

NATIONAL
INDIAN
GAMING
COMMISSION

JUL 31 1995

Allen Summers, Chairman
Bishop Paiute Tribe
Paiute Professional Building
Tu Su Lane
P.O. Box 548
Bishop, CA 93515

Dear Chairman Summers:

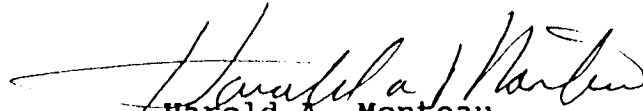
This letter responds to your request to review and approve the tribal gaming ordinance, adopted on June 15, 1995, by the Bishop Paiute Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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 Bishop Paiute 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,


Harold A. Monteau
Chairman

cc: Mark Webb

2095

ADOPTED
FEBRUARY 9, 1995
AS AMENDED JUNE 15, 1995

GAMING ORDINANCE
OF
THE BISHOP PAIUTE TRIBE

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**GAMING ORDINANCE
OF
THE BISHOP PAIUTE TRIBE**

The BISHOP INDIAN TRIBAL COUNCIL, duly elected governing body of the Bishop Paiute Tribe, a federally recognized Indian tribe (Tribe"), does hereby ordain as follows:

CHAPTER 1. GENERAL PROVISIONS AND PURPOSE

Sec. 101. This Ordinance shall be known as the Gaming Ordinance of the Bishop Paiute Tribe ("Ordinance").

Sec. 102. This Ordinance is enacted to:

(a) Provide authorization for the operation of gaming by the Tribe as a means of promoting tribal economic development, self-sufficiency and a strong tribal government; and

(b) Provide appropriate regulations and rules which shall be strictly and uniformly enforced throughout the jurisdiction of the Tribe to ensure the close control by the BISHOP INDIAN TRIBAL COUNCIL, the Tribe's duly elected governing body, of all phases of the conduct of gaming operations on the Tribe's Lands.

Sec. 103. ***The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance.*** In the event the Tribe authorizes individually owned gaming, all licenses shall be issue according to the requirements contained in this Ordinance and pursuant to 25 CFR 522.10.

Sec. 104. The regulations and rules set forth in this Ordinance shall govern all gaming operations conducted on the Tribe's Lands. To the extent that the Tribe's existing or subsequently adopted personnel manuals, policies and procedures **or charters establishing entities to operate Tribal gaming** are inconsistent with this Ordinance, this Ordinance shall supersede such personnel manuals, policies and procedures.

Sec. 105. This Ordinance may be amended by 4 out of 5 members of the BISHOP INDIAN TRIBAL COUNCIL at a meeting duly called for said purpose.

CHAPTER 2 DEFINITIONS

For purposes of this Ordinance:

Sec. 201. "Commission" means the Bishop Paiute Gaming Commission established pursuant to Chapter 8 of this Ordinance.

Sec. 202. "NIGC" means the National Indian Gaming Commission established pursuant to the IGRA, 25 U.S.C. S 2704.

Sec. 203. "IGRA" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. SS 2701, et seq., including any amendments thereto. Where appropriate, "IGRA" also means regulations promulgated by the NIGC pursuant to the regulatory authority granted to the NIGC under the IGRA which are valid interpretations of the IGRA.

Sec. 204. "Tribe" means the Bishop Paiute Tribe, a federally recognized Indian Tribe .

Sec. 205. "BISHOP INDIAN TRIBAL COUNCIL" means the BISHOP INDIAN TRIBAL COUNCIL, the duly elected governing body of the Tribe.

Sec. 206. "Applicant" means any person or entity having on file with the Commission an application for a gaming license pursuant to Chapter 9 of this Ordinance.

Sec. 207. "Application" means the completed forms and information requested by the Commission.

Sec. 208. "Class II gaming" means Class II gaming as defined in accordance with the IGRA, 25 U.S.C. S 2703(7)(A).

Sec. 209. "Class III gaming" means Class III gaming as defined in accordance with the IGRA, 25 U.S.C. S 2703(8).

Sec. 210. "Compact" means any gaming compact between any state and the Tribe entered into pursuant to the IGRA, including any amendments thereto.

Sec. 211. "Gaming Facilities" means the buildings and associated real property within which Class II and Class III gaming and other associated commercial activities are conducted.

Sec. 212. "Gaming Operations" means all of the Tribe's Class II and Class III gaming operations conducted pursuant to the Ordinance. "Gaming Operation" means each economic entity that is licensed by the Tribe, operates the games, receives the revenues, issues the prizes and pays the expenses.

Sec. 213. "General Manager" means the individual who has responsibility for day-to-day operations of a Gaming Operation.

Sec. 214. "Key Employees" means the General Manager and the following persons:

- (a) All persons performing one or more of the following functions in any of the gaming Operations:
 - (i) bingo caller;
 - (ii) counting room supervisor;
 - (iii) chief of security;
 - (iv) custodian of gaming supplies or cash;
 - (v) floor manager;
 - (vi) pit boss;
 - (vii) dealer;

- (viii) approver of credit;
 - (ix) custodian of gaming devices including persons with access to cash and accounting records within such devices; or
 - (x) croupier.
- (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 each Gaming Operation.

Sec. 215. "Lottery Board" means the California Lottery Board, its authorized officials, agents and representatives.

Sec. 216. "Management Contract" means any contract, subcontract or collateral agreement between the Tribe and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of any gaming Operations.

For purposes of this Ordinance, "collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between the Tribe (or any of its members, entities or organizations) and a management contractor or subcontractor (or to any person related to a management contractor or subcontractor), within the meaning of 25 C.F.R. S 502.5.

Sec. 217. "Net revenues" means gross revenues of any Gaming Operation less amount paid out as, or paid for, prizes and total gaming-related operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. S 2711(c).

Sec. 218. "Ordinance" means this, the Gaming Ordinance of the Bishop Paiute Tribe.

Sec. 219. "Owner or Controlling Person" means:

- (a) Any natural person having a direct financial interest in any management Contract;

- (b) When a trust is a party to a Management Contract, any beneficiary or trustee;
- (c) When a partnership is a party to a Management Contract, any partner;
- (d) When a corporation is a party to a Management Contract, any person who is a director or who holds at least 10 percent of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling; or
- (e) With respect to any entity with an interest in a trust, partnership or corporation that has an interest in a Management Contract, all beneficiaries, trustees, partners, directors or 10 percent shareholders of such entities.

Sec. 220. "Person" means any individual or entity, including any corporation or general or limited partnership.

Sec. 221. "Premises" or "Licensed Premises" means any place, facility, or location on the Tribe's Lands at which Class II or Class III gaming is conducted.

Sec 222. "Primary Management Official" means:

- (a) The person or persons designated in any Management Contract pursuant to Sec. 303 as having management responsibility of all or any part of any Gaming Operation;
- (b) Any person who has authority:
 - (i) To hire and fire employees of any Gaming Operation; or
 - (ii) To set up working policy for any Gaming Operation; or

- (c) The chief financial officer or other person has financial management responsibility for any Gaming Operation.

Sec. 223. A "Relative" of a person includes any of the person's spouse or cohabitant, parents, siblings, and children (including adopted children).

Sec. 224. "Tribe's Lands" means:

- (a) All lands within the jurisdictional limits of the Bishop Paiute Reservation;

CHAPTER 3. AUTHORIZATION OF GAMING ACTIVITIES

Sec. 301. Authority for Class II gaming. The Tribe shall be authorized to conduct all forms of Class II gaming on the Tribe's Lands.

Sec. 302. Authority for Class III gaming. The Tribe shall be authorized to conduct the following types of Class III gaming on the Tribe's Lands:

- (a) Electronic games of chance with video facsimile displays;
- (b) Electronic games of chance with mechanical displays;
- (c) Blackjack;
- (d) Keno;
- (e) Parimutuel Horse Racing;
- (f) Any Lottery game;
- (g) Any other type of Class III gaming conducted pursuant to the terms of a Compact.

Any Compact, when finalized, is hereby incorporated within and enacted as an integral part of this Ordinance with respect to all forms of Class III gaming as if set forth in full herein;

provided, however, that nothing in the adoption of a Compact shall be deemed to affect the operation by the Tribe of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon any state any jurisdiction over such Class II gaming conducted by the Tribe on the Tribe's Lands.

Sec. 303. Authority for Management and Other Contracts. The Tribe **or chartered corporation established for the purpose of operating Tribal gaming** may enter into any contract or other agreements to further its gaming interests, including one or more Management Contracts. Each Management contract shall designate the person or persons having responsibility for management of all or part of any Gaming Operation. Management Contracts and other gaming-related contracts shall contain such provisions as are required under the IGRA and the Compact, shall be submitted to the NIGC or other appropriate federal regulatory body for approval as required by the IGRA, and shall be submitted to the Lottery Board or other appropriate state regulatory body for approval if required by the Compact. All such contracts shall be effective pending review by the NIGC, other appropriate federal regulatory body, and/or the Lottery Board or other appropriate state regulatory body.

CHAPTER 4. CONFORMANCE WITH IGRA AND COMPACT

This Ordinance shall be construed in a manner which conforms to the IGRA and the Compact in all respects, and if inconsistent with the IGRA or the Compact in any manner, the provisions of the IGRA or the Compact, respectively, shall govern.

CHAPTER 5. STANDARDS OF OPERATION AND MANAGEMENT

Sec. 501. Class II games. The BISHOP INDIAN TRIBAL COUNCIL shall adopt standards of operation and management for bingo and other Class II games and, pending such adoption, may impose such interim standards as it may determine necessary to protect the integrity of such games. The standards of operation and management for Class II games shall provide, at a minimum, that:

- (a) No person under the age of 18 shall be permitted to participate in any Class II gaming operations as an employee, contractor or player.

- (b) The rules by which the game will be conducted and the winner or winners determined will be established in advance of the game and shall be visibly displayed or available in pamphlet form in the Gaming Facility.

Sec. 502. Class III games. The standards of operation and management for Class III games shall be those set forth in a Compact. The BISHOP INDIAN TRIBAL COUNCIL may adopt standards of operation and management for Class III games that are no less stringent than, or not otherwise inconsistent with, a Compact.

CHAPTER 6. NET REVENUES FOR AUTHORIZED PURPOSES

Sec. 601. The net revenues from any games shall be exclusively devoted to the purposes authorized by the BISHOP INDIAN TRIBAL COUNCIL in conformance with Section 602 and Section 603, below.

Sec. 602. The net revenues are not to be used for purposes other than: (a) to fund tribal government operations or programs; (b) to provide for the general welfare of the 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.

Sec. 603. Net revenues may be used to make per capita payments to members of the Tribe, as permitted under the IGRA. Per capita payments shall be made only pursuant to a plan established by a tribal resolution or ordinance passed or adopted by the BISHOP INDIAN TRIBAL COUNCIL, which resolution or ordinance shall be approved by the Secretary of the Interior as required under the IGRA. The interests of minors and other legally incompetent persons as defined under State law who are entitled to receive per capita payments will be protected and preserved as required by the IGRA.

CHAPTER 7. PUBLIC SAFETY STANDARDS

Sec. 701. The construction and maintenance of any Gaming Facilities, and the Gaming Operations, shall be conducted in a manner which adequately protects the environment and the public

health and safety and for that purpose shall comply with the requirements of the Compact and all applicable health, safety and environmental standards enacted by the BISHOP INDIAN TRIBAL COUNCIL.

Sec. 702. Notwithstanding the provisions of Sec. 701 hereof, to the extent that compliance with the requirements of Sec. 701 shall require physical alterations in the Tribe's Gaming Facilities existing on the effective date of the Compact, such existing Gaming Facilities shall be exempt from the requirements of Sec. 701 for a period of time, as determined by the BISHOP INDIAN TRIBAL COUNCIL, during which time such existing Gaming Facilities shall be brought into compliance with such requirements.

CHAPTER 8. BISHOP PAIUTE GAMING COMMISSION

Sec. 801. Establishment of Commission.

- (a) There shall be established a Bishop Paiute Gaming Commission consisting of Five Commissioners appointed by the BISHOP INDIAN TRIBAL COUNCIL in the manner hereinafter described. Until such time as the Commission is established or in the absence of a duly constituted Commission, the Commission shall be the BISHOP INDIAN TRIBAL COUNCIL.
- (b) Each Commissioner shall be appointed by 4 out of 5 of the BISHOP INDIAN TRIBAL COUNCIL acting at a duly convened meeting. The BISHOP INDIAN TRIBAL COUNCIL shall publicly notify members of the Tribe of any vacancies on the Commission. The BISHOP INDIAN TRIBAL COUNCIL shall establish such application procedures as it deems appropriate for members of the Tribe interested in serving on the Commission including verification of application.

Sec. 802. Qualifications. In order to qualify for appointment to the Commission, an applicant must satisfy all of the following requirements:

- (a) Be a member of the Tribe.
- (b) Be age 21 or older.
- (c) Have at least a high school diploma, California High School Proficiency or GED equivalent education and have knowledge of or experience in the gaming industry.
- (d) Have no prior record of conviction of, or entry of a plea of guilty or no contest to, any of the following in any tribal, county, state or federal court, unless he or she has been pardoned:
 - (i) A felony.
 - (ii) Fraud or misrepresentation in any connection leading to conviction, judgment, or plea of no lo contendre.
 - (iii) A violation of any provision of any state gaming regs., any rule promulgated by the Lottery Board, California Horse Racing Board or other appropriate state regulatory body of any state, or this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming.
- (e) Not be serving on the BISHOP INDIAN TRIBAL COUNCIL or any elected or appointed committees of the Tribe at the time of his or her appointment to, or during his or her term of office on, the Commission.
- (f) Not be a Relative of any member of the BISHOP INDIAN TRIBAL COUNCIL at time of appointment.
- (g) Not be employed by any Gaming Operations.

- (h) Not be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract.

Sec. 803. Term. The Commissioners each shall serve for a term of four years commencing on the first of the month of their appointment; provided, that three of the initial Commissioners appointed shall be designated by the BISHOP INDIAN TRIBAL COUNCIL to serve for an initial term of four years and two of the initial Commissioners appointed shall be designated by the BISHOP INDIAN TRIBAL COUNCIL to serve for an initial term of three years, based on a drawing of lots by the BISHOP INDIAN TRIBAL COUNCIL.

Sec. 804. Quorum. Any four of the Commissioners present at a meeting duly called shall constitute a quorum.

Sec. 805. Compensation. Commissioners shall serve on a part-time basis. Commissioners shall be paid the necessary travel expenses to meetings duly called under this ordinance at prevailing Tribal rates, a daily stipend, and any pre-authorized expenses by the BISHOP INDIAN TRIBAL COUNCIL.

Sec. 806. Removal. Any Commissioner may be removed by an affirmative vote of 4 out of 5 of the members of the BISHOP INDIAN TRIBAL COUNCIL acting at a meeting. Such removal shall only be for cause, including malfeasance, neglect of duty, unexcused failure to attend three successive meetings of the Commission, failure to continue to meet the qualifications for appointment to the Commission. Any Commissioner being considered for removal shall be provided with notice in writing stating the grounds for removal, and he or she shall have 30 days to provide an explanation to the BISHOP INDIAN TRIBAL COUNCIL in person or in writing, which explanation shall be considered by the BISHOP INDIAN TRIBAL COUNCIL in voting on the removal question. All removal questions shall be considered by the BISHOP INDIAN TRIBAL COUNCIL at or after the end of the 30-day notice period at which the Commissioner and his or her attorney shall have the right to be present. All BISHOP INDIAN TRIBAL COUNCIL determinations to remove a Commissioner shall be final.

Sec. 807. Vacancies. A vacancy on the Commission through death, written or declared resignation, or removal from office shall be filled by appointment by the BISHOP INDIAN TRIBAL COUNCIL within 30 days to complete the unexpired term.

Sec. 808. Powers and duties of Commission. The Commission shall have the following powers and duties:

- (a) The Commission shall have primary responsibility for developing policies, guidelines and regulations for Class II and Class III gaming on the Tribe's Lands, including any amendments to this Ordinance, and for recommending to the BISHOP INDIAN TRIBAL COUNCIL for adoption.
- (b) The Commission shall monitor all Class II and Class III gaming on the Tribe's Lands and all monthly reports and annual audits of such activities to insure that such activities conform to the provisions of this Ordinance and other applicable laws.
- (c) Except as otherwise provided, the Commission shall issue and deny gaming licenses in accordance with Chapter 9 of this Ordinance.
- (d) The Commission shall investigate all alleged violations of this Ordinance and recommend actions to the BISHOP INDIAN TRIBAL COUNCIL.
- (e) The Commission may recommend to the BISHOP INDIAN TRIBAL COUNCIL penalties for violations of this Ordinance in accordance with Chapter 14 of this Ordinance and any other actions to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance or other laws relating to gaming on the Tribe's Lands.
- (f) The Commission shall prepare and recommend an annual budget for the purpose of allocating funds to the Commission for its necessary activities and expenses, which must be approved by the Tribal Council. The Commission may in accordance with any approved budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance, and may retain legal counsel and other professional

services including investigative services to assist the Commission with respect to any of the issues over which the Commission exercises jurisdiction.

- (g) In addition to any procedures required under the Tribe's property and procurement manual or other policies, all contract or non-contract purchases relating to gaming in the amount of \$25,000 or more shall be subject to approval by the BISHOP INDIAN TRIBAL COUNCIL upon the recommendation of the Commission.

(h) *Dispute Resolution*

(a) *Whenever a patron of the gaming facility disputes the resolution of a conflict by the Manager of the gaming facility or its employee(s), whether such dispute concerns payment of alleged winnings to a patron or other matters, and the Manager and the patron are unable to resolve the dispute to the satisfaction of the patron, Manager shall inform the patron of his or her right to request that the Bishop Paiute Gaming Corp. conduct an investigation. The Bishop Paiute Gaming Corp. shall conduct whatever investigation it shall deem necessary and shall determine what resolution of the dispute shall be made.*

(b) *Notice To Patrons. Within thirty(30) days after the date that the Bishop Paiute Gaming Corporation first receives notification from the Manager or representative or a request to conduct an investigation from the patron, the Bishop Paiute Gaming Corporation shall mail written notice by certified mail, return receipt requested, to the patron setting forth the decision resolving the dispute.*

(c) *Within thirty(30) days after the date of receipt of the written decision, the aggrieved party may file a petition with the Bishop Paiute Gaming Commission requesting a review of the decision. The Bishop Paiute Gaming commission may set a hearing on the matter or may make decision based solely upon the corporation's decision and other documentation provided to it by the patron and the corporation. The Bishop Paiute Gaming Commission shall then issue a written decision and mail it to the parties pursuant to the procedures set forth above. The decision of the Bishop Paiute Gaming Commission shall be final and binding*

upon the patron and Manager and all not be subject to judicial review or to other legal action in federal, state or tribal court.

(i) The Commission shall have such other powers as are delegated to it from time to time by the BISHOP INDIAN TRIBAL COUNCIL.

Sec. 809. Procedures of the Commission.

(a) Meetings. All meetings of the Commission (except executive sessions) shall be open to all members of the Tribe. Balloting at all sessions shall be as the presiding officer shall direct. The Commission may, upon motion duly passed, go into executive session. At such sessions all persons shall be excluded from the meeting chamber, and any persons whose presence shall be required before the Commission shall be designated by the presiding officer, and no other persons shall be allowed to be present other than the Commissioners.

(b) Bylaws. The Bylaws appended hereto as Exhibit A shall be the initial bylaws governing the operations of the Commission. Subject to any limitations set forth in this Ordinance, such Bylaws may be amended by the Commission at any time, but amendments shall not be effective until approved by the BISHOP INDIAN TRIBAL COUNCIL.

CHAPTER 9. LICENSING PROCEDURES

Sec. 901. Tribal License Required/Employment. The following persons must obtain tribal licenses under the procedures of this Chapter 9, as a condition to employment in any Gaming Operation on the Tribe's Lands: any party to a Management Contract with the Tribe, and any Primary Management Officials and Key Employees. The tribal licensing requirements are in addition to any state licenses required under the Compact.

Sec. 902. Standard for License/Gaming Operation. Licenses issued hereunder shall be issued according to requirements that are at least as stringent as those set forth in regulations promulgated by the NIGC in parts 556 and 558 of chapter 25 of the

Code of Federal Regulations, including any amendments thereto. **A separate license shall be required for each place, facility, or location on the Tribe's Lands at which any gaming is or will be conducted under this ordinance.**

Sec. 903. Application for License.

- (a) No License shall be issued under this Chapter except upon a sworn Application filed with the Commission, in such form as may be prescribed by the Commission, containing a full and complete showing, at a minimum, of the following:
 - (i) Satisfactory proof that the Applicant is of good character and reputation, and is financially responsible.
 - (ii) A description of the premises at which the games are to be conducted, with proof of the contractual or other basis upon which the Applicant shall conduct games, or be employed, at such premises.
 - (iii) Agreement by the Applicant to accept and abide by all conditions of the license as provided in this Ordinance.
 - (iv) Satisfactory proof that neither the Applicant, nor any Owner or Controlling Person of any Applicant which is a party to a Management Contract, nor any of the Applicant's employees has in any jurisdiction ever been convicted of, or entered a plea of guilty or no contest to, any of the following, unless the person has been pardoned:
 - a. A felony.
 - b. Fraud or misrepresentation in any connection leading to conviction, judgment, or plea of no lo contendre.

c. A violation of any provision of the California state gaming regs., any rule promulgated by the Lottery Board, California Horse Racing Board or other appropriate state regulatory body of any state, or this Ordinance or any other ordinance of the Tribe regulating or prohibiting gaming.

(v) That the Applicant has fulfilled all applicable requirements of IGRA and the Compact.

(b) No License shall be issued to any Applicant who has been determined by the BISHOP INDIAN TRIBAL COUNCIL or the Commission to be 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, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.

(c) The issuance of licenses hereunder also shall be subject to the provisions of Chapter 10 regarding background investigations.

Sec. 904. Notice and Hearing on Application for License. After an Application has been filed with the Commission, the Commission shall post notice of the Application in a prominent place at the Tribal Office bulletin board for at least 15 days prior to consideration by the Commission and shall publish the notice during the period at least once in a tribal newspaper, or if a tribal paper is not in publication, in such other local newspaper serving the community that may be affected by the license as authorized by the Commission. The notice shall state the date, time and place when the Application shall be considered by the Commission which shall be within 30 days. Applications shall be considered by the Commission in open session at which the Applicant, his or her or its attorney and any person protesting the Application shall have the right to be present.

Sec. 905. Authority to Issue License. Any license granted by the Commission requires a 4 out of 5 vote for approval and shall be effective upon the date of grant, which effectiveness shall be provisional as set forth in Sec. 908 pending the satisfactory completion of all background investigations and pending expiration of the 30-day period for review by the NIGC provided for in regulations issued by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto; provided, however, that the Commission must provide written notice to the BISHOP INDIAN TRIBAL COUNCIL of the granting of any licenses, and the BISHOP INDIAN TRIBAL COUNCIL shall have the power to overturn the granting of any license by action within 30 days after receipt of such notice. If overturned by the BISHOP INDIAN TRIBAL COUNCIL, a license issued by the Commission shall have no force or effect.

Sec. 906. Appeal of Denial of License. The Applicant may appeal to the BISHOP INDIAN TRIBAL COUNCIL from any denial of a license by the Commission by mailing certified written notice of appeal to the BISHOP INDIAN TRIBAL COUNCIL within 15 days after the date of denial. The denial will be final if no appeal is received within the 15-day period. Appeals shall be heard by the BISHOP INDIAN TRIBAL COUNCIL under the same open hearing procedure set forth in Sec. 904 established for the Commission.

Sec. 907. Finality of BISHOP INDIAN TRIBAL COUNCIL Determinations. All BISHOP INDIAN TRIBAL COUNCIL determinations require a 4 out of 5 vote to overturn a licensing decision and shall be final.

Sec. 908. Effectiveness of License. Any license granted hereunder shall be effective on a provisional basis pending the satisfactory completion of all background investigations required under this Ordinance, the IGRA, and the Compact, and pending expiration of the 30-day period for review by the NIGC provided for in regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, if applicable. Upon the satisfactory completion of all required background investigations and such review by the NIGC, such license shall continue to be effective until it expires unless otherwise suspended or revoked. If background investigations or NIGC review are not satisfactorily completed, a provisional license shall have no further force or effect.

Sec. 909. Term of License: License Fees.

- (a) Licenses shall be for a term of one year.
- (b) In order to recover the costs to the Tribe of complying with the federal, tribal, and state regulatory processes applicable to Class II and Class III gaming, annual license fees shall be imposed as follows:
 - (i) License fees shall be imposed on each party to a Management Contract with the Tribe in accordance with a fee schedule to be established by the Commission.
 - (ii) License fees shall be imposed on any other person required to obtain a tribal license in accordance with a fee schedule to be established by the Commission.
 - (iii) In addition to the license fees imposed pursuant to Section 909(b)(i) and (ii), the Commission may in its discretion impose such fees on licensed persons as are reasonably related to costs of enforcement which will in the aggregate be sufficient to enable the Commission to recover its reasonable costs of enforcing this Ordinance.

Sec. 910. Other Conditions of License. Any licensee issued a license under this chapter shall comply with such reasonable conditions as may be fixed by the Commission, including but not limited to the following conditions:

- (a) The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed Premises.
- (b) The Licensed Premises shall be subject to patrol by the tribal security force and contracted local law enforcement and the licensee shall work with such security officers at all times.

- (c) The Licensed Premises shall be open to inspection by duly authorized tribal officials at all times during the regular business hours.
- (d) There shall be no discrimination in the operations under the license by reason of race, color or creed; provided, however, that nothing herein shall prevent the licensee from granting preferences to Indians as permitted by law.

Sec. 911. Required Notifications. The Commission shall promptly notify the NIGC or other appropriate federal regulatory body and the Lottery Board or other appropriate state regulatory body of the issuance of Tribal licenses, as required under IGRA and the Compact.

Sec. 912. Cancellation or Suspension. The licensee and his or her or its employees shall be legally responsible for any violation of the Ordinance or the license. Any license issued hereunder may be canceled or suspended by the Commission for the breach of any of the provisions of this Ordinance or of the license. A hearing will be held before the Commission, after 10 days' certified written notice of the claimed breach to the licensee. The time and place of the hearing shall be posted in the Tribe's office, and if time permits, in a tribal or local newspaper serving the community that may be affected by the license. The licensee, his or her or its attorney and any person affected by the license shall have the right to be present and to offer sworn oral or documentary evidence relevant to the breach charged.

A license may be suspended during such 10-day period by an affirmative vote of 4 out of 5 of the Commission; provided, however, that a license shall be suspended during such period as required under the IGRA if the cancellation hearing arises as a result of notice from the NIGC under regulations. All decisions of the Commission regarding cancellations of licenses shall be appealable to BISHOP INDIAN TRIBAL COUNCIL, who shall hold hearing within ten days following receipt of request for appeal, which must be received within 15 days following the Commission's decision. The decision of the BISHOP INDIAN TRIBAL COUNCIL by a vote of 4 out of 5 will be final. No gaming shall be conducted by any licensee during the 10-day suspension period or after cancellation.

In the event that any particular license has a provision dealing with whether or not gaming may be conducted during the 10-day suspension period that provision will prevail as long as that provision is not in violation of and IGRA Regulation.

Sec. 913. Notice of Licensing Actions. The Commission and the BISHOP INDIAN TRIBAL COUNCIL shall post and publish notices of all actions taken in regard to licenses and license applications under the same posting and publication procedures prescribed in Sec. 903(a)(v).

Sec. 914. Provisional Employment Pending Issuance of License and During Provisional License Period. Primary Management Officials and Key Employees may be employed in the Gaming Operations on the Tribe's Lands prior to the issuance of a license hereunder and during the period that a license shall be effective on a provisional basis as provided in Sec. 908, but such employment shall be provisional only and subject to the requirements of this Sec. 914. Employment may begin prior to issuance of a license only if the Commission or such other Tribal agency or official as may be authorized by the BISHOP INDIAN TRIBAL COUNCIL has made a preliminary finding of eligibility for employment in the Gaming Operations, which shall require a preliminary determination that the Primary Management Official or Key Employee is not 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, or activities in the operation of gaming or the carrying on of the business and financial arrangements incidental thereto.

Preliminary employment must be terminated upon the occurrence of any of the following: (a) denial of a license by the Commission or the BISHOP INDIAN TRIBAL COUNCIL; (b) unsatisfactory completion of background investigations or NIGC review resulting in nullification of a provisional license, as described in Sec. 908; or (c) to the extent required under regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, at the end of 90 days after the starting date of provisional employment, if at the end of such period no license has been issued hereunder or if a license issued hereunder remains effective only on a provisional basis, as

provided in Sec. 908; provided, however that provisional employees terminated for the reason described in subclause (c) shall be qualified for reemployment upon the satisfactory completion of background investigations and NIGC review.

CHAPTER 10. BACKGROUND INVESTIGATIONS

Sec. 1001. Required Background Investigations. The Commission shall conduct background investigations of the following persons:

- (a) All Primary Management Officials, Key Employees, Owners and Controlling Persons; and
- (b) Such additional persons as required under the IGRA, the Compact or in the discretion of the Commission.

Sec. 1002. Standards for Background Investigations. All background investigations shall be conducted to ensure that the Tribe in its Gaming Operations shall not employ or contract with persons whose prior activities, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming conducted under this Ordinance, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming. Such investigations shall be conducted according to requirements that are at least as stringent as those set forth in regulations promulgated by the NIGC in parts 556 and 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto. In the case of investigations of Primary Management Officials and Key Employees, the Commission shall prepare the report required to be prepared and submitted to the NIGC under regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, which report shall contain the eligibility determination described in such regulations. All background investigations also shall otherwise meet the standards of such investigations imposed under the IGRA and/or the Compact and shall be updated as required under the IGRA and/or the Compact, as applicable. Nothing herein shall prevent the Commission from conducting more comprehensive background investigations than those required under the IGRA or the Compact.

Sec. 1003. Background Information on 5 percent Shareholders. In addition to the background investigations which are required under the foregoing provisions, the Commission shall collect from each shareholder who holds (directly or indirectly) at least 5 percent but less than 10 percent of the issued and outstanding stock of a corporation which is a party to a Management Contract, such background information as is customarily submitted by those individuals who are subject to a background investigation. The Commission may, in its discretion, conduct background investigations of such individuals, but such investigations are not required.

Sec. 1004. Required Notifications and Record Keeping. As appropriate, the Commission shall promptly notify the NIGC or other appropriate federal and/or state regulatory bodies of information obtained in the course of any background investigation as required under the IGRA and the Compact. In the case of investigations of Primary Management Officials and Key Employees, the Commission shall prepare the report required to be prepared and submitted to the NIGC under regulations promulgated by the NIGC in part 558 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, which report shall contain the eligibility determination described in such regulations. The Commission also shall comply with all record-keeping requirements with regard to such investigations as are set forth in the IGRA and the Compact.

Sec. 1005. Procedures for Background and Criminal History Investigations of Key Employees and Primary Management Officials.

The major areas of focus in a background investigation shall include criminal history information, personal character information, financial history information, and gaming experience.

Investigative procedures

As an initial step, information on each applicant shall be obtained through the application process. An application for employment must include, at a minimum, the information contained in 25 C.F.R. S. 556.1, 556.2, 556.3, and 556.4. Each background investigation should begin with an initial verification of the information contained in the application.

To relieve some of the burden from the Bishop Paiute Gaming Commission, applicants will be required to provide as much documentation as possible to verify the information contained in their application. For example, to aid in an investigation, an applicant may be required to provide copies of certain documents such as his/her birth certificate, social security card, or drivers license. Information may also be verified by letter, telephone call or personal visit. Also, to ensure easier access to information as much information as possible will be gathered through the use of public records.

For access to information that is not generally available though the public record, a Release Form will be signed by an applicant. A copy of the form is included as Attachment 1. A properly executed Release Form will usually allow access to personal files and information not readily available to the general public. This Release Form, if worded correctly, may also provide protection from legal repercussions to the requester and the entity from which information is requested.

The following identifies the information in an application that should be verified or subjected to additional investigative procedures. This list also includes some recommendations for verifying the information:

(i) Verify the applicant's name, place of birth, date of birth, and citizenship by requiring the applicant to provide items such as a birth certificate, social security card, or passport.

(ii) Confirm the applicant's business and employment positions held and ownership interests in those businesses currently and for the past 5 years by attempting to contact through written letter, telephone calls or personal visits to past employers listed in the application and through ownership documentation such as copies of partnership agreements, stock certificates, or IRS tax returns.

(iii) Obtain the applicant's driving record by using the applicant's driver's license number to contact the Department of Motor Vehicle in the state where the license is issued.

(iv) Ascertain character information about the applicant by contacting the personal references identified in the application.

(v) Inquire into any existing or previous business relationships the applicant has had with Indian tribes, including the scope of those relationships, by contacting those tribes identified in the application. Also, the investigator should contact other state and federal entities that have contact with Indian tribes to obtain other information available.

(vi) Gather information about any existing or previous business relationships the applicant has had in the gaming industry, including the scope of those relationships, by contacting those entities identified in the application. Also, when appropriate, the investigator should contact other state gaming agencies or the NIGC to obtain other information available.

(vii) Verify the applicant's history and status with any licensing agency identified by the applicant with which the applicant has applied for an occupational license or permit by contacting those agencies.

(viii) Obtain information regarding any past felonies, misdemeanor convictions, or criminal charges within the last 10 years by contacting state, city, county and tribal courts, and state, local, and tribal police departments in the applicant's areas of residence. The NIGC recommends obtaining as much information as possible through public court records. Also, a tribe may require an applicant to submit any court documents pertaining to the applicant's civil or criminal history.

(ix) Obtain and verify any other information the tribe deems relevant to complete a thorough background investigation. This may include the use of a credit reporting agency.

Once a tribe has satisfied itself as to the accuracy of the information contained in the application, the information should be analyzed. If questions arise as information is obtained about an applicant's criminal activities, financial problems, or character deficiencies, the investigator should probe further into the applicant's background and either broaden the scope of the investigation or focus in more detail on a potential problem area. It is during this analysis phase that the depth of background investigations will vary considerably. The adequacy of each background investigation will depend on the detailed analysis of the information obtained through the investigative process.

Investigative sources

The following organizations may have information regarding applicants. Some may require that a tribe enter into a memorandum of understanding or have law enforcement status before certain information not otherwise available is shared.

FEDERAL AGENCIES

Department of the Interior (BIA, Inspector General)
National Indian Gaming Commission
U.S. District and Appellate Courts-civil/criminal/bankruptcy
U.S. Attorneys

STATE AGENCIES AND ORGANIZATIONS

State Gaming Boards and Commissions Department of Public Safety
Department of Motor Vehicles Secretary of State - Corporations
Divisions State Bar Associations/Accountancy Boards/ Contractor
Boards/Other state licensing agencies State Crime Commissions
State Courts-civil and criminal

COUNTY/CITY AGENCIES AND ORGANIZATIONS

County Courts - civil/criminal
County Licensing Departments
Recorder of Deeds/Assessor's Office/ Treasurer's Office
County Sheriff's Office
County Police Department
Chamber of Commerce
Better Business Bureau

Investigative reports

Before issuing a license to a primary management official or a key employee, tribes are required to forward to the NIGC investigative reports on each background investigation conducted. Each investigative report must include the following:

(1) A description of the steps taken in conducting the background investigation. The steps may, for example, be provided by:

(a) a step by step recitation of the work done; or (b) a checklist or program with an indication of procedures completed.

(2) An explanation of the results obtained. This may be supplied by listing any exceptions, areas of concern, or negative information obtained in the course of the investigation.

(3) A statement as to the conclusions reached. Where no exception, area of concern or negative information was obtained, the report should so state. Where exceptions, areas of concern or negative information was obtained, the conclusions as to each should be provided.

(4) The bases or justifications for each of the conclusions.

Attachment 2 is a sample investigative report which the NIGC believes sufficiently meets the requirements of 25 C.F.R. 556.5. The report is included merely for informational purposes.

SUITABILITY DETERMINATION

The Bishop Paiute Gaming Commission must review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility for employment in the gaming operation. If the BPGC, in applying the standards adopted in a tribal ordinance, determines that employment poses a threat to the public interest or to the effective regulation of gaming, or enhances the dangers of unsuitable, unfair, or illegal practices and methods in the conduct of gaming, a management contractor or a tribal gaming operation shall not employ that person in a key employee or primary management official position.

Use of Investigative Work

The BPGC shall use the investigative report as the basis for reviewing 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 a primary management official for employment in a gaming operation. The authorized tribal official should pay particular attention to:

- 1) The truthfulness of the applicant's answers to questions asked;
- 2) The applicants criminal record, if any;
- 3) Any conflicting or additional information; and
- 4) Mitigating circumstances cited by the investigator.

A sample suitability determination is included as Attachment 3.

LICENSING

Upon completion of a background investigation and a determination of eligibility (suitability) for employment in a gaming operation, BPGC must forward an investigative report and suitability determination to the NIGC within 60 days after an employee begins work. The NIGC Chairman may, during the ensuing 30 days, request additional information from a tribe concerning a key employee or primary management official who is the subject of a report. Such a request suspends the 30 day period until the Chairman receives the additional information.

If the NIGC notifies BPGC that it has no objections to the issuance of a license to a particular applicant, the BPGC may

issue a license to such applicant. If the NIGC provides the tribe with a statement itemizing objections to the issuance of a license to a particular applicant, the BPGC must reconsider the application, taking into account the objections itemized by the NIGC. The BPGC, however, makes the final decision whether to issue a license to such applicant.

Sec. 1006. Fingerprint checks

The law enforcement agency that will take the fingerprints of applicants for key employee and primary management official positions will be the City of Bishop Police Department, City of Bishop, CA.

The Bishop Paiute Gaming Commission hereby elects to use the NIGC to process fingerprint cards through the FBI.

In order to process fingerprints through the NIGC, the BPGC shall execute a memorandum of understanding with the NIGC as shown in Attachment 4. The BPGC should also send a letter to the NIGC requesting the number of fingerprint cards needed by the tribe. Fingerprints processed through the NIGC must be taken on fingerprint cards bearing NIGC's ORI number. If the NIGC is responsible for processing the fingerprints, printed cards must be sent directly from the law enforcement agency that takes the fingerprints to the NIGC.

CHAPTER 11. CONFLICTS OF INTEREST PROHIBITED

Sec. 1101. No member of the BISHOP INDIAN TRIBAL COUNCIL or the Commission shall:

- (a) Be employed by any Gaming Operations, be a Primary Management Official or Owner or Controlling Person with respect to any Management Contract, either while serving on the BISHOP INDIAN TRIBAL COUNCIL or the Commission or for a period of three months from the termination of service on the BISHOP INDIAN TRIBAL COUNCIL or the Commission.
- (b) Participate in the approval, denial or renewal of any Application for a gaming license by, or participate in the revocation or suspension of any License granted hereunder to, any Relative of such

member of the BISHOP INDIAN TRIBAL COUNCIL or the Commission.

- (c) Engage in any business, transaction or professional activity or incur any obligation of any nature which conflicts with the proper discharge of his or her official duties in administering this Ordinance; provided that a member of the BISHOP INDIAN TRIBAL COUNCIL who may engage in a conflicting activity or incur a conflicting obligation that is not otherwise disqualified under Sec. 1101(a) shall promptly disclose that activity or obligation to the BISHOP INDIAN TRIBAL COUNCIL and refrain from voting on any matter regarding such activity or obligation which may constitute a conflict.

Sec. 1102. No party to a Management Contract, Owner or Controlling Person, Primary Management Official, or employee of the Tribe in any of its Gaming Operations shall:

- (a) Participate as a player in any Class II or Class III games conducted pursuant to this Ordinance, except that employees of the Tribe in any of its Gaming Operations may participate as a player at locations other than those at which they are employed.
- (b) Engage in any business transaction or professional activity or incur any obligation of any nature which conflicts with the proper performance of any Management Contract or employment duties, as the case may be.

CHAPTER 12. ACCOUNTING, MONTHLY REPORTS AND ANNUAL AUDITS

Sec. 1201. The BISHOP INDIAN TRIBAL COUNCIL shall maintain or contract for the maintenance of a permanent single entry or double entry bookkeeping system for the purpose of recording all receipts and expenditures in connection with the conduct of games and the disbursement of profits derived therefrom. Such bookkeeping system shall consist of a columnar book maintained on a calendar or

fiscal year basis. The use of a suitable computerized accounting system may substitute for a manual system of books.

Printed copies of all information shall be in the possession of the Commission and the BISHOP INDIAN TRIBAL COUNCIL. As required under regulations promulgated by the NIGC in part 571 of chapter 25 of the Code of Federal Regulations, including any amendments thereto, the permanent books of account or records shall include inventory records of gaming supplies and equipment and shall be sufficient to establish information including but not limited to the amount of gross and net income, deductions and expenses, and receipts and disbursements and shall be kept at all times available for inspection by the NIGC's authorized representatives. Such books of account or records shall be retained permanently.

Sec. 1202. No later than 15 days after the end of each month, the General Managers of each of the Gaming Operations shall prepare and submit to the Commission and the BISHOP INDIAN TRIBAL COUNCIL a comprehensive report for the month completed of the gaming operations for which such General Manager has overall responsibility. Monthly reports shall be made on a form prescribed by the BISHOP INDIAN TRIBAL COUNCIL. The General Manager shall retain a copy of the report for the permanent records of the Tribe. The report shall include, but not be limited to:

- (a) An itemized statement of the gross receipts.
- (b) An itemized statement of expenditures, including amounts paid for salaries and benefits, prizes, supplies and equipment, and other expenses.

Sec. 1203. The monthly report shall be signed by the General Manager with overall responsibility for the operations.

Sec. 1204. In compliance with 25 U.S.C. S 2710(b)(2)(C) and (D), the Commission shall cause all Gaming Operations to be subject to an audit by independent certified public accountants conducted in accordance with generally accepted accounting principles, not less than annually, the results of which shall be submitted to the BISHOP INDIAN TRIBAL COUNCIL and the Commission, and copies of the annual audit shall be provided to the NIGC within 120 days after the end of the fiscal year. All gaming related contracts that result in purchases of supplies, equipment, services or concessions for more than \$25,000 in any year (except

contracts for professional legal or accounting services) shall be specifically included within the scope of such audit. The Commission shall reconcile the Tribe's quarterly fee assessment reports made to the NIGC with the annual audit of the Gaming Operations and shall make such reconciliation available to the NIGC upon request.

CHAPTER 13. MISCELLANEOUS PROVISIONS

Sec. 1301. Right to Exclude Any Person from Premises at Any Time. Any person may be excluded from the premises for good cause at any time at the discretion of any Primary Management Official, General Manager, or other Key Employee.

Sec. 1302. Permissible Alcohol Beverages. No person shall have in his or her possession any alcohol beverages on any Premises, except for such beverages as are purchased from the Tribe or its authorized agents for on-sale consumption in accordance with licensing and other requirements and laws of the Tribe. Possession and consumption of such beverages to be confined to such areas as are specifically defined by the BISHOP INDIAN TRIBAL COUNCIL.

Sec. 1303. Prohibited Substances. No person shall have in his or her possession any substance prohibited by Tribal, federal or state laws while on any Premises.

Sec. 1304. Persons Under the Influence of Alcohol or Prohibited Substances. No person under the influence of any alcohol beverage or prohibited substance (unless prescribed) shall be allowed on any Premises.

Sec. 1305. Firearms. No person shall have in his or her possession any firearm on any Premises. This section shall not apply to on duty law enforcement officers or security personnel employed by the Tribe's gaming operation. Upon entry to any Gaming Operation, those carrying firearms shall register them at the cashier's office on a form prescribed for such purpose.

Sec. 1306. Disorderly Conduct. No person shall engage in conduct which is violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly under circumstances in which the conduct tends to cause or provide disturbance on any Premises.

Sec. 1307. Enforcement. Any person who violates any of the above subsections shall be asked to leave the Premises. If any person so requested to leave refuses to promptly leave the premises, any of the Tribe's authorized law enforcement officers or security personnel shall be called to escort such person from the Premises.

Sec. 1308. Transportation Providers. No person providing conveyance on Tribal Lands, or whose destination is Tribal Lands, shall conduct or permit to be conducted any Class II or Class III games in such vehicle.

Sec. 1309. Agent for Service of Process. The agent for Service of Process shall be the Tribal Chairperson.

CHAPTER 14. PENALTIES FOR VIOLATIONS

Sec. 1401. Civil Penalties. Any person who violates any provision of this Ordinance, makes any material false or misleading statements or omissions in any Application filed with the Commission or Tribe or in connection with any matter provided for hereunder, or gives false testimony in any matter provided for hereunder before either the Commission or the BISHOP INDIAN TRIBAL COUNCIL shall be subject to civil penalties to be imposed by the BISHOP INDIAN TRIBAL COUNCIL, including suspension and/or cancellation of any license granted hereunder under the procedures set forth in Sec. 912, termination, suspension or exclusion from employment in any Gaming Operations or other employee discipline, exclusion from attendance at any Gaming Facilities, exclusion from the Tribe's Lands if not a member of the Tribe, and/or a fine of not more than \$500 for each such violation.

Sec. 1402. Applicable Procedures Prior to Penalties Against Management Contractors, Owners or Controlling Persons, or Tribal or Management Contractor Employees. No penalty shall be imposed against a party to a Management Contract, an Owner or Controlling Person, or any employee of the Tribe or of a Management Contractor (other than the suspension or cancellation of any license granted hereunder, which are subject to the procedures set forth in Sec. 912) except upon hearing before the Commission, after 10 days' notice of the claimed violation. The time and place of the hearing shall be posted in the Tribe's office, and if time permits, in a tribal or local newspaper serving the community that may be

affected by the penalty. The party against whom or which the penalty is proposed to be issued, his or her or its attorney and any person affected by the penalty shall have the right to be present and to offer sworn oral or documentary evidence relevant to the violation charged. All decisions of the Commission regarding penalties against Management Contractors, Owners or Controlling Persons, and employees of the Tribe or of a Management Contractor shall be appealable to the BISHOP INDIAN TRIBAL COUNCIL, who shall hold a hearing within 10 days of receipt of a request for same no later than ten days following the Commission's decision. The BISHOP INDIAN TRIBAL COUNCIL decision will be final.

Sec. 1403. Applicable Procedures Prior to Imposition of Fines. No fine shall be imposed against any person except upon hearing before the BISHOP INDIAN TRIBAL COUNCIL, after 10 days' notice of the claimed violation. The time and place of the hearing shall be posted in the Tribe's office. The party against whom or which the fine is proposed to be issued, his or her or its attorney and any person affected by the fine shall have the right to be present and to offer sworn oral or documentary evidence relevant to the violation charged. All decisions of the BISHOP INDIAN TRIBAL COUNCIL regarding fines shall be final.

Sec. 1404. Notice of Penalties. The BISHOP INDIAN TRIBAL COUNCIL shall post and publish notices of all penalties imposed hereunder under the same posting and publication procedures prescribed in Sec. 904.

CHAPTER 15. RESCINDING OF PRIOR ORDINANCES

This ordinance rescinds and nullifies any prior ordinance dealing with the subject of gaming

CHAPTER 16. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by a 4 out of 5 vote of the BISHOP INDIAN TRIBAL COUNCIL at a duly convened meeting.

Dated: February 9, 1995 As Amended: June 15, 1995

Certification:


Tribal Chairman


Date