same meaning as in the Indian Gaming Regulatory Act (hereinafter "IGRA"), 25 U.S.C. §§ 2701 - 2721, including, but not limited to, references to "Class I," "Class II," and "Class III" gaming, except for references to "Committee Members" or "Gaming Committee" which shall mean the La Jolla Gaming Committee Members or the La Jolla Gaming Committee established and described herein.

- 2.1 "Appeals" shall mean a process where a gaming employee elects to have the Gaming Committee review and decide the outcome of a termination or reprimand. Decisions of the Gaming Committee are final.
- 2.2 "Class I Gaming" shall mean any ancestral tribal games, i.e., Pion, etc.
- 2.3 "Class II Gaming" shall mean all forms of gaming that are defined as Class II gaming in IGRA, 25 U.S.C. § 2703(7)(A), and 25 C.F.R § 502.3.
- 2.4 "Class III Gaming" shall mean all forms of gaming that are defined as Class III gaming in IGRA, 25 U.S.C. § 2703(8), and 25 C.F.R § 502.4.
- 2.5 "Compact" shall mean any Compact in force by and between the Tribe and the State of California setting forth an agreement for the operation of Class III gaming on tribal land of the Tribe.
- 2.6 "Entity" shall mean any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department of governmental agency, except that "entity" shall not include the Tribe.
- 2.7 "Gaming" shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.
- 2.8 "Gaming Activities" shall mean any Class I, Class II or Class III gaming activity conducted by or under the jurisdiction of the Tribe.
- 2.9 "Gaming Commission" shall mean the La Jolla Gaming Commission, as established by the Tribal Council to monitor gaming activities, investigate wrongdoing, and perform other duties as required for the regulation and smooth operation of gaming on Tribal lands.

- 2.10 **"Gaming Committee"** means a committee consisting of two (2) Tribal Members 21 years of age or older, and two (2) members of the La Jolla Tribal Council, approved by the general membership at a duly called General Council meeting.
- 2.11 **"Gaming Contractor"** shall mean any person or entity that supplies gaming devices or other gaming equipment, personnel or services, including gaming management or consulting services to any gaming activity or enterprise on Tribal lands.
- 2.12 **"Gross Revenues"** shall mean all gaming revenues before payouts or deduction of total gaming-related operating expenses.
- 2.13 **"General Council"** consists of all Tribal Members 21 years of age or older.
- 2.14 **"Investigations Officer"** shall mean a paid official who is responsible for conducting background investigations on all employees and managers, including, but not limited to, employees and managers who handle or monitor monies paid out or taken in as revenue, issue licenses, update and maintain all issued licenses files and confidential employee files.
- 2.15 **"Key Employee"** shall mean a person who performs one or more of the following functions: bingo caller; counting room supervisor; chief of security; custodian of gaming supplies or cash; managers; supervisors and directors of all departments; pit boss; dealer; croupier; approver of credit; custodian of gaming devices (including those persons with access to cash and accounting records within such devices); any other person whose total cash compensation exceeds \$50,000.00 per year; and, if not otherwise included, the four most highly compensated persons in the gaming operation.
- 2.16 **"National Indian Gaming Commission"** (hereinafter "NIGC") shall mean the commission established under IGRA, 25 U.S.C. § 2704.
- 2.17 **"Net Revenues"** shall mean gaming revenues of the Tribe's gaming operations less payouts and total gaming-related expenses, excluding management fees.
- 2.18 **"Primary Management Official"** shall mean: the person who has management responsibility for a management contract; any person who has authority to hire or fire employees or to set up working policy for the gaming operation; or the chief financial officer or other person who has financial management responsibility. At the discretion of the Gaming Commission, other positions or persons may be included under this definition and subject to the requirements for primary management officials.
- 2.19 **"Related to"** shall refer to persons who are related as a father, mother, brother, sister, son, daughter, husband or wife.
- 2.20 **"State"** shall mean the State of California.
- 2.21 **"Tribal Council"** shall mean the 5 Tribal Members elected by the General Council pursuant to Article 5 of the Tribe's Constitution.

- 2.22 "Tribal Lands" shall include all lands within the boundaries of the La Jolla Reservation and land over which the Tribe exercises governmental power that is either held in trust by the United States for the benefit of the Tribe or a Tribal Member or held by the Tribe or a Tribal Member subject to restriction by the United States against alienation.
- 2.23 "Tribal Member" shall mean an individual enrolled in the Tribe pursuant to Article 2 of the Tribe's Constitution and the Tribe's Enrollment Ordinance.
- 2.24 "Tribe" shall mean the general membership of the La Jolla Band of Luiseno Indians.

Section 3. Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except to the extent the Tribe may contract with and license a person or entity to own, operate or manage a gaming operation pursuant to the provisions of IGRA or as otherwise permitted by law.

Section 4. Gaming Committee

4.1 Establishment of Gaming Committee

There is hereby established by the General Council a Committee, to be known as the La Jolla Gaming Committee. The Gaming Committee shall be composed of 8 Tribal Members, 21 years of age or older, all of whom shall be approved by the General Council.

4.2 Disqualifications for Office

The following persons may not serve as Gaming Committee Members:

- 4.2.1 Employees of any gaming operation on Tribal lands.
- 4.2.2 Persons related to any gaming operation contractor including any principle thereof or closely associated independent contractor.
- 4.2.3 Persons who would not be eligible to be officers of the Tribe pursuant to the Tribe's Constitution and ordinances.

4.3 Terms of Office

The Committee Members shall serve a 2 year term, renewable if approved by the General Council at a duly called meeting.

4.4 Removal From Office

Committee Members may be removed by fellow Committee Members for missing 3 consecutive meetings without proper notification. Committee Members may be removed by a majority vote of the Gaming Committee for inappropriate behavior, i.e., screaming, cussing, negative or aggressive behavior, or intimidation of any kind. The vacant position shall be filled and approved by the General Council at its next scheduled meeting. Vacancies resulting from the death or resignation of a Committee Member shall also be filled and approved by the General Council.

4.5 Quorum

Five Committee Members, including the Chairperson or Vice-Chairperson, constitute a quorum.

4.6 Officers and Duties

The Gaming Committee shall select Officers by verbal agreement and cooperation within the committee. The Officers shall include a Chairperson, a Vice-Chairperson, a Secretary and a Treasurer. The Chairperson shall preside over meetings of the Gaming Committee, and the Vice-Chairperson shall preside in the absence of the Chairperson. The Secretary shall record in writing the minutes of all Gaming Committee meeting minutes and all official actions taken by the Gaming Committee. The Treasurer shall oversee the financial records of the Gaming Committee and will perform other duties assigned by the Chairperson. Committee Members shall also perform any duties assigned by the Gaming Committee Chairperson. Officers shall be elected every 2 years from the appointment of the initial Committee Members.

4.7 Voting

All actions of the Gaming Committee shall be taken by majority vote. In the event of a deadlock, the Chairperson shall cast the deciding vote.

4.8 Meetings

Meeting of the Gaming Committee shall be held no less than once a month when there is business to discuss or act upon. Meetings shall be called by the Chairperson, or by the Vice-Chairperson in the Chairperson's absence. A special meeting notice shall be given to each Committee Member during a regular Gaming Committee meeting or by telephone at least 2 days in advance of the date of the special meeting.

4.9 Compensation for Serving

Committee Members will be monetarily compensated for serving on the Gaming Committee, provided funds are available. The rate will be determined by the Tribal Council. Each Gaming Committee members rate will be identical, except that step increases may be allowed based on length of service and availability of funds.

4.10 Reports

On or before October 31 of each year, the Gaming Committee shall provide the Tribal Council with a written report summarizing its activities. The Gaming Committee shall also provide the Tribal Council with quarterly summary reports every three months. The Tribal Council shall cause copies of these reports to be made available to the General Council at its next duly called meeting.

Section 5. Authorized Gaming

Class II and Class III gaming on Tribal lands is hereby authorized. All gaming activities on Tribal lands, whether Class II or Class III gaming, are prohibited except as expressly authorized under this Gaming Ordinance. Nothing herein shall prohibit the Tribe from engaging the services of non-tribal persons or employees thereof or engaging any person or entity to assist the Tribe in the management of a gaming activity pursuant to a management agreement entered into under the provisions of IGRA. Class III gaming shall be conducted in accordance with any Compact, or any alternative thereto as provided by IGRA.

Section 6. Revenue

6.1 Gaming Revenue

Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III gaming activity are the property of the Tribe. Any profits or net revenues from gaming activities shall be deposited into a separate tribal gaming revenue treasury. The bank chosen will be the same bank that the Tribe uses for the Tribe's Existing Enterprises.

6.2 Net Revenue from Class II and Class III gaming activities shall be used to:

6.2.1 Fund Tribal Government operations and programs.

6.2.2 Provide for the general welfare of the Tribe and Tribal Members including education, health, and safety.

- 6.2.3 Promote economic development within Tribal lands, including job creation and training, infrastructure improvement and resource management.
- 6.2.4 Fund operations of local Tribal Government agencies providing services, programs and or assistance to Tribal members, on or off Tribal lands.
- 6.2.5 Provide donations to charitable and or non-profit organizations, including local governments.

6.3 Per Capita Payments

The Tribal and General Council may elect to authorize the distribution of per capita payments to Tribal Members pursuant to guidelines established and adopted by the Tribal Council and consistent with applicable federal laws.

Section 7. Protection of the Environment and Public Health and Safety

Any construction or maintenance of any Class II or Class III gaming facility, and the operation of gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety.

Section 8. Dispute Resolution

Patrons who have complaints against the gaming establishment, including disputes with any management contractor or its employees, shall have as their sole remedy the right to file a petition for relief with the Gaming Committee. Complaints shall be submitted in writing. At the discretion of the Gaming Committee, the petitioner may be allowed to present evidence. The Gaming Committee will render a decision in a timely fashion and all such decisions will be final when issued. Any patron having a claim against a gaming operation or a management contractor or its employees must submit such claim to the Gaming Committee within 30 days of its occurrence. All claims by patrons shall be limited to a maximum recovery of \$10,000.00, and a cumulative limit of \$10,000.00 per patron in any 12-month period.

Section 9. Audit

9.1 Annual Audit

Annual outside auditing by a recognized independent accounting firm shall be conducted of each gaming operation and the results thereof reported to the General and Tribal Councils, and, to the extent required by law, to the NIGC.

9.2 Audit Requirements

All gaming-related contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services), relating to Class II or Class III gaming on Tribal lands, shall be specifically included within the scope of the annual audit described in Subsection 9.1, and such gaming-related contracts shall so specify.

9.3 Bidding

Contracts relating to gaming or any gaming facility for a contract amount in excess of \$25,000 or for more than 5 years shall be subject to a formal, sealed bidding process prior to submission to the Gaming Committee for approval. All reasonable attempts shall be made to obtain and consider at least 3 responsible bids; provided, the Gaming Committee may waive the requirement for 3 bids for good cause shown.

Section 10. Licenses

10.1 Gaming Permitted as Licensed

Except to the extent authorized by an agreement pursuant to the provisions of IGRA, or as otherwise permitted by law, Class II and Class III gaming activities shall only be conducted in tribally owned, operated and licensed facilities pursuant to the provisions of this Gaming Ordinance. Such activities shall be conducted in accordance with the terms and conditions of any license issued by the Gaming Commission for such purposes to each facility before any Gaming Activity may occur therein. The Gaming Commission shall issue a separate license to each place, facility or location on Tribal lands where Class II or Class III gaming is conducted under this Gaming Ordinance. Such licenses shall specify the hours of operation, type and scope of gaming activities allowed therein, permitted uses of the facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Committee or the General Council may deem necessary for the conduct of gaming activities therein.

10.2 Licensing Requirements

It is the declared policy of the Tribe that all Class II and Class III gaming activities be licensed and controlled so as to protect the morals, good order and welfare of Tribal Members and other persons on Tribal lands and to preserve the honesty, fairness and integrity of such gaming activities. Accordingly, no person shall engage in any Class II or Class III gaming activities on Tribal lands without an appropriate and valid independent Class II or Class III license issued by the Gaming Commission.

Any gaming license which is issued, or finding of suitability or approval by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of any Compact or of any applicable law.

10.3 Burden on Applicant

The burden of proving an applicant's suitability to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process and expressly waive any claim for damages as a result thereof.

10.4 Release of Information

All persons applying for a license shall agree to release all information necessary in order for the Gaming Commission to achieve its goals under this Section, and to furnish such information to the NIGC, or such other governmental agency as may be required by law.

10.5 Applicant's Claim of Privilege

An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension, or revocation of a license.

10.6 Types of Licenses

Three classes of licenses (Class A, Class B and Class C) may be issued to persons associated with gaming activities. The Gaming Commission may also require and issue, in its sole discretion, a Class D license to any person or entity associated with other tribal businesses that are not part of the gaming facility or operated in conjunction therewith.

10.7 Class A Licenses

Before permitting any person to become permanently associated with any Gaming Activity as an investor or other person owning or controlling 10% or more of any interest in any management entity, or any primary management official, key employee, closely associated independent contractor, or other individual or entity with influence over the management or operation of gaming activities, or a Class II or Class III gaming employee, supplier, manufacturer or distributor, such person shall obtain a Class A license. The Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has: any criminal record or any reputation, prior activities, habits or associations which might pose a

threat to the public interest or to the effective regulation of gaming; or anything else in their background which might create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming.

Persons who do not meet the above qualifications shall be denied a Class A license. In addition, every entity, associate, silent partners or investors, including their contractors and subcontractors, have to be identified and investigated before the NIGC and the Gaming Commission will approve their license.

10.8 Class B Licenses

Persons who are not among those identified in Subsection 10.7 above, but who are to be employed at a gaming facility on Tribal lands in some other capacity, such as in non-gaming related activities, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not been convicted of a crime or engaged in any activity which the Gaming Commission in its sole discretion deems would render such a person a danger to the safety or integrity of the gaming activities or the safety or property of the Tribe, any Tribal Member, any gaming employee or patron, or the public.

10.9 Class C Licenses

Persons who are employed by, associated with, or provide goods or services to other business enterprises of the Tribe may be required to make application and obtain a Class C license in order to do business with or be employed by such business enterprises. The Gaming Commission will issue requirements and procedures for obtaining a Class C license as such business enterprises are developed on Tribal lands.

10.10 License Renewal

Class A and Class B licenses shall be subject to renewal at least every 2 years, and may be revoked or suspended upon occurrence of any act which, if known during the application process, would have tended to disqualify such person for such a license.

10.11 Temporary License

Pending completion of an investigation for a license, temporary licenses of no more than 90 days duration may be issued by the Gaming Commission if in its sole discretion it deems it appropriate to do so. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire 90 days from the date of issuance, upon issuance of a regular license, or until an earlier specified expiration date, whichever occurs first.

10.12 License Investigations

The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the NIGC, or such other government agency as may be required by law or Compact.

10.13 License Fees

Unless specifically waived by the Gaming Commission, all persons applying for a Class A, B, or C license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs incurred in obtaining information in connection with the license application. Estimates of licensing costs shall be provided to applicants upon reasonable requests. All fees and costs must be received by the Gaming Commission prior to issuance of the license.

10.14 Standards

All persons engaged by or associated with any Gaming Activity on Tribal lands shall conduct themselves with honesty, integrity, and such decorum and manners as may be necessary to reflect positively on the Tribe, its members and the gaming activities involved. Any failure to abide by such standards, or any violation of any rule, ordinance, custom or tradition of the Tribe or the Gaming Committee, or the terms or conditions of a license, may be grounds for immediate suspension or revocation of any license issued hereunder.

10.15 Appeals

All decisions of the Gaming Commission regarding the issuance of licenses shall be final and effective when issued; provided, within 15 days of the receipt of the written decision regarding denial of the license, the applicant may file a petition for reconsideration with the Gaming Commission.

Section 11. Background Investigations

11.1 Required Information

The Gaming Commission shall request from each key employee and each primary management official all of the information specified in Subsections 11.1.1 through 11.1.14 below. Further, each other applicant for a Class A license, except as otherwise provided by the Gaming

Commission, reserves the right, at any time, to request additional information either prior to, during, or subsequent to any background investigation.

- 11.1.1 Full name, other names used (oral or written), social security numbers, date of birth, place of birth, citizenship, gender, all languages (spoken and written);
- 11.1.2 Currently and for at least the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license number(s);
- 11.1.3 Names and current addresses of at least 3 non-related personal references, including one personal reference who was acquainted with the applicant during each period of residence as listed under Subsection 11.1.2 above;
- 11.1.4 Current business and residence telephone numbers;
- 11.1.5 A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- 11.1.6 A description of any existing and previous business relationships with Indian Tribes, including ownership interest in those businesses;
- 11.1.7 Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license was or permit was granted;
- 11.1.8 For each felony for which there is an on-going prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
- 11.1.9 For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application; the name and address of the court involved, and the date and disposition, if any, of the case;
- 11.1.10 For each criminal charge (excluding minor traffic charges), whether or not there is or was a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed above pursuant to Subsections 11.1.8 and 11.1.9 above: the criminal charge, the name and

address of the court involved and the date and disposition, if any, of the case;

- 11.1.11 Name and address of any licensing or regulatory agency (Federal, Tribal, State, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- 11.1.12 Current photograph;
- 11.1.13 Any other information the Gaming Commission deems relevant; and
- 11.1.14 Fingerprints taken by a law enforcement agency consistent with the procedures adopted by the Gaming Committee according to 25 C.F.R. § 522.2(h).

11.2 Gaming Commission Investigations

The Gaming Commission shall conduct or cause to be conducted an investigation sufficient to make a determination of eligibility as required under Subsection 11.3. In conducting the background investigation, the Gaming Commission and their agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

11.3 Eligibility Determination

The Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Gaming Commission shall not employ that person in a key employee or primary management official position or in any other position for which a Class A license is required, except as specifically established by the Gaming Commission.

Section 12. Forwarding Applications and Reports to the NIGC

12.1 Applications

On or before the date any key employee or primary management official is employed by a gaming operation authorized under this Gaming Ordinance, the Gaming Commission shall

forward to the NIGC the person's completed application for employment containing the information required in Subsection 11.1 above.

12.2 Investigative Reports

Prior to issuing a license to a key employee or a primary management official, the Gaming Commission shall forward to NIGC, together with a copy of the eligibility determination made in accordance with Subsection 11.3, an investigative report on each background investigation within 60 days after an employee begins work or within 60 days of the approval of this Gaming Ordinance by the NIGC. The gaming operation shall not employ or continue to employ any person as a key employee or primary management official who does not have a license within 90 days of beginning work. The investigative report shall include the following information:

- 12.2.1 Steps taken in conducting a background investigation;
- 12.2.2 Results obtained;
- 12.2.3 Conclusions reached; and
- 12.2.4 The bases for those conclusions.

12.3 Other Reports

The Gaming Commission shall provide to the NIGC and the State any other reports and information required by IGRA and regulations promulgated thereunder and the Compact. Further, with respect to key employees and primary management officials, the Tribe shall also retain copies of applications for employment and reports, if any, of background investigation for inspection by the NIGC for no less than 3 years from the date of termination of employment. If a license is not issued to an applicant, the Gaming Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report, if any, to the NIGC for inclusion in the Indian Gaming Individuals Record System.

Section 13. Issuance and Suspension of Licenses

13.1 No Objections by NIGC

If, within a 30-day period after the NIGC receives an application and report as required under Section 12, the NIGC notifies the Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Gaming Commission has provided an application and investigative report to the NIGC, the Gaming Commission may issue the license.

13.2 Objections by NIGC

If, within the 30-day period established, the NIGC provides a statement itemizing objections to issuance of a license to a key employee or primary management official, the Gaming Commission shall reconsider the application, taking into account such objections. The Gaming Commission retains the right to make the final determination whether to issue the license to such an applicant.

13.3 Extension of NIGC's 30-day Review Period

In the event the NIGC has requested any additional information pursuant to Subsection 12.3, the 30-day period referred to in Subsections 13.1 and 13.2 shall be suspended until the NIGC receives the additional information.

13.4 License Suspension

If, after the issuance of a gaming license, the Gaming Commission receives reliable information from the NIGC or other reliable source indicating that a key employee or a primary management official is not eligible for employment under Subsection 11.3, the Gaming Commission shall suspend the license and shall notify the licensee in writing of the license suspension and proposed revocation. The Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license. After the revocation hearing, the Gaming Commission shall determine whether to revoke or to reinstate the gaming license and notify the NIGC of its decision.

Section 14. Applications

14.1 Forms

Each application form for a key employee or a primary management official, as well as for all other Class A license applicants, unless otherwise specifically exempted by the Gaming Commission, shall contain the notices set forth in Subsection 14.2 and 14.3 below:

14.2 Privacy Act Notice

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 National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The

information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a Tribe or a gaming operation. Failure to consent to the disclosures as indicated in this notice will result in a Tribe's being unable to hire you in a primary management official or key employee position.

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

14.3 Notice Regarding False Statements

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

14.4 Existing Key Employees or Primary Management Officials

Any existing key employee or primary management official, or other Class A licensee unless otherwise specifically exempted by the Gaming Commission, shall be notified that they shall either:

- 14.4.1 Complete a new application form that contains the Privacy Act notice and the notice regarding false statements; or
- 14.4.2 Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice, and sign a statement that contains the notice regarding false statements.

Section 15. Compacts

In addition to the provisions set forth above, no Class III gaming shall be engaged in or on Tribal lands unless a Compact has first been obtained in accordance with IGRA, 25 U.S.C. § 2710(d)(1)(C). All negotiations for such a Compact shall be conducted through the Chairperson of the Tribe, with the advice and suggestion of the Gaming Committee.

Section 16. Interest in Management Contracts

No elected official of the Tribe, including the Gaming Commission, the Gaming Committee or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for any management agreement entered into pursuant to IGRA, nor shall such persons serve on the board of directors or hold (directly or indirectly): a) 10% or more of the issued and outstanding stock of any corporation having a financial interest in or management responsibility for such a management agreement; or b) 10% or more of the beneficial interest in any partnership, trust or other entity having a financial interest in or management responsibility for such a management agreement.

Section 17. Service of Process

The Tribe designates as its agent for service of any official determination, order, or notice of violation, the Chairperson or Vice-Chairperson of the Gaming Committee, or in the event that the Committee no longer exists, then the agent for such service shall be the Chairperson of the Tribe

Section 18. Tribal Gaming Corporation

Nothing in this Gaming Ordinance shall prevent the Tribe, through its General Council, from delegating the authority to conduct gaming to one or more Tribal corporations, agencies or entities, so long as the Tribal gaming operations to which such authority is delegated agree to meet all criteria and requirements established under this Gaming Ordinance.

Section 19. Adoption of Ordinance

This Gaming Ordinance shall become effective upon its adoption by the General Council and approved by the NIGC.

Section 20. Regulations


Pursuant to Article 3, Section C(8) of the Tribe's Constitution, the General Council hereby authorizes the Gaming Committee to adopt such regulations and guidelines as the Gaming Committee deems appropriate to implement the provisions of this Ordinance, except that any amendments to Regulation 003, Regulations Establishing the La Jolla Gaming Commission made after June 17, 2002, and any other regulations concerning the establishment or supervision of the Gaming Commission, including review of Gaming Commission decisions, are subject to adoption by the Tribal Council rather than the Gaming Committee. Nothing in this Section shall be interpreted as limiting the inherent authority of the General Council to enact further ordinances dealing with Class II or Class III gaming.

Section 21. Repeal

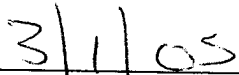
All prior gaming ordinances are hereby repealed.

CERTIFICATION

I, Viola Peck, Secretary of the La Jolla Band of Luiseno Indians, do hereby certify That at a duly called General Council meeting held on December 15, 1999, this Ordinance was reviewed and approved by a vote of 22 in favor, 0 opposing and 3 abstaining, and amended at a duly called General Council meeting held on June 17, 2002, by a vote of 37 in favor, 1 opposing and 2 abstaining and on March 16, 2004, by a vote of 49 n favor, 8 opposed and 1 abstaining. I do hereby certify that this Ordinance has not been amended or rescinded in any way.



Viola Peck, Secretary



March 1, 2005

Adopted December 15, 1999
Amended June 17, 2002 and March 16, 2004

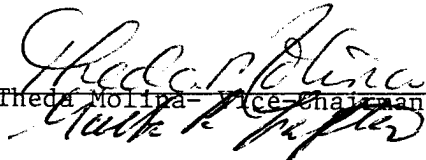
La Jolla Band of Luiseno Indians
Gaming Committee Resolution No. 01-01

- WHEREAS, The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") has delegated to the Tribe's Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, Section 8.1.14 of the Compact requires the Tribe to adopt technical standards for gaming devices; and
- WHEREAS, 25 C.F.R. § 542.3(a) requires the Tribe to adopt minimum internal control standards for gaming operations on the La Jolla Reservation; and

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby adopts Gaming Regulation 004: Technical Standards for Gaming Devices and Gaming Regulation 005: Internal Control Standards.

CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on October 16, 2001 and such resolution has not been rescinded or amended in any way.


~~Theda Molina - Vice-Chairman~~


Doris Magante - Secretary

Mark Lofton - Treasurer

John Beresford Chairman



LA JOLLA INDIAN RESERVATION

22000 Hwy 76 • Pauma Valley, CA 92061
(760) 742-3771 • Fax (760) 742-1704

La Jolla Band of Luiseno Indians Gaming Committee Resolution No. 2000-01


- WHEREAS,** The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS,** The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribes Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS,** The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS,** The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, has delegated to the Tribe's Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS,** Additional procedures for conducting background investigations and licensing are necessary to implement the Gaming Ordinance and to have the Gaming Ordinance approved by the Chairman of the National Indian Gaming Commission pursuant to 25 C.F.R. Section 522.2(b)-(c);

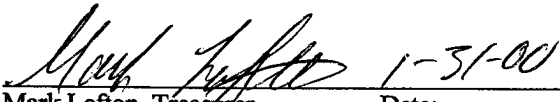
NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby adopts the following gaming regulations: Gaming Regulation 001, Procedures for Conducting Background Investigations, and Gaming Regulation 002, Licensing Requirements and Procedures.

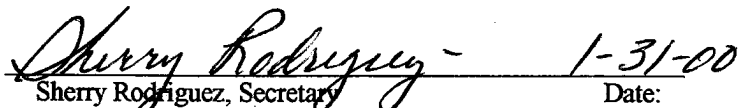
CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution is adopted by the Gaming Committee by a vote of 8 in favor, 0 opposing, and 1 abstaining, at a duly called meeting on 1-28-00, and such resolution has not been rescinded or amended in any way.


James Trujillo, Chairman Date: 1-31-00


Catherine L. Nelson-Rodriguez, Vice-Chairwoman Date: 1-31-00


Mark Lofton, Treasurer Date: 1-31-00


Sherry Rodriguez, Secretary Date: 1-31-00

La Jolla Band of Luiseno Indians
Gaming Committee Resolution No. 2001-02

WHEREAS, The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and

WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and

WHEREAS, The Gaming Committee, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") adopted Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission; and

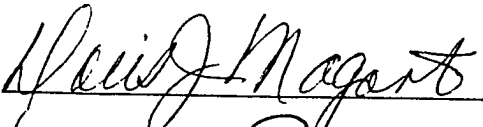
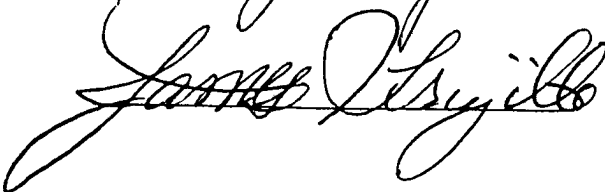
WHEREAS, The Gaming Committee desires to exercise to amend Gaming Regulation 003, pursuant to its authority under Section XIII of that Regulation;

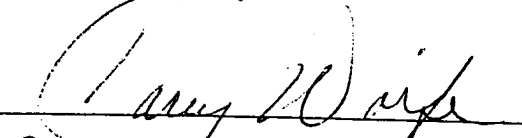
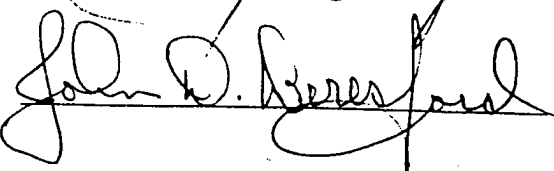
NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby amends Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission, as follows:

- a) Subsection III.A is amended by deleting the words "to five (5);" and
- b) Subsection IV.F is amended by replacing the words "three (3)" in the first sentence with "two(2)."

CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on October 30, 2001 and such resolution has not been rescinded or amended in any way.


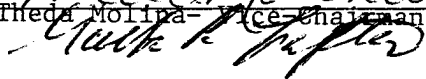
La Jolla Band of Luiseno Indians
Gaming Committee Resolution No. 01-01

- WHEREAS, The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") has delegated to the Tribe's Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, Section 8.1.14 of the Compact requires the Tribe to adopt technical standards for gaming devices; and
- WHEREAS, 25 C.F.R. § 542.3(a) requires the Tribe to adopt minimum internal control standards for gaming operations on the La Jolla Reservation; and

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby adopts Gaming Regulation 004: Technical Standards for Gaming Devices and Gaming Regulation 005: Internal Control Standards.

CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on October 16, 2001 and such resolution has not been rescinded or amended in any way.


~~Theda Molina - Vice-Chairman~~


Mark Lofton - Treasurer


Doris Magante - Secretary

John Beresford Chairman

La Jolla Band of Luiseno Indians
Gaming Committee Resolution No. 2001-02

WHEREAS, The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and

WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and

WHEREAS, The Gaming Committee, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") adopted Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission; and

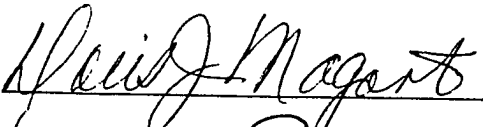
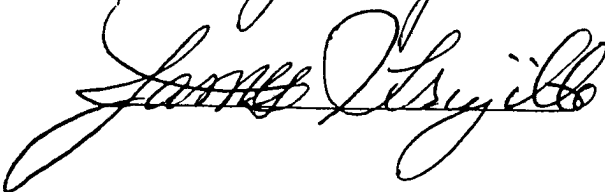
WHEREAS, The Gaming Committee desires to exercise to amend Gaming Regulation 003, pursuant to its authority under Section XIII of that Regulation;

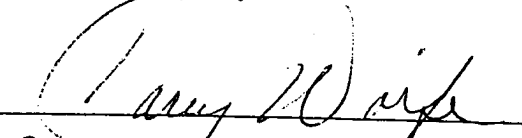
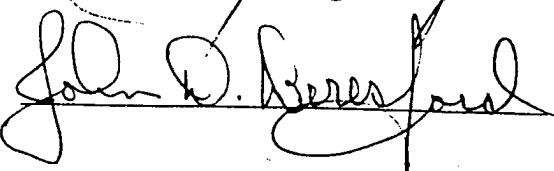
NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby amends Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission, as follows:

- a) Subsection III.A is amended by deleting the words "to five (5);" and
- b) Subsection IV.F is amended by replacing the words "three (3)" in the first sentence with "two(2)."

CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on October 30, 2001 and such resolution has not been rescinded or amended in any way.

Wendy I Schlater
Chairwoman

Thomas G Rodriguez
Vice Chairman

Theda Molina
Secretary

Jack Musick
Treasurer

John Ruise
Council Member



MAR - 7 2002

LA JOLLA BAND OF LUISEÑO INDIANS

22000 Hwy 76 * Pauma Valley, CA. 92061

(760) 742-3771 * Fax (760) 742-1704

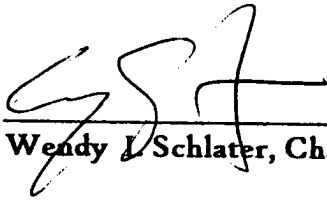
RESOLUTION

- NUMBER: GC 2002-25
- DATED: May 1, 2002
- WHEREAS: The La Jolla Band of Luiseno Indians ("the Tribe") is a federally Recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 USC Sections 2701-2721) ("IGRA"); and
- WHEREAS: The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS: In order to engage in Class II or Class III gaming, the governing body of a Tribe must adopt a gaming ordinance and have the ordinance approved by the Chairman of the National Indian Gaming Commission ("NIGC"), pursuant to IGRA (ie., 25 USC Subsections 2710(b)(1)(B) and 2710(d)(1)(A); and
- WHEREAS: The General Council adopted a gaming ordinance, entitled La Jolla Band of Luiseno Indians Gaming Ordinance ("Gaming Ordinance") on December 15, 1999, which was approved by the NIGC as indicated in the NIGC's letter of April 27, 2000; and
- WHEREAS: The Gaming Ordinance establishes the La Jolla Gaming Committee to which it delegates the authority to establish a Gaming Commission; and
- WHEREAS: The La Jolla Tribal Council, and not the La Jolla Gaming Committee, should have the authority over the Gaming Commission in order to ensure the appropriate separation of power; and
- WHEREAS: The Gaming Ordinance provides for a Gaming Committee of twelve members and mandates a time certain for Gaming Committee meetings; and
- WHEREAS: The Gaming Committee consists of eight members who have to schedule meetings according to the Committee members schedules;

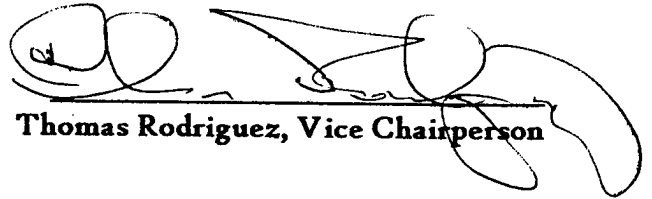
NOW THEREFORE BE IT RESOLVED: That the Tribe, through it's General Council, hereby amends the La Jolla Band of Luiseno Indians Gaming Ordinance Adopted by the General Council on June 11, 1999 so that the Tribal Council, and not The Gaming Committee appoints the Gaming Commission; The Gaming Committee Has eight members; and the Gaming Committee is granted the flexibility to schedule Its meetings so long as it meets at least once a month.

CERTIFICATION

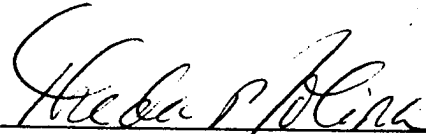
WE THE UNDERSIGNED OFFICIALS, do hereby certify that the foregoing resolution was adopted at a duly called meeting of the La Jolla Band of Indians General Council held this 17th day of June 2002 by a vote of 37 in favor, 1 opposing, and 2 abstaining.



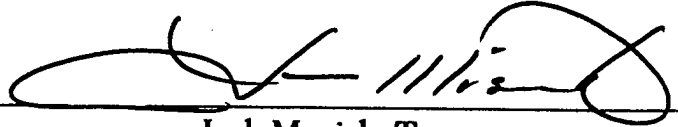
Wendy Schlater, Chairwoman



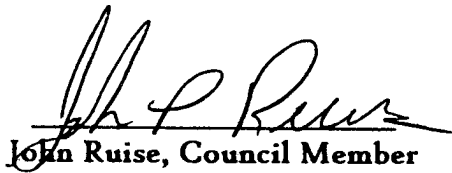
Thomas Rodriguez, Vice Chairperson



Theda Molina, Secretary



Jack Musick, Treasurer



John Ruise, Council Member

La Jolla Band of Luiseno Indians
Gaming Committee Resolution No. C2-02

- WHEREAS, The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, has delegated to the Tribe's Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, The Gaming Committee, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on October 16, 2001, Gaming Regulation 004, Technical Standards for Gaming Devices; and
- WHEREAS, The Gaming Committee wishes to amend Gaming Regulation 004;

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby amends Gaming Regulation 004, Technical Standards for Gaming Devices, as follows:

- a) Subsection III.A.1 is amended by deleting the word "and" at the end of the subsection;
- b) Subsection III.A.2 is amended by replacing the period at the end of the subsection with "; and"; and
- c) Subsection III.A.3 is added and reads as follows:
 3. *GLI-13: On-line Monitoring and Control Systems, Version 1.1, released February 20, 2001, as amended from time to time.*

CERTIFICATION

We, the undersigned officers of the La Jolla Band of Luiseno Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on 4/9/02, 2002 and such resolution has not been rescinded or amended in any way.

Wesley Maguire
Theresa Molina

John D. Everett
Mark Zeff

2003-02

**La Jolla Band of Luiseño Indians
Gaming Committee Resolution No. 2003-02**

- WHEREAS, The La Jolla Band of Luiseño Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") has delegated to the La Jolla Gaming Committee the power and responsibility of promulgating and amending such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, the Gaming Committee deems it appropriate to amend Gaming Regulations 001 and 002 to authorize the La Jolla Gaming Commission to establish fees for licensing and background investigations; and

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee hereby amends Gaming Regulation 001: Procedures for Conducting Background Investigations by replacing the first sentence of Section VII with: "The Gaming Commission shall, by resolution, establish fees for background investigations."

BE IT FURTHER RESOLVED: That the Gaming Committee hereby amends Gaming Regulation 002: Licensing Requirements and Procedures by replacing the first sentence of Section VIII with: "The Gaming Commission shall, by resolution, establish fees for applications and licenses."

CERTIFICATION

We, the undersigned officers of the La Jolla Gaming Committee do hereby certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 4 in favor, 0

opposing, and d abstaining, at a duly called meeting on 6/13/03, 2003 and such resolution has not been rescinded or amended in any way.

~~Steve Maguire~~
Cary Wap

~~James Smith~~
~~John Smith~~

Wendy I Schister
Chairwoman

Jack Musick
Vice Chairman

Theda Molina
Secretary

Lantern Musick
Treasurer

Tracy Nelson
Council Member



LA JOLLA BAND OF LUISEÑO INDIANS

22000 Hwy 76 • Pauma Valley, CA. 92081

(760) 742-3771 • Fax (760) 742-1704

RESOLUTION

NUMBER: TC 2003-17
DATED: May 28, 2003

WHEREAS: The La Jolla Band of Luiseno Indians ("the tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 - 2721) ('IGRA'); and

WHEREAS: The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS: The General Council, pursuant to article 3, Subsection C (8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and

WHEREAS: The Gaming Committee, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission; and

WHEREAS: The Tribal Council desires to amend Gaming Regulation 003, pursuant to its authority under Section 20 of that Gaming Ordinance;

NOW THEREFORE BE IT RESOLVED: that the Tribal Council hereby amends Gaming Regulation 003, Regulations Establishing the La Jolla Gaming Commission, As follows:

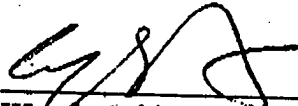
- 1) The powers and responsibilities previously delegated to the Gaming Committee are now delegated to the Tribal Council by replacing the words "Gaming Committee" with "Tribal Council" throughout the Regulation;

- 2) Section III.A is amended by replacing "appointed by majority vote of the Tribal Council" with "hired in accordance with the Tribe's personnel policies and procedures. The Commissioners shall be under the direct supervision of the Tribal Council and, notwithstanding any provisions of the Tribe's personnel policies and procedures to the contrary, only the Tribal Council is authorized to take disciplinary action against a Commissioner or to consider employment grievances filed by a Commissioner. A decision to take disciplinary action against a Commissioner requires a majority vote of the entire Tribal Council, and such decisions may be appealed within thirty (30) days to the appellate body established under Gaming Regulation 011".
- 3) Subsection III.D is amended by replacing "for a term of three (3) years, with no limitation as to the number of terms served, subject to a 90-day probationary period" with "until resignation, termination for cause, disqualification or death",
- 4) Subsection III.E is amended by deleting "Commissioners shall serve until appointment of their successors, or until resignation, termination for cause, disqualification or death",
- 5) Subsection III.E(2) is amended by deleting the words "for cause" and replacing "2/3" with "majority",
- 6) Subsection III.F is amended by replacing "appoint a replacement by majority vote. The appointment shall be made" with "hire a replacement."
- 7) Subsection III.I is amended by replacing the work "quarterly" with "biweekly".
- 8) Subsection III.J is added;
- 9) Section VI is amended by adding the following paragraph before Subsection VI.A:
At its discretion, but subject to budgetary approval by the Tribal Council, the Gaming Commission may hire an Executive Director, this Section VI shall apply. If the Gaming Commission chooses to not hire an Executive Director, this Section VI will not apply: in addition, any provision in this Regulation that refers to "Executive Director" shall continue to full force and effect as if the words "Executive Director" were not included in that provision.
- 10) Section VIII is amended by replacing "Committee" at the end of the second sentence with "Commission,"
- 11) Section VII is amended by inserting after the second sentence the "Commission shall add to this annual budget an additional ten percent (10%) of the annual budget to serve as a contingency fund to cover costs in the event of an emergency or unforeseen event." and by adding to the end of the last sentence, "so long as the contingency fund is sufficient to cover this deviation",

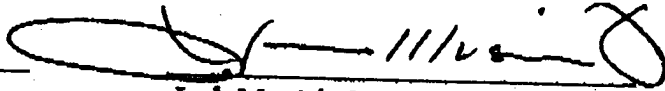
- 12) Section IX.B is amended by inserting "other than a licensing decision", after "Any person or entity adversely affected by a decision, of the Commission", and adding to the end of the paragraph the sentence: "Licensing decisions of the Commission are review able only in accordance with Gaming Regulation 002, Licensing Requirements and Procedures." and
- 13) Section XIII is amended by replacing "2/3" with "a majority".

CERTIFICATION

WE THE UNDERSIGNED OFFICIALS of the La Jolla Band of Luiseno Indians Tribal Council do hereby certify that the foregoing resolutions was adopted at a duly called meeting this 28th day of May 2003 by a vote of 3 in favor, 0 against
1 Abstaining.

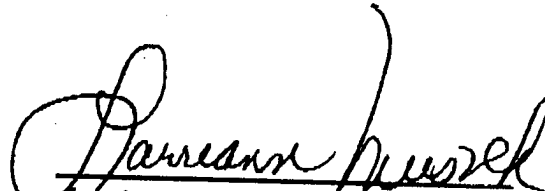


Wendy Schlater, Chairwoman



Jack Musick, Vice Chairman

Theda Molina, Secretary



Larriann Musick, Treasurer

Tracy Lee Nelson, Council Member

La Jolla Band of Luiseño Indians
Gaming Committee Resolution No. 2003-03

- WHEREAS, The La Jolla Band of Luiseño Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, has delegated to the La Jolla Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, Gaming Regulation 004, Technical Standards for Gaming Devices, was duly adopted on October 16, 2001 and amended on April 9, 2003; and
- WHEREAS, The Gaming Committee wishes to further amend Gaming Regulation 004;

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby amends Gaming Regulation 004, Technical Standards for Gaming Devices, as follows:

- a) The words "and redemption kiosks" are added after the words "gaming devices" in the title, the first and second sentence of Section I, Subsection III.A, and Section V.;
- b) The words "or redemption kiosks" are added after the words "gaming devices in Section IV;
- c) Subsection III.A.2 is amended by replacing "; and" with a period;
- d) Subsection III.A.3 is amended by replacing the period at the end of the subsection with "; and"; and
- e) Subsection III.A.4 is added and reads as follows:

GLI-20: Redemption Kiosks, Version 1.2, released February 20, 2003, as

amended from time to time.

CERTIFICATION

We, the undersigned officers of the La Jolla Gaming Committee do hereby certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 4 in favor, 0 opposing, and 2 abstaining, at a duly called meeting on 6/13/03, 2003 and such resolution has not been rescinded or amended in any way.

Heidi Magent
Cary Wolfe

James L. Smith
John D. ...

Chairperson

Jack Musick
Vice Chairman

Viola Peck
Secretary

Larriann Musick
Treasurer

Fred Nelson, Jr.
Council Member



LA JOLLA BAND OF LUISEÑO INDIANS

22000 Hwy 76 * Pauma Valley, CA. 92061

(760) 742-3771 * Fax (760) 742-1704

RESOLUTION

NUMBER: GC 2004-10
DATED : March 16, 2004

WHEREAS: The La Jolla Band of Luiseno Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Land in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 - 2721) ('IGRA'); and

WHEREAS: The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

WHEREAS: The General Council, pursuant to Article 3, Subsection C (8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and

WHEREAS: The Tribal Council desires to amend Gaming Ordinance, pursuant to its authority under Section C (8) of the Tribe's Constitution; now

THEREFORE BE IT RESOLVED, THAT: The General Council hereby amends the La Jolla Band of Indians Gaming Ordinance, Section 2. Definitions, 2.10 as follows:

2.10 "Gaming Committee" means a committee consisting of two (2) Tribal members twenty one (21) years of age or older, and two (2) members of the La Jolla Tribal Council, approved by the General Council at a duly called meeting of the General Council.

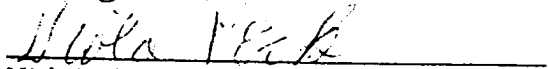
CERTIFICATION

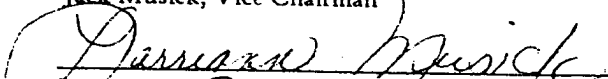
WE THE UNDERSIGNED, OFFICIALS OF THE La Jolla Band of Luiseno Indians Tribal Council do hereby certify that the fore going resolution was adopted at a duly called meeting this 16th day of March 2004 by a vote of:

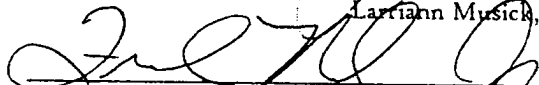
49 in favor, 3 opposed, 1 abstaining.


Tracy Lee Nelson, Chairman


Jack Musick, Vice Chairman


Viola Peck, Secretary


Larriann Musick, Treasurer


Fredrick U Nelson, Jr., Council Member

**La Jolla Band of Luiseño Indians
Gaming Regulation 002**

Licensing Requirements and Procedures

I. Purpose

This Regulation describes the requirements and procedures to be followed by the La Jolla Gaming Commission (the "Gaming Commission") when issuing licenses in connection with any Class II or Class III gaming operation on Tribal lands.

II. Incorporation by Reference

This Regulation supplements the provisions of the Tribe's Gaming Ordinance and any gaming compact between the Tribe and the State of California (the "Compact"), which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance or the Compact, the provisions of the Gaming Ordinance or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance.

III. Eligibility Determinations

In making findings concerning the eligibility of applicants for Class II or Class III gaming licenses, the Gaming Commission shall take into consideration any of the following circumstances:

- A. If the applicant knowingly and intentionally provided false statements or information or omitted relevant information on the application, or otherwise misrepresented or failed to disclose a material fact to the Gaming Commission;
- B. If the prior activities, criminal record, reputation, habits, and association indicate that the person may be a threat to the public interest or to the effective regulation and control of gaming;
- C. If association with or employment of this applicant creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
- D. If the applicant has violated, failed, or refused to comply with the provisions, requirements, conditions, limitations, or duties imposed by any provision of the Compact or Gaming Ordinance, or possesses knowledge that such violation has

occurred upon any premises occupied or operated by any such person or over which he or she has/had substantial control;

- E. If the applicant knowingly caused, aided, abetted, or conspired with another to cause any person or entity to violate any of the laws of any state, the provisions of the Compact or the Gaming Ordinance;
- F. If the applicant has ever obtained a license by fraud, misrepresentation, concealment, or through inadvertence or mistake;
- G. If the applicant has ever been convicted of, or forfeited bond upon a charge of, or plead guilty to forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State, or U.S. Government agency at any level, or filed false reports therewith, or of any similar offense(s), or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, a State, or the U.S. Government, or of any felony or misdemeanor involving any gaming activity, physical harm to individuals or moral turpitude;
- H. If the applicant is subject to current prosecution or pending charges, or a conviction under appeal for any of the offenses listed above. Upon request of the applicant, the Gaming Commission may defer decision on the application pending the results of such prosecution or appeal;
- I. If the applicant has demonstrated a willful disregard for compliance with a gaming regulatory authority in any jurisdiction or has ever had a gaming license issued by any State, Tribe or foreign gaming regulatory agency suspended, revoked or denied;
- J. If the applicant has failed to provide any information requested by the Gaming Commission within 14 days of the request for the information.

IV. Conditional Gaming License

The Gaming Commission may issue a Conditional Gaming License to an applicant of marginal suitability provided the applicant executes an agreement, which may include, but is not limited to, the following conditions:

- A. Enrollment in and completion of an alcohol or drug treatment program approved by the Tribe or its designated agents.
- B. Conviction of any felony or misdemeanor of any kind, except traffic offenses,

while holding a Conditional Gaming License shall be grounds for immediate license revocation.

- C. Appearance at any Tribal gaming facility in an intoxicated state, whether on or off duty, shall be grounds for immediate license revocation.
- D. Testing positive for the use of drugs or alcohol pursuant to any required random drug and alcohol testing program applicable to employees of the Tribe's gaming operations shall be grounds for immediate license revocation.
- E. The applicant may be required to promptly satisfy any tax liens, civil judgements, court ordered child support or other financial obligations.

V. Denial, Revocation and Suspension of License

A license may be suspended, revoked or denied upon the occurrence of any of the following:

- A. Notification by the NIGC, or by any other reliable source, that the licensee is not eligible for a license under Subsection 11.3 of the Gaming Ordinance;
- B. The Gaming Commission has probable cause to believe that the licensee has, by act or omission, violated provisions of the Compact, the Gaming Ordinance, the Tribe's Gaming Regulations, any condition of a Conditional Gaming License, or any other Federal, State or Tribal laws or regulations;
- C. The Gaming Commission has reason to believe that the continued licensing of a person constitutes an immediate threat to the public health, safety or welfare;
- D. The Gaming Commission has reason to believe that the licensee is involved in any theft, misappropriation, misuse or abuse of Tribal assets;
- E. The licensee engages in any conduct that brings discredit or embarrassment to the Tribe's gaming operations or the Tribe, or interferes with the normal operation of the Tribe's gaming facilities;
- F. The licensee fails to disclose any required information on any State or Tribal gaming license application;
- G. The licensee fails to respond to a request from the Gaming Commission within 14 days of the date of the initial request.

- H. The licensee's employment with the Tribe's gaming operations is terminated, voluntarily or involuntarily.

VI. Due Process

The denial, suspension or revocation of a license pursuant to Section V above shall require:

- A. Written, certified, return receipt requested or personally hand-delivered notification of the denial, suspension or pending revocation be given to the licensee 10 days in advance of the proposed action;
- B. Such written notification shall include information concerning the licensee's right to a hearing, shall specify the date, time and place for the hearing, and shall also advise the licensee that failure to appear for a scheduled hearing shall forfeit any further right to appeal;
- C. The Gaming Commission shall make a ruling within 3 days, and the licensee shall be notified in writing, within 3 days of the ruling, of the ruling and the licensee's right to file a petition with the Gaming Commission for a rehearing within 15 days of the receipt of the written notification;
- D. If the licensee files a petition for a rehearing within 15 days of receipt of the written notification described in Subsection VII.C, the Gaming Commission shall review any additional information submitted by the licensee with the petition and notify the licensee in writing of its decision, which shall be a final decision.
- E. Notwithstanding subsection VIII.A above, the Gaming Commission may suspend or revoke a license without advance notice if the licensee has falsified an application or if, in the opinion of the Gaming Commission, the licensee poses an immediate threat to the integrity of the Tribe's gaming operations or a threat to public safety or welfare.

VII. Duration and Renewal

All regular licenses shall be effective for 2 years from the date of issue. Renewal applications must be received by the Gaming Commission at least 30 days prior to the expiration of the license. Any licensee applying for renewal may continue to be employed or engaged under the expired license until the Gaming Commission takes action on the renewal application. Applicants for renewal shall provide updated material as requested by the Gaming Commission

but shall not be required to resubmit information already available to the Gaming Commission. Additional background investigations may be performed at the discretion of the Gaming Commission. Updated criminal history checks are required.

VIII. Fees

The Gaming Commission shall, by resolution, establish fees for applications and licenses. Application fees shall be nonrefundable, regardless of whether or not a license is issued. License fees are only refundable if a license is not issued, and not upon suspension or revocation of a license. Such fees shall be made payable to the La Jolla Band of Luiseño Indians.

CERTIFICATION

I, Cary Wolfe, as Secretary of the La Jolla Gaming Committee, do hereby certify that at a duly called meeting of the Gaming Committee on January 28, 2000, this Regulation was reviewed and approved by a vote of 8 in favor, 0 opposing and 1 abstaining, and amended at a duly called meeting of the Gaming Committee on June 13, 2003 by a vote of 4 in favor, 0 opposing and 2 abstaining. I do hereby certify that this Regulation has not been otherwise amended or rescinded in any way.

Date June 13, 2003
(S.M.)

Cary Wolfe
Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 003**

Regulations Establishing the La Jolla Gaming Commission

I. Purpose

The Tribal Council, by the authority vested in it pursuant to Subsection 2.9 and Section 20 of the Gaming Ordinance adopted by the General Council on December 15, 1999 ("Gaming Ordinance"), as amended, hereby enacts this Regulation in order to establish the La Jolla Gaming Commission as a non-political and independent unit of tribal government charged with the regulation of class II and class III gaming operations on the La Jolla Reservation.

II. Incorporation by Reference

This Regulation supplements the provisions of the Gaming Ordinance and any gaming compact between the Tribe and the State of California (the "Compact"), which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance or the Compact, the provisions of the Gaming Ordinance or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance.

III. Gaming Commission

A. Establishment

The Commission shall be composed of three (3) Commissioners hired in accordance with the Tribe's personnel policies and procedures. The Commissioners shall be under the direct supervision of the Tribal Council and, notwithstanding any provisions of the Tribe's personnel policies and procedures to the contrary, only the Tribal Council is authorized to take disciplinary action against a Commissioner or to consider employment grievances filed by a Commissioner. A decision concerning such disciplinary action or grievance requires a majority vote of the entire Tribal Council, and such decisions may be appealed within thirty (30) days to the appellate body established under Gaming Regulation 011.

B. Powers and Duties

The Commission shall exercise all powers necessary to perform the duties assigned to it by the Gaming Ordinance, this Regulation or any other gaming ordinance or regulation duly adopted by the General Council, Tribal Council or Gaming Committee. The Commission shall exercise its regulatory powers in accordance with the Indian Gaming Regulatory Act and regulations, the Compact, the Tribe's own gaming laws and regulations and applicable State laws

or regulations. Without limiting the generality of the foregoing, the Commission is authorized to:

- 1) Conduct background investigations of all prospective employees and other persons for whom background investigations are required as a condition of licensing by the Compact, Tribal laws, State laws or Federal laws;
- 2) Issue, suspend, revoke and renew licenses of all persons referred to in subparagraph 1) above upon completion of background investigations and review of eligibility/suitability;
- 3) Forward completed applications and investigative reports on each background investigation for primary management officials and key employees to the NIGC prior to issuing a license and notify the NIGC if, after conducting a background investigation on a primary management official or a key employee, the Commission does not license the individual;
- 4) Forward to the State Gaming Agency notices of intent to license and completed applications and investigative reports as required by the Compact;
- 5) Maintain records on licensees and on persons denied licenses, as well as persons otherwise prohibited from engaging in gaming activities within the Tribe's jurisdiction, provided that applications and background investigation reports shall be maintained for at least three (3) years from termination of employment;
- 6) Provide the State Gaming Agency with the name, badge identification number and job description of all non-key gaming employees on a monthly basis as required by the Compact;
- 7) Issue licenses to each place, facility or location on the La Jolla Reservation where the Tribe authorizes gaming, including individually owned gaming;
- 8) Ensure that gaming facilities are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety;
- 9) Obtain annual independent outside audits and submit these audits to the NIGC;
- 10) Ensure that net revenues from any gaming activities are used for the purposes set forth in the Tribe's gaming ordinance;

- 11) Promulgate tribal gaming regulations for approval by the Tribal Council, including but not limited to regulations dealing with:
 - (a) criteria and procedures for licensing:
 - (i) all employees of the gaming operation;
 - (ii) each place, facility or location on the La Jolla Reservation where the Tribe authorizes gaming, including individually owned gaming;
 - (iii) persons and entities who do business with the gaming operation, including manufacturers and suppliers of machines, equipment and supplies;
 - (b) minimum internal control standards or procedures for the gaming operation, including standards or procedures relating to:
 - (i) the operation's credit policies and procedures for acquiring supplies and equipment;
 - (ii) surveillance;
 - (iii) games and gaming machines;
 - (iv) cage and credit;
 - (v) internal audit;
 - (vi) electronic data processing;
 - (vii) complimentary services or items.
- 12) Resolve patron disputes.
- 13) Perform audits of business transactions to ensure compliance with regulations and/or policy.
- 14) Monitor gaming activities to ensure compliance with the Indian Gaming Regulatory Act, its regulations, the Tribal-State compact and the Tribe's laws and regulations;

- 15) Interact with other regulatory and law enforcement agencies regarding the regulation of gaming;
- 16) Conduct investigations of possible violations and take appropriate enforcement action, including but not limited to:
 - (a) Imposition of civil penalties not to exceed five thousand dollars (\$5,000.00) per each separate count or violation, where each day of violation shall constitute a separate count or violation;
 - (b) Inspect and examine all premises wherein gaming is conducted or gambling devices are used, manufactured, sold or distributed;
 - (c) Inspect all equipment and supplies in, upon or about a gaming operation, or inspect any equipment or supplies, wherever located, which may be, or have been, used in the gaming operation;
 - (d) Summarily seize and remove from a gaming operation (or wherever located) and impound such equipment or supplies for the purposes of examination, inspection, evidence or forfeiture;
 - (e) Demand immediate access to and inspect, examine and audit all papers, books, and records of applicants and licensees, and require verification of income and all other matters affecting the enforcement of this Regulation;
 - (f) Seize and impound any patron's winnings which the Commission has reason to believe may have been won or obtained in violation of this Regulation pending a civil forfeiture hearing on such seizure;
 - (g) Issue subpoenas and compel the attendance of witnesses for hearings at any place within the La Jolla Reservation, to administer oaths and require testimony under oath
- 17) Provide independent information to the Tribe on the status of the Tribe's gaming operations;
- 18) Take testimony and conduct hearings on regulatory matters, including matters related to the revocation of licenses;
- 19) Retain a paid staff, legal counsel and other consultants in accordance with any personnel ordinance, policies or procedures adopted by the Tribe, to be paid out of

the Commission's annual budget which must be approved by the Tribal Council in accordance with Section VIII of this Regulation;

- 20) Establish such policies, procedures, and rules as are needed to carry out the purposes of this Regulation, subject to the approval of the Tribal Council; and
- 21) Delegate the above-mentioned powers to the Executive Director.

C. Qualifications

- 1) To serve as a Commissioner, an individual must be at least twenty-five (25) years of age, be a U.S. citizen, and have experience in one or more of the following fields: accounting, law, law enforcement, gaming management or gaming regulation.
- 2) No member of the Tribal Council and no employee of any gaming operation may serve concurrently as a Commissioner.
- 3) No more than one member of the same immediate family may serve on the Commission at the same time. "Immediate family" means persons who are related as a father, mother, brother, sister, son, daughter, husband or wife.
- 4) The Tribal Council shall conduct or cause to be conducted a background investigation on each Commissioner either before or within thirty (30) days of the Commissioner's appointment. Should the background investigation result in any one of the following findings against the Commissioner or prospective Commissioner, he or she shall be disqualified from serving as a Commissioner:
 - (a) The person has been convicted, or is currently being prosecuted for, a felony or a crime of moral turpitude, including, but not limited to, fraud, theft, embezzlement, or a misdemeanor gaming offense;
 - (b) The person has knowingly or willfully provided materially false or misleading information to the Tribal Council or Tribe;
 - (c) The person has refused to respond to questions asked by the Tribal Council that are relevant to the background investigation;
 - (d) A majority of the Tribal Council determines that the person is a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective

regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices, methods, and activities in the conduct of gaming or the carrying on of related business and financial arrangements.

D. Term of Office

Commissioners shall serve until resignation, termination for cause, disqualification or death.

E. Resignation, Termination for Cause, Disqualification

- 1) Any Commissioner may resign from office at any time. Resignations shall be made in writing delivered to the Tribal Council at least thirty (30) days before the effective date of resignation.
- 2) Termination shall be ordered by a majority vote of the entire Tribal Council.

F. Vacancies

If any vacancy is created on the Commission by virtue of resignation, death or removal of a Commissioner, the Tribal Council shall hire a replacement within thirty (30) days of the vacancy's occurrence.

G. Compensation

Commissioners shall be compensated at the rate established by the Commission's annual budget which must be approved by the Tribal Council in accordance with Section VIII of this Regulation. Commissioners shall be reimbursed for necessary out-of-pocket expenses incurred in carrying out the duties and responsibilities of their position. Receipts or appropriate documentation shall be submitted for all expenses to be reimbursed. In no event shall compensation be based on a percentage of net profits from the Tribe's gaming operations.

H. Protections Against Conflicts of Interests

- 1) Commissioners may not engage in any gaming activity at the Tribe's gaming operations nor may they have any personal financial interest in any gambling by any patron of the Tribe's gaming facility.
- 2) If a Commissioner or someone related to the Commissioner has an existing or potential financial interest in any matter over which the Commission exercises

decision-making authority, that Commissioner shall make full disclosure of that interest to the Commission and shall abstain from voting, or being present during any vote, on the matter. For the purposes of this Regulation, the receipt of a per-capita distribution of gaming operation profits as paid to all eligible Tribal members shall not constitute a financial interest in the gaming operation.

- 3) No Commissioner shall use or divulge any confidential information obtained while carrying out the duties and responsibilities of their position for the purpose of benefiting, either directly or indirectly, himself or herself or persons related to him or her.
- 4) No Commissioner or person related to a Commissioner may receive personal compensation, gifts, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest extent possible. The Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.
- 5) Commissioners shall also be subject to any Tribal laws regarding conflicts-of-interests applicable to Tribal employees generally.

I. Reports

The Commission shall provide biweekly reports to the Tribal Council summarizing the Commission's activities. On or before the last day of the third month after the close of the Tribe's fiscal year, the Commission shall provide to the General Council an annual report summarizing the Commission's activities during the prior fiscal year, and accounting for all receipts and disbursements. Such annual report shall include an audited statement of accounting.

J. California Law Enforcement Telecommunications System (CLETS) Compliance

In accordance with Article VIII, Section 2 of the Gaming Ordinance and Section 6.4.8. of the Compact, Article 6 (commencing with section 11140) of Chapter 1 of Title 1 of Part 4 of the California Penal Code is applicable to the Commissioners, the Executive Director and any other staff employed by the Commission.

IV. Meetings

A. Rules and Regulations

The Commission may adopt such rules and regulations for the conduct of their meetings and the management of the Commission as they may deem proper.

B. Place

Meetings of the Commission shall be held on the La Jolla Reservation.

C. Initial Meeting

The Commission shall hold its initial meeting within fourteen (14) days after the Commissioners are appointed.

D. Regular Meetings

The Commission shall establish a regular schedule of meetings, and shall hold no less than two (2) meetings in each thirty-day period.

E. Special Meetings

Special meetings of the Commission may be called at the request of the Executive Director or by any Commissioner.

F. Quorum

A quorum of the Commission shall consist of two (2) Commissioners. All actions or decisions must be approved by a majority vote of the Commission. Every act or decision done or made by the Commissioners present at a meeting duly convened at which a quorum is present shall be regarded as an act of the Commission, subject to the provisions of this Regulation and any applicable law. In the absence of a quorum, no business shall be conducted other than for the purpose of information sharing only.

G. Mode of Meeting

The Board of Directors may conduct regular or special meetings through the use of any means of communication by which all Directors may simultaneously hear each other.

H. Notice

The schedule of regular meetings shall be sent to each Commissioner and the Executive Director, and no further notice of regular meetings is required to be given. Notice of special meetings shall be given in writing to each Commissioner and the Executive Director at least twenty-four (24) hours prior to the meeting. Notices shall be given either personally, by telephone, by mail or by fax. Such notice shall state the place, date, and hour of the meeting and the general nature of the business to be transacted. In the case of a special meeting, no other business other than that set out in the notice may be transacted at the meeting, unless approved by unanimous vote of the Commissioners. Notice is not required when the requirement is waived by unanimous consent of the Commissioners. Such vote shall be recorded in the minutes of the meeting at which such vote was taken.

V. Officers

A. Appointment and Term

At its initial meeting, the Commission shall appoint from among its members a President, Vice-president, and Secretary-Treasurer. Officers shall serve for one (1) year. No officer shall serve in more than one office simultaneously.

B. Duties of Officers

The duties and powers of the officers of the Commission are those specified in this Regulation, and shall include any additional duties and powers as may be set by resolution of the Commission, provided that such duties and powers may not exceed the powers granted to the Commission by this Regulation.

C. President

The President shall preside at meetings of the Commission. The President shall be the principal executive officer of the Commission.

D. Vice-president

In the absence of the President, the Vice-president shall perform all the duties of the President, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice-president shall have such other powers and perform such other duties as may be prescribed by the President.

E. Secretary-Treasurer

The Secretary-Treasurer shall have the following duties:

- 1) The Secretary-Treasurer shall monitor the maintenance of the book of minutes of all meetings and actions of the Commission, which shall be maintained at the Commission's main office. This shall include the time and place of meetings, whether regular or special, and if special, how authorized, the notice given, and the names of those present at such meetings. The Secretary-Treasurer shall give, or cause to be given, notice of all meetings of the Commission required by this Regulation to be given. The Secretary-Treasurer shall keep the seal, if any, of the Commission in safe custody.
- 2) The Secretary-Treasurer shall monitor the fiscal activities of the bookkeeper and/or accountant retained by the Commission to maintain the financial records of the Commission.

F. Vacancies

A vacancy in any office due to death, resignation, removal, disqualification, or any other cause shall be filled by the Commission within thirty (30) days of the appointment of the replacement Commissioner by the Tribal Council, and the Commission may at such time reassign as many Commissioners as necessary to new offices.

VI. Executive Director

At its discretion, but subject to budgetary approval by the Tribal Council, the Gaming Commission may hire an Executive Director. If the Gaming Commission chooses to hire an Executive Director, this Section VI shall apply. If the Gaming Commission chooses to not hire an Executive Director, this Section VI will not apply; in addition, any provision in this Regulation that refers to "Executive Director" shall continue in full force and effect as if the words "Executive Director" were not included in that provision.

A. Powers and Duties

The Executive Director shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities for compliance with the Compact and all applicable Federal, State and Tribal gaming laws and regulations. In addition, the Executive Director shall perform such duties as may be delegated by resolution of the Commission from time to time.

B. Position

The Executive Director shall be hired by the Commission and report directly and only to the Commission. The Executive Director may be terminated for cause by majority vote of the Commission.

C. Qualifications

- 1) The Executive Director must be at least twenty-five (25) years of age, a U.S. citizen, and have experience in gaming management or gaming regulation.
- 2) A detailed background investigation shall be conducted on the Executive Director before his or her hiring.
- 3) Any person who has been convicted of, or is currently being prosecuted for, a felony or a crime of moral turpitude, including, but not limited to, fraud, theft, and embezzlement, is not eligible to serve as Executive Director.

D. Compensation

The Executive Director's shall be compensated in accordance with the terms of his or her employment. Compensation shall not be based, in whole or in part, on the profitability of the gaming operation. Compensation shall be paid out of the Commission's annual budget.

E. Protections Against Conflicts of Interests

The restrictions imposed on Commissioners under Subsection III.H of this Regulation shall apply equally to the Executive Director.

F. Reports

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

VII. Confidentiality

Each Commissioner, the Executive Director and any staff employed by the Commission shall be required to sign a confidentiality agreement and will be responsible for ensuring the strictest standards of confidentiality with respect to all information concerning the gaming operation or the Commission's business. All information provided to or obtained by the Commission, the Executive Director or any staff employed by the Commission in performance of their duties shall be kept confidential and shall not be disclosed to any person or organization without the written consent of the Gaming Commission. The Commission and the Executive Director may refuse to reveal in any court proceeding, the identity of any informant and/or the information obtained from the informant.

VIII. Budget

At least ninety (90) days prior to the end of each fiscal year, the Commission shall prepare a budget for the next year's operation and shall submit the budget to the Tribal Council. In preparing the annual budget, all actual and anticipated surplus funds of the Commission shall be taken into account. The Commission shall add to this annual budget an additional ten percent (10%) of the annual budget to serve as a contingency fund to cover costs in the event of an emergency or unforeseen event. The Tribal Council shall adopt, amend or replace the annual budget and, based thereon, shall authorize the transfer of the annual capital it may need for operation and program purposes. Expenditures by the Commission shall be in accordance with the approved annual budget, except that the Commission may deviate from the terms of the adopted budget by a margin of not more than ten percent (10%) during the budget year without further approval of the Tribal Council so long as the contingency fund is sufficient to cover this deviation.

IX. Review

A. Executive Director's Decisions

Any person or entity adversely affected by a decision of the Executive Director, including but not limited to the gaming operation or any employee thereof, may petition the Commission for review of such decision within thirty (30) days after receiving notice of the decision. Said decision shall only be reversed by a majority vote of the Commission at a duly held meeting at which such matter has been placed on the agenda at least fifteen (15) days prior to such meeting.

B. Commission's Decisions

Any person or entity adversely affected by a decision of the Commission, other than a licensing decision, including but not limited to the gaming operation or any employee thereof,

may petition the Tribal Council for review of such decision within thirty (30) days after receiving notice of the decision. Said decision shall only be reversed by a majority vote of the Tribal Council at a duly held meeting at which such matter has been placed on the agenda at least fifteen (15) days prior to such meeting. Licensing decisions of the Commission are reviewable only in accordance with Gaming Regulation 002, Licensing Requirements and Procedures.

C. Tribal Council Decisions

The decisions of the Tribal Council shall be final and binding upon the petitioner, Executive Director or Commission and shall not be subject to judicial review, dispute resolution or other legal action.

X. Sovereign Immunity

As an agency of the Tribe's government, the Commission shall enjoy the full benefits of the Tribe's sovereign immunity, and any and all attributes of sovereignty enjoyed by the Tribe's government. The Commission has no authority to waive the Tribe's sovereign immunity.

XI. Indemnification

The Tribal Council shall indemnify any Commissioner or Officer or former Commissioner or Officer of the Commission, against expenses actually and reasonably incurred in connection with the defense of any action, suit or proceeding, civil or criminal, in which that individual is made a party by reason of being or having been such a Commissioner or Officer, except in relation to matters as to which the Commissioner or Officer or former Commissioner or Officer of the Commission shall be adjudged in such action, suit or proceeding to be liable for gross negligence, fraud or willful misconduct in the performance of duty to the Commission or Tribe.

XII. Severability

If any provision of this Regulation shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

XIII. Amendment of Regulation

This Regulation may be amended or repealed by a majority vote of the entire Tribal Council.

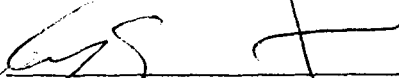
Issued April 10, 2000 and
Amended Oct. 30, 2001 by Gaming Committee
Amended May 28, 2003 by Tribal Council

XIV. Effective Date

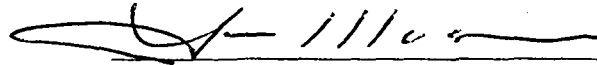
This Regulation is effective April 10, 2000 and any amendments thereafter shall take effect immediately upon adoption by a majority vote of the Gaming Committee before June 17, 2002 or by a majority vote of the Tribal Council after June 16, 2002.

CERTIFICATION

We, the undersigned official of the La Jolla Tribal Council, do hereby certify this Regulation was ratified and adopted on the 28th day of May, 2003, at a duly called meeting of the Tribal Council, by a vote of 3 in favor, 0 against, and 1 abstaining, and that this Regulation has not since been amended or rescinded.



Wendy Schlater, Chairwoman



Jack Musick, Vice Chairman



Theda Molina, Secretary

Larriann Musick, Treasurer



Tracy Lee Nelson, Council Member

**La Jolla Band of Luiseño Indians
Gaming Regulation 004**

Technical Standards for Gaming Devices and Redemption Kiosks

I. Purpose

This Regulation describes the technical standards applicable to gaming devices and redemption kiosks used in connection with any class II or class III gaming facilities operated on the La Jolla Reservation pursuant to the Gaming Ordinance of the La Jolla Band of Luiseño Indians (the "Tribe"). The purpose of these technical standards is to ensure that such gaming devices and redemption kiosks are fair, secure, and able to be audited and operated correctly. This Regulation is adopted in accordance with Section 8.1.14 of the gaming compact between the Tribe and the State of California (the "Compact"), which requires the Tribe to adopt technical standards for gaming devices that are no less stringent than those standards approved by a recognized gaming testing laboratory in the gaming industry.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact, including, but not limited to, the term "gaming device" as defined in Section 2.6 of the Compact.

III. Applicable Standards

A. As the regular technical standards for gaming devices and redemption kiosks, the Tribe hereby adopts, and incorporates in this Regulation by reference, the following technical standards produced by Gaming Laboratories International, Inc. ("GLI"):

1. GLI-11: Gaming Devices in Casinos, Version 1.3, released November 10, 2000, as amended from time to time;
2. GLI-12: Progressive Gaming Devices in Casinos, Version 1.1, released March 17, 2000, as amended from time to time;

3. GLI-13: On-line Monitoring and Control Systems, Version 1.1, released February 20, 2001, as amended from time to time; and
 4. GLI-20: Redemption Kiosks, Version 1.2, released February 20, 2003, as amended from time to time
- B. As special technical standards for gaming devices that have been recently introduced to the market and therefore not yet certified by GLI as meeting its technical standards, the Tribe hereby adopts, and incorporates in this Regulation by reference, the Technical Standards for Gaming Devices set out in Regulation 14 of the Nevada Gaming Commission and State Gaming Control Board.
- C. A copy of the abovementioned standards is on file at the tribal administration offices and the offices of the La Jolla Gaming Commission, available for inspection by tribal members and other interested persons upon reasonable notice.

IV. General

Any manufacturer, distributor, or supplier of gaming devices or redemption kiosks shall be required to comply with all provisions of this Regulation prior to putting any of their gaming devices or redemption kiosks in use at any gaming facility on the La Jolla Reservation. Every gaming device or redemption kiosk, including hardware and software, for use on the La Jolla Reservation must be tested and certified by an independent gaming testing laboratory to comply with the abovementioned standards. Every modification to the hardware or software of any previously certified gaming device or redemption kiosk must be submitted for testing and certified by the testing laboratory prior to installation.

V. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission shall monitor the installation, repair, modification, and operation of gaming devices and redemption kiosks to ensure compliance with this Regulation and take appropriate enforcement action for violations of this Regulation.

CERTIFICATION

I, Carey Wolfe, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a duly called La Jolla Gaming Committee meeting held

Issued October 16, 2001
Amended April 9, 2002
and June 13, 2003

on October 16, 2001, by a vote of 7 in favor, 0 opposed and 0 abstaining, amended at a duly called Gaming Committee meeting held on April 9, 2002, by a vote of 7 in favor, 0 opposed and 0 abstaining, and further amended at a duly called Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

April 9, 2002
Date (SEN)

Cathy Wayne
Gaming Committee Secretary

**La Jolla Band of Mission Indians
Gaming Regulation 005**

Internal Control Standards

I. Purpose

This Regulation describes the internal control standards applicable to any class II or class III gaming operations on the La Jolla Reservation. The purposes of these standards are to ensure the integrity of such gaming operations and to safeguard this source of tribal revenues. This Regulation is adopted in accordance with 25 C.F.R. § 542.3(a) which requires the Tribe to adopt internal control standards that are no less stringent than those standards set forth in 25 C.F.R. Part 542.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the gaming compact between the Tribe and the State of California (the "Compact"). In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact.

III. Applicable Standards

The Tribe hereby adopts, and incorporates in this Regulation by reference, the minimum internal control standards promulgated by the National Indian Gaming Commission ("NIGC") as 25 C.F.R. Part 542, as amended from time to time. A copy of these standards is on file at the tribal administration offices and the offices of the La Jolla Gaming Commission, available for inspection by tribal members and other interested persons upon reasonable notice.

IV. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission shall monitor class II and class III gaming operations to ensure compliance with this Regulation and take appropriate enforcement action for violations of this Regulation.

by reference, the Technical Standards for Gaming Devices set out in Regulation 14 of the Nevada Gaming Commission and State Gaming Control Board.

- C. A copy of the abovementioned standards is on file at the tribal administration offices and the offices of the La Jolla Gaming Commission, available for inspection by tribal members and other interested persons upon reasonable notice.

IV. General

Any manufacturer, distributor, or supplier of gaming devices shall be required to comply with all provisions of this Regulation prior to putting any of their gaming devices in play at any gaming facility on the La Jolla Reservation. Every gaming device, including hardware and software, for use on the La Jolla Reservation must be tested and certified by an independent gaming testing laboratory to comply with the abovementioned standards. Every modification to the hardware or software of any previously certified gaming device must be submitted for testing and certified by the testing laboratory prior to installation.

V. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission shall monitor the installation, repair, modification, and operation of gaming devices to ensure compliance with this Regulation and take appropriate enforcement action for violations of this Regulation.

CERTIFICATION

I, Doris Magante, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on October 16, 2001, by a vote of 7 in favor, 0 opposed and 0 abstaining, and that said Regulation has not been amended or rescinded in any way.


Date October 16, 2001

Date

Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 006**

Gaming Facility Building and Safety Codes

I. Purpose

This Regulation describes building and safety codes applicable to any gaming facility of the La Jolla Band of Luiseño Indians (the "Tribe") constructed after May 5, 2000 and to all expansions or modifications to any building constructed prior to May 5, 2000 that is used as a gaming facility after May 5, 2000. The purpose of this Regulation is to provide for the protection of the public health, safety and welfare by regulating the construction, alteration and repair of gaming facilities located on the La Jolla Indian Reservation. This Regulation is adopted in accordance with Section 6.4.2 of the gaming compact between the Tribe and the State of California (the "Compact"), which requires the Tribe to enact building and safety codes that meet the standards of either the building and safety codes of the county within which the Tribe's gaming facility is located or the Uniform Building Code.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact, including, but not limited to, the term "gaming facility" as defined in Section 2.8 of the Compact.

III. Applicability

Nothing in this Regulation shall be construed to apply to any building construction, alteration or repair other than with respect to gaming facilities on the La Jolla Indian Reservation.

IV. Adoption of the Uniform Building Code

- A. There is hereby adopted by reference by the Tribe those certain codes identified as the Uniform Building Codes, including the Uniform Building Code, 1997 Edition, Volumes 1, 2, and 3 ("UBC"), and including the Uniform Fire Code, 1997 Edition, Uniform Plumbing Code, 1997 Edition, National Electrical Code, 1996 Edition, and Uniform Mechanical Code, 1997 Edition, as identified in Section 6.4.2(b) of the Compact, save and except such portions as are hereinafter amended, deleted, or added.

- B. One (1) copy of the UBC has been and is now on file at the tribal administration offices and is open for inspection by tribal members, their contractors, and contractors hired by the Tribe.

IV. Deletions, Revisions, and Additions to the Uniform Building Code

Chapter 1, Administration, of the UBC is modified as follows:

- A. "Section 104.1 - Creation of Enforcement Agency" is deleted in its entirety and replaced by the following:

Section 104.1 - Creation of Enforcement Agency

There is hereby established an agency of the Tribe known as the Gaming Facility Building and Safety Agency. A Tribal Building Official shall head said Building and Safety Agency and shall report to the Gaming Committee on a regular basis. The Tribal Building Official may work on a full-time, part-time, or consultant basis as the Gaming Committee shall determine. Candidates for the position must be qualified as a "Certified Building Official" under the requirements of the International Codes Council/Council of American Building Officials, must have a minimum of two years experience as a building official with a governmental entity, and must submit to the Gaming Committee, on an annual basis, a report indicating proof of compliance with all applicable tribal requirements for continuing education. The Tribal Building Official is responsible for implementing all procedures and requirements of the Tribe's Gaming Regulation 006, Gaming Facility Building and Safety Codes. Credentials of experts providing other services to the Building and Safety Agency shall include certification in their primary job functions by the International Council of Building Officials or equivalent certification recognition, and proof of ongoing compliance with all continuing education requirements of the Tribe for their position.

- B. "Section 105 - Board of Appeals" is deleted in its entirety and replaced by the following:

Section 105 - Creation of Board of Appeals

In order to hear and decide appeals of orders, decisions or determinations made by the Tribal Building Official relative to the application and interpretation of the Tribe's Gaming Regulation 006, Gaming Facility Building and Safety Codes, there is hereby created a board of appeals consisting of three (3) Tribal Members

appointed by the Tribal Council. Any person affected by an order, decision or determination made by the Tribal Building Official relative to the application and interpretation of the Tribe's Gaming Regulation 006, Gaming Facility Building and Safety Codes, shall have the right to file an appeal with the board of appeals. All such appeals must be submitted in writing within fifteen (15) days after the date of such order, decision or determination. Appellants shall be allowed to present evidence in their defense in a hearing before the board of appeals. The board of appeals shall render its final decision, in writing, within fifteen (15) days of the date of such hearing.

The process described in this Section 105 is within the exclusive jurisdiction of the tribal government and its agencies and officers and is the sole recourse for any person opposing any order, decision or determination of the Tribal Building Official.

- C. The following provision is added to the end of "Section 109 - Certificate of Occupancy":

Section 109.7 Compliance Review

Every certificate of occupancy shall be reviewed by the Tribal Building Official every two (2) years to ensure compliance with the provisions of Gaming Regulation 006, Gaming Facility Building and Safety Codes and the requirements of Sections 6.4.2(c) and (d) of the Tribal-State Gaming Compact. If the Tribal Building Official finds that the building or structure or portion thereof is in violation of any tribal ordinance or regulation or provisions of this Code, the Tribal Building Official is hereby authorized to suspend or revoke such certificate of occupancy until such time as the building or structure or portion thereof is brought into compliance.

VI. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission shall monitor the construction, alteration and repair of gaming facilities to ensure compliance with this Regulation and take appropriate enforcement action for violations of this Regulation.

VI. Effective Date

This Regulation shall take effect immediately upon its approval by the Gaming Committee, and such approval shall be deemed retroactive to June 4, 2000.

CERTIFICATION

I, Carly Wolfe, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

June 13, 2003
Date (sem)

Carly Wolfe
Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 007**

Off-Reservation Environmental Impacts

I. Purpose

This Regulation describes the environmental review procedure applicable to any gaming project of the La Jolla Band of Luiseño Indians (the "Tribe") commenced on or after May 5, 2000. The purposes of this Regulation are to provide for the protection of the environment and to encourage a cooperative working relationship between the Tribe and the off-reservation community, while recognizing the Tribe's legitimate governmental interests. This Regulation is adopted in accordance with Section 10.8.1 of the gaming compact between the Tribe and the State of California (the "Compact"), which requires the Tribe to enact a tribal law providing for the preparation, circulation and consideration by the Tribe of environmental analysis reports concerning potential off-reservation impacts of its gaming projects.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance or the Compact. In this Regulation:

- A. "Environment" means the physical conditions which exist within the off-reservation area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, traffic and objects of historic or aesthetic significance.
- B. "Environmental Analysis" means any environmental assessment, environmental impact report or similar environmental study prepared in connection with a project.
- C. "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.
- D. "Gaming Facility" means any building in which Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those records, and financial institutions), and all rooms,

buildings and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the gaming operation.

- E. "Mitigation" includes:
1. Avoiding the impact altogether by not taking a certain action or parts of an action;
 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and/or
 5. Compensating for the impact by replacing or providing substitute resources or environments.
- F. "Off-reservation" means the surrounding area around the La Jolla Indian Reservation or such other area as the Tribal Council deems appropriate in its sole discretion considering the proposed project and the topography, demographics, quality of the environment and other environmental conditions outside the boundaries of the La Jolla Indian Reservation.
- G. "Project" means the commencement on or after May 5, 2000, of any expansion or any significant renovation or modification of any existing gaming facility, as defined below, or any significant excavation, construction, or development associated with the existing gaming facility or proposed gaming facility.
- H. "Reservation" means all land, air, and water located within the exterior boundaries of the La Jolla Indian Reservation.
- I. "Significant off-reservation environmental impact" means a substantial, or potentially substantial adverse change in the off-reservation environment, as defined in this Regulation.

III. Applicability

Nothing in this Regulation shall be construed to apply to any development project other than the development of gaming facilities on the La Jolla Indian Reservation.

IV. Environmental Analysis

- A. Prior to the commencement of any proposed project for which a negative declaration is not prepared, the Tribal Council shall prepare or cause to be

prepared an environmental analysis of the project. The environmental analysis shall be prepared by persons qualified by training, education, or experience to make the analyses and determinations required hereunder.

- B. The environmental analysis shall include, at minimum:
1. a description of the proposed project;
 2. a description of the environment of the off-reservation areas that will or may be affected by the proposed project;
 3. a discussion of the significant adverse environmental impacts of the proposed project, including but not limited to significant adverse off-reservation environmental impacts, if any; and
 4. an identification and discussion of proposed mitigation measures to lessen or avoid any significant adverse environmental impacts of the proposed project off-reservation.

V. Public Notice and Comment Period; Public Meeting

- A. Upon completion of the environmental analysis, the Tribal Council shall cause to be published for three (3) consecutive days in a newspaper of general circulation in the area potentially impacted by the proposed project a public notice including the following:
1. a description of the proposed project, including its location;
 2. information as to how and where members of the public can obtain copies of the environmental analysis;
 3. the period during which comments will be received on the draft environmental analysis and where to send any such comments; and
 4. the date, time and place of any public meetings on the proposed project.
- B. Concurrently with the publication of the public notice described in subsection A above, the Tribal Council shall provide the same notice and a copy of the draft environmental analysis to the State Clearinghouse in the Office of Planning and Research; and to the Board of Supervisors for San Diego County.
- C. The notice to the Board of Supervisors shall also state that, upon request, the Tribal Council will meet with the Board to discuss the mitigation of significant adverse off-reservation environmental impacts provided that such request shall be made within thirty (30) days after receipt of the notice.
- D. The Tribal Council shall be available to meet with and provide an opportunity for comment by those members of the public residing off-Reservation within the

vicinity of the gaming facility such as might be adversely affected by the proposed project.

- E. The Tribal Council shall give due consideration to comments received. However, the determination of whether to proceed with the proposed project as designed or with any mitigation measures shall lie solely with the Tribal Council.

VI. Decision to Proceed with Project: Appropriate Mitigation

- A. Following completion of the process described in Sections IV through V above, the Tribal Council shall determine whether and to what extent mitigation measures are necessary or appropriate with respect to significant adverse off-reservation environmental impacts, if any.
- B. During the development of a project, the Tribal Council shall:
 - (1) make good faith efforts to mitigate significant adverse off-reservation environmental impacts, if any; and
 - (2) keep the Board of Supervisors and potentially affected members of the public informed of the progress of the project.
- C. In making the determination under subsection A above, in the event that specific economic, social, or other considerations make infeasible such mitigation measures, the Tribal Council may proceed with the proposed project in spite of the existence of one or more significant adverse off-reservation environmental impacts.

VII. Effective Date

This Regulation shall take effect immediately upon its approval by the Gaming Committee, and such approval shall be deemed retroactive to May 5, 2000.

CERTIFICATION

I, Philly Wick, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

June 13, 2003
Date (mm/dd/yyyy)

Philly Wick
Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 008**

**Minimum Standards Concerning
Public and Workplace Health and Safety**

I. Purpose

This Regulation establishes certain minimum standards applicable to any class II or class III gaming operations and gaming facilities on the La Jolla Indian Reservation. The purposes of these standards are to protect the health and safety of patrons and employees of the Tribe's gaming operations and gaming facilities. This Regulation is adopted in accordance with Subsections 10.2(a), (b), (e) and (f) of the gaming compact between the Tribe and the State of California ("Compact"), which require the Tribe to adopt and comply with certain standards concerning public and workplace health and safety that are no less stringent than federal and/or state standards.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact, including, but not limited to the terms "gaming facility" and "gaming operation" as defined in Sections 2.8 and 2.9 of the Compact.

III. Food and Beverage Handling Standards

The gaming operation shall comply with all applicable state public health standards for food and beverage handling. The gaming operation will allow inspection of food and beverage services by state or county health inspectors, during normal hours of operation, to assess compliance with these standards, unless inspections are routinely made by an agency of the United States Government to ensure compliance with equivalent standards of the United States Health Service. Nothing herein shall be construed as submission of the Tribe to the jurisdiction of those state or county health inspectors, but any alleged violations of the standards shall be treated as alleged violations of the Compact.

IV. Federal Water Quality and Safe Drinking Water Standards

The gaming operation shall comply with federal standards for water quality and safe drinking water standards as applicable in California. The gaming operation shall allow for inspection and testing of water quality by state or county health inspectors, as applicable, during

normal hours of operation, to assess compliance with these standards, unless inspections and testing are made by an agency of the United States Government pursuant to, or by the Tribe under express authorization of, federal law, to ensure compliance with federal water quality and safe drinking water standards. Nothing herein shall be construed as submission of the Tribe to the jurisdiction of those state or county health inspectors, but any alleged violations of the standards shall be treated as alleged violations of the Compact.

V. Workplace and Occupational Health and Safety Standards

The gaming operation shall comply with all applicable federal workplace and occupational health and safety standards. The gaming operation will allow for inspection of gaming facilities by state inspectors, during normal hours of operation, to assess compliance with these standards, unless inspections are routinely made by an agency of the United States Government to ensure compliance with federal workplace and occupational health and safety standards. Nothing herein shall be construed as submission of the Tribe to the jurisdiction of those state inspectors, but any alleged violations of the standards shall be treated as alleged violations of the Compact.

VI. Public Health and Safety Standards

The gaming operation shall comply with all applicable tribal and federal laws regarding public health and safety.

VII. Prohibition Concerning Alcoholic Beverages

If the Tribe permits the consumption of alcoholic beverages in a gaming facility, no person under the age of twenty-one (21) years shall be permitted to be present in any area in which class II or class III gaming activities are being conducted and in which alcoholic beverages may be consumed, to the extent required by the state Department of Alcoholic Beverage Control. No person under the age of eighteen (18) years shall be permitted to be present in any room in which class II or class III gaming activities are being conducted unless the person is en-route to a non-gaming area of the gaming facility.

VIII. Prohibition Concerning Firearms

Possession of firearms shall be prohibited at all times in class II and class III gaming facilities operated under the Tribe's Gaming Ordinance, except for possession of firearms by state, local, or tribal security or law enforcement personnel authorized by federal, state or tribal law to possess firearms at the facilities.

IX. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission may monitor the implementation of this Regulation by the gaming operation and take appropriate enforcement action for violations of this Regulation.

X. Effective Date

This Regulation shall take effect immediately upon its approval by the Gaming Committee, and such approval shall be deemed retroactive to May 5, 2000.

CERTIFICATION

I, Carey Wolfe, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

June 13, 2003
Date *(pm)*

Carey Wolfe
Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 009**

Tort Liability for Patron Claims

I. Purpose

This Regulation sets forth the terms and conditions under which patrons of the La Jolla Band of Luiseño Indians' (the "Tribe") gaming facility may pursue claims for money damages resulting from injuries to person or property occurring at the Tribe's gaming facility or in connection with the Tribe's gaming operation. This Regulation is adopted to satisfy the Tribe's obligation under Section 10.2(d) of the compact between the Tribe and the State of California (the "Compact") to enact tribal law providing for the processing of such patron claims.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the gaming compact between the Tribe and the State of California (the "Compact"). In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact, including, but not limited to, the terms "Gaming Facility" and "Gaming Operation" defined in Sections 2.8 and 2.9 of the Compact. In this Regulation:

- A. "days" means calendar days; and
- B. "patron" means an individual who uses the services offered at the gaming facility by the gaming operation; and
- C. "patron claims" means a claim, made by a patron in conformance with the procedures set forth in this Regulation, for money damages resulting from intentional or negligent injuries to person or property occurring within the gaming facility or in connection with the gaming operation.

III. Scope of Application

This Regulation applies solely to patron claims.

IV. Public Liability Insurance

The Tribe shall carry no less than five million dollars (\$5,000,000.00) per year in public liability insurance for patron claims. At its discretion, the Tribal Council may delegate this requirement to the Gaming Operation.

V. Due Diligence

In cooperation with the company providing the Tribe with the public liability insurance referred to in Section IV of this Regulation (the "Insurance Company"), and subject to the limits of the public liability insurance policy, the Tribe shall exercise due diligence to ensure that patron claims are promptly and fairly adjudicated and that legitimate claims are paid.

VI. Incident Reports

The Gaming Operation shall implement policies and procedures for recording any incidents that may give rise to a patron claim.

VII. Initial Processing of Patron Claims

The patron allegedly suffering the injury to person or property must present his or her claim, in detail and in writing, within thirty (30) days of the injury, to the Tribal Council. The Tribal Council shall promptly forward a copy of the patron's claim to the Insurance Company and to the gaming operation. All patron claims must first be handled by the Insurance Company, except that the gaming operation has the discretion to resolve patron claims up to the amount of the deductible under the Tribe's public liability insurance policy, at its sole discretion and in compliance with any requirements of the Tribe's public liability insurance policy. A patron may request resolution of his or her claim directly by the Tribe in accordance with the Process outlined in Section IX of this Regulation only after exhausting the claims processes of the Insurance Company and the gaming operation without reaching a settlement of the claim.

VIII. Sovereign Immunity

Except as stated in this Section, the sovereign immunity of the Tribe is in no manner waived by this Regulation or by any action of the Tribal Council or employees of the Tribe acting pursuant to this Regulation. In the event the Tribal Council grants a request for arbitration in accordance with Section IX of this Regulation and the patron is successful in obtaining an arbitration award, the Tribe hereby consents to waive its sovereign immunity from suit for the limited and sole purpose of enforcing the arbitration award provided that:

- A. The suit must be brought by the patron allegedly suffering the injury to person or property and not by any representative, agent, partner or other entity of or

connected with the patron, or by any other person, corporation, partnership, or entity.

- B. The patron allegedly suffering the injury to person or property must have followed all claims procedures established by the Tribe in this Regulation and by the Insurance Company.
- C. The suit must be an action to enforce the arbitration award and the relief sought limited to specific performance. Any waiver granted pursuant to this Section shall not be effective as to any patrons or other persons seeking monetary damages, declaratory relief, injunctive relief and/or any other forms of relief other than such specific performance.
- D. The arbitration process and award must be consistent with the rules specified in Section IX.E of this Regulation and the limitations specified in Section IX.F of this Regulation.
- E. The suit must be brought in:
 - 1. the judicial forum or other dispute resolution system established by the Tribe as having adjudicatory jurisdiction over patron claims, or, in the absence of any such forum
 - 2. the Superior Court for the State of California for the County of San Diego in Vista, California.

IX. Dispute Resolution

- A. A patron who exhausts the claims processes of the Insurance Company and the gaming operation without reaching a settlement of his or her claim may request arbitration of his or her claim. The patron allegedly suffering the injury to person or property must submit a request for arbitration in writing to the Tribal Council. The patron's request must be accompanied by copies of the patron's initial claim and any correspondence between the Insurance Company and the patron and between the gaming operation and the patron. The request must be submitted to the Tribal Council within thirty (30) days from the date on which the patron receives the later of the final decisions from the Insurance Company and the gaming operation. Unless otherwise provided for in the terms of the Tribe's public liability insurance policy or the written policies and procedures of the gaming operation, the Insurance Company or the gaming operation shall be deemed to have made a final decision upon confirming in writing its denial of the patron's claim or its rejection of a settlement offer or counteroffer by the patron.

- B. The Tribal Council shall have thirty (30) days to either grant or deny the request for arbitration. If the Tribal Council fails to grant or deny the request for arbitration within thirty (30) days, the request shall be deemed to have been denied. The Tribal Council shall notify the patron in writing of its decision and the reasons for its decision by registered mail with return receipt requested. A notice of a decision granting a request for arbitration shall include information on the negotiation and arbitration process set out below, including the date, time, and place for the initial negotiation meeting.
- C. If the Tribal Council grants the patron's request for arbitration, the patron and the Tribal Council shall first meet and confer in a good faith attempt to resolve the dispute through negotiation not later than fourteen (14) days after the patron receives the notice of the Tribal Council's decision to grant the request for arbitration, unless both parties agree in writing to an extension of time.
- D. If the dispute is not resolved to the satisfaction of the patron within thirty (30) days after the first meeting, the dispute shall be submitted to mandatory binding arbitration.
- E. Arbitration shall be administered by the American Arbitration Association in accordance with its Accident Claims Arbitration Rules. Each party shall initially pay its own arbitration costs and expenses, but the arbitrator may, in its discretion, include such costs and expenses, excluding attorneys fees, as part of the award to the prevailing party.
- F. In no event shall an award in an arbitration initiated under this Section exceed the limitations of the public liability insurance policy purchased by the Tribe in conformance with this Regulation, and an award must be consistent with all other terms and conditions of said insurance policy.
- G. Any award of the arbitrator may be submitted for enforcement to a court of competent jurisdiction as specified in Section VIII.E of this Regulation. In the event an action to enforce an arbitration award is pursued, the prevailing party shall be entitled to receive its reasonable attorneys' fees and its costs and expenses of litigation.

XIII. Effective Date

This Regulation shall take effect immediately upon its approval by the Gaming Committee, and such approval shall be deemed retroactive to April 1, 2002.

CERTIFICATION

I, Cary Wolfe, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

June 13, 2003
Date (mm)

Cary Wolfe
Gaming Committee Secretary

**La Jolla Band of Luiseño Indians
Gaming Regulation 010**

Patron Incentives

I. Purpose

This Regulation applies to class II or class III gaming operations and gaming facilities on the La Jolla Indian Reservation. The purpose of this Regulation is to protect and promote the integrity of the La Jolla Band of Luiseño Indians' (the "Tribe") gaming operations. This Regulation is adopted in accordance with Subsections 10.2(h), (i), and (j) of the gaming compact between the Tribe and the State of California ("Compact"), which require certain limitations on the services and incentives the gaming operation can offer its patrons.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact.

III. Check Cashing

Pursuant to Subsection 10.2(h) of the Compact, the gaming operation is prohibited from cashing checks drawn against a federal, state, county, or city fund, including, but not limited to, Social Security, unemployment insurance, disability payments, or public assistance payments.

IV. Complimentary Items

Pursuant to Subsection 10.2(i) of the Compact, the gaming operation is prohibited from providing, allowing, contracting to provide, or arranging to provide alcoholic beverages for no charge or a reduced charge as an incentive or enticement to patrons. Nothing herein prohibits the gaming operation from providing other goods and services, including food or lodging, to its patrons for no charge or a reduced charge.

V. Extension of Credit

Pursuant to Subsection 10.2(j) of the Compact, the gaming operation is expressly prohibited from extending credit to its patrons for gambling purposes. For the purpose of this Regulation only, acceptance of a personal check that is deposited within one business day does not constitute an extension of credit.

VI. Compliance

Without limiting the generality of the La Jolla Gaming Commission's powers and duties, as set out in Section III.B of Gaming Regulation 003, the La Jolla Gaming Commission may monitor the implementation of this Regulation by the gaming operation and take appropriate enforcement action for violations of this Regulation.

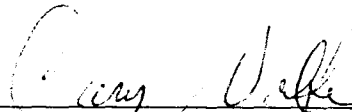
VII. Effective Date

This Regulation shall take effect immediately upon its approval by the Gaming Committee, and such approval shall be deemed retroactive to May 5, 2000.

CERTIFICATION

I, CHERYL WOLFE, as Secretary of the La Jolla Gaming Committee, do hereby certify that this Regulation was reviewed and adopted at a Gaming Committee meeting held on June 13, 2003, by a vote of 4 in favor, 0 opposed and 2 abstaining, and that said Regulation has not been otherwise amended or rescinded in any way.

June 13, 2003
Date (SPM)


Gaming Committee Secretary

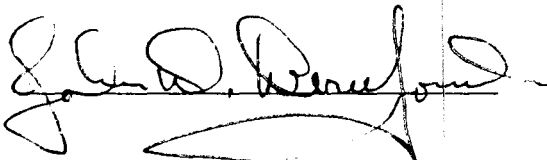
**La Jolla Band of Luiseño Indians
Gaming Committee Resolution No.**

- WHEREAS, The La Jolla Band of Luiseño Indians ("the Tribe") is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. Sections 2701-2721) ("IGRA"); and
- WHEREAS, The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribe's Constitution, having all the legislative powers and responsibilities of the Tribal Government; and
- WHEREAS, The General Council, pursuant to Article 3, Subsection C(8) of the Tribe's Constitution, may delegate, by ordinance or resolution, any of its enumerated powers and duties to a committee; and
- WHEREAS, The General Council, pursuant to Section 20 of the Tribe's Gaming Ordinance, duly adopted on December 15, 1999, ("Gaming Ordinance") has delegated to the Tribe's Gaming Committee the power and responsibility of promulgating such regulations as the Gaming Committee deems appropriate to implement the provisions of the Gaming Ordinance; and
- WHEREAS, The General Council, pursuant to Subsection 2.9 of the Gaming Ordinance has charged the Gaming Committee with the establishment of a Gaming Commission to be responsible for the regulation of gaming on the La Jolla Reservation;

NOW, THEREFORE BE IT RESOLVED: That the Gaming Committee, hereby adopts Gaming Regulation 003: Regulations Establishing the La Jolla Gaming Commission.

CERTIFICATION

I, the Secretary of the La Jolla Band of Luiseño Indians Gaming Committee do, hereby, certify that the foregoing Resolution was adopted by the Gaming Committee by a vote of 7 in favor, 0 opposing, and 0 abstaining, at a duly called meeting on April 10, 2000 and such resolution has not been rescinded or amended in any way.



3-01-05

Date