

NATIONAL
INDIAN
GAMING
COMMISSION

MAR 21 1994

Neal R. Malmsten, Esq.
Quileute Tribe
P.O. Box 279
La Push, Washington 98350-0279

Dear Mr. Malmsten:

This letter responds to your request to review and approve the tribal gaming ordinance adopted by the Quileute Tribe (the Tribe) on March 16, 1994. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

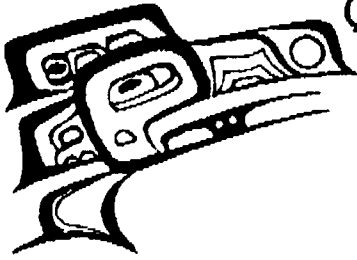
Thank you for submitting the ordinance of the Quileute Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

Anthony J. Hope

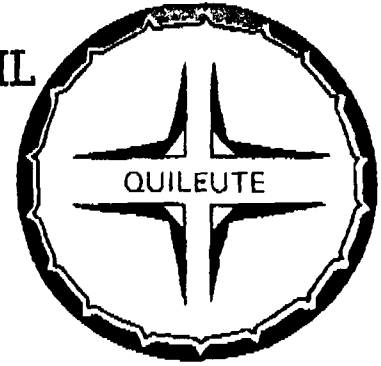
Anthony J. Hope
Chairman

cc: Douglas Woodruff, Sr., Tribal Chairman



QUILEUTE TRIBAL COUNCIL

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RESOLUTION OF THE
QUILEUTE TRIBAL COUNCIL
QUILEUTE INDIAN RESERVATION
RESOLUTION NO. 94A-22

WHEREAS, the Quileute Indian Tribe is an organized Indian Tribe under the Indian Reorganization Act; and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe; by authority of Article III of the Constitution and By-Laws of the Quileute Indian Tribe approved by the Secretary of the Interior on November 11, 1936; and

WHEREAS, the Quileute Indian Tribe enjoys the rights reserved to it by the Quinault Treaty and the Quileute Tribal Council has the responsibility under the Constitution to "administer the affairs of the Quileute Reservation"; and,

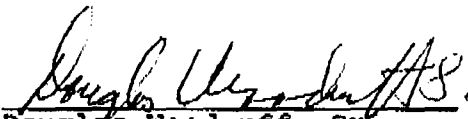
WHEREAS, it is in the interest of the Quileute Tribe to promote economic development and generate income through properly regulated class III gaming;

WHEREAS, it is necessary to amend the Quileute Tribal Gaming Ordinance to comply with National Indian Gaming Commission requirements; and

WHEREAS, the amended Quileute Tribal Gaming Ordinance attached hereto fully complies with all National Indian Gaming Commission requirements;

NOW THEREFORE BE IT RESOLVED, the amended Quileute Tribal Gaming Ordinance is hereby enacted;

BE IT FURTHER RESOLVED, the Secretary and Chairman are authorized to approve said Ordinance.


Douglas Woodruff, Sr.
Chairman

I certify that the foregoing Resolution was adopted at a regular meeting of the Quileute Tribal Council at which time a quorum was present in LaPush, Quileute Indian Reservation, and the foregoing resolution was adopted by a vote of 4 FOR and 0 AGAINST on the 16th day of March, 1994.

Janet R. Laine
Authorized Representative

QUILEUTE GAMING ORDINANCE
ORDINANCE NO. 94-A-1

BE AND IT IS HEREBY ENACTED by the Tribal Council of the Quileute Tribe ("Tribe") which does here promulgate and enact the following gambling ordinance pursuant to the powers vested in it by Article VI Sections 1(a), (k), and(1); and (4) of the Constitution and By-Laws of the Quileute Tribe of Washington, and the Indian Gaming Regulatory Act, 25 USC Section 2701 et seq., as follows:

SECTION 1: Purpose and Policy

IT IS HEREBY DECLARED to be the policy of the Quileute Tribe to restrain all persons or entities from seeking profit from professional gambling activities within the exterior boundaries of the Quileute Indian Reservation as defined herein; to restrain all persons from patronizing such professional gambling activities; and at the same time, to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement than for profit, may have cultural value, do not maliciously affect the Indian and non-Indian public of the Quileute Indian Reservation, and do not breach the peace.

The Quileute Tribe further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations and/or Quileute governmental and social programs is in the Tribal and public interest as is participation in such activities as are hereinafter authorized.

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

By this Ordinance, the Quileute Tribe does not intend to preempt the authority of the State of Washington to license businesses within the Reservation as state lottery retailers, according to state laws.

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

SECTION 2: Title.

This Ordinance shall be known as the "Quileute Class III Gaming Ordinance."

SECTION 3: Definitions.

3.1 Class I gaming means social games solely for prizes of minimal value as determined by the Tribe, or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, bona fide tribal ceremonies or celebrations.

3.2 (a) Class II gaming means:

(i) 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

(ii) card games that

(I) are explicitly authorized by the laws of the State, or

(II) are not explicitly prohibited by the laws of the State and are played at any location in the State,

but only if such card games are played in conformity with those laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games.

(b) 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.

(c) Notwithstanding any other provisions of this paragraph, the term "class II gaming" includes those card games

played in the State of Washington, that were actually operated in such 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 such State on or before such date, as determined by the Chairman of the National Indian Gaming Commission.

(d) Notwithstanding any other provision of this paragraph, the term "class III gaming" includes, during the 1-year period beginning on October 17, 1988, any gaming described in subparagraph (b) (II) that was legally operated on Indian lands on or before May 1, 1988, if the Indian tribe having jurisdiction over the lands on which such gaming was operated requests the State, by no later than the date that is 30 days after October 17, 1988, to negotiate a Tribal-State compact under section 2710(d)(3) of this title.

3.3 "Punch Boards" and "Pull-Tabs" shall be given their usual and ordinary meaning as of January 1, 1982; or as otherwise defined by the Tribe by rule or regulation.

3.4 Class III gaming means all forms of gaming that are not class I or class II gaming.

3.5 Net revenues means gross revenues of a gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management contract fees.

3.6 "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or better, in any form of gambling in which he may not receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without other wise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation the use of premises therefor, and supplying cards or other equipment used therein.

3.7 Notwithstanding any of the foregoing definitional limitations, the Tribe may, as provided in section 6(j), enter into agreement(s) by which the Quileute Tribe joins with other tribes to coordinate any tribal gaming operation falling within the "class II" category of Sec. 4 of the Indian Gaming Regulation Act. For example, an agreement(s) may be made directly with other tribes or with a management company or other entity to link players at various reservations, whether in the same or different states, by means of telephone, cable, television, satellite, and/or other telecommunication/computer technology, so long as the use of such

technology does not change the fundamental characteristics of the game.

3.8 Quileute Indian Reservation, as used in this Ordinance, includes those lands set aside as the Quileute Reservation by President Cleveland's 1889 Executive Order, plus all other lands held in trust for the Quileute Tribe or a Quileute member(s), or held by the Tribe or its member(s) subject to a restriction by the United States against alienation and over which the Tribe exercises governmental power.

SECTION 4: Administration, Management and Operation of Gaming.

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

(a) to adopt and enforce appropriate rules and regulations for the purpose of carrying into effect the purposes and provisions of this ordinance and the Indian Gaming Regulatory Act and the performance of its functions, including enforcement provisions and penalties.

(b) collecting, auditing, issuing and/or establishing and collecting fees, licenses, taxes and permits.

(c) purchasing, leasing, warehousing and selling devices and other equipment for permissible gaming hereunder.

SECTION 5: Audits.

5.1 Annual outside audits of class III gaming on the Quileute Reservation, which may be encompassed within existing independent tribal audit systems, shall be provided by the Tribe to the National Indian Gaming Commission.

5.2 All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional, legal, or accounting services) relating to class III gaming shall be subject to such independent audits.

SECTION 6. Licenses for Key Employees and Primary Management Officials and Facility/Background Investigations

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

6.2 Definitions - for the purpose of this section, the following definitions apply:

(a) Key employee means:

- (1) a person who performs one or more of the following functions:
 - (i) Bingo caller;
 - (ii) Counting Room Supervisor
 - (iii) Chief of Security
 - (iv) Custodian of gaming supplies or cash
 - (v) Floor Manager
 - (vi) Pit Boss
 - (vii) Dealer
 - (viii) Croupier
 - (ix) Approver of Credit
 - (x) Custodian of gambling devices including persons with access to cash and accounting records within such devices
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (3) If not otherwise included, the four most highly compensated persons in the gaming operation.

(b) Primary Management Official means:

- (1) The person having management responsibility for a management contract;
- (2) Any person who has authority:
 - (i) To hire and fire employees; or
 - (ii) To set up working policy for the gaming operation; or
- (3) The chief financial officer or other person who has financial management responsibility.

6.3 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 National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

The disclosure of your social security number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

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

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

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

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

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

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

6.4 Background Investigations:

A. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (1) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken and written);
- (2) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (3) 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 (A)(2) of this section;
- (4) Current business and residence telephone numbers;
- (5) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with gaming industry generally, including ownership interests in those businesses;
- (7) 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;
- (8) 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;
- (9) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

- (10) 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 (A)(8) or (A)(9) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (11) 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;
- (12) A current photograph;
- (13) Any other information the Tribe deems relevant; and
- (14) Fingerprints consistent with the procedures adopted by the Tribe according to 25 C.F.R. Section 522.2(h).

B. The Tribe shall conduct an investigation sufficient to make a determination under subsection 6.5 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.

6.5 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 suitable, 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.

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

(A) 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 6.5 of this section.

(B) The Tribe shall forward the report referred to in subsection 6.7 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.

(C) 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.

6.7 Report to the National Indian Gaming Commission:

(A) Pursuant to the procedures set out in subsection 6.6 of this section, the Tribe shall prepare and forward to the National Indian Gaming Commission an investigative report on each background investigation. An investigation report shall include all of the following:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and
- (4) The bases for those conclusions.

(B) The Tribe shall submit, with the report, a copy of the eligibility determination made under Subsection 6.5 of this section.

(C) 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.

(D) 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 or her designee for no less than three (3) years from the date of termination of employment.

6.8 Granting a Gaming License

(A) 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 preliminary 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.

(B) 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 the subject of a report. Such a request shall suspend the 30-day period under paragraph 6.7.4. of this section until the chairman of the National Indian Gaming Commission receives the additional information.

(C) If, within the thirty (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.

6.9 License Suspension

(A) 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 7.4 above, the Tribe shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

(B) The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

(C) After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the National Indian Gaming Commission of its decision.

6.10 A separate license issued by the Tribe shall be required for each place, facility, or location on the Quileute Indian Reservation at which or class III gaming is conducted. The Quileute Tribe shall have the sole proprietary interest and responsibility for the conduct of any class III gaming activity. Except as otherwise expressly provided in this Ordinance, no person

other than a member of the Quileute Tribe, or an employee of the Quileute Tribe, shall take any part in the primary or key management or operation of said game and no person who takes part in the management or operation of said game shall take any part in the management or operation of any game conducted by any other organization of whatsoever kind or nature or wherever situate, or any other branch of the same organization, unless approved by the Quileute Tribe, and no part of the proceeds thereof shall inure to the benefit of any person other than that organization conducting said game.

6.11 A tribal license shall also be required for primary management officials and key employees of each gaming enterprise on the Reservation, with prompt notification to the National Indian Gaming Commission of the issuance of such licenses.

6.12 No license shall be issued for a gaming facility unless the Tribe determine that its construction has been completed in a manner which adequately protects the environment and the public health and safety. One of the conditions of such license shall be that the facility also be maintained and the gaming so operated as to continue to meet this standard.

SECTION 7. Net Revenue Allocation.

7.1 Net revenues from any Tribal gaming are not to be used for purposes other than:

- (a) to fund Tribal government operations or programs;
- (b) to provide for the general welfare of the Quileute 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.

7.2 Net revenues from any Class III gaming activities may be used to make per capita payments to members of the Quileute Tribe only if:

- (a) The Tribe has prepared a plan to allocate revenues to the uses authorized by Section 7.1, which plan has been approved by the Secretary of the Interior as adequate;
- (b) the interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved and the per capita

payments are disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for health, education or welfare of the minor or other legally incompetent person under a plan approved by the Secretary of Interior and the Tribe; and

(c) the Tribe notifies its members of Federal tax liabilities of the per capita payment when made.

SECTION 8. Class III Gaming Requirements.

8.1 No Class III gaming shall be conducted on the Quileute Indian Reservation until this Ordinance has been approved by either the Secretary of the Interior or the Chairman of the National Indian Gaming Commission.

8.2 Only those Class III gaming activities shall be allowed which are:

(a) permitted by the State of Washington for any purpose by any person, organization or entity; and

(b) conducted in conformance with a Tribal-State compact entered into by the Quileute Tribe and State of Washington, and in effect.

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

SECTION 9. Tribal, Federal and State Prohibitions.

9.1 Gambling within the Quileute Indian Reservation by any person acting other than as a player, or by any party, partnership, entity, firm, and/or corporation is hereby prohibited and declared unlawful except when authorized by the Tribe by ordinance or resolution and conducted pursuant to the control, rules and regulations of the Tribe, as well as the Indian Gaming Regulatory Act and rules and regulations promulgated thereunder.

9.2 Nothing herein, nor any rule and/or regulation promulgated hereunder shall be construed to supersede or preempt either the criminal/prohibitory laws of the State of Washington or applicable laws of the United States of America, insofar as said laws shall absolutely prohibit a gambling activity, unless federal law so allows.

9.3 It is the intent of this Ordinance to exert tribal sovereignty and jurisdiction within the Quileute Indian Reservation and to preempt any civil-regulatory power or law, if any, of the State of Washington, within said boundaries concerning the subject matter of this Ordinance, except as otherwise provided in Section

9.4.

9.4 None of these prohibitions or assertions of tribal authority contained in this Ordinance are intended to apply to the licensing by the State of Washington of state lottery retailers, pursuant to RCW 67.70 and implementing state regulations and procedures. The Tribe will not object to the following assertions of exclusive state authority in regard to the state lottery:

(a) the issuance and revocation of lottery retailer licenses and the regulation of the manner of lottery ticket sales within the boundaries of the Quileute Indian Reservation, pursuant to state law:

(b) state court jurisdiction, with exclusive venue in Thurston County, over state lottery license issues, including issuance or revocation, the conduct of a lottery retailer, the financial relationship between any licensee and the state lottery and other matters regarding state lottery operation;

(c) jurisdiction of the Director, Washington State Lottery, or any lawfully appointed designee thereof, over state lottery administrative disputes, in accordance with Washington State law;

(d) the entry upon trust lands and property including lands owned by the Tribe or its members, by lottery employees, including investigators or enforcement officers, solely for the purpose of conducting investigations and enforcing the provisions of RCW 67.70.

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

SECTION 10: Civil Remedy/Enforcement/Appeal

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

10.2 (a) Every such activity relating to the subject matter of this Ordinance, namely class III gaming, held and/or conducted or engaged in within the Quileute Indian Reservation, which is contrary to the provisions of this Ordinance and rules and regulations promulgated hereunder, is hereby prohibited and declared to be unlawful and a public nuisance, the remedy for which shall be an injunction and/or abatement and/or a civil fine(s) not to exceed \$5,000 per day, per violation, and/or cancellation of any license or permit issued to or relating thereto, or all.

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

10.3 Any person or entity may appeal a final order of the tribal court, as provided in Quileute Law and Order Ordinance No.74-A7 sections, as amended.

SECTION 11: Severability and Construction

11.1 All factors incident to the activities authorized in this Ordinance shall be closely controlled by the Tribe and the provisions of this Ordinance shall be liberally construed to achieve such end.

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

11.3 Any reference herein to the National Indian Gaming Commission shall be read and interpreted as the Secretary of Interior until such time as the Commission is duly appointed and constituted.

SECTION 12: Effective Date

This Ordinance shall become effective in accordance with the provisions of the Constitution of the Quileute Tribe of Washington.

ADOPTED by the Tribal Council of the Quileute Tribe at a regularly scheduled meeting assembled on the ____ day of