

NATIONAL
INDIAN
GAMING
COMMISSION

JUL 29 1994

Lena Landry, Chairperson
Puyallup Tribe Gaming Commission
2002 East 28th Street
Tacoma, Washington 98404

Dear Chairperson Landry:

This letter responds to your request to review and approve the tribal gaming ordinance adopted on January 15, 1991, and revised on April 4, 1991, and on June 6, 1994, by the Puyallup 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. Such approval does not constitute approval of specific games. Also, the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

Although the Tribe's ordinance has been approved, the Tribe must still develop its description of procedures for conducting background investigations on key employees and primary management officials. The regulations of the Puyallup Tribe Gaming Commission submitted on June 6, 1994, do not address the deficiencies in the Tribe's background investigation procedures detailed in the February 7, 1994 letter from the NIGC.

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 Puyallup Tribe for review and approval. The NIGC staff and I look forward to

working with you and the Tribe in implementing the IGRA.

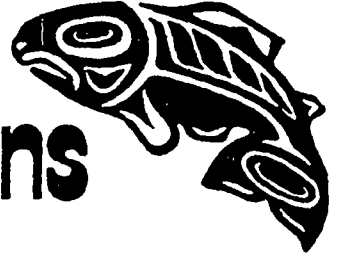
Sincerely yours,

Anthony J. Hope

Anthony J. Hope
Chairman



Puyallup Tribe of Indians



PUYALLUP TRIBAL COUNCIL
ORDINANCE NO. 010491

WHEREAS, the Puyallup Tribe has existed since creation as the aboriginal people who are the owners and guardians of their lands and waters; and

WHEREAS, the Puyallup Tribe is an independent sovereign nation, having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty; and

WHEREAS, the Puyallup Tribal Council is the governing body of the Puyallup Tribe in accordance with the authority of its sovereign rights as the aboriginal owners and guardians of their lands and waters, reaffirmed in the Medicine Creek Treaty, and their Constitution and By-Laws, as amended, approved by the Assistant Secretary of the Interior on the first day of June, 1970; and

WHEREAS, on January 15, 1991, the Tribal Council enacted Ordinance No. 15091 adopting the Puyallup Gaming Code to replace the Tribe's current Bingo and Gaming Codes; and

WHEREAS, pursuant to the Indian Gaming Regulatory Act (P.L. 100-497, 25 U.S.C. 2701-2721), the Tribal Council submitted Ordinance No. 15091 and the Puyallup Gaming Code to the Secretary of Interior for approval; and

WHEREAS, by letter dated March 11, 1991, the Tribal Council was notified by the Superintendent of the B.I.A. Puget Sound Agency that the Portland Area Office had rescinded approval of the Puyallup Gaming Code due to certain objections raised by the Regional Solicitor's Office; and

WHEREAS, the Tribal Council has reviewed the objections raised by the Regional Solicitor and finds it necessary to amend certain provisions of the Puyallup Gaming Code in order to obtain the Secretary's approval, now, therefore

BE IT ENACTED by the Tribal Council of the Puyallup Tribe of Indians that the following provisions of the Puyallup Gaming Code submitted for Secretarial approval shall be amended as follows:

1. Sections 2.04 and 2.17 shall be amended by deleting the word "Casino" and substituting in its place the term "gaming establishment".
2. The first sentence of Section 2.05 shall be amended to read, "Commissioners shall be compensated at a rate to be

APR 2 1991

BRANCH OF TRIBAL OPERATIONS
PUYALLUP AGENCY

established annually by the Commission, and approved by the Tribal Council.

3. Section 2.01 shall be amended by deleting the word "Person", and substituting in its place the word "Indian".

4. Section 1.19 shall be deleted in its entirety.

5. Section 1.15 shall be amended to read, "Indian Land" means:

(a) Any lands title to which is either held in trust by the United States for the benefit of the Puyallup Tribe of Indians, or held by the Puyallup Tribe of Indians subject to restriction by the United States against alienation and over which the Puyallup Tribe of Indians exercises governmental power; and

(b) Any lands located within the exterior boundaries of the Puyallup Indian Reservation title to which is either held in trust by the United States for the benefit of an individual Indian, or held by an individual Indian subject to restriction by the United States against alienation and over which the Puyallup Tribe of Indians exercises governmental power.

C E R T I F I C A T I O N

I, Rosalie Walker, hereby certify that the above ordinance was duly enacted by the Puyallup Tribal Council on the 1st day of April, 1991; a quorum being present with a vote of 2 for, 0 against, 1 abstaining.

Rosalie Walker
Rosalie Walker, Secretary
Puyallup Tribe of Indians

ATTEST:

Nancy Shuppert
Henry John, Chairman
Puyallup Tribe of Indians

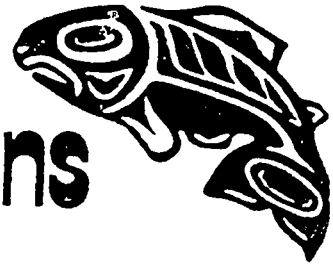
Approved 4-3-91
William Arthur Black, Sr.

Superintendent

Puget Sound Agency
Everett, Washington



Puyallup Tribe of Indians



PUYALLUP TRIBE OF INDIANS

TRIBAL GAMING CODE

REVISED 4-1-91, RES. NO. 010491

PUYALLUP TRIBE OF INDIANS

TRIBAL GAMING CODE

REVISED 4-1-91, RES. NO. 010491

INDEX

CHAPTER I

DEFINITIONS

	PAGE
§ <u>1.01 Definitions</u>	1
§ <u>1.02 Calendar Year</u>	1
§ <u>1.03 Chairman</u>	1
§ <u>1.04 Class I Gaming</u>	1
§ <u>1.05 Class II Gaming</u>	1
§ <u>1.06 Class III Gaming</u>	2
§ <u>1.07 Commission</u>	2
§ <u>1.08 Commissioner</u>	2
§ <u>1.09 Council</u>	3
§ <u>1.10 Director</u>	3
§ <u>1.11 Gaming or Gaming Activity</u>	3
§ <u>1.12 Gaming Device</u>	3
§ <u>1.13 Gaming Establishment or Gaming Premises</u>	3
§ <u>1.14 Gross Revenue</u>	3
§ <u>1.15 Indian Land</u>	4
§ <u>1.16 Key Employee</u>	4
§ <u>1.17 Licensee</u>	4
§ <u>1.18 Net Revenue</u>	4
§ <u>1.19 Management Contract</u>	5
§ <u>1.20 Management Fee</u>	5
§ <u>1.21 Operating Expense</u>	5
§ <u>1.22 Patron</u>	5
§ <u>1.23 Person</u>	5
§ <u>1.24 Primary Management Officials</u>	5
§ <u>1.25 Regulation</u>	6
§ <u>1.26 Reservation</u>	6
§ <u>1.27 Services</u>	6
§ <u>1.28 Tribal Court</u>	6
§ <u>1.29 Tribal-State Compact or Compact</u>	6
§ <u>1.30 Tribe</u>	6
§ <u>1.31 Words and Terms</u>	6
§ <u>1.32 Working Days</u>	6

CHAPTER II

ADMINISTRATION AND ENFORCEMENT

§ 2.01 Unauthorized Gaming..... 7
§ 2.02 Ownership - Revenues to Benefit the Tribe..... 7
§ 2.03 Establishment of Commission..... 8
§ 2.04 Restrictions on Commissioners..... 8
§ 2.05 Compensation of Commissioners..... 8
§ 2.06 Selection of Chairperson..... 9
§ 2.07 Meetings Open to Public..... 9
§ 2.08 Quorum..... 9
§ 2.09 Monthly Reports..... 9
§ 2.10 Powers..... 9
§ 2.11 Prior Notice of Action..... 10
§ 2.12 Request for Commission Action..... 10
§ 2.13 Voting on Licensing..... 10
§ 2.14 Commission Findings..... 11
§ 2.15 Notification of Commission Decision..... 11
§ 2.16 Right to Appeal..... 11
§ 2.17 Appointment of Director..... 11
§ 2.18 Director's Contract..... 12
§ 2.19 Termination of Director..... 12
§ 2.20 Duties of Director..... 12
§ 2.21 Right of Inspection..... 14
§ 2.22 Confidentiality of Information..... 15
§ 2.23 Powers of Delegation..... 15
§ 2.24 Sanctions..... 15
§ 2.25 Limitations Period..... 16
§ 2.26 Violations of Code - Punishment..... 16
§ 2.27 Due Process Regarding Enforcement Actions..... 16
§ 2.28 Special Agents..... 17
§ 2.29 Independence of Commission..... 17

CHAPTER III

LICENSING

§ 3.01 Mandatory License..... 17
§ 3.02 Authorization of Class I Gaming Activity..... 18
§ 3.03 Licensing and Regulation of Class II Gaming Activity; Net Revenue Allocation; Audits; Contracts.. 18
§ 3.04 "Grandfathered License and Licenses that Mirror State Restrictions..... 19
§ 3.05 Issuance of Tribal Gaming Licenses..... 20
§ 3.06 License and Regulation of Class III Gaming Activities; Tribal - State Required..... 20
§ 3.07 Non-Transferability of License..... 20
§ 3.08 Granting of License - Majority Vote..... 20
§ 3.09 Application Fee..... 21
§ 3.10 Background Investigation..... 21

§ <u>3.11 Failure of Applicant to Disclose Material Information</u>	21
§ <u>3.12 Temporary Employment Licenses</u>	21
§ <u>3.13 Parameters of Licensee</u>	22
§ <u>3.14 Licensing of Distributors</u>	22

CHAPTER IV

MANAGEMENT CONTRACTS

§ <u>4.01 Commission Approval Required</u>	22
§ <u>4.02 Approval of Management Contracts</u>	24
§ <u>4.03 Percentage-of-net-revenue Fees</u>	24
§ <u>4.04 Contract Disapproval</u>	25
§ <u>4.05 Modifying or Voiding Contract</u>	25
§ <u>4.06 Conveying Interest in Land</u>	26
§ <u>4.07 Fee for Investigation Cost</u>	26

CHAPTER V

AUDITING AND INTERNAL CONTROL

§ <u>5.01 Minimum Procedures for Control of Internal Fiscal Affairs</u>	26
§ <u>5.02 Commission Oversight of Internal Fiscal Affairs</u>	27
§ <u>5.03 Commission Right to Conduct Audit</u>	28
§ <u>5.04 Prohibition Against Embezzlement</u>	28
§ <u>5.05 Non-Compliance</u>	28

CHAPTER VI

AUTHORIZATION OF GAMING

§ <u>6.01 Prohibition Against Gaming</u>	28
§ <u>6.02 Grace Period</u>	28
§ <u>6.03 Authorization of Gaming</u>	28
§ <u>6.04 Approval of Gaming Equipment</u>	29
§ <u>6.05 Posting of Rules</u>	29

CHAPTER VII

EXCLUSION OR EJECTION OF INDIVIDUALS

§ <u>7.01 List of Undesirables</u>	29
§ <u>7.02 Notice and Opportunity to be Heard</u>	30
§ <u>7.03 Prohibition Against Listed Individuals</u>	30
§ <u>7.04 Prohibition Against Certain Individuals</u>	30

CHAPTER VIII

CHEATING

§ 8.01 Unlawful Acts..... 30
§ 8.02 Prohibition against Electronic Aids..... 31

CHAPTER IX

NATIONAL INDIAN GAMING COMMISSION
and TRIBAL-STATE COMPACTS

§ 9.01 National Indian Gaming Commission - Regulations.... 32
§ 9.02 National Indian Gaming Commission - Assessment.... 32
§ 9.03 Compact with the State of Washington..... 32

CHAPTER X

MISCELLANEOUS

§ 10.01 Security..... 32
§ 10.02 Maintenance of Code and Regulations..... 32
§ 10.03 Compliance with Other Laws..... 33
§ 10.04 Amendments..... 33
§ 10.05 Severability..... 33

APPENDIX

ORDINANCE NO. 150191 - Enacting Gaming Code
RESOLUTION NO. 010491 - Amending Gaming Code

PUYALLUP TRIBE OF INDIANS
TRIBAL GAMING CODE

REVISED 4-1-91, RES. NO. 010491

CHAPTER I
DEFINITIONS

Section 1.01 Definitions Unless a different code meaning is clearly indicated, the terms used in this Code shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100 §497, 102 Stat. 2467 (Oct. 17 1988).

Section 1.02 "Calendar Year" means the period beginning January 1 at 12:00:01 and ending the immediately following December 31 at 12:00 o'clock midnight.

Section 1.03 "Chairman" means the Chairman of the National Indian Gaming Commission.

Section 1.04 "Class I Gaming" means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

Section 1.05 "Class II Gaming" means -

(a) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) -

(i) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations,

(ii) in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and

(iii) in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull tabs, lotto punch boards, tip jars, instant bingo, and other games similar to bingo, and

(b) card games that are

(i) explicitly authorized by laws of the State of Washington, or

(ii) are not explicitly prohibited by the laws of the State of Washington and are played at any location in the State of Washington, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Washington regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(c) The term "class II gaming" does not include

(i) any banking card games, including baccarat, chemin de fer, or blackjack (21), or

(ii) electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

(d) Notwithstanding any other provision of this section, the term "class II gaming" includes those card games played in the State of Washington, that were actually operated in the State by an Indian Tribe on or before May 1, 1988, but only to the extent of the nature and scope of the card games that were actually operated by an Indian tribe in the State on or before such date, as determined by the Chairman of the National Indian Gaming Commission.

Section 1.06 "Class III Gaming" means all other forms of gambling that are not Class I gaming or Class II gaming.

Section 1.07 "Commission" means the Puyallup Gaming Commission.

Section 1.08 "Commissioner" means one of the members of the Puyallup Tribal Gaming Commission.

Section 1.09 "Council" means the Puyallup Tribal Council.

Section 1.10 "Director" means the Director of the Puyallup Gaming Commission appointed by the Council as the chief administrator of Puyallup gaming.

Section 1.11 "Gaming or Gaming Activity" means to deal, operate, carry on, conduct, maintain or expose for play any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, chinese chuck-a-luck (dai shu), wheel of fortune, chem de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, video poker machine, pull tabs, bingo, any banking or percentage game or any other game or device approved by the Commission, but does not include games played with cards in private homes or residences in which no person makes or charges money for operating the game, except as a player.

Section 1.12 "Gaming Device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the normal criteria of random selection, which affects the operation of any game or which determines the outcome of a game.

Section 1.13 "Gaming Establishment or Gaming Premises" means any premises where gaming, other than Class I gaming is operated or conducted, and includes all buildings, improvements, equipment, and facilities used or maintained in connection with such gaming.

Section 1.14 "Gross Revenue" means the total monetary value that

would be due to any operator of a gaming activity for any chance taken, for any table fees for card playing, or other fees charged for participation or admittance, as evidenced by required records. The value shall be stated in U.S. currency, before any deductions or allowances for prizes, pay out of winnings, cost of operation, taxes, labor expenses, equipment or materials used, or any other expenses. In the absence of records, gross revenue shall be the maximum that would be due to an operator from that particular activity if operated at maximum capacity.

Section 1.15 "Indian Land" means:

(a) Any lands title to which is either held in trust by the United States for the benefit of the Puyallup Tribe of Indians, or held by the Puyallup Tribe of Indians subject to restriction by the United States against alienation and over which the Puyallup Tribe of Indians exercises governmental power; and

(b) Any lands located within the exterior boundaries of the Puyallup Indian Reservation title to which is either held in trust by the United States for the benefit of an individual Indian, or held by an individual Indian subject to restriction by the United States against alienation and over which the Puyallup Tribe of Indians exercises governmental power.

Section 1.16 "Key Employee" means all employees who have authority over receipt or distribution of revenues from the gaming activity, and shall include but not be limited to cashiers, dealers, pit bosses, floor managers, supervisors and any other individual who has the authority to sign checks or handle cash or currency.

Section 1.17 "Licensee" means any person who has been issued a valid and current license pursuant to the provisions of this Gaming Code.

Section 1.18 "Net Revenue" means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes, winnings, and total operating expenses, excluding management fees.

Section 1.19 "Management Contract" means any contract, agreement, or other document establishing a relationship between the tribal government and any person or entity in which such person or entity has managerial responsibilities for a tribally owned Class II or Class III gaming operation. The term "Management Contract" shall include all collateral agreements.

Section 1.20 "Management Fee" means any monies paid from gaming revenue to any person or entity contracted and/or licenses to operate a gaming establishment. Such term shall not include monies paid for operating expenses. Such term shall also include any monies paid to the owner of a gaming establishment licenses pursuant to § 3.03 of this Code.

Section 1.21 "Operating Expense" means any expense incurred in the daily operation of a gaming activity that is specifically designated as an operating expense in a management contract; provided, in the case of an establishment licensed by the Tribe pursuant to § 3.03, the term shall mean an expense specifically designated as an operating expense in any regulation adopted by the Commission.

Section 1.22 "Patron" means any person or group of persons on Indian land, who participate as players in games as defined by this Code, or who are physically present on premises wherein or whereon such games are being played.

Section 1.23 "Person" means any association, partnership, corporation, firm trust or other form of business association as well as a natural person.

Section 1.24 "Primary Management Officials" shall include all officials of the gaming activity who exercise authority over daily operation of the gaming, including the authority to hire and fire employees, to supervise employees or to establish operational policy for the gaming activity. Such officials shall include, but not be

limited to, all owners, officers, shareholders, or partners of the management contractor, if any.

Section 1.25 "Regulation" means the regulations of the Commission under this Code.

Section 1.26 "Reservation" when not qualified, means the Puyallup Indian Reservation, established pursuant to the provisions of the Treaty of Medicine Creek, 10 Stat. 1132, signed December 26, 1854, ratified March 3, 1855, and declared April 10, 1855, including but not limited to:

(a) the area of approximately 18,000 acres lying within the survey boundaries of the Puyallup Reservation, as described in the Executive Orders dated January 20, 1857 and September 6, 1873;

(b) the additional area of approximately 11,000 acres which has been reserved for the Tribe, but not yet been surveyed; and

(c) any other lands designated as reservation lands by the Secretary of the Department of Interior.

Section 1.27 "Services" means labor provided by one person to or for another, where such labor is provided in pursuit of the purpose of gaming on Indian land.

Section 1.28 "Tribal Court" means the Tribal Court of the Puyallup Tribe of Indians.

Section 1.29 "Tribal-State Compact" or "Compact" means a written document, either negotiated and agreed to by the Puyallup Tribe and an official or agency of the State of Washington, or prescribed by the Secretary pursuant to 25 U.S.C. 2710(7)(B)(vii), governing the conduct of Class III gaming activities on Indian lands.

Section 1.30 "Tribe" means the Puyallup Tribe of Indians.

Section 1.31 Words and Terms: Tense, number and gender. In con-

structuring the provisions of this Code, save when otherwise plainly declared or clearly apparent from the context;

(a) words in the present tense shall include the future tense;

(b) words in masculine, feminine and neuter genders shall include all genders;

(c) words in the singular shall include the plural, and in the plural shall include the singular.

Section 1.32 "Working days" means Monday through Friday except Federal or Tribal holidays.

CHAPTER II

ADMINISTRATION AND ENFORCEMENT

Section 2.01 Unauthorized Gaming Any Indian who commits any act of unauthorized gaming on this reservation or on any Indian land shall be guilty of a crime and shall be prosecuted in Tribal Court. Prosecution for such a crime in Tribal Court is not meant to be exclusive; a finding of guilt or innocence shall not deprive the federal government from criminal jurisdiction. However, it is hereby declared that Class I, Class II and authorized Class III gaming, conducted on this reservation or on any Indian land, that fully complies with the definitions of this Code shall not be subject to any criminal penalties.

Section 2.02 Ownership - Revenues to Benefit the Tribe Except for those licenses issued pursuant to § 3.04, the Tribe shall have sole proprietary interest in, and the sole responsibility for the conduct of the gaming activity. Such provision does not, however, limit the Tribe's ability to enter into a management contract wherein net revenues are divided between the Tribe and other parties to the contract. A gaming establishment shall be operated so as to produce the maximum amount of net revenues to the Tribe. Net revenues will go entirely to the Tribe and will be used solely for the following purposes:

(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. Net revenues from the gaming establishment may be used to make per capita payments to members of the Tribe upon the preparation of a plan to allocate revenues to the above uses and approval of this plan by the Secretary of the Interior.

Section 2.03 Establishment of Commission The Puyallup Tribal Gaming Commission is hereby established. The Commission shall consist of seven (7) members appointed by a majority vote of the Council. Only enrolled members of the Tribe may be appointed to the Commission. A commissioner shall serve for three (3) years and may be removed from office prior to the end of his term only for cause and by a unanimous vote of Council pursuant to a public hearing. In order to establish an annually staggered Commission appointment schedule similar to that of the Council, the first commissioners shall be appointed by the Council as follows: three members shall serve three year terms, two members shall serve two year terms, and two shall serve a one year term for the initial appointment terms only. Thereafter all successive terms of appointment shall run for three (3) years. Vacancies shall be filled within 30 days by the Council.

Section 2.04 Restrictions on Commissioners Commissioners may hold other tribal positions and may engage in business, provided, however, that they shall not engage in any business which is subject to the provisions of this Gaming Code. Commissioners may not gamble in the gaming establishment nor have any personal financial interest in any gambling by any patron.

Section 2.05 Compensation of Commissioners Commissioners shall be compensated at the rate to be established annually by the Commission, and approved by the Council. Commissioners shall be reimbursed for

actual expenses incurred on Commission business, including necessary travel expenses.

Section 2.06 Selection of Chairperson The Commission shall select annually from its membership a chairperson, who shall have the power to convene special meetings of the Commission upon 48 hours written notice to members of the Commission.

Section 2.07 Meetings Open to Public General meetings of the Commission may be open to the public, all meetings shall be governed by Roberts Rules of order.

Section 2.08 Quorum A quorum shall consist of four members of the Commission. All decisions shall be made by a majority vote of the Commission, unless indicated otherwise in this Code.

Section 2.09 Monthly Reports The Commission shall make monthly reports to the Council within 30 days after the close of the month for which the information is being required. The reports shall include a full and complete statement of gaming revenues paid to the Tribe, expenses and all other financial transactions if the Commission and a summary of all licensing and enforcement actions.

Section 2.10 Powers The Commission shall exercise all powers necessary to effectuate the purposes of this Code. The Commission may exercise any proper power and authority necessary to perform the duties assigned to it by the Code or Council, and is not limited by enumeration of powers in this chapter. The Commission shall meet with the Director not less than once each month to make recommendation and set policy, to approve or reject reports of the Director and transact other business that may be properly brought before it. The Commission shall promulgate rules and regulations for the operation of the any gaming establishment and shall hear and resolve all disputes regarding any provision of the Code. In all decisions, the Commission shall act to promote and ensure integrity, security, honesty, and fairness of

the operation and administration of all gaming activities. The Commission shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, make a finding of suitability or approval of a license, or a finding of suitability or approval of or the imposition of a fine upon any person licensed, for any cause deemed reasonable by the Commission.

Section 2.11 Prior Notice of Actions In adopting, amending, and repealing regulations, the Commission shall give prior notice of the proposed action to all licensees and other persons whom the Commission or Director has reason to believe have legitimate and bona fide interest in such proposed action. Said notice shall inform such persons as to the general nature of the proposed action and advise them as to the manner in which comments on said proposed action shall be received by the Commission. In emergencies, the Commission may summarily adopt, amend or repeal any regulation if at the time the Commission determines such action is necessary for the immediate preservation of the public peace, health, safety, morals, and good order or general welfare, together with a statement of facts constituting the emergency; provided, the Commission shall schedule such emergency action for a regular hearing within 60 days.

Section 2.12 Request for Commission Action Any person who is determined by the Commission or Director to be a bona fide interested party may file petition in a manner and form approved by the Commission requesting the adoption, amendment or repeal of a regulation. Upon receipt of the petition, the Commission shall within 30 days deny the request in writing or schedule the matter for action pursuant to this chapter.

Section 2.13 Voting on Licensing Any Commission vote resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license under this Code shall be by secret ballot only; provided, that in an emergency a secret phone vote may be polled pursuant to Commission Regulations. Should an applicant disagree with

the determination of the Commission, the Commission shall hold a hearing to review its decision, within three working days from the date an applicant files his/her disagreement with the Commission. At the hearing the burden shall be the applicant to show cause why the Commission's determination was incorrect.

Section 2.14 Commission Findings Following such hearing, the Commission shall, within three (3) days, reach a determination concerning:

- (a) the accuracy of the preliminary certification of facts, and
- (b) whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited, and
- (c) whether or not any other action recommended to the Commission including, but not limited to, forfeitures, should be taken.

Section 2.15 Notification of Commission Decision Within three working days following this determination the Commission shall inform the subject in writing of that determination.

Section 2.16 Right to Appeal The subject shall have a right to appeal the determination of the Commission to the Tribal Court. Such appeal must be filed with the Tribal Court in written form on or before the tenth day following receipt of the written determination of the Commission. A determination of such appeal by the Tribal Court shall be final and no further appeal may be had. In any appropriate case which has been referred to Tribal Court for final action, the Tribal Court shall review, de novo, the determination of the Commission. The Court's action shall be final and no further appeals may be had.

Section 2.17 Appointment of Director The Council, upon recommendation of the Commission, shall appoint a Director, who shall be responsible for the day-to-day management of the affairs of the Commission as well as overseeing the establishment and operation of all gaming activities. A detailed background investigation shall have been conducted

on the Director before his appointment and the Commission shall maintain oversight of the Director on an ongoing basis. Preference will be given to applicants with experience in legal gaming or law enforcement. With the narrow exception of tribal members who were convicted for gaming offenses on the Puyallup Reservation prior to the enactment of Tribal Bingo and Gaming Codes in December 1980, no one convicted of a felony of any kind or a misdemeanor related to illegal gambling or bribery can serve as Director. The Director shall not have any personal interests in any gaming activity. The Director may not gamble in the gaming establishment nor have any personal financial interest in any gambling by any gaming establishment patron.

Section 2.18 Director's Contract The Director shall be hired on a contract for a period of at least two years. The terms of the contract will be negotiated with the Commission and approved by the Council. The Director's compensation shall be part of the negotiations.

Section 2.19 Termination of Director The Director shall be terminated immediately and without the necessity of a vote of the Council upon the Director's conviction in a federal or state court of competent jurisdiction for any felony or for any misdemeanor related to illegal gambling or bribery or upon conviction in the Tribal Court of any charge that the Council finds relates to the Director's honesty or ability to fulfill his duties. If the Director is convicted of violating any part of this Code, he shall be immediately terminated.

Section 2.20 Duties of Director The Director shall, subject to the approval of the Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Code relating to the establishment of all gaming activity. In all decisions, the Director shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Director's duties shall include but not be limited to the following:

a) Negotiating contracts for payments by the Tribe for the provision of security and other professional services. Such contracts must be approved by the Commission and the Council and shall not constitute a waiver of criminal jurisdiction by the Tribe;

b) Correspond with the National Indian Gaming Commission and do whatever is necessary to complete compliance with the rules and regulations of that agency. Specifically, the Director shall arrange for an annual outside audit of authorized gaming and will provide a copy to the National Indian Gaming Commission;

(c) The Director will assure that all gaming activity is conducted in a manner which adequately protects the environment and the public health and safety;

(d) The Director will arrange that there is an adequate system which ensures that background investigations are conducted on all primary management officials and key employees of any Gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis. The Director will recommend to the Commission, which shall have final authority, on the granting of tribal licenses for primary management officials and key employees. The Director shall immediately notify the National Indian Gaming Commission of the issuance of such licenses. The Director will review all applications and background investigations to ensure that no person shall be eligible for employment in or with any part of the gaming operation if that person's prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. The Director shall notify the National Indian Gaming Commission of the results of such background checks before the issuance of such licenses;

(e) Hiring, pursuant to the approval of the Commission, such professional, clerical, technical, and administrative personnel as may be necessary to carry out the provisions of this Code;

(f) Reviewing all records, documents, and anything else necessary and pertinent to enforcement of any provisions of this Code;

(g) Recommend to the Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Code.

Section 2.21 Right of Inspection The Commission, the Director and their agents, inspectors, and employees have the authority:

(a) To inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed;

(b) To inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;

(c) Summarily to seize and remove from a gaming establishment (or whatever located) and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;

(d) To demand access to and inspect, examine and audit all papers, books and records of applicants and licensees respecting any income produced by any gaming business, and require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Code.

(e) To seize and impound any patron's winnings which the Commission may have reasons to believe may have been won or obtained in violation of this Code pending a civil forfeiture hearing on such seizure;

(f) For the purpose of administration and enforcement of this Code the Commission, the Director and their investigative personnel may, if deemed necessary by the Tribal Council, have the powers of the peace officer of the Puyallup Tribe of Indians for purposes of this Code only;

(g) Commissioner and the Director shall each have full power and authority to issue subpoenas and compel the attendance of witnesses for hearings at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Commissioner and the Director may pay such transportation and other expenses of witnesses as it may deem reasonable

and proper.

Section 2.22 Confidentiality of Information The Commission and Director may refuse to reveal, in any court proceeding the identity of any informant, or the information obtained from the informant, or both the identity and the information.

Section 2.23 Powers of Delegation The Commission may organize itself into a functional division as it may deem necessary and from time to time alter such plan of organization as it may deem expedient. The Commission shall establish its own budget for operations, including a budget for the Director, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses, within the limit of funds available to it, as it may deem necessary. Within the limits of a Council approved budget, the Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Director and Commission may require. At the Council's discretion, said budget may be reviewed and modified by the Council every six months. Upon the end of the budget year any surplus which might exist shall be refunded to Council at their discretion. The Commission and Director shall each keep and maintain a file of all applications for licenses under this chapter, together with a record of all action taken with respect to such applications. The Commission and Director shall keep and maintain such other files and records as they may deem desirable and all such records may be open to public inspection as they may deem appropriate; provided, that the annual Commission budget shall be made available to any tribal member upon demand.

Section 2.24 Sanctions Any person who engages in activities on property subject to the provisions of this Gambling Code without a license, in violation of the license or terms imposed thereon, in

violation of terms of suspension, or in violation of any regulation, provision, or amendment under this Code shall be in violation of the Code, including any person who unlawfully trespasses upon any premises licensed by this Code without the consent of the licensee and/or the Commission..

Section 2.25 Limitations Period No fine shall be assessed nor any action taken for any violation under the preceding section unless a charge is filed in proper form with the Commission of Tribal Court within two years of the commission of the offense.

Section 2.26 Violations of Code - Punishment Any violation of this Code shall be punished by a fine of no more than five thousand dollars (\$5000.00) for each separate count or violation, or one (1) year in jail, or both. Each day of violation shall constitute a separate count or violation under this Code. A violator may also be required to pay court costs, storage fees, and auction or sales fees. All property used or which may be used in activities in each and every separate violation of this Code may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Code, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commission, subject to the right of appeal to Tribal Court. Winnings found to have been received in violation of this Code are forfeited and become the property of the Tribe.

Section 2.27 Due Process Regarding Enforcement Actions The Commission shall promulgate regulations protecting due process rights of all individuals subject to the enforcement of this Code. Such regulations shall provide, at a minimum:

- (a) provide standards for emergency or summary suspension of license;
- (b) provide fair notice and opportunity for hearing regarding any revocation or suspension of license, and regarding any enforcement action taken pursuant to this Code;

(c) provide right to appeal, de novo, of any Commission disciplinary or enforcement action to Tribal Court.

Section 2.28 Special Agents The Commission shall authorize special agents appointed pursuant to Section 1 of Chapter IV of the Tribe's Law and Order Code or pursuant to any appropriate section and/or chapter of any subsequent Law and Order Code to perform services reasonably necessary to assure compliance with the provisions of this Code only. Said special services of enforcement and surveillance shall be under the authorization and direction of the Director, unless otherwise determined by the Commission. This section shall in no way be deemed to limit the normal law enforcement functions of these or other tribal law enforcement officers not so authorized.

Section 2.29 Independence of Commission The Director, Commissioners, members of the Council and their immediate families shall receive no personal compensation, gift, reimbursement or payment of any kind from any person doing or wishing to do business with the Tribe relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be prosecuted to the fullest extent possible under tribal law for accepting a bribe. The Commission shall cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

CHAPTER III

LICENSING OF GAMES

Section 3.01 Mandatory License Any person seeking to conduct, operate, or manage any gaming activity on Indian lands shall apply for, and receive, all the required licenses from the Commission prior to engaging in such gaming activities. Engaging in such gaming

activities without first obtaining the required licenses shall be deemed a violation of this Code and shall be punishable in accordance with § 2.26.

Section 3.02 Authorization of Class I Gaming Activity The Commission may authorize Class I Gaming Activity to be played on Indian lands that are within the jurisdiction of the Tribe.

Section 3.03 Licensing and Regulation of Class II Gaming Activity; Net Revenue Allocation; Audits; Contracts

(a) A separate license issued by the Commission shall be required for each place, facility, or location on Indian lands within the Tribe's jurisdiction at which any Class II Gaming Activity is conducted.

(b) The Commission may license and regulate a tribally owned Class II Gaming Activity if -

(i) such gaming activity is located on Indian lands within the Tribe's jurisdiction, and the State of Washington permits such gaming for any purpose by any person, organization or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal laws); and

(ii) except as provided in Section 3.04, the Tribe will have the sole proprietary interest and responsibility for the conduct of such gaming activity; and

(iii) net revenues from such Gaming Activity are used in accordance with Section 2.02 of this Code; and

(iv) such gaming activity is subject to annual outside audits, which may be encompassed within existing independent tribal audit systems, and provided to the Council; and

(v) all contracts for supplies, services, or concessions for an aggregate amount in excess of \$25,000 annually relating to such gaming are also subject to independent audits; and

(vi) the construction and maintenance of the gaming facility, and the operation of that gaming, is conducted in a manner which adequately protects the environment and the public health and safety;

and

(vii) all primary management officials and key employees of the Class II gaming operation have successfully passed a background investigation which is approved by the Tribe and the National Indian Gaming Commission.

Section 3.04 "Grandfathered License and Licenses that Mirror State Restrictions"

(a) Licenses that Mirror State Restrictions. The Commission may license and regulate Class II gaming activities owned by any person or entity other than the Tribe and conducted on Indian lands within the Tribe's jurisdiction, only if the requirements described in section (b)(i) of this Section are met and are conducted in a manner that is at least as restrictive as the regulations established by Washington State law governing similar gaming within its jurisdiction. No person or entity, other than the Tribe, shall be eligible to receive a license from the Commission to own a Class II gaming activity conducted on Indian lands within the Tribe's jurisdiction if such person or entity would not be eligible to receive a license from the State of Washington to conduct the same activity within its jurisdiction.

(b) "Grandfathered" Licenses

(i) The provisions of subsection (a) of this Section and the provisions of Subsections (ii) and (iii) of Section 3.03(b) shall not bar the continued operation of an individually owned Class II gaming operation that was licensed and regulated by the Tribe and was operating on September 1, 1986, if

(A) Such gaming operation remains in full compliance with all applicable Tribal and Federal laws, and is issued an annual license renewal from the Commission, and

(B) Income to the Tribe from such gaming is used only for the purposes described in Section 2.02 of this Code, and

(C) Not less than 60 percent of the net revenues is income to the Tribe, and

(D) The owner of such gaming operation pays the appropriate assessment levied by the National Indian Gaming Commission.

(ii) The exemption from application of this section provided under this subsection may not be transferred to any person or entity and shall remain in effect only so long as the gaming activity remains within the same nature and scope as operated on October 17, 1988, which is the date of enactment of the Indian Gaming Regulatory Act.

Section 3.05 Issuance of Tribal Gaming Licenses; Objections The Commission shall consult with appropriate law enforcement officials concerning any gaming licenses it may issue. If, after issuance of a gaming license by the Commission, reliable information is received that a primary management official or key employee does not meet the standard established under Section 3.10 of this Code, the Commission shall suspend such license and, after notice and hearing, may revoke such license.

Section 3.06 License and Regulation of Class III gaming activities; Tribal -- State Compact Required The Commission may license and regulate Class III Gaming Activity if -

- (a) Such gaming meets the requirements of Section 3.03, and
- (b) Conducted in conformance with the terms and conditions of a valid Tribal-State Compact entered into by the Tribe and the State of Washington.

Section 3.07 Non-Transferability of License Any license issued pursuant to the provisions of this Code is valid only for the person or entity at the place of business shown on the face thereof. It is not assignable or otherwise transferrable to any other person or entity for any other location without approval of the Director and Commission.

Section 3.08 Granting of License - Majority Vote To approve of any license issued pursuant to this Code, a quorum of the Commission must

be present with a majority vote of approval by said quorum required. A license will not be issued to a person whose license has previously been revoked pursuant to this Code, or to whom the issuance of renewal of a license has been denied, except with the unanimous approval of the Commission members.

Section 3.09 Application Fee The Commission shall set a fee for applications, background investigations, and licenses. All such fees shall be made payable to the Puyallup Tribe and delivered to the Puyallup Tribe's Accounting office.

Section 3.10 Background Investigation No License shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

Section 3.11 Failure of Applicant to Disclose Material Information An applicant for licensing shall make true and full disclosure of all information to the Director and Commission as necessary or appropriate in the public interest or as required in order to carry out the policies of this Tribe relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether his involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall constitute a violation of this code to fail to disclose, to mislead or to misstate any such material information to the Director of the Commission, or to any licensee's employer.

Section 3.12 Temporary Employment Licenses The Commission may issue a temporary employment license to any person or entity applying for a

license to work in a licensed gaming establishment which shall be valid pending the background investigation of the applicant. In no event shall such temporary license be valid for greater than 180 days.

Section 3.13 Parameters of Licensee Violations of any provision of the Code or any of the Commission's regulations by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the Puyallup Tribe and the inhabitants of the Puyallup Reservation, and shall be deemed grounds for refusing to grant or renew a license, suspension or revocation of a license, or shall constitute grounds for the filing of charges by the Commission or Director. Acceptance of a gaming license or renewal thereof, or condition imposed thereon, by a licensee, constitutes an agreement on the part of the licensee to be bound by all the regulations and conditions of the Director or Commission and by the provisions of this Code as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Director and Commission. It is the responsibility of the licensee to keep himself informed of the contents of all such regulations, amendments, provisions, and conditions, and ignorance thereof will not excuse violations.

Section 3.14 Licensing of Distributors The Commission may authorize, require, and issue such annual licenses as the Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying gambling equipment or paraphernalia for use in connection with licensed gaming activity.

CHAPTER IV

MANAGEMENT CONTRACTS

Section 4.01 Commission Approval Required

(a) Any management contract entered into by the Tribe for the operation and management of Class II and Class III gaming activity must be submitted to the Commission for approval, but, before approving such contract, the Commission shall require and obtain the follow-

ing information:

(i) the name, address, and other additional pertinent background information on each person or entity (including comprising such entity) having direct financial interest in, or management responsibility for, such contract, and, in the case of a corporation, those individuals who serve on the board of directors of such corporation and each of its stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock; and

(ii) a description of any previous experience that each person listed pursuant to subsection (i) has had with other gaming contracts with Indian tribes or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had a contract relating to gaming; and

(iii) a complete financial statement of each person listed pursuant to subsection (i); and

(b) Any person listed pursuant to subsection (a)(i) shall be required to respond to such written or oral questions that the Commission may propound in accordance with its responsibilities under this section.

(c) For purposes of this Code, any reference to the management contract described in Section 4.01(a) shall be considered to include all collateral agreements to such contract that relate to the gaming activity.

(d) After the Commission has given its approval of a management contract, the Commission shall submit such contract to the National Indian Gaming Commission for its approval. No such contract shall be valid until the National Indian Gaming Commission has approved it.

(e) In making the determination to approve management contracts, when the tribe has submitted competing bids or proposals involving gaming wherein the bids or proposals will provide substantially the same return to the Tribe and its membership, the Commission and the Council shall give preference to tribal members. Further, preference will be given to non-member Indians and cooperative associations of non-member Indians over non-Indians.

Section 4.02 Approval of Management Contracts The Commission may approve any management contract entered into by the Tribe pursuant to this Chapter only if it determines that such contract provides at least:

(a) for adequate accounting procedures that are maintained, and for verifiable financial reports that are prepared, by or for the Council on a monthly basis;

(b) for access to the daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such tribal gaming activity;

(c) for a minimum guaranteed payment to the Tribe that has preference over the retirement of development and construction costs;

(d) for an agreed ceiling for the repayment of development and construction costs;

(e) for a contract term not to exceed five years, except that, upon the request of the Tribe, the Commission may authorize a contract term that exceeds five years but does not exceed seven years if the Commission is satisfied that the capital investment required, and the income projections, for the particular gaming activity require additional time; and

(f) for grounds and mechanisms for terminating such contract, but actual contract termination shall not require the approval of the Commission;

(g) for preference to Tribal members and non-member Indians in hiring of employees for the gaming establishment and for provisions that the management contract be subject to the TERO ordinance.

Section 4.03 Percentage-of-net-revenue Fees

(a) A management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity may be approved by the Commission if such percentage fee is reasonable in light of surrounding circumstances. Except as provided in this Section, such fee shall not exceed 30 percent of the net revenues.

(b) Upon request of the Council, the Commission may approve a

management contract providing for a fee based upon a percentage of the net revenues of a tribal gaming activity that exceeds 30 percent but not 40 percent of the net revenues if the Commission and Council are satisfied that the capital investment required, and income projections, for such tribal gaming activity require the additional fee.

Section 4.04 Contract Disapproval The Commission shall not approve any contract if it determines that:

- (a) Any person listed pursuant to Section 4.01(a)(i) who
 - (i) is an elected member of the Council;
 - (ii) has been or subsequently is convicted of any felony or gaming offense, with the narrow exception of tribal members who were convicted for gaming offenses on the Puyallup Reservation prior to the enactment of Tribal Bingo and Gaming Codes in December 1980;
 - (iii) has knowingly and willfully provided materially important false statements of information to the Commission or the tribal officials who negotiate such contracts or has refused to respond to questions propounded pursuant to Section 4.01(b); or
 - (iv) has been determined 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, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;
- (b) The management contractor has, or has attempted unduly to interfere or influence for its gain or advantage any decision or process of tribal government relating to gaming activity;
- (c) The management contractor has deliberately or substantially failed to comply with the terms of the management contract or the provisions of this Code or any regulations adopted pursuant to this Code or the Indian Gaming Regulatory Act.

Section 4.05 Modifying or Voiding Contract The Commission, after notice and hearing, shall have the authority to require appropriate

contract modifications or may void any contract if it subsequently determines that any of the provisions of this Chapter have been violated.

Section 4.06 Conveying Interest in Land No management contract for the operation of a gaming activity regulated by this Code shall transfer or, in any other manner, convey any interest in land or other real property, unless specific applicable statutory authority exists and unless clearly specified in writing in said contract.

Section 4.07 Fee for Investigation Cost The Commission shall require a potential contractor to pay a fee to cover the cost of the investigation necessary to reach a determination required in Section 4.04 of this Chapter.

CHAPTER V

AUDITING AND INTERNAL CONTROL

Section 5.01 Minimum Procedures for Control of Internal Fiscal Affairs The Commission shall promulgate regulations for control of internal fiscal affairs of all gaming operations. At a minimum, those regulations shall:

(a) Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, promote operational efficiency, and encourage adherence to prescribed policies;

(b) Prescribe minimum reporting requirements to the Commission;

(c) Provide for the adoption an use of internal audits, by internal auditors and Certified Public Accountants licensed to practice public accounting in the State of Washington;

(d) Formulate a uniform code of accounts and accounting classi-

fications to assure consistence, comparability and effective disclosure of financial information. Such code shall require that records be retained that reflect statistical drop (amount of cash wagered by patrons), statistical win (amount of cash won by the gaming operation) and the percentage of statistical win to statistical drop, or provide similar information, for each type of game, or each device;

(e) Prescribe the intervals at which such information shall be furnished;

(f) Provide for the maintenance of documentation (i.e., checklist, programs, reports, etc.) to evidence all internal work performed as it relates to the requirements of this section; and

(g) Provide that all financial statements and documentation referred to in subsection (f) be maintained for a minimum of five (5) years.

Section 5.02 Commission Oversight of Internal Fiscal Affairs The Commission shall, by regulation, require audits of the financial statements of all gaming operations. Such audits must:

(a) be made by independent Certified Public Accountants holding a permit issued by the State of Washington to practice public accounting;

(b) include an opinion, qualified or unqualified or, if appropriate, disclaim an opinion on the financial statements taken as a whole in accordance with standards of the accounting profession established by rules and regulations of the Washington State Board of Accountancy and the American Institute of Certified Public Accountants; and

(c) disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulations promulgated by the Commission;

(d) provide for a preliminary review of the internal control structure, upon adoption of the policies and procedures by the entity, to disclose any deviation from prescribed rules and regulations and report such findings to the Commission and management.

Section 5.03 Commission Right to Conduct Audit The Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribe, to conduct its own audit of any gaming operations.

Section 5.04 Prohibition Against Embezzlement Any delay, maneuver or action of any kind which in the opinion of the Director is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action against that licensee. If the Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license.

Section 5.05 Non-Compliance Failure to comply with this chapter or the regulations promulgated thereunder, shall constitute a per se violation of this Code.

CHAPTER VI

AUTHORIZATION OF GAMING

Section 6.01 Prohibition Against Gaming No person duly authorized by the Commission shall engage, conduct or condone any game unless such game is approved by this Commission and regulations for rules governing such game have been duly promulgated by this Commission.

Section 6.02 Grace Period The prohibition contained in Section 6.01 shall not apply to those games already being played as of the date of enactment of this Code, provided, however, that the licensee conform to the rules promulgated hereunder within five (5) days of such promulgated.

Section 6.03 Authorization of Gaming The Commission may authorize the playing of any game not prohibited by the laws of the State of Washington. The Commission shall promulgate regulations for rules

governing all authorized games, including regulations governing the equipment (chips, dice, cards, tiles, etc.) used in such game. Any provision in the Tribe's Compact with the State of Washington providing for notice to and comment from the State, shall be complied with before any game is authorized by the Commission.

Section 6.04 Approval of Gaming Equipment The Commission shall have the discretion to review and approve all gaming equipment and other devices used in the gaming operation as to quality, design, integrity, fairness, honesty, and suitability.

(a) The Commission may require a prototype or sample of any model of gaming equipment or other device used in the gaming operation to be placed in the custody of the Director and retained by him as a control for comparison purposes.

(b) Any evidence that gaming equipment or other devices used in the gaming operation has been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the equipment or device shall be immediately reported to the Commission.

Section 6.05 Posting of Rules The Rules of each authorized game offered at any duly licensed gaming establishment shall be posted in a conspicuous location and shall be clearly legible.

CHAPTER VII

EXCLUSION OR EJECTION OF INDIVIDUALS

Section 7.01 List of Undesirables The Commission may, by regulations, provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed gaming operation. The list may include any person whose presence in the gaming establishment is determined by the Commission to pose a threat to the interests of the Tribe, the State of Washington, or to licensed gaming. Race, color, creed national origin or ancestry, or sex must not be grounds for placing the name of a person on the list.

Section 7.02 Notice and Opportunity to be Heard The Commission shall promulgate regulations providing fair notice and opportunity to be heard to any individual whose name is being contemplated by the Tribe to be placed on the list referred to in Section 7.01. Such regulations must provide the person an opportunity to show cause why his name should be deleted from this list. The individual may appeal any decision of the Commission to place his name on the list to Tribal Court.

Section 7.03 Prohibition Against Listed Individuals It shall be a violation of this Code for any licensee to knowingly fail to exclude or eject from the gaming establishment any persons placed on the list referred to in section 7.01. It shall be a violation of this Code for any person whose name appears on the list referred to in Section 7.01 to enter into or engage in any game at a duly licensed gaming establishment.

Section 7.04 Prohibition Against Certain Individuals It shall be a violation of this Code for any licensee who knowingly fails to exclude or eject from the gaming establishment any individual who:

- (a) is visibly under the influence of liquor or any narcotic or such other substance; or
- (b) is under the age of eighteen years.

CHAPTER VIII

CHEATING

Section 8.01 Unlawful Acts It is unlawful for any person:

- (a) to alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
- (b) 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 knowledge that is the subject of the bet or wager;
- (c) to aid anyone in acquiring such knowledge as set forth in

subparagraph (b), for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;

(d) to claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;

(e) knowingly to entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game;

(f) to place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;

(g) 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 or wager, including pinching bets;

(h) to manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

Section 8.02 Prohibition against Electronic Aids Except as specifically permitted by the Director with approval of the Commission, no person shall possess with the intent to use, or actually use, at any table game, either by himself, or in concert with others, any calculator, computer, or other electronic, electrical, or mechanical device to assist in projecting an outcome at any table game, to keep track of or analyze the cards having been dealt, to change the probabilities of any table game or the playing strategies to be utilized.

CHAPTER IX
NATIONAL INDIAN GAMING COMMISSION
and TRIBAL-STATE COMPACTS

Section 9.01 National Indian Gaming Commission - Regulations Notwithstanding any provision in this Gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to comply with all regulations promulgated by the National Indian Gaming Commission, including, but not limited, to all requirements to report ordinances, contracts, license applications, background checks, and other information to the National Commission.

Section 9.02 National Indian Gaming Commission - Assessment Notwithstanding any provision in this gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to comply with all assessments authorized by the National Commission. Such assessments shall be paid from the Treasury of the Puyallup Tribe of Indians. This provision does not affect the responsibility of those possessing grandfather licenses as set forth in § 3.04(b) to pay assessments directly to the National Commission.

Section 9.03 Compact with the State of Washington Notwithstanding any provision in this gaming Code or any regulation promulgated thereunder, the Commission is fully empowered to comply with the provisions of any compact properly executed between the Tribe and the State of Washington.

CHAPTER X

MISCELLANEOUS

Section 10.01 Security Each licensed gaming establishment must provide for reasonable security. All security personnel must be licensed by the Commission.

Section 10.02 Maintenance of Code and Regulations Each licensee shall obtain, maintain and keep current a copy of the Gaming code and regulations promulgated thereunder, which shall be located at the premises used for the conduct of a licensed activity. The Code and regulations shall be produced by the licensee and shown to any person upon demand. That the licensee may not have a current copy of the

Code, or each of the rules of the Commission, shall not in any way diminish the licensee's obligation to abide by the Code and regulations.

Section 10.03 Compliance with Other Laws The construction, maintenance and operation of any facility in which gaming activities are to take place shall be in a manner which adequately protects the environment and the public health and safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety.

Section 10.04 Amendments All provisions of this gaming Code are subject to amendment by the Puyallup Tribal Council. All regulations promulgated by the Commission are subject to proper revision, repeal, or amendment by the Commission.

Section 10.05 Severability If any provision of this Code, or its application to any purpose or circumstance, is held invalid by a court of competent jurisdiction, the full remainder of the provision, or the application of the provision through another person or circumstance, shall not be affected.