



DEC 4 2000

Honorable Herman Dillion, Sr.  
Chairman, Puyallup Tribe of Indians  
2002 East 28<sup>th</sup> Street  
Tacoma, Washington 98404

Dear Chairman Dillion:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for review and approval of the Puyallup Tribe of Indian's (Tribe) Tribal Gaming Ordinance that was submitted, as revised, on September 11, 2000.

The new ordinance replaces a gaming ordinance that the Chairman of the NIGC approved on July 29, 1994. The new ordinance, as revised on August 30, 2000, was adopted by the Puyallup Tribal Council by Resolution No. 060900 on September 6, 2000. The amendments in the revision cure deficiencies noted in our letter of August 9, 2000. We have reviewed the ordinance as revised. This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA) of this most recent submission. Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

Thank you for submitting the revised tribal gaming ordinance for review and approval. The NIGC staff and I look forward to continuing our strong relationship with the Tribe in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

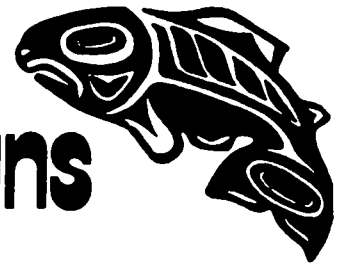
Sincerely yours,

A handwritten signature in black ink that reads "Montie R. Deer".

Montie R. Deer  
Chairman



# Puyallup Tribe of Indians



PUYALLUP TRIBAL COUNCIL  
RESOLUTION NO. 060900

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

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;

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 Bylaws, as amended, and

WHEREAS, on July 17, 2000, the Puyallup Tribal Council adopted Resolution No. 170700 for the purpose of repealing the Tribal Gaming Code, and replacing it with the Tribal Gaming Ordinance (hereafter "Ordinance"); and

WHEREAS, on July 18, 2000, the Puyallup Tribal Council submitted the new Tribal Gaming Ordinance enacted pursuant to Resolution No. 170700, to the Chairman of the National Indian Gaming Commission (hereafter "Chairman") for approval, as required by the Indian Gaming Regulatory Act; and

WHEREAS, by letter dated August 9, 2000, the Puyallup Tribal Council has been notified by the Chairman that a few deficiencies in the Tribe's submission of the Tribal Gaming Ordinance need to be cured before he can approve it; and

WHEREAS, the Puyallup Tribal Council has reviewed the deficiencies identified by the Chairman, and has determined that cures for the deficiencies are minimal, and will not offend the intent or purpose of the Ordinance, now, therefore

BE IT RESOLVED, by the Tribal Council of the Puyallup Tribe of Indians that Section 4.01 of the Tribal Gaming Ordinance shall be amended to include the requirement that a tribal license is required for each place, facility, or location on Indian lands where gaming occurs, and shall now read as follows:

Section 4.01 **Mandatory Licenses Required.**

- A. Each place, facility, or location on Indian lands where gaming occurs, shall be separately licensed by the Tribe prior to operation.
- B. Any person seeking to conduct, operate, or manage any gaming activity, or to work in a gaming establishment, on Indian lands shall apply for, and

PUYALLUP TRIBAL COUNCIL  
RESOLUTION NO. 060900

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receive, all the required licenses from the Tribe prior to engaging in such gaming activities.

- C. Engaging in gaming activity, or operating a place, facility, or location on Indian lands without first obtaining all required licenses from the Tribe shall be punishable in accordance with Section 9.01 of this Ordinance.

and,

BE IT FURTHER RESOLVED, by the Tribal Council of the Puyallup Tribe of Indians that the definition of "Indian lands" contained in Section 2.12 of the Tribal Gaming Ordinance, is hereby amended in its entirety, and shall now read as follows:

Section 2.12 **Indian lands**. Indian lands means:

1. Land within the exterior boundaries of the Puyallup Indian Reservation; or
2. Land over which the Puyallup Tribe of Indians exercises governmental power and that is either –
  - A. Held in trust by the United States for the benefit of the Puyallup Tribe of Indians or an individual; or
  - B. Held by the Puyallup Tribe of Indians or individual subject to restriction by the United States against alienation.

and,

BE IT FURTHER RESOLVED, by the Tribal Council of the Puyallup Tribe of Indians that the Chairman of the Puyallup Tribal Council is the authorized agent to receive service of process pursuant to 25 C.F.R. 522.2(g); and

BE IT FURTHER RESOLVED, by the Tribal Council of the Puyallup Tribe of Indians that the following Sections of the Ordinance are hereby amended for the purpose of correcting some typographical errors:

1. The first line in Section 4.03(a) is amended by striking the word "Commission", and by substituting the word "Tribe". Section 4.03(a) shall now read as follows: "A separate license issued by the Tribe shall be required for each place, facility, or location on Indian lands within the Tribe's jurisdiction at which class II gaming activity is conducted."
2. The first line in Section 4.03(b) is amended by striking the word "Commission", and by substituting the word "Tribe". The first line in Section 4.03(b) shall now read as follows: "The Tribe may license and regulate a tribally owned class II gaming activity if –".

3. Section 4.04(a) is amended by striking the words "Commission", and by substituting the words "Tribe". Section 4.04(a) shall read as follows: "The Tribe 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)(1) 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 Tribe 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."
  
4. The first line in Section 4.05 is amended by striking the word "Commission", and by substituting the word "Tribe". Section 4.05 shall read as follows: "The Tribe may license and regulate Class III gaming activity if -"; and

BE IT FURTHER RESOLVED, by the PUYALLUP TRIBAL COUNCIL that it authorizes the Tribal Chairman Herman Dillon, Sr., or in his absence, the Vice-Chairman Bill Sterud, to execute this Resolution and other such required documents on behalf of the Tribe.

CERTIFICATION

I, Lori R. Varbel, Secretary of the Puyallup Tribal Council of the Puyallup Reservation do hereby certify that the above Resolution was duly adopted at a Regular Meeting of the Puyallup Tribal Council held within the Puyallup Reservation on the 6 day of September, 2000; a quorum being present with a vote of 6 For, 0 Against, 0 Abstaining, 1 Not Voting its adoption.

Lori R. Varbel  
Secretary, Puyallup Tribal Council

ATTEST:

Herman Dillon, Sr.  
Herman Dillon, Sr., Chairman, Puyallup Tribe of Indians

**PUYALLUP TRIBE OF INDIANS  
TRIBAL GAMING ORDINANCE**

**ORDINANCE. NO. 060900**  
(REVISED AUGUST 30, 2000)

**CHAPTER I  
PURPOSE**

**Section 1.01 Purpose.** The Tribal Council of the Puyallup Tribe of Indians (hereinafter "Tribe"), empowered by the Tribe's Constitution and By Laws to enact ordinances, hereby enacts this ordinance in order to set the terms and conditions for gaming activity conducted within the exterior boundaries of the Puyallup Indian Reservation. This ordinance shall be known as, "The Tribal Gaming Ordinance" (hereinafter "ordinance"), and all prior gaming ordinances are hereby repealed.

**CHAPTER II  
DEFINITIONS**

**Section 2.01 Definitions.** Unless a different code meaning is clearly indicated, the terms used in this ordinance shall have the same meaning as defined in the "Indian Gaming Regulatory Act," Public Law 100 § 497, 102 Stat. 2467 (Oct. 17, 1988).

**Section 2.02 "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 2.03 "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 electro mechanical 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 2.04 "Class III Gaming"** means all other forms of gambling that are not Class I gaming or Class II gaming.

**Section 2.05 "Commission"** means the Puyallup Gaming Advisory Commission.

**Section 2.06 "Council"** means the Puyallup Tribal Council.

**Section 2.07 "Director"** means the director of the Puyallup Tribe Gaming Regulatory Office.

**Section 2.08 "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, electro mechanical 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 Tribe, 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 2.09 "Gaming Device"** means any equipment or mechanical, electro mechanical 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 2.10 "Gaming Establishment, Gaming Premises, or Gaming Facility"** 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 2.11 "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 2.12 "Indian Land"** means:

- (a) Land within the limits of an Indian reservation; or
- (b) Land over which an Indian tribe exercises governmental power and that is either –
  - (1) Held in trust by the United States for the benefit of any Indian tribe or individual; or
  - (2) Held by an Indian tribe or individual subject to restriction by the United States against alienation.

**Section 2.13 "Key Employee"** means:

- A) A person who performs one or more of the following functions:
  - 1) bingo caller; 2) Counting room supervisor; 3) Chief of security; 4) Custodian of gaming supplies or cash; 5) Floor manager; 6) Pit boss; 7) Dealer; 8) Croupier; 9) Approver of credit; or, 10) Custodian of gambling

devices, including persons with access to cash and accounting records within such devices; or,

B) If not otherwise included in 2.13(A), any other person whose total cash compensation is in excess of \$50,000.00 per year; or,

C) If not otherwise included in 2.13 (A) or (B), the four most highly compensated persons in the gaming establishment.

**Section 2.14 "Licensee"** means any person who has been issued a valid and current license pursuant to the provisions of this ordinance.

**Section 2.15 "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 2.16 "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 2.17 "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 § 4.04, the term shall mean an expense specifically designated as an operating expense in any regulation adopted by the Tribe.

**Section 2.18 "Patron"** means any person or group of persons on Indian land, who participate as players in games as defined by this ordinance, or who are physically present on premises wherein or whereon such games are being played.

**Section 2.19 "Person"** means any association, partnership, corporation, firm trust or other form of business association as well as a natural person.

**Section 2.20 "Primary Management Officials"** means:

A) The person having management responsibility for a management contract; or,

B) Any person who has authority:



- (1) To hire and fire employees; or,
- (2) To set up working policy for the gaming operation; or,

C) The chief financial officer or other person who has financial management responsibility.

**Section 2.21 "Regulation"** means the regulations of the Council promulgated under this ordinance.

**Section 2.22 "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 the Interior.

**Section 2.23 "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 2.24 "Tribal Court"** means the Tribal Court of the Puyallup Tribe of Indians.

**Section 2.25 "Tribal-State Gaming 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 2.26 "Tribe"** means the Puyallup Tribe of Indians.

**Section 2.27 Words and Terms:** Tense, number and gender. In constructing the provisions of this ordinance, 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 2.28 "Working Days"** means Monday through Friday except Federal or Tribal holidays.

### CHAPTER III ADMINISTRATION

#### **Section 3.01 Authorized Gaming.**

(A) Class I and Class II gaming activities conducted within the exterior boundaries of the Reservation pursuant to the terms and conditions of this ordinance are hereby authorized.

(B) Class III gaming activity conducted within the exterior boundaries of the Reservation pursuant to the terms and conditions of this ordinance and the Tribal/State Gaming Compact are hereby authorized.

**Section 3.02 Ownership - Revenues to Benefit the Tribe.** Except for those licenses issued pursuant to §4.04, 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.

If the Tribe elects to make per capita payments to tribal members from the net revenues received from gaming activity, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under 25 U.S.C. Section 2710 (b) (3).

**Section 3.03 Tribal Gaming Regulatory Office - Created - Appointment of Director - Salary - Duties** The Council hereby creates the Tribal Gaming Regulatory Office, which shall administer the provisions of this ordinance. The Council shall appoint a director to

serve as the chief administrator of the Office. The director shall serve at the pleasure of the Council and shall receive a salary as is determined by the Council. The director shall act at all times to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The director's duties are:

(1) Administer the provisions of this ordinance and all regulations promulgated thereunder.

(2) Correspond with the National Indian Gaming Commission and do whatever is necessary to maintain compliance with the rules and regulations of that agency, including submission of all audits and licensing reports as required by Section 4.02 of this ordinance.

(3) Supervise and manage all tribal employees assigned and/or hired to work in the Tribal Gaming Regulatory Office.

(4) Supervise and administer the issuance of licenses pursuant to the procedures contained in this ordinance for employees working in gaming facilities regulated by the Tribe. The director will develop and manage 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 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;

(5) Initiate the proper procedures to deny, suspend, revoke, or otherwise restrict any gaming license issued pursuant to this ordinance, whenever there is reasonable evidence to show a violation of the terms and conditions established in this ordinance and/or any regulations promulgated thereunder;

(6) Conduct and maintain observations on all gaming activities conducted within the exterior boundaries of the Reservation;

(7) Promptly refer all incident reports involving possible criminal violations to the Tribal Law Enforcement Department for investigation.

(8) Confer regularly as necessary or desirable with the Council and recommend such matters as he/she deems necessary and advisable to improve the regulation and licensing of gaming activities;

(9) Conduct a continuous study and investigation of all gaming activities

conducted within the exterior boundaries of the Reservation: (a) for the purpose of ascertaining any defects in this ordinance or regulations promulgated thereunder by reason whereof any abuses in the administration and operation of the gaming activities or any evasion of this ordinance or the regulations may arise or be practiced; (b) for the purpose of formulating recommendations for changes to this ordinance and the regulations promulgated thereunder to prevent such abuses and evasions; (c) to guard against the use of this ordinance and the regulations promulgated thereunder as a cloak for the carrying on of unauthorized gaming activities and crime, and (d) to insure that this ordinance and the regulations promulgated thereunder shall be in such form and be so administered as to serve the true purposes of the Tribe's gaming laws;

(10) Meet monthly with the Tribal Gaming Advisory Commission for the purpose of providing a monthly update on the status of gaming activities conducted within the exterior boundaries of the Reservation, and confer with the Commission on proposed changes to tribal gaming laws and regulations;

(11) Assure that all gaming activities are conducted in a manner which adequately protects the environment and the public health and safety;

(12) Perform such other duties as assigned by the Council.

**Section 3.04 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 court of competent jurisdiction for any felony or for any misdemeanor related to illegal gambling, bribery, or relate to the director's honesty or ability to fulfill his duties. If the director violates any part of this ordinance, he may be immediately terminated. The director may also be terminated or removed by a majority of the Council for violating the Tribe's Personnel Policies and Procedures, or the Standards of Conduct and Restricted Activities of Tribal Officials and Employees.

**Section 3.05 Director Qualifications** A detailed background investigation shall have been conducted on the director before his appointment. Preference will be given to applicants with experience in legal, gaming, or law enforcement. No one convicted of a felony of any kind, or a misdemeanor related to illegal gambling or bribery can serve as director. The director and members of his/her immediate family shall not have any personal interests in any gaming activity. The director and members of his/her immediate family may not gamble in a gaming establishment regulated by the Tribe, nor have a personal financial interest in any gambling by said gaming establishments' patrons.

**Section 3.06 Independence of the Tribal Gaming Regulatory Office**. All persons working in the Tribal Gaming Regulatory Office, including their immediate family members, shall receive no personal compensation, gift, reimbursement or payment of

any kind from any person possessing a gaming license, any person doing or wishing to do business with the Tribe relating to gaming, nor 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 immediately terminated and prosecuted to the fullest extent possible for accepting a bribe.

**Section 3.07 Right of Inspection** The director and his/her designee 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 wherever 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 ordinance;

(e) To seize and impound any patron's winnings for which there are reasons to believe that it may have been won or obtained in violation of this ordinance, pending a civil forfeiture hearing on such seizure;

**Section 3.08 Criminal Investigations.** The Tribal Gaming Regulatory Office is not empowered to conduct criminal investigations. All criminal investigations shall be conducted by the Tribal Law Enforcement Department. Agents or staff working at the Tribal Gaming Regulatory Office may assist in a criminal investigation only if requested to do so by a duly commissioned officer of the Tribal Law Enforcement Department. The Tribal Gaming Regulatory Office shall fully cooperate with the Tribal Law Enforcement Department in all criminal investigations related to gaming activities.

**Section 3.09 Denial, Suspension, and Revocation of Licenses.** The director may deny an application for, or suspend or revoke, after notice and hearing, a license issued pursuant to this ordinance. Such license may, however, be temporarily suspended by the director without prior notice, pending prosecution, investigation, or hearing. A license may be suspended or revoked or an application may be denied by the director for one or more of the following reasons:

- (1) For any reasons or grounds stated in Section 4.09 of this ordinance, or for violation of any other provision of this ordinance or regulations promulgated thereunder.
- (2) Failure to file any report or to keep records or to pay any assessment.
- (3) Fraud, deceit, misrepresentation, or conduct prejudicial to public confidence in the gaming activities conducted and/or regulated by the Tribe.
- (4) A material change since issuance of the license with respect to any matters required to be considered by the director under Chapter IV.

For purposes of reviewing any application for a license and for considering the denial, suspension, or revocation of any license the director may consider any prior criminal conduct of the applicant or licensee relevant to the standards contained in Section 4.09.

**Section 3.10 Written Notice.** All decisions of the director made pursuant to Section 3.09 of this ordinance shall be in writing and delivered to the person whose license has been denied, suspended, revoked, or otherwise restricted. If the notice cannot be personally served, the director shall cause his written determination to be mailed to the person's last known address, by certified mail, return receipt requested. The director's written determination shall: (a) clearly state the reasons why the license was denied, suspended, revoked, or otherwise restricted; (b) cite the specific sections in this ordinance or regulations that were violated; and (c) provide notice that the decision of the director may be reviewed in accordance with Section 3.11 of this ordinance.

**Section 3.11 Right to Administrative Review.**

(A) Any person whose license has been denied, suspended, revoked, or otherwise restricted by the director, shall have a right to request a review before a Tribal Administrative Law Judge.

(B) A request for administrative review must be filed in written form on or before the fifth working day following receipt of the director's written determination.

(C) A person seeking a review shall be provided a fair impartial hearing, including notice and opportunity to challenge the director's determination, and may be represented by an attorney at his/her own costs.

(D) The Administrative Law Judge may administer oaths, admit or deny admission of evidence, and compel the attendance of witnesses.

(E) The director's determination shall not be overturned unless there is clear and convincing evidence that the determination was incorrect.

(F) The decision of the Administrative Law Judge shall be in the form of written findings of fact and conclusions of law, and sent to each party. The decision shall also contain a notice that it may be appealed to the Tribal Court in accordance with Section 3.12 of this ordinance.

(G) All proceedings before the Administrative Law Judge shall be tape recorded and preserved in the event an appeal is filed. If an appeal is filed, the Administrative Law Judge shall certify and send to the Tribal Court a complete record of the proceedings.

**Section 3.12 Right to Appeal.** A decision by the Administrative Law Judge regarding a matter brought pursuant to Section 3.11 of this ordinance may be appealed to the Tribal Court. Such appeal must be filed with the Tribal Court in written form on or before the fifth working day following receipt of the Administrative Law Judge's written findings. The Administrative Law Judge's decision shall be overturned only if the Tribal Court determines that the Administrative Law Judge abused his/her discretion, or the parties were not afforded a fair hearing. The Tribal Court may send the case back to the Administrative Law Judge for further proceedings if there is a finding that the record is incomplete. The Tribal Court shall not have jurisdiction to review a determination of the director, if a review before the Administrative Law Judge had not been requested. The decision of the Tribal Court shall be final and no further review or appeal may be had.

**Section 3.13 Establishment of Advisory Commission.** The Puyallup Tribal Gaming Advisory Commission is hereby established to assist the Council in carrying out its federal and tribal responsibilities to manage and regulate all gaming activities within the exterior boundaries of the Reservation. The Commission's sole purpose is to advise the Council, and make recommendations to the Council regarding the regulation of gaming activities.

The Commission shall consist of three (3) members appointed by a majority vote of the Council. Of the initial members, one shall serve the term of one year, one shall serve the term of two years, and one shall serve the term of three years. Their successors, all of whom shall be members of the Tribe, upon being appointed shall serve three-year terms. In the case of a vacancy, its shall be filled by appointment by the Council for the unexpired portion of the term in which the vacancy occurs.

The Council shall designate one member of the Commission to serve as chairman at the Council's pleasure.

**Section 3.14 Restrictions of Commissioners.** Members of the Commission 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 Ordinance. Commissioners may not gamble in the gaming establishment nor have any personal financial interest in any gambling by any patron. All members of the Commission, including their immediate family members, shall receive no personal compensation, gift,

reimbursement or payment of any kind from any person possessing a gaming license, any person doing or wishing to do business with the Tribe relating to gaming, nor 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 immediately terminated and prosecuted to the fullest extent possible for accepting a bribe.

**Section 3.15 Compensation of Commissioners.** A commissioner may be paid a stipend for meetings.

**Section 3.16 Meeting Open to Public.** General meetings of the Commission may be open to the public. All meetings of the Commission shall be governed by Roberts Rules of Order.

**Section 3.17 Removal of a Commissioner.** A commissioner's appointment may be terminated and the commissioner removed from office prior to the expiration of his/her term only for cause by a majority vote of the Council. The Council's decision to revoke, rescind, or terminate a commissioner's appointment shall be final and not appealable.

**Section 3.18 Duties of Commission.** The Commission shall have the following duties:

(1) Meet monthly with the director of the Tribal Gaming Regulatory Office for updates on gaming activities conducted within the exterior boundaries of the Reservation.

(2) Prepare and recommend to Council such regulations governing the conduct of gaming activities as it deems necessary and desirable in order that such gaming shall conform to the requirements of this ordinance, and in order that such gaming produce the maximum amount of net revenues for the Tribe consonant with the dignity of the Tribe and the general welfare of the people. Such regulations shall include, but not limited to the following:

- A) Procedures for conducting annual and periodic outside audits and financial reviews of all gaming operations;
- B) Procedures for processing incident reports to the Tribal Law Enforcement Department for investigation for possible criminal violations;
- C) Procedures for random and periodic reviews of gaming operations to ensure compliance with all applicable gaming laws and regulations;
- D) Such other matters necessary or desirable for the efficient and economical operation and administration of gaming activities.



## **CHAPTER IV LICENSING**

### **Section 4.01 Mandatory License.**

A. Each place, facility, or location on Indian lands where gaming occurs, shall be separately licensed by the Tribe prior to operation.

B. Any person seeking to conduct, operate, or manage any gaming activity, or to work in a gaming establishment, on Indian lands shall apply for, and receive, all the required licenses from the Tribe prior to engaging in such gaming activities.

C. Engaging in gaming activity, or operating a place, facility, or location on Indian lands, without first obtaining all required licenses from the Tribe shall be punishable in accordance with Section 9.01.

### **Section 4.02 License Application Forms.**

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

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the Nation Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of gaming license, or investigation of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

application.

B. Existing key employees and primary management officials shall be notified in writing that they shall either:

- (1) Complete a new application that contains a Privacy Act notice; or
- (2) Sign a statement that contains the Privacy Act notice and consent to routine uses described in that notice.

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

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

D. The director shall notify in writing existing key employees and primary management officials that they shall either:

- (1) Complete a new application from that contains a notice regarding false statements; or
- (2) Sign a statement that contains the notice regarding false statements.

**E. Background Investigations:**

(1) The tribe shall request from each primary management official and from each key employee all of the following information:

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1) (b) of this section;
- d. Current business and residence telephone numbers;

e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses.

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

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

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

i. For each misdemeanor conviction or ongoing misdemeanor nor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition.

j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (1) (h) or (1) (i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

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

l. A current photograph;

m. Any other information the Tribe deems relevant; and

n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. 522.2(h). Fingerprinting for applications shall be done through the Tribal Law Enforcement Department.

(2) The Tribe shall conduct an investigation sufficient to make a determination under subsection F below. In conducting a background investigation, the Tribe or its

agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

**F. Eligibility Determination**

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

**G. Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission**

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

2. The Tribe shall forward the report referred to in subsection H of this section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.

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

**H. Report to the National Indian Gaming Commission**

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

- a. Steps taken in conducting a background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The basis for those conclusions.

2. The Tribe shall submit, with the report, a copy of the eligibility determination made under subsection F of this section.

3. If a license is not issued to an applicant, the Tribe:

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

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

**I. Granting a Gaming License**

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is subject of a report. Such a request shall suspend the 30-day period under subsection I(1) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the 30-day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the

objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

**J. License Suspension**

1. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection F above, the director shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The director shall notify the licensee of his/her right to request review pursuant to Section 3.11 of this ordinance.

3. Failure of licensee to timely request administrative review shall result in the immediate revocation of the gaming license.

**Section 4.03 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 4.04, 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 3.02 of this ordinance; 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 the National Indian Gaming Commission; 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 4.04 "Grandfathered" License and Licenses that Mirror State Restrictions**

(a) **Licenses that Mirror State Restrictions.** The Tribe 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 Tribe 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 4.02 (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 Tribe, and

(B) Income to the Tribe from such gaming is used only for the purposes described in Section 3.02 of this ordinance, 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 4.05 License and Regulation of Class III Gaming Activities; Tribal-State Compact Required** The Tribe may license and regulate Class III Gaming Activity if -

- (a) Such gaming meets the requirements of Section 4.03, 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 4.06 Non-Transferability of License** Any license issued pursuant to the provisions of this ordinance 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 Tribe.

**Section 4.07 Granting of License** The Tribe shall issue a license only to persons who have satisfied the licensing requirements contained in this ordinance. A license will not be issued to a person whose license has previously been revoked, or to whom the issuance of renewal of a license has been denied.

**Section 4.08 Application Fee** The Tribe 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 4.09 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 4.10 Failure of Applicant to Disclose Material Information** An applicant for licensing shall make true and full disclosure of all information to the director as necessary or appropriate in the public interest or as required in order to carry out the policies of the 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 the 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, or to any licensee's employer.

**Section 4.11 Temporary Employment Licenses** The tribe 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 4.12 Parameters of License** Violations of any provision of the ordinance or any of the Council'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. 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 this ordinance and the regulations promulgated thereunder, as the same are now, or may hereafter be amended or promulgated, and to cooperate fully with the Tribe. 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 4.13 Licensing of Distributors** The Council may authorize, require, and issue such annual licenses as the Council 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 V AUDITING AND INTERNAL CONTROL**

**Section 5.01 Audits** The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission. All gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except for contracts for professional legal and accounting services, shall be specifically included within the scope of the independent audits.

**Section 5.02 Minimum Procedures for Control of Internal Fiscal Affairs** The Tribe 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 operating'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 tribe;

(c) Provide for the adoption and 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 classifications 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 requirement 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 5.03 Tribal Oversight of Internal Fiscal Affairs.** Any audit required by this ordinance or regulation promulgated thereunder 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, 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 finding to the Tribe and management.

**Section 5.04 Right to conduct Audit** The tribe 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 5.05 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 director 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 5.06 Non-Compliance** Failure to comply with this chapter or the regulations promulgated thereunder, shall constitute a per se violation of this ordinance.

## **CHAPTER VI EXCLUSION OR EJECTION OF INDIVIDUALS**

**Section 6.01 List of Undesirable** The Tribe 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 tribe 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 6.02 Notice and Opportunity to be Heard** Any person whose name is being contemplated by the Tribe to be placed on the list referred to in Section 6.01 may request an administrative review as set forth in Section 3.11 of this ordinance.

**Section 6.03 Prohibition Against Listed Individuals** It shall be a violation of this ordinance for any licensee to knowingly fail to exclude or eject from the gaming establishment any persons placed on the list referred to in Section 6.01. It shall be a violation of this ordinance for any person whose name appears on the list referred to in Section 6.01 to enter into or engage in any game at a duly licensed gaming establishment, and said person may be treated as an unlawful trespasser.

**Section 6.04 Prohibition Against Certain Individuals** It shall be a violation of this ordinance 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 VII CHEATING**

**Section 7.01 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 of a game is made, 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 7.02 Prohibition Against Electronic Aids** Except as specifically permitted by the Tribe, 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 VIII NATIONAL INDIAN GAMING COMMISSION AND TRIBAL-STATE COMPACTS

**Section 8.01 National Indian Gaming Commission - Regulations** Notwithstanding any provision in this ordinance or any regulation promulgated thereunder, the Tribal Gaming Regulatory Office 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 Indian Gaming Commission.

**Section 8.02 National Indian Gaming Commission - Assessment** Notwithstanding any

provision in this ordinance or any regulation promulgated thereunder, the Tribe shall pay all assessments authorized by the National Indian Gaming 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 § 4.03 (b) to pay assessments directly to the National Indian Gaming Commission.

**Section 8.03 Compact with the State of Washington** Notwithstanding any provision in this ordinance or any regulation promulgated thereunder, the Tribe shall comply with the provisions of any compact properly executed between the Tribe and the State of Washington.

## **CHAPTER IX MISCELLANEOUS**

**Section 9.01 Violations of Tribal Gaming Laws - Punishment.** Any violation of this ordinance 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 ordinance. 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 ordinance may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this ordinance, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. Winnings found to have been received in violation of this ordinance are forfeited and become the property of the Tribe.

**Section 9.02 Security** Each licensed gaming establishment must provide for reasonable security. All security personnel must be licensed by the Tribe and shall be required to attend any training offered by the Tribal Law Enforcement Department.

**Section 9.03 Maintenance of Code and Regulations** Each licensee shall obtain, maintain and keep current a copy of this ordinance and regulations promulgated thereunder, which shall be located at the premises used for the conduct of a licensed activity. This ordinance and regulations shall be produced by the licensee and shown to any person upon demand. That the licensee may not have a current copies shall not in any way diminish the licensee's obligation to abide by this ordinance and regulations.

**Section 9.04 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 9.05 Amendments** All provisions of this ordinance and regulations promulgated thereunder are subject to proper revision, repeal, or amendment by the Council.

**Section 9.06 Severability** If any provision of this ordinance, 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.