

NATIONAL  
INDIAN  
GAMING  
COMMISSION

Hubert Williams, Chairman  
Nooksack Indian Tribe  
P.O. Box 157  
Deming, Washington 98244

Dear Chairman Williams:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on July 26, 1993, and amended by letter dated October 12, 1993, for the Nooksack Indian Tribe (the Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

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

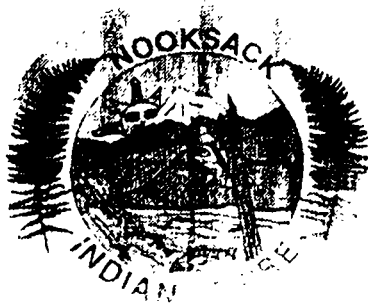
Sincerely yours,

Anthony J. Hope

Anthony J. Hope  
Chairman

cc: Richard A. Baum, Esq.

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**NOOKSACK INDIAN TRIBE**

P.O. Box 157 Deming, WA 98244

Phone: (206) 592-5176 FAX: (206) 592-5721

**RESOLUTION #93-47**  
**SUBJECT: AMENDMENT TO NTCL**  
**TITLE 56, THE GAMING ORDINANCE**  
**OF THE NOOKSACK INDIAN TRIBE**

**RESOLUTION NO. 93-47 OF THE NOOKSACK TRIBAL COUNCIL**

**WHEREAS**, the Nooksack Tribal Council is the duly elected governing body of the Nooksack Tribe; and

**WHEREAS**, the Nooksack Tribal Council has the power and authority to establish tribal organizations and promulgate ordinances under Article VI, Sections 1(f) and (h) of the Constitution of the Nooksack Indian Tribe; and

**WHEREAS**, the Tribal Council has determined that it is in the best interests of the Tribe and will be economically beneficial for the Tribe to amend Title 56 of the Nooksack Tribal Code of Laws, the Gaming Ordinance of the Nooksack Indian Tribe to make it more comprehensive, and

**WHEREAS**, the Tribal Council submitted an amended ordinance pursuant to Resolution No. 93-37 to the National Indian Gaming Commission (NIGC) for approval, and the NIGC requested additional changes to the proposed ordinance, and

**WHEREAS**, the Tribal Council should rescind Resolution 93-37 and should approve the amendment to Title 56 of the Nooksack Tribal Code of Laws, as attached to this resolution; and

**WHEREAS**, the Tribal Council desires the National Indian Gaming Commission to approve the amended ordinance as being in compliance with the Indian Gaming Regulatory Act, Public Law 100-497.

**NOW, THEREFORE BE IT RESOLVED**, that the Nooksack Tribal Council hereby rescinds Resolution 93-37, and amends Title 56 of the Nooksack Tribal Code of Laws, entitled the Gaming Ordinance of the Nooksack Indian Tribe to read in its entirety as attached to this Resolution, and requests that the Chairman, National Indian Gaming Commission, or the Chairman's designee, approve the Gaming Ordinance as amended.

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Resolution 93-47  
Subject: Amendment to NTCL Title 56,  
The Gaming Ordinance of the Nooksack  
Indian Tribe

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## CERTIFICATION

The above resolution was adopted at a Special meeting of the Nooksack Tribal Council at which a quorum was present on 31<sup>st</sup> October, 1993 by a vote of 4 FOR, 0 AGAINST, and 0 ABSTENTIONS.

Hubert Williams  
**HUBERT WILLIAMS**  
Tribal Chairman

Lila F. Zapata  
**LILA ZAPATA**  
Tribal Secretary

Resolution 93- 47  
Subject: Amendment to NTCL Title 56,  
The Gaming Ordinance of the Nooksack  
Indian Tribe

# T I T L E 56

## GAMING ORDINANCE OF THE NOOKSACK INDIAN TRIBE

### 56.01 TITLE AND PURPOSE

#### **56.01.010 TITLE:**

This Ordinance shall be known as the "Nooksack Gaming Ordinance."

#### **56.01.020 PURPOSE AND AUTHORIZATION:**

This is an Ordinance governing the Conduct and Regulations of Gaming Activities on the Nooksack Indian Reservation and other tribally-owned land, and to authorize those classes of gaming activities as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. § 2703 ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992).

#### **56.01.030 POLICY:**

The Nooksack Tribe declares that the raising of funds for the promotion of bona fide charitable or non-profit organizations and/or Tribal governmental and social programs is in the Tribal and public, interest as is participation in such activities hereinafter authorized.

The Nooksack Tribe further declares that the exercise of Tribal power through this Ordinance is necessary to protect the right of Tribal self-government and to regulate its internal relations so as to protect its political and economic security.

Any ambiguity in this Ordinance or any rules or regulations shall be resolved so as to be consistent with the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, et seq. and other applicable federal law.

### 56.02 DEFINITIONS

#### **56.02.010 CLASS I GAMING:**

Games include social or traditional games played for minimum prize value and which are engaged in as part of Nooksack Tribal ceremonies or celebrations, or those of its members.

#### **56.02.020 CLASS II GAMING:**

Games include bingo, and, if played in the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo; card games either authorized by the laws of the State of Washington or are not prohibited by the laws of the State of Washington.

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**56.02.030 CLASS III GAMING:**

Games include all gaming which is not Class I or Class II defined herein. Such gaming must be operated pursuant to a compact between the Nooksack Indian Tribe and the State of Washington, which is negotiated under Public Law 100-497 and which compact is approved by the Secretary of the Interior.

**56.02.040 NATIONAL INDIAN GAMING COMMISSION:**

The federal commission established pursuant to Public Law 100-497.

**56.02.050 NOOKSACK GAMING COMMISSION:**

The Commission established by this title herein, which shall have such power as established herein or adopted by the Commission not in derogation of this title.

**56.02.060 NOOKSACK GAMING AGENTS:**

The Gaming Agents are enforcement officers hired by the Commission, and who are authorized by the Nooksack Tribal Council to enforce the provisions of this Ordinance and the Tribal/State Gaming Compact, including the right to detain and/or arrest individuals. The Gaming Agents are the only persons authorized to carry and/or display badges as tribal gaming enforcement agents on Nooksack Tribal Lands. The Gaming Agents, under the Director of the Nooksack Gaming Commission, shall oversee and monitor the day-to-day operations of any tribal gaming facility.

**56.02.070 NET REVENUES:**

Net revenues means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, including reimbursement to the State of Washington for its incurred expenses under the approved Tribal/State Gaming Compact, excluding management contract fees.

**56.03 JURISDICTION & ADMINISTRATION  
OF GAMING OPERATION**

**56.03.010 JURISDICTION:**

The Nooksack Indian Tribe shall have exclusive jurisdiction in Class I, Class II, and Class III Gaming activities, subject to any limitation thereof pursuant to Public Law 100-497, and as hereinafter amended.

**56.03.020 ADMINISTRATION, MANAGEMENT AND OPERATION  
OF GAMING:**

The Nooksack Indian Tribe is empowered to administer this Ordinance, including general control, management and supervision of all herein authorized activities and properties, both real and personal, and to exercise all of the powers necessary and proper to accomplish all of the purposes of this Ordinance and as further hereinafter set forth and may do the following illustrative acts and things for, and on behalf of, and in the names of, the Nooksack Indian Tribe:

- a) to adopt and enforce appropriate rules and regulations for the purpose of carrying into effect the purposes and provisions of this Ordinance and the Indian Gaming Regulatory Act and the performance of its functions, including enforcement provisions and penalties;
- b) collecting, auditing, issuing and/or establishing and collecting fees, licenses, taxes and permits; and,
- c) purchasing, leasing, warehousing and selling bingo, punch board and pull-tab devices and other equipment for permissible gaming hereunder.

**56.03.030 SELF-REGULATION:**

During any year in which the Nooksack Tribe has a certificate for self-regulation from the National Indian Gaming Commission, as provided in 25 U.S.C. § 2701(c) of the Indian Gaming Regulation Act of 1988,

- a) the Tribe shall not be subject to the provisions of paragraphs (1), (2), (3) and (4), Section 7(b) of the Act; and,
- b) the Tribe shall continue to submit an annual independent audit as required by subsection (b)(2)(C) of 25 U.S.C. § 2701 and shall submit to the National Commission a complete resume on all employees hired and licensed by the Tribe subsequent to the issuance of a certificate of self-regulation.

**56.03.040 REVOCATION OF CLASS III GAMING:**

The Nooksack Tribe, in its sole discretion, may, either by ordinance or resolution, revoke any authorization for Class III gaming.

**56.04 NOOKSACK GAMING COMMISSION**

**56.04.010 ESTABLISHMENT AND POWERS OF COMMISSION:**

The Nooksack Tribal Council is hereby authorized to designate three (3) members as the "Nooksack Gaming Commission" (hereinafter "Commission") which is empowered to administer this Ordinance and to exercise all the powers necessary and proper as set forth in this Ordinance. It shall be the responsibility of this Commission to promulgate regulations necessary to administer this Ordinance and the performance of its functions, including enforcement provisions and penalties. The Commission, in order to accomplish the following illustrative acts and things for, and on behalf of, and in the name of, the Nooksack Indian Tribe may, where it deems appropriate:

- a) Adopt and enforce appropriate rules and regulations as heretofore stated;
- b) Execute contract and inter-local agreements, papers and documents in the name of the Commission; and shall honor

related contracts heretofore entered into by the Nooksack Tribal Council.

- c) Performing all matters and things directly or indirectly necessary to conduct its business and carry out its duties and functions.
- d) To establish and operate, or authorize a Nooksack tribal government agency and/or a tribally-chartered corporation wholly owned by the tribe to establish and operate, all Class I, Class II, and Class III gaming activities on lands subject to the jurisdiction of the Nooksack Indian Tribe; provided, however, the Tribe, or a tribally-chartered corporation wholly owned by the Tribe, shall have sole proprietary interest and responsibility for the conduct of any gaming activity;
- e) Paying all customs, duties, excises, charges, and obligations whatsoever related to the business of the Commission.
- f) Performing all other duties related to the conduct and operation of the powers and duties authorized by this Ordinance.
- g) Establishing a system which adequately checks the background of the primary management officials and key employees of the gaming enterprise, and that oversight of said individuals and their management is conducted on an ongoing basis; and provides for verification of background check results by the Chairman of the National Indian Gaming Commission before any licenses are issued, for Class II & III Gaming. This system shall include:
  - i) tribal licenses for primary management officials and key employees of the gaming enterprise with prompt notification to the National Indian Gaming Commission of the issuance of such licenses;
  - ii) a standard whereby any 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 of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment; and,
  - iii) notification by the Indian tribe to the National Indian Gaming Commission of the results of such background check before the issuance of any such licenses.

**56.04.020 LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS:**

The Commission shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any Class II and/or Class III gaming enterprise operated on tribal lands:

a) Definitions

For the purposes of this section, the following definitions apply:

i) Key employee means:

- A) A person who performs one or more of the following functions:
  - 1) Bingo caller;
  - 2) Counting room supervisor
  - 3) Chief of security;
  - 4) Custodian of gaming supplies or cash;
  - 5) Floor manager;
  - 6) Pit boss;
  - 7) Dealer;
  - 8) Croupier;
  - 9) Approver of credit; or
  - 10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- B) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- C) If not otherwise included, the four most highly compensated persons in the gaming operation.

ii) Primary management official means:

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

b) Application Forms

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

*In compliance with the Privacy Act of 1974, the following information is provided: 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 indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.*

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

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

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

*(U.S. Code, Title 18, Section 1001.)*

- iv) The Commission shall notify, in writing, existing key employees and primary management officials that they shall either:
  - A) Complete a new application form that contains a notice regarding false statements; or

B) Sign a statement that contains the notice regarding false statements.

c) Background Investigations

i) The Commission shall request from each primary management official and from each key employee all of the following information:

A) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

B) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license number(s);

C) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (i)(B) of this section;

D) Current business and residence telephone numbers;

E) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

F) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;

G) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

H) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

I) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

J) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if

such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (i)(H) or (i)(I) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

K) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

L) A current photograph;

M) Any other information the Tribe deems relevant; and

N) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

ii) The Commission shall conduct an investigation sufficient to make a determination under subsection (d) below. In conducting a background investigation, the Commission or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

d) Eligibility Determination

The 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 Tribe determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that person in a key employee or primary management official position.

e) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission

i) When a key employee or primary management official begin work at a gaming operation authorized by this ordinance, the Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in subsection (d) of this section.

ii) The Commission shall forward the report referred to in subsection (f) of this section to the National Indian Gaming

Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

iii) The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

f) Report to the National Indian Gaming Commission

i) Pursuant to the procedures set out in subsection (e) of this section, the Commission shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigative report shall include all of the following:

- A) Steps taken in conducting a background investigation;
- B) Results obtained;
- C) Conclusions reached; and
- D) The bases for those conclusions.

ii) The Commission shall submit, with the report, a copy of the eligibility determination made under subsection (d) of this section.

iii) If a license is not issued to an applicant, the Commission:

- A) Shall notify the National Indian Gaming Commission; and
- B) May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System.

iv) With respect to key employees and primary management officials, the Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination of employment.

g) Granting a Gaming License

i) If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license

application filed by a key employee or a primary management official for whom the tribe has provided an application and investigative report to the National Indian Gaming Commission, the Commission may issue a license to such applicant.

- ii) The Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the thirty (30) day period under paragraph (g)(i) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- iii) If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Commission with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Commission has provided an application and investigative report to the National Indian Gaming Commission, the Commission shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

h) License Suspension

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

**56.04.030 LICENSE OF GAMING FACILITY/LOCATION**

The Commission shall issue a separate license to each place, facility, or location on Indian lands where Class II gaming is conducted under this ordinance.

**56.04.040 MEMBERSHIP OF COMMISSION:**

The Council shall appoint a Chairman, Vice-Chairman and Secretary-Treasurer, as members of the Commission. For the first appointment, the Council shall appoint the Chairman for a term of three (3) years; shall appoint the Vice-Chairman for a term of two (2) years; and shall appoint the Secretary-Treasurer for a term of one (1) year. Thereafter, all appointments shall be for a three (3) year term.

**56.04.050 CONFLICT OF INTEREST:**

No employee of any Tribal Class I, II or III gaming operation as defined in IGRA or any non-Tribal gaming operation may be a Commissioner or employee of the Commission. In case of a vacancy it shall be filled by the appointment of the Council for the unexpired term. In order to avoid an appearance of impropriety or conflict of interest, the Commissioners and enforcement agents are prohibited from participating in any Class II or Class III gaming on the Reservation, or consume alcohol in the tribal gaming facility.

**56.04.060 QUALIFICATIONS:**

No person may be a Commissioner unless they are a duly enrolled member of the Nooksack Tribe and twenty-one (21) years of age. The Council may require, in order that a person be considered for appointment, that such person submit to a background investigation.

**56.04.070 REMOVAL:**

Any Commissioner may be removed for any of the following:

- a) the arrest and/or conviction of any crime;
- b) inefficiency;
- c) malfeasance and/or misfeasance in office; or
- d) improper conduct while on official business or in the tribal gaming facility.

The process of removal is commenced when specific written charges are filed by the Executive Director of the Tribe with the Secretary of the Council. The Council shall hear the matter at a public or closed hearing and adjudicate the charges at a time set in their discretion; as well as prescribe the procedure for the hearing. The decision of the Council shall be final and non-appealable. Removal of any Commissioner by the Council shall disqualify such Commissioner for reappointment.

**56.05 REVENUE**

**56.05.010 NET REVENUE ALLOCATION:**

All revenue and funds collected by the tribal gaming operation/facility are the property of the Nooksack Indian Tribe. The management of the tribal gaming facility shall monthly account for the same to the Nooksack Tribal Council and pay the sum of the net revenues, less the agreed management fee, directly to the Nooksack Tribal Council. The Nooksack Tribal Council shall pay to the Nooksack Gaming Commission, the appropriation to the

Commission for the use by the Commission to pay its necessary expenses for its operations as provided in a budget approved by the Nooksack Tribal Council. However, the net revenues from any tribal gaming are not to be used for purposes other than the following:

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

**56.05.020 AUDITS:**

The Commission shall cause yearly independent audits to be conducted of all gaming activities in Class II and Class III Gaming, and said audits shall be provided to the Chairman of the National Indian Gaming Commission. The Commission shall also cause independent audits of all contracts over \$25,000 annually (except accounting or legal services) related to Class II and Class III Gaming.

**56.06 PROHIBITIONS**

**56.06.010 TRIBAL LANDS:**

Gaming on any lands subject to the jurisdiction of the Nooksack Indian Tribe by any person, party, or other entity is hereby prohibited and declared unlawful except as authorized pursuant to this Ordinance.

**56.06.020 TRIBAL SOVEREIGNTY AND JURISDICTION:**

It is the intent of this Ordinance to exert Tribal Sovereignty and jurisdiction on the Nooksack Indian Reservation and lands subject to its jurisdiction and to pre-empt any civil regulatory power or law, if any, of the State of Washington, subject to Public Law 100-497.

**56.06.030 NON PRE-EMPTION OF FEDERAL LAWS:**

Nothing herein shall be construed to supersede or pre-empt the criminal laws of the United States of America, insofar as said laws are found applicable to gaming activities.

**56.06.040 NO WAIVER OF IMMUNITY:**

Nothing in this Ordinance shall be deemed to constitute a waiver of immunity on the part of the Nooksack tribal government, corporation, or any entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any federal rights or immunities.

## **56.07 CIVIL REMEDY/ENFORCEMENT/APPEAL**

### **56.07.010 EXCLUSIVE JURISDICTION:**

The Nooksack Tribal Court shall have exclusive jurisdiction over the enforcement of this Ordinance brought by the Tribe, except to the extent federal law provides otherwise.

### **56.07.020 ENFORCEMENT:**

Every such activity relating to the subject matter of this Ordinance, held and/or conducted or engaged in within the Nooksack Reservation or on lands subject to the Tribe's jurisdiction which is contrary to the provisions of this Ordinance is hereby prohibited and declared to be unlawful and a public nuisance, the remedy to which shall be an injunction and/or abatement and/or civil fine(s) not to exceed \$5,000.00 per day, per violation, and/or cancellation of any license or permit issued to or relating thereto, or all, except where authorized by the Nooksack Gaming Commission.

### **56.07.030 FINES AS LIENS:**

Fines may be established as liens upon specifically described property involved in a violation of this Ordinance, by order of the tribal court. In the case of real property, such order shall be filed for record notice with the Whatcom County Auditor. Liens on personal property shall be filed with Washington's Secretary of State. Upon twenty (20) days' written notice served, or fifty (50) days' notice by publication, with opportunity to request a hearing on the maker no later than ten (10) days after expiration of the notice period, the tribal court may order the property sold at public auction, or forfeited to the Nooksack Tribe.

### **56.07.040 APPEALS:**

Any person or entity may appeal a final order of the tribal court, as provided in The Nooksack Tribal Code of Laws.

### **56.07.050 REMOVAL OF PERSONS FROM FACILITY:**

Any Gaming Agent of the Nooksack Gaming Commission shall have the power and authority to cause the removal and exclusion of any person from the Nooksack River Casino, and surrounding parking lot for a period of twenty-four (24) hours, who, in the sole discretion of the Gaming Agent, is causing a disturbance, acting inappropriately, or is, in any other way, interfering with the orderly conduct of ordinary business within the facility and the surrounding parking lots.

### **56.07.060 EXCLUSION OF PERSONS FROM FACILITY:**

The Nooksack Gaming Commission shall have the power and authority to permanently exclude any person from the Nooksack River Casino, who has caused a serious or repeated disturbance, inappropriate actions, or in any other way, has interfered with the orderly conduct of ordinary business within the facility.

- a) The request for permanent exclusion of a person may be brought only by the Director of the Nooksack Gaming



Commission before a properly convened meeting of the Commissioners. The Commissioners may consider the Director's request in an open or closed meeting, and may or may not, at their complete discretion, allow the person subject to the request, to attend the meeting of the Commissioners. Except as herein otherwise provided, the decision of the Commissioners is final, and not subject to review.

- b) When the Nooksack Gaming Commission has determined a person is permanently excluded from the facility, that person's name shall be reported to the Tribal gaming enforcement agents; Washington State Gambling Commission, and its enforcement agents; and the Whatcom County Sheriff's Office.
- c) The Nooksack Gaming Commission, or any of its agents, shall notify the person permanently excluded of the Commission's decision in writing, either by personally delivering the notice by handing it to the person, or mailing it by certified mail to the person's last known address.
- d) Should the person, who has been permanently excluded from the facility, be a member of the Nooksack Tribe, that person may request that the Nooksack Tribal Council review the decision of the Nooksack Gaming Commission, and make its own independent determination. The determination of the Tribal Council shall be final, and not subject to review.

## **56.08 MISCELLANEOUS**

### **56.08.010 SEVERABILITY/CONSTRUCTION:**

If any clause, part, or section of this Act shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined to its operation to the clause, part, or section, directly involved in the controversy in which such judgment is rendered. If the operation of any clause, part or section of this Act shall be held to impair the obligation of a contract or to deny any person any right secured to him by the Tribal or United States Constitution, it is hereby declared that had the invalidity of such clause, part or section been considered at the time of the enactment of this Act, the remainder of the Act would nevertheless have been adopted without such and any all such invalid clauses, parts, or sections.

### **56.08.020 CONTRACTUAL OBLIGATIONS:**

Nothing in this Ordinance shall impair or affect the authority of the Commission and/or Tribal Council in any manner whatsoever to fulfill its complete contractual obligations related to any subject matter herein.

### **56.08.030 AMENDMENT:**

All provisions of this Ordinance are subject to amendment by the Nooksack Tribal Council. All regulations promulgated by the

Commission are subject to proper revision, repeal, or amendment by the Commission.

**56.08.040 ENVIRONMENTAL AND SAFETY REGULATIONS:**

The construction, maintenance, and operation of any Class II and III Gaming facility shall be in a manner that adequately protects the environment and the public health and safety.

**56.08.050 EFFECTIVE DATE:**

This Ordinance shall become effective in accordance with the provisions of the Constitution of the Nooksack Indian Tribe.

**56.09 REVOCATION OF PRIOR ORDINANCE**

**56.09.010 REVOCATION:**

All Ordinances of the Nooksack Indian Tribe regulating, authorizing, controlling and/or prohibiting the conduct of gaming activities heretofore enacted or now in effect are hereby repealed and of no further force and effect.

Enacted:	Res. 85-13	04/23/85	
Amended:	Res. 91-29	05/24/91	
	Res. 92-51	09/08/92	
	Res. 93-37	07/20/93	(Rescinded)
	Res. 93-47	10/26/93	