

**NATIONAL
INDIAN
GAMING
COMMISSION**

MAR - 4 1998

Honorable Leonard Armijo
Governor, Pueblo of Santa Ana
2 Dove Road
Bernalillo, New Mexico 87004

Dear Governor Armijo:

Thank you for submitting the gaming amendments adopted by the Pueblo of Santa Ana. These amendments were adopted by Resolution No. 93-R-12, Resolution 95-R-12, Resolution 95-R-12-A, and Resolution 97-R-28. This letter constitutes approval of these amendments adopted since 1994 under the Indian Gaming Regulatory Act (IGRA). The ordinance and amendments were received on December 4, 1997.

These amendments, however, were submitted late. Under 25 C.F.R. § 522.3, amendments must be submitted within 15 days of adoption. Please submit all future amendments within 15 days of adoption. Failure to submit amendments in a timely manner may result in the issuance of a Notice of Violation.

Additionally, the NIGC has reviewed the approved Pueblo of Santa Ana Gaming Ordinance No. 92-0-04 and has found a problem in Section VI, Exemptions. Charitable bingo is still a class II game which cannot be exempt from the compliance with the ordinance or the IGRA. For a game to be considered as class I, it must be a social game for minimal value or a traditional tribal game. Charitable bingo does not fall within either category. Please amend the ordinance to address this problem.

Finally, while I view with concern that the Pueblo of Santa Ana Revenue Sharing Agreement provides for substantial payments to the State of New Mexico, those provisions are beyond the scope of the Chairman's statutory review. Under the IGRA and the regulations of the 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 tribal ordinance are not subject to review and approval.

Please feel free to contact Ms. Frances Fragua at 202/632-7003 if you have any questions regarding this matter. Thank you for your cooperation.

Sincerely yours,

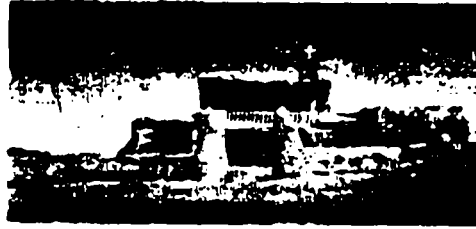


Tadd M. Johnson
Chairman

SANTA ANA PUEBLO

Star Route Box 37
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Office of the:
Governor
Lt. Governor
Secretary



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PUEBLO OF SANTA ANA
TRIBAL COUNCIL RESOLUTION NO. 95-R- 12
AMENDING THE SANTA ANA GAMING ORDINANCE

WHEREAS, by resolution adopted on the 16th day of June, 1993, the Tribal Council adopted a Santa Ana Gaming Ordinance; and

WHEREAS, that Ordinance created the Santa Ana Gaming Board, as the regulatory body responsible for overseeing gaming activities on the Santa Ana Pueblo; and

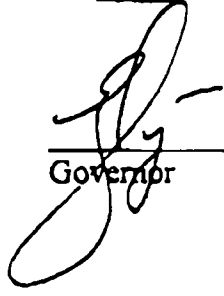
WHEREAS, upon the recommendation of the Board, the Tribal Council has decided to amend the Gaming Ordinance so as to re-name the Board the "Santa Ana Gaming Regulatory Commission;" and

WHEREAS, the attached amendment has been reviewed by the Pueblo's Special Counsel and by the Santa Ana Gaming Board, and has been carefully considered by the Tribal Council, and it is the view of the Tribal Council that such amendment is appropriate:

NOW, THEREFORE, BE IT RESOLVED, by the Pueblo of Santa Ana Tribal Council, that the attached amendment to the Santa Ana Gaming Ordinance changing the name of the Santa Ana Gaming Board to the Santa Ana Gaming Regulatory Commission, is hereby adopted, and the Gaming Ordinance is amended as set forth in the attached amendment.

CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted by the Tribal Council of the Pueblo of Santa Ana at a regular meeting held on the 10 day of May, 1995, at which a quorum was present, by a vote of 42 in favor and 0 opposed.



 Governor

ATTEST:



2617/JRWH0856

PROPOSED AMENDMENTS TO PUEBLO OF SANTA ANA
GAMING ORDINANCE

The Pueblo of Santa Ana Gaming Ordinance, Ordinance No. 92-0-04, as amended by Resolution 93-R-12, is hereby further amended as follows:

1. In Section 1, "Definitions," amend subsection (b) by deleting the entirety of the text thereof, and inserting the following:

(b) "SAGRC" means the Santa Ana Gaming Regulatory Commission established by this Ordinance.

2. In all places where the word "Board" appears, except as is otherwise provided by any amendment to the Ordinance, delete such word, and insert in its place, "SAGRC."

3. In the heading for Section 8 of the Ordinance, delete the words "PUEBLO GAMING BOARD," and insert in place thereof the following: "SANTA ANA GAMING REGULATORY COMMISSION."

4. In Section 8(a), delete the words "a Board" and insert in place thereof "the Santa Ana Gaming Regulatory Commission."

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PUEBLO OF SANTA ANA
TRIBAL COUNCIL RESOLUTION NO. 95-R-12-A
AMENDING THE SANTA ANA GAMING ORDINANCE

WHEREAS, by resolution adopted on the 16th day of June, 1993, the Tribal Council adopted the Santa Ana Gaming Ordinance; and

WHEREAS, upon the recommendation of the Santa Ana Gaming Regulatory Commission, the Tribal Council has determined that it would be appropriate to amend that Ordinance in certain respects pertaining to the manner in which the Santa Ana Gaming Regulatory Commission is appointed; and

WHEREAS, the attached amendment to the Gaming Ordinance, making such changes, has been reviewed and approved by the Pueblo's Special Counsel and has been recommended for adoption by the Santa Ana Gaming Regulatory Commission; and

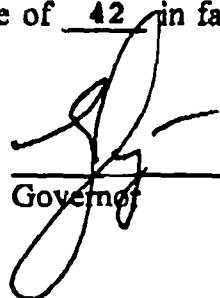
WHEREAS, in connection with the approval of the proposed amendment, it would also be appropriate for the Tribal Council to reaffirm the appointments of the members of the Commission;

NOW, THEREFORE, BE IT RESOLVED, by the Pueblo of Santa Ana Tribal Council, that the attached amendment to the Santa Ana Gaming Ordinance, amending Section 8, Paragraphs (a) and (d), be and the same is hereby adopted, and the Gaming Ordinance is amended as set forth therein; and

BE IT FURTHER RESOLVED, that the Tribal Council hereby reappoints Bruce Sanchez, Walter Cristobal and Eugene Lujan, as the members of the Santa Ana Gaming Regulatory Commission, and determines that for purposes of the Ordinance as amended, the terms of these members as set forth in the attached amendment shall commence as of the date of this Resolution.

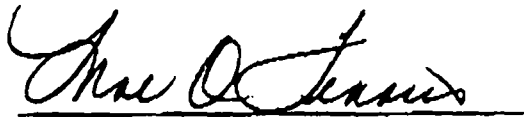
CERTIFICATION

I hereby certify that the foregoing Resolution was duly adopted by the Tribal Council of the Pueblo of Santa Ana at a regular meeting held on the 10 day of May, 1995, at which a quorum was present, by a vote of 42 in favor and 0 opposed.



 Governor

ATTEST:



PUEBLO OF SANTA ANA GAMING ORDINANCE

*(Adopted as Ordinance 92-0-04;
amended by Resolution No. 93-R-12;
further amended by Resolution 95-R-12;
further amended by Resolution 95-R-12-A);
further amended by Resolution 97-R-28)*

Preamble

The Pueblo has the right to regulate Class I and Class II gaming, as those terms are defined in the Act, on Pueblo Lands and may jointly regulate Class III gaming, as that term is defined in the Act, pursuant to a Compact with the state and the Council finds that it is in the best interest of the Pueblo to enact an ordinance that authorizes and regulates all gaming on Pueblo Lands consistent with the Act.

SECTION I. DEFINITIONS. For purposes of this ordinance:

- A. "Act" means the Indian Gaming Regulatory Act, Pub.L. No. 100-497, 25 U.S.C. §§ 2701-2721, and applicable regulations promulgated under the Act.
- B. "Class I gaming" means Class I gaming as defined in the Act.
- C. "Class II gaming" means Class II gaming as defined in the Act.
- D. "Class III gaming" means Class III gaming as defined in the Act.
- E. "Commission" means the National Indian Gaming Commission established under the Act.
- F. "Compact" means any Tribal-State Gaming Compact between the Pueblo and the State governing Class III gaming.
- G. "Council" means the Pueblo Council, the governing body of the Pueblo of Santa Ana.
- H. "Electronic Game of Chance" means a microprocessor-controlled electronic device that allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a token, coin or currency, or by the use of a credit, and which awards game credits, cash, tokens, or replays, or a written statement of the player's accumulated credits, which written statements are redeemable for cash. Game play may be displayed by video facsimile or mechanical rotating reels whereby the software of the device

predetermines the stop positions and the presence, or lack thereof, of a winning combination andy pay-out, if any.

I. "Gaming Employee" means any natural person employed by a Gaming Enterprise or Management Contractor.

J. "Gaming Device" or "Gaming Equipment" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming.

K. "Gaming Enterprise" means an enterprise owned by the Pueblo for the conduct of the gaming in any gaming facility on Pueblo Lands. The enterprise can be organized as a tribal department, corporation, partnership or joint venture.

L. "Gaming Facility" means the building, location or room in which Class I, Class II, or Class III gaming is conducted on Pueblo Lands.

M. "Gaming Services" means the provision or sale of any goods, services or concessions by contract to the Pueblo, Gaming Enterprise, or Management Contractor in connection with the operation of gaming in a Gaming Facility in an amount in excess of \$10,000 in any one month, except for professional, legal or accounting services. No contract may be broken up into parts for the purpose of avoiding this definition or any requirement of licensing or certification.

N. "Governor" means the Governor of the Pueblo of Santa Ana.

O. "Management Contractor" means any management company engaged by the Pueblo to assist in the management or operation of any Gaming Enterprise.

P. "Net Revenues" means gross revenues of any Gaming Enterprise in all Gaming Facilities less amounts paid out as, or paid for, prizes and operating expenses, but excluding management fees paid to a Management Contractor.

Q. "Ordinance" means this Pueblo of Santa Ana Gaming Ordinance.

R. "Person" means any individual, partnership, corporation, company or other legal entity.

S. "SAGRC" means the Santa Ana Gaming Regulatory Commission established by this Ordinance.

T. "State" means the State of New Mexico, its authorized officials, agents, and representatives.

U. "Pueblo" means the Pueblo of Santa Ana, a federally recognized Indian tribe, its authorized officials, agents, and representatives.

V. "Pueblo Lands" means all lands within the exterior boundaries of the Pueblo of Santa Ana Reservation and any lands title to which is either held in trust by the United States for the benefit of the Pueblo or Pueblo member or held by the Pueblo or Pueblo member in fee, subject to restriction by the United States against alienation, or which is in Indian country and over which the Pueblo exercises governmental power.

SECTION II. PURPOSE. The purpose of this ordinance is to provide for the regulation of all gaming on Pueblo Lands, to protect the public interest in the integrity of all gaming, to prevent improper or unlawful conduct in gaming, to strengthen tribal self-government, and to promote tribal economic self-sufficiency.

SECTION III. NATURE AND SCOPE OF GAMING ACTIVITIES.

A. Authorized gaming activities. A Gaming Enterprise may operate in its Gaming Facilities any and all forms of Class I and Class II gaming and, subject to the provisions of a Compact, any and all forms of Class III gaming on Pueblo Lands.

B. Forms of payment. All payment for wagers made in gaming conducted by the Gaming Enterprise shall be made by cash, chips, or tokens. The Gaming Enterprise shall not extend credit. Chips or tokens may be purchased using cash or checks.

C. Wagering limitations. Unless set by a Compact, the SAGRC may set by regulation the maximum wager for Class III gaming.

D. Hours of operation. A Gaming Enterprise may operate its gaming activities on the hours and days approved by the SAGRC.

E. Prohibition on minors. No person under the age of 18 shall participate in any gaming; however, minors may be employed in the food, beverage (non-alcoholic), or maintenance service of a Gaming Enterprise.

SECTION IV. COMPLIANCE WITH THE ACT. This ordinance shall be construed in a manner that conforms to the Act in all respects, and, if inconsistent with the Act in any manner, the provisions of the Act shall govern.

A. Proprietary interest. The Pueblo shall have the sole proprietary interest in and responsibility for the conduct of any gaming on Pueblo Lands; however, nothing in this ordinance shall prevent the Pueblo from entering into a Management Contract for the operation and management of any Gaming Enterprise or Gaming Facility operated by a Gaming Enterprise.

B. Use of Net Revenues. Net Revenues from any Gaming Enterprise shall be used for the following purposes:

1. to fund tribal government operations or programs;
2. to provide for the general welfare of the Pueblo and its members;
3. to promote tribal economic development;
4. to donate to charitable organizations;
5. to help fund operations of local government agencies; or,
6. any other purposes permitted under the Act.

C. Annual audit. The SAGRC shall require all Gaming Enterprises and Management Contractors to be subject to an annual audit by an independent certified public accountant and to submit copies of the annual audit to the Commission. All purchasers for supplies, services, or concessions or contracts in excess of \$25,000 annually (except contracts for professional legal or accounting services) of any Gaming Enterprise or Management Contractor shall be included in the annual audit.

D. Public safety standards. All Gaming Facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety and complies with all applicable health, safety, and environmental standards applicable to or enacted by the Pueblo.

E. Licensing and background investigations.

1. Licensing Requirements.

a. Gaming Enterprise. Each Gaming Enterprise shall be licensed by the SAGRC.

b. Gaming Facility. Each Gaming Facility shall be licensed by the SAGRC.

c. Gaming Employees. All Gaming Employees shall be licensed by the SAGRC and subject to background investigations.

d. Management Contractors. All Management Contractors, including their principals, or having shareholders in excess of 5% ownership, officers, directors and employees, shall be licensed by the SAGRC and subject to background investigations.

e. Gaming Devices and equipment. Each Gaming Device and price of Gaming Equipment shall be licensed by the SAGRC and shall be inspected and certified for proper operation at least annually by the SAGRC.

f. Sales of Gaming Devices, equipment or services. Any person proposing to sell or lease any Gaming Device, Gaming Equipment, or provide Gaming Services to a Gaming Enterprise shall be licensed by the SAGRC and subject to a background investigation before being permitted to sell or lease any Gaming Device or Gaming Equipment or provide any Gaming Services to any Gaming Enterprise, Gaming Facility, or Management Contractor.

2. Licensing procedures.

a. Applications for licenses. Each applicant for a license shall submit a completed application and any other information required by the SAGRC. Each application shall be accompanied by the applicant's fingerprint card, two current photographs, and any fees required by the SAGRC. In the event of a corporate applicant, the shareholders having in excess of 5% ownership, officers and directors shall provide the information for applicant. In the case of a Pueblo enterprise, the person in charge of the enterprise shall submit the information required. Each applicant shall be required to sign and submit a statement in compliance with the Federal Privacy Act of 1974 and to submit a statement or notice regarding false statements as required by the Act.

b. Background investigations of applicants. Upon receipt of a completed application and the fees required for the license, the SAGRC shall conduct the necessary background investigation, unless otherwise required by the Act, to ensure the applicant is qualified for a license. Upon completion of the necessary background investigation, the SAGRC shall either issue a license to the applicant and send a copy to the Commission, or deny the application. If the application is denied, a statement setting forth the grounds for denial shall be sent to the applicant and the Commission.

c. Duration and renewal of tribal licenses. Any license issued to a Gaming Enterprise, Management Contractor, or Gaming Employee shall be effective for one year from the date of issuance. Any person applying for renewal of a license that has submitted the required application and any other information required by the SAGRC at least

60 days before the expiration of the license may continue to be employed under the expired license until the Board, or Commission if required by the Act, takes final action on the renewal application. Any person renewing a gaming license shall provide updated material and information as requested on the renewal application form, but shall not be required to resubmit historical data already provided to the SAGRC.

d. Identification cards. The SAGRC shall require all Gaming Employees to wear identification cards issued by the SAGRC bearing the employee's photograph, first and last name, employee number, signature, and date of expiration.

e. Fees for licensing. The fees for gaming licenses and background investigations shall be set by the SAGRC from time to time and made available at any time upon request. If the actual costs incurred by the SAGRC for a background investigation exceed the amount deposited by the applicant, those costs may be assessed to the applicant in the discretion of the SAGRC. In such cases, the SAGRC shall submit a detailed billing of the costs and an explanation as to why the excess costs were incurred. Payment in full of any required fee is required before a license is issued.

SECTION V. STANDARDS OF OPERATION AND MANAGEMENT.

A. Class I and Class II gaming. The SAGRC may adopt standards of operation and management for Class I and Class II gaming consistent with the Act and, pending such adoption, may direct a Gaming Enterprise or Management Contractor to comply with the standards as the SAGRC may determine necessary to protect the integrity of Class I and Class II gaming.

B. Class III gaming. The technical standards of operation and management for Class III gaming shall be those adopted in accordance with a Compact.

SECTION VI. EXEMPTIONS.

(a) Charitable, Traditional, and Social Gaming. Any organization of the Pueblo may engage in the following forms of gaming without compliance with this Ordinance only if the gaming activity engaged in is solely for prizes of minimal value and for recognized charitable, traditional, and social purposes:

- (1) bingo;
- (2) social games;
- (3) raffles or drawings;

(4) sports or gambling pools; or

(5) traditional forms of gaming when played by Pueblo members in connection with Pueblo ceremonies or celebrations.

(b) Prize Limits. For purposes of this section, "prizes of minimal value" shall mean any gaming in which the aggregate amount of all prizes awarded or given in a single gathering or session is no greater than that allowed under the New Mexico Bingo and Raffle Act.

(c) SAGRC Authority. The SAGRC shall have authority to grant exemptions, investigate any gaming exempted by this Ordinance, to take measures to ensure the integrity of any gaming or otherwise, to determine whether such gaming is in violation of this Ordinance, and to enforce the provisions of this Ordinance.

SECTION VII. MANAGEMENT CONTRACTS.

A. Requirement for review and appeal. A Gaming Enterprise may enter into a Management Contract with a Management Contractor for the management of the Gaming Enterprise or Gaming Facilities subject to approval of the Council and, if required by the Act, the Commission.

B. Required provisions.

1. Governmental authority. All gaming covered by a Management Contract shall be conducted in accordance with this Ordinance and the Act.

2. Responsibilities. The Management Contract shall identify the responsibilities of each party for each identifiable function as set forth in the Act.

3. Accounting. The Management Contract shall provide for the establishment and maintenance of satisfactory accounting systems and procedures that shall include an adequate system of internal accounting controls and permit the preparation of financial statements in accordance with generally accepted accounting principles.

4. Reports. Each Management Contractor shall provide monthly verifiable financial reports to the Pueblo, the SAGRC, and, if required by the Act, the Commission.

5. Access. A Management Contractor shall allow authorized officials of the Pueblo, the SAGRC, or the Commission immediate access to the Gaming Enterprise books and records and any Gaming Facility. These authorized officials shall have the right to verify the daily gross revenues and income from any gaming activity and access to any other gaming-related information deemed appropriate.

6. Guaranteed minimum payment. All management contracts shall provide to the Gaming Enterprise a minimum guaranteed monthly payment in a sum certain to that has preference over the retirement of any development and construction costs.

7. Development and construction costs. All management contracts shall provide for an agreed upon maximum dollar amount per month of revenues not to exceed ___ percent for the recoupment of development and construction costs.

8. Term. No management contract shall be for a term exceeding five (5) years unless upon request of the Council, the Commission authorizes a longer contract term not to exceed seven (7) years.

9. Compensation. All management contracts shall provide that not more than thirty percent (30%) of the Net Revenues of a Gaming Enterprise shall be paid to the Management Contractor unless a higher percentage, not to exceed forty percent (40%) is authorized by the Commission pursuant to the Act. The balance of the Net Revenues shall be paid to the Treasurer of the Pueblo or Gaming Enterprise as set forth in the management contract.

10. Termination; disputes. All management contracts shall provide grounds and mechanisms for modifying or terminating the management contract and include a mechanism to resolve disputes between the Gaming Enterprise and Management Contractor, the Management Contractor and customers, and Management Contractor and Gaming Employees.

11. Assignments and subcontracting. All management contracts shall provide that the assignment of rights and subcontracting under a management contract are not permitted unless authorized by the Council.

12. Ownership interest. All changes in the ownership interest in a Management Contractor shall require advance approval of the Council.

13. Prohibited provisions. A management contract shall not transfer or convey any interest in Pueblo Lands unless authorized by federal law.

SECTION VIII. SANTA ANA GAMING REGULATORY COMMISSION.

A. Establishment of the SAGRC; Appointment; Terms. There is hereby established a Commission, to be known as the Santa Ana Gaming Regulatory Commission, consisting of three (3) members, who shall be appointed by the Tribal Council for terms of five (5) years each.

B. Compensation. The Council shall establish the compensation of members of the Board.

C. Removal. A SAGRC member may be removed from office before the expiration of his or her term only after receiving a written Notice of Removal, signed by the Governor, setting forth specific grounds showing that such member has abused his position or has engaged in conduct unbecoming an official of the Pueblo; has violated the laws of the Pueblo or of the State of New Mexico or of the United States of America in some respect that casts doubt on the member's fitness to continue in office; or has consistently failed to perform his or her duties as a member of the SAGRC. A member shall have ten (10) days after actual receipt of such notice within which to submit to the Governor's Office a written request for a hearing before the Tribal Council. If no such request is submitted within such period, the member's removal shall automatically take effect on the expiration of the period. If a hearing is requested within the period, it shall be held within fifteen (15) days after the date on which the request was filed with the Office of the Governor. At the hearing before the Tribal Council, the Governor or Officers shall present facts supporting the specifications of misconduct set forth in the Notice of Removal, after which the member may present his or her own case in opposition to the specifications. The presentation to the Council may be through witnesses, documents or argument, as the Governor and the member shall choose, but shall be limited to the issues specified in the Notice of Removal. The member may be represented by counsel. The member shall not be deemed removed from the SAGRC unless the Notice of Removal is upheld by a vote of two-thirds of the members of the Council present and voting; provided that at least eighteen (18) members of the Council must be present at the time of such vote to uphold the member's removal, and the number of Council members voting to uphold or to reject the removal shall be recorded in the official records of the Pueblo.

D. Vacancies. The Tribal Council shall by appointment fill any vacancy that may occur in the membership of the SAGRC, by appointing a member to serve out the unexpired portion of the term of the vacant position.

E. Powers and duties of the SAGRC. The SAGRC shall have the following powers and duties:

1. Oversight of Gaming Activity; Inspectors. The SAGRC shall have primary responsibility for overseeing all gaming activity to assure the integrity of gaming activity and shall for that purpose employ inspectors who shall be under the sole supervision of the SAGRC. The inspectors shall have access to all areas of any Gaming Facility at all times. The inspectors shall report to the SAGRC regarding any failure by the Gaming Enterprise or Management Contractor to comply with any of the provisions of this Ordinance and any other applicable laws. All inspectors shall be licensed by the SAGRC and subject to background investigations.

2. Investigations; subpoena. The SAGRC may on its own initiative investigate any aspect of the gaming activity to protect the public interest in the integrity of the gaming activity and to prevent improper or unlawful conduct in the course of any gaming activity. The SAGRC may require any Gaming Enterprise or Management Contractor to take any appropriate action deemed necessary to comply with the ordinance, Act and any other applicable law. The SAGRC may compel any person to appear before it and to provide any information, documents, or other materials that may be in their possession to assist in any such investigation.

3. Public safety. The SAGRC shall ensure that the Gaming Enterprise or Management Contractor shall prepare and submit for the review and approval of the SAGRC a satisfactory plan for the protection of the public in any Gaming Facility.

4. Review of plans. The SAGRC shall review and approve floor plans and surveillance systems for each Gaming Facility and may confer with other organizations regarding the adequacy of such plans and systems.

5. Regulations. The SAGRC shall promulgate any and all regulations it deems necessary or appropriate for the regulation of gaming activity within the Santa Ana Pueblo, so as to fulfill the purposes of this Ordinance, and in particular shall promulgate any and all regulations necessary or appropriate to assure full compliance by the Pueblo and its gaming enterprise with any and all provisions of the Act and of the Compact that is in effect, and all such regulations properly promulgated by the Commission within the scope of its powers granted herein shall have the full force of law within the Pueblo of Santa Ana.

6. Licenses. The SAGRC may issue, suspend, and revoke licenses in accordance with this Ordinance.

7. Standards. The SAGRC shall promulgate, review, approve, and revise the technical standards and rules of each game operated by the Gaming Enterprise or Management Contractor and shall notify the Gaming Enterprise or Management Contractor of the rules and of any change to the rules.

8. Health, safety and security standards. The SAGRC shall enforce all health, safety and security standards applicable to the Gaming Facilities. Before opening of any Gaming Facility for gaming activity, the Gaming Enterprise or Management Contractor shall obtain a certificate of compliance from the SAGRC relating to each Gaming Facility. The SAGRC shall issue a certificate of compliance to the Gaming Enterprise upon a determination that the Gaming Facility complies with applicable health, safety and security standards.

9. Penalties and subpoenas. The SAGRC shall be empowered to impose penalties for violations of this ordinance and to issue subpoenas in furtherance of its duties.

10. Civil and criminal actions. The SAGRC may in the name of the Pueblo bring any civil action or criminal complaint in the courts of the Pueblo, the State or the United States to enforce the provisions of this ordinance, the Act, or any Compact, or to enjoin or otherwise prevent any violation of this ordinance, the Act, or a applicable law, occurring on Pueblo Lands.

11. Operating budget. The SAGRC shall adopt an annual operating budget which shall be subject to the approval of the Council. The SAGRC may, in accordance with the budget, employ a staff as it deems necessary to fulfill its responsibilities under this ordinance and may retain legal counsel, consultants, and other professional services, including investigative services, to assist the SAGRC with its responsibilities under the ordinance. The expenses of the SAGRC in accordance with such budget shall be appropriated by the Council from the Net Revenues paid to the Pueblo.

12. Orders. The SAGRC may issue any order or decision, which the SAGRC has the power to issue, to any Gaming Enterprise, Gaming Employee, or Management Contractor, or to any other person within the jurisdiction of the Pueblo, to take any action or cease and desist from any action as may be required to protect to the public interest in gaming.

F. Hearings. The SAGRC may conduct hearings, investigations, inquiries, compel the production of any information or documents, or otherwise exercise the investigatory powers necessary to carry out its duties under this ordinance.

G. Director. The SAGRC may appoint and retain an individual to serve as Director of the SAGRC to administer and enforce its duties and responsibilities under this Ordinance and to oversee the inspectors appointed by the SAGRC and other staff as the SAGRC may employ, and to conduct hearings, investigations, and otherwise act on behalf of the SAGRC as authorized by the SAGRC. The Director shall be responsible for coordination of the functions of the SAGRC and other federal, state, and local agencies as necessary.

H. Procedures of the SAGRC.

1. Regular meetings. Regular meetings of the SAGRC may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the SAGRC. Unless otherwise specified by the SAGRC, no notice of such regular meetings shall be necessary.

2. Special meetings. Special meetings of the SAGRC may be called by the Chairman of the SAGRC or may be held by teleconference or by polling. The Chairman shall fix the time and place of the special meeting. Neither the business to be transacted at, nor the

purposes of, any regular or special meeting of the SAGRC need to be specified in the notice of the meeting.

3. Quorum. At any meeting of the SAGRC, a majority of the SAGRC members shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the SAGRC. The Chairman shall preside at all meetings of the SAGRC unless the Chairman designates another member to preside in his absence. Approval of action telephonically or by polling is also authorized.

4. Notice of SAGRC action. No action of the SAGRC to impose a penalty pursuant to this ordinance or to revoke a gaming license shall be valid unless the person affected is given at least seven (7) calendar days' notice of the proposed action and the opportunity to appear and to be heard before the SAGRC, either in person or through a representative or legal counsel, and to submit such evidence as the SAGRC deems relevant to the matter at issue. No notice is necessary to suspend a gaming license, but a revocation hearing must be held within nine (9) days or the suspension shall be discharged automatically.

5. Hearings. If the SAGRC deems it necessary to protect the public interest in the integrity of the gaming activities, the SAGRC may take such action with immediate effect as it deems required and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied a gaming license or who is barred from the Gaming Facilities by action of the SAGRC may request a hearing before the SAGRC by written request submitted within thirty (30) days following receipt of notice of the action of the SAGRC. The SAGRC shall thereupon afford an opportunity to appear and be heard either in person or through a representative or legal counsel, and to submit such evidence as the SAGRC deems relevant to the matter at issue. The SAGRC shall either affirm or reconsider its decision. The SAGRC may direct the Director or one or more members of the SAGRC designated by the SAGRC to conduct any hearings.

6. Rules and procedures. The SAGRC may adopt any additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance.

SECTION IX. APPEALS TO TRIBAL COURT. Any person aggrieved by the final action of the SAGRC may file an appeal to the Tribal Court. The person shall file a notice of appeal stating the specific basis of the appeal and pay any court fees. Upon receipt of a notice of appeal, the court clerk shall schedule a hearing before the Tribal Court. The decision of the Tribal Court shall be final.

SECTION X. PROHIBITED ACTS.

It shall be a violation of this Ordinance for any person to:

A. Conduct or participate in any gambling on Pueblo Lands other than at an authorized and licensed Gaming Facility.

B. Receive, distribute, apply or divert any property, funds, proceeds, or other assets of the Gaming Enterprise to the benefit of any person except as authorized by this Ordinance, a Compact, or the Act.

C. Tamper with any Gaming Device or Gaming Equipment used in the conduct of any gaming activity with the intent to cause any person to win or lose any wager other than in accordance with the publicly-announced rules of the Gaming Enterprise.

D. Do any other act in connection with the conduct of any Gaming Enterprise with the intent to affect the outcome of any wager other than in accordance with the publicly-announced rules of such Gaming Enterprise.

E. To alter or misrepresent the outcome of other event on which wagers have been made after the outcome is made sure but before it is revealed to the players.

F. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

G. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a Gaming Device or Gaming Equipment, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

H. To place or increase a wager or bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

I. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

J. To manipulate, with the intent to cheat, any component of an electronic Game of Chance or Gaming Device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to manipulating a Gaming Device, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

K. Knowingly to use other than coins or tokens approved by the SAGRC or other lawful coin, legal tender of the United States of America, or to use a coin not of the same denomination as the coin intended to be used in the Gaming Device.

L. To possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, in analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.

M. To use any device or means to cheat, or to possess any such device while at the Gaming Facility.

N. Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of this Ordinance, the Act, a Compact, or other applicable law and regulation with the intent that the other person play or participate in that gaming.

SECTION XI. PENALTIES. Any person who violates any provision of this Ordinance shall be subject to civil penalties, termination of employment by the Gaming Enterprise, denial or revocation of a gaming license, exclusion from attendance at any Gaming Facility, or exclusion from Pueblo Lands if a non-member of the Pueblo. The SAGRC may impose a fine of not more than \$500.00 for each violation. The SAGRC shall have the jurisdiction to impose any penalties on any person within the jurisdiction of the Pueblo.

SECTION XII. SEVERABILITY. In the event any section or provision of this Ordinance or its application to any particular activity is held to be invalid, the remaining sections and provisions of this Ordinance and the remaining applications of such section or provision shall continue in full force and effect.

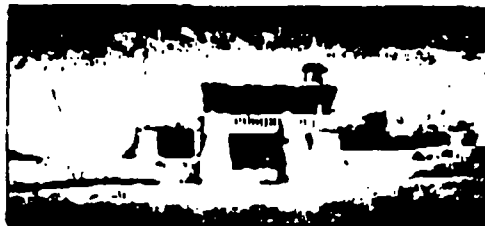
SECTION XIII. SOVEREIGN IMMUNITY. The Pueblo does not in any way waive its sovereign immunity from suit in any court to contest the validity of this ordinance. However, the final decisions of the SAGRC may be appealed to and shall be subject to final review only in the Tribal Court.

SECTION XIV. AMENDMENTS. This Ordinance may be amended by majority vote of the Council.

SANTA ANA PUEBLO

2 Dove Rd.
BERNALILLO, NEW MEXICO 87004

Office of the
Governor
Lt. Governor
Secretary



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TRIBAL RESOLUTION NO. 97-R-28

Re: Amending the Pueblo of Santa Ana Gaming Ordinance to comply with the Tribal-State Class III Gaming Compact with the State of New Mexico

WHEREAS, the Tribal Council of the Pueblo of Santa Ana is the duly authorized decision making body for Santa Ana Pueblo; and

WHEREAS, the Pueblo of Santa Ana and the State of New Mexico have entered into a Tribal-State Class III Gaming Compact and Revenue-Sharing Agreement, which Compact and Revenue-Sharing Agreement are expected to go into effect on or before October 15, 1997; and

WHEREAS, the Compact and Revenue-Sharing Agreement impose various requirements on the Tribe with respect to the operation and regulation of its Class III gaming activities; and

WHEREAS, the Pueblo of Santa Ana Tribal Council has previously adopted Ordinance 92-O-04, as amended, by which it created the Santa Ana Gaming Regulatory Commission, and empowered that Commission to oversee and regulate all gaming activity within Santa Ana lands, and specifically, among other things, empowered the Commission to promulgate regulations to govern the operation and management of any such gaming activity; and

WHEREAS, it is the opinion of the Tribal Council that the regulatory measures mandated by the compact recently entered into by and between the Tribe and the State of New Mexico should be imposed by the Santa Ana Gaming Regulatory Commission, through its existing regulatory authority, and that such regulations would have the force of law within the Pueblo of Santa Ana; and

WHEREAS, it would be appropriate to amend Ordinance No. 92-O-04 so as to clarify the Commission's authority in this regard.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Pueblo of Santa Ana, as follows:

1. Section VIII (E) (5) of the Pueblo of Santa Ana Gaming Ordinance, as amended, is hereby amended by deleting the existing language of said Section VIII (E) (5), and inserting in lieu thereof the following:

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Tribal Resolution No. 97-R-28

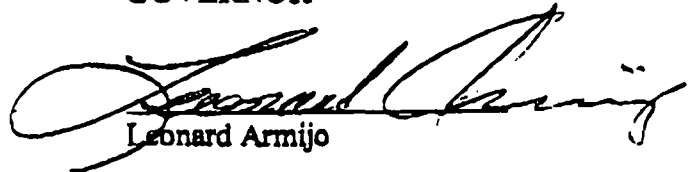
- 5. **Regulations.** The SAGRC shall promulgate any and all regulations it deems necessary or appropriate for the regulation of gaming activity within the Santa Ana Pueblo, so as to fulfill the purposes of this Ordinance, and in particular shall promulgate any and all regulations necessary or appropriate to assure full compliance by the Pueblo and its gaming enterprise with any and all provisions of the Act and of the Compact that is in effect, and all such regulations properly promulgated by the Commission within the scope of its powers granted herein shall have the full force of law within the Pueblo of Santa Ana.

- 2. The Governor of the Pueblo and the Tribe's attorneys are hereby authorized and directed to see that this amendment is submitted to the National Indian Gaming Commission for approval in accordance with the provisions of the Indian Gaming Regulatory Act.

CERTIFICATION

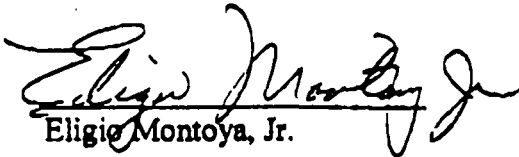
The foregoing Resolution was duly considered at a regularly scheduled meeting of the Pueblo of Santa Ana Tribal Council held on October 23, 1997, and was passed by a vote of 38 in favor and 1 against.

GOVERNOR



Leonard Armijo

ATTEST:



Eligio Montoya, Jr.

PROPOSED AMENDMENTS TO PUEBLO OF SANTA ANA
GAMING ORDINANCE

The Pueblo of Santa Ana Gaming Ordinance, Ordinance No. 92-0-04, as amended by Resolution 93-R-12 and as further amended by Resolution 95-R-12 is hereby further amended as follows:

1. Delete Paragraph (a) of Section 8, "SANTA ANA GAMING REGULATORY COMMISSION," and replace it with the following:

(a) Establishment of the SAGRC: Appointment: Terms. There is hereby established a Commission, to be known as the Santa Ana Gaming Regulatory Commission, consisting of three (3) members, who shall be appointed by the Tribal Council for terms of five (5) years each.

2. Delete Paragraph (d) of Section 8, "SANTA ANA GAMING REGULATORY COMMISSION," and replace it with the following"

(d) Vacancies. The Tribal Council shall by appointment fill any vacancy that may occur in the membership of the SAGRC, by appointing a member to serve out the unexpired portion of the term of the vacant position.