

NATIONAL
INDIAN
GAMING
COMMISSION

JAN - 4 1994

Curtis Frank Anderson, Jr.
Tribal Chairman
Robinson Rancheria of Pomo Indians
1545 E. Highway 20
P.O. Box 1119
Nice, California 95464

Dear Chairman Anderson:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on August 2, 1993, and amended by letter dated October 11, 1993, for the Robinson Rancheria of Pomo Indians (the Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Thank you for submitting the ordinance of the Robinson Rancheria of Pomo Indians 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: David Burrell

ROBINSON RANCHERIA OF POMO INDIANS
GAMING ORDINANCE OF 1993

APPROVED

THE ROBINSON RANCHERIA OF POMO INDIANS, a federally recognized Indian Tribe ("Tribe") hereby enacts the following Gaming Ordinance, which shall be known as the "ROBINSON RANCHERIA GAMING ORDINANCE OF 1993" ("Ordinance"):

Section 1. Findings and Policy

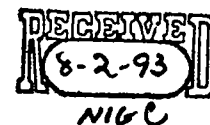
The Tribe finds that Gaming on its reservation is a valuable means of promoting Tribal economic development, self-sufficiency, employment, job training and strong Tribal government. This Gaming Ordinance has been enacted for the purpose of establishing the term for gaming on the reservation for Tribal governmental and charitable purposes, and to operate such gaming consistent with such findings and in conformity with the Federal Indian Gaming Regulatory Act (25 U.S.C. ~ 2701 et seq. ("IGRA") and regulations promulgated thereunder.

Section 2. Definitions.

Unless specified otherwise, terms used herein shall have the same meaning as in IGRA, including but not limited to references to "Class I", "Class II", and "Class III" gaming, except for references to "Commissioners" and "Commission", which shall be deemed to mean the Commissioners of the Robinson Rancheria Gaming Commission ("Gaming Commission") described below.

- a. "Closely associated independent contractor" shall mean any contractor that shares common ownership, officers or directors with any management principal or persons related thereto.
- b. "Gaming Activities" shall mean any Class I, Class II, or Class III gaming conducted by or under the jurisdiction of the Tribe.
- c. "Gaming Contractors" shall mean any person or entity that supplies gaming devices or other gaming equipment, personnel, or services (including gaming management or consulting services) to any gaming activity or enterprise of the Tribe.
- d. "Gaming Enterprise" shall mean any gaming business, event, enterprise or activity conducted by or under the jurisdiction of the Tribe.
- e. "Key Employee" shall mean a person who performs one or more of the following functions: Bingo Caller, Counting Room Supervisor, Chief of Security, Custodian of Gaming supplies or Cash, Floor Manager, Pit Boss, Games Supervisor, Dealer, Croupier, Approver of Credit, or Custodian of Gaming Devices,

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930802-0300

including those persons with any access to Cash or Accounting records within such devices. If not otherwise included, any other person whose total cash compensation is in excess of \$ 50,000. per year, and the four most highly compensated persons in the Gaming Enterprise are to be considered "Key Employees". At the discretion of the Tribe, other positions or persons may be included under the requirements for "Key Employees".

f. "Primary Management Official" shall be deemed to mean the person who has management responsibility for a management contract; or any person who has the authority to hire or fire employees or to set up working policy and procedures for the Gaming Enterprise; or the Chief Financial Officer or nay other person who has or holds Financial Management responsibility in the Gaming Enterprise.

g. "Robinson Rancheria Business Council" shall be deemed to mean the governing elected body of the Tribe, as set forth in the Tribal Constitution and ByLaws.

h. "Tribal Council" shall be deemed to mean the voting General Tribal Membership of the Robinson Rancheria of the Pomo Indians.

i. "Person" shall be deemed to mean any natural person or entity, including but not limited to corporations, partnerships and Trusts.

j. "Related To" shall be deemed to refer to persons who are family related as a father, mother, sister or brother.

k. "Reservation" shall be deemed to cover all lands under the jurisdiction and control of the Tribe.

Section 3. Ownership of Gaming.

Except to the extent that the Tribe may contract with and licence a person or entity to own, operate or manage the Gaming Enterprise pursuant to the provisions of IGRA or as otherwise permitted by Law, the Tribe shall have the sole propriety interest in and the responsibility for the conduct of any gaming operation authorized by this Gaming Ordinance.

Section 4. Gaming Commission.

a. Establishment of a Gaming Commission:

There is to be established by the Tribe hereby a Gaming Commission that will be known as the Robinson Rancheria Gaming Commission. The Gaming Commission shall be composed of Seven (7) sitting members and two (2) alternates of and from the Tribe, all of whom shall be elected by members of the Tribe.

b. Disqualifications for Office:

The following persons may not serve as Members of the Gaming Commission:

1. Employees or Managers of any Gaming Enterprise on the reservation;
2. Persons related to any gaming contractor (including any principal thereof or closely associated independent contractor);
3. Persons who would not be eligible to be Officers of the Tribe pursuant to the Tribe's Constitution and its ByLaws.

c. Terms of Office:

The elected Members of the Gaming Commission shall serve for a term of two (2) years, except that immediately after enactment of the Gaming Ordinance, three (3) of those elected Gaming Commissioner's term of office shall be no longer than a period of two (2) years while four (4) of the elected Gaming Commissioner's term of office shall be for a period of three (3) years. Gaming Commissioners may be re-elected to serve for more than one term of Office. Elected alternates shall not serve for a period of longer than two (2) years.

d. Causes for Removal from Office:

Gaming Commissioners may only be removed from Office before the expiration of their Terms by the General Tribal Council. Causes for removal from Office are; Neglect of Duty, Malfeasance in Office or Absenteeism at three (3) consecutive Gaming Commission Meetings or other good cause as determined by a twenty five percent (25%) vote of the General Tribal Council.

e. Quorum needed for Meetings:

A total of five (5) Members of the Gaming Commission shall constitute a Quorum.

f. Gaming Commission Alternates:

The two (2) elected Alternates shall serve at the Gaming Commission Meetings only in the event that all Seven (7) Gaming Commissioners can not be present. One elected Alternate shall be elected Number One Alternate, to be called first to serve for a missing Gaming Commissioner. If two (2) or more Gaming Commissioners are not available for a scheduled meeting then both Alternates will be called to attend.

g. Officers and Duties:

The Gaming Commission shall elect, by a majority vote, a Chairperson, a Vice-Chairperson, and a Secretary. The Chairperson shall preside over all meetings of the Gaming Commission with the Vice-Chairperson presiding whenever the Chairperson can not be present. The Secretary shall record in writing all minutes of all Gaming Commission Meetings and all of the Official Actions taken by the Gaming Commission. The Secretary shall have copies available to any requesting Tribal Member within six (6) days after any such Meeting.

h. Voting:

All actions of the Gaming Commission shall be taken upon a majority vote. The Commission Chairperson may vote on any issue.

i. Meetings:

Meetings shall be held at least once a month, on the first Saturday of the month at 7:00 PM at the Tribe's primary meeting facility. Additional meetings shall be held as called by the Gaming Commission Chairperson or by at least four (4) other Gaming Commissioners. Notices of meetings shall be given in writing to each Gaming Commissioner, served by first class mail or by personal hand delivery at least five (5) business days prior to such called meeting. Additional meetings may be called at any time, by any means, with the unanimous consent of all of the Gaming Commissioners. All Gaming Commission Meetings will be conducted under the "Robert Rules Of Order" method.

j. Compensation for Serving; Reimbursement of Expenses:

Commissioners shall be compensated for serving on the Tribal Gaming Commission at rates to be set by the Tribal Business Council. Subject to approval by and in accordance with procedures to be adopted by the Tribal Business Council, Gaming Commissioners shall be reimbursed for expenses incurred in connection with and in performance of their Gaming Commission duties.

k. Powers and Duties of Gaming Commission Members:

Shall have the Power and duties to;

1. Inspect, examine, and monitor gaming activities, including, upon two (2) days notice to the gaming facility, the power to demand access to and inspect, examine, photocopy and audit all papers, books and records in respect to such gaming activities;

2. Investigate any suspicion of wrong doing in connection with any gaming activity;

3. Conduct or cause to be conducted such investigations as may be necessary to determine in connection with any gaming activity, compliance with law or this Ordinance or any contracts, agreements, goods, services, events, incidents, or other matters related to gaming activities;

4. Conduct background investigations regarding any person that is connected in any way with any gaming activities;

5. Hold such hearings, sit and act at such times and places, summon persons on the reservation to attend and testify at such hearings, to take and record such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties;

6. Administer oaths or affirmations to witnesses appearing before the Gaming Commission;

7. Implement and administer a system for investigating, licensing and monitoring employees and others connected with gaming activities, as described below, including the issuance of licenses to gaming facilities, individuals and entities as required under this Tribal Gaming Ordinance and IGRA;

8. Issue such regulations as it deems appropriate in order to implement the provisions of this Ordinance;

9. Carry out such duties with respect to gaming activities as the Tribal Business Council shall direct; and

10. Hire such staff and support services as deemed necessary subject to a budget approved by the Tribal Business Council;

11. Require that all Gaming Commissioners and all persons involved directly with gaming activities be the holder of a picture identification card;

1. Annual Reports:

On or before April 30th of each year, the Gaming Commission shall provide to the Tribal Council an Annual Report summarizing its activities during the prior twelve (12) month period ending on December 31st, and accounting for all receipts and disbursements. The Gaming Commission shall provide a report summarizing its activities for that past year to the General Tribal Council at its regularly held March Quarterly Meeting.

Section 5. Unauthorized Gaming Prohibited.

All gaming activities on the reservation (whether Class I, II or III) are prohibited except as expressly authorized under this Gaming Ordinance.

a. Class I Gaming.

Class I Gaming activities are hereby permitted to the extent consistent with Tribal custom and practice. The Tribal Council may prohibit and prevent any conduct which is claimed to be Class I Gaming if the Tribal Council finds that such conduct is not consistent or in accordance with Tribal customs or practices or violates IGRA or nay other law.

b. Class II and Class III Gaming

Class II and Class III Gaming on the reservation is hereby authorized provided the Tribe has sole proprietary interest in and responsibility for the conduct of any gaming enterprise, or to the extent that the Tribe may contract with and licence a person or entity to own, operate or manage the enterprise pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from engaging the services of non-Tribal persons as employees thereof or engaging any person or entity to provide consulting services or other technical assistance to Tribe. All Class III gaming shall be conducted in accordance with any Tribal-State Compact between the Tribe and the State of California or alternative thereto as provided by IGRA, and as referenced below.

Section 6. Gaming Revenues.

a. Tribal Property.

Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III Gaming Activities are the property of the Tribe. Any profits or net revenues from gaming activities shall be deposited into the Tribe's general treasury or such other Tribal account as the Tribe shall determine. No Tribal Member shall be deemed to have any interest therein, provided that the Tribal Business Council may adopt rules for distributing Class II or Class III Gaming proceeds to Members on a per capita basis provided such plan meets the requirements of IGRA, 25 U.S.C.~2710 (b)(3). Once becoming part of the Tribe's treasury, revenues generated from gaming activities shall lose any identity as gaming revenues except to the extent necessary to comply with applicable law.

b. Use.

Net revenues from gaming activities are not to be used for purposes other than:

1. To fund Tribal governmental operations or programs;
2. To provide for the general welfare of the Tribe and its Members;
3. To promote Tribal economic development;
4. To donate to charitable organizations or;
5. To help fund operations of local government agencies.

Section 7. Operation of Gaming Enterprises:

a. Gaming Permitted as Licenced.

Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, gaming activities shall only be conducted in Tribal owned, operated and licenced facilities pursuant to the Ordinance. Such activities shall be conducted in accordance with the terms and conditions of any licence issued by the Tribe for such purposes as to each facility for other activities, rules of conduct for employees and patrons, regulation of alcoholic beverages, food handling and entertainment, and such other matters as the Gaming Commission or the Tribal Business Council may deem necessary to the conduct of the gaming activities therein.

b. Gaming Facility.

Any construction or maintenance of any gaming facility, and the operation of gaming therein, shall be conducted in such a manner which will adequately protect the environment and public health and safety.

Section 8. Audits.

a. Annual Audits.

The Tribe shall require annual outside auditing by a recognized independent accounting firm to be conducted of each gaming activity. The results thereof shall be reported to the Tribal Business Council and, to the extent required by law, the Bureau of Indian Affairs and the National Indian Gaming Commission ("NIGC").

b. Contracts - Audit Requirements.

All contracts for providing supplies, services, equipment or concessions to any gaming enterprise for a contract amount in excess of \$ 25,000 annually (except for professional legal or accounting services) shall be subject to independent audits, and such contracts shall so specify.

Section 9. Licenses.

a. Licensing Requirements.

It is the declared policy of the Tribe that all gaming activities be licensed and controlled so as to protect the morals, good order and welfare of Tribal Members and other persons on the reservation and to preserve the honesty, fairness and integrity of all such gaming activities. Accordingly, no person shall engage in any Class II or Class III Gaming activities on the reservation without an appropriate and valid Class II or Class III licence issued by the Gaming Commission. Any gaming license which is issued, or finding of suitability or approval by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation for cause.

b. Burden on Applicant.

The burden of proving an applicant's qualification to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or any other action which may result from the application process and expressly waives any claim for damages as a result thereof.

c. Applicant Claim Of Privilege

An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, non-issuance, suspension or revocation of any gaming license.

d. Types of Licenses.

Three classes of licenses shall be issued to persons associated with gaming activities:

1. Class A Licenses.

Before permitting any person to become permanently associated with any gaming activity as an investor, management entity, primary management official, Key Employee, closely associated independent contractor, or other individual or entity with influence over the management or operation of the gaming, or a Class III gaming employee, supplier, manufacturer or distributor, such person shall obtain a Class A License.

The Gaming Commission shall cause to be conducted a background investigation to determine if such person has:

a. Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of gaming;

b. Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

2. Class B Licenses.

Persons who are not among those identified in subsection (1.) but are to be employed at a gaming facility on a reservation in some other capacity, such as in non-gaming related activities or, at the option of the Gaming Commission and with the exception of Key Employees and primary gaming management officials who shall be required to obtain a Class A license, as Class II gaming employees, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not been convicted of a crime, or engaged in any activity which the Gaming Commission, in its sole discretion, deems would render such person a danger to the safety and integrity of the gaming activity or the safety or property of the Tribe, any Tribal Member, or any gaming employee or patron, or the public.

3. Class C Licenses.

Minors employed at a gaming facility at the reservation may be issued a Class C license, which will entitle them to work in any position for which a Class B license is required for adults and not otherwise prohibited by this Ordinance or other applicable law, provided such minors are not deemed to by the Gaming Commission to pose a danger to the safety and integrity of the gaming activity or the safety or property of the Tribe, any Tribal Member, or any gaming employee or patron, or the public. Such licenses shall be valid for no more than six (6) months at a time and shall be revoked upon the minor reaching the age of eighteen (18), at which time a Class A or B license may be appropriate, and will be required. Minors shall not be employed as Dealers or otherwise operate or supervise the operations of games, or serve liquor.

e. Background Investigation.

1. The Tribe shall request from each primary management official and each Key Employee all of the information specified in subsections (a) through (n) as noted below. Further, each other applicant for a Class A license, except as provided otherwise by the Gaming Commission, shall also submit in the information specified in (a) through (n) below. The Tribe reserves the right, at any time, to request additional information during or subsequent to any background investigation.

(a) Full name, other names used (oral or written), social security number(s), date of birth, place of birth, citizenship status, gender, all languages (spoken or written);

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(b) Currently and for the last ten (10) years, business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license number(s);

(c) Names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence as listed under section (b) of this section 9(e);

(d) Current business and residence telephone numbers;

(e) Description of any existing business relationships with the gaming industry generally, including ownership interests in those businesses;

(f) A description of any existing and previous business relationships with indian tribes, including ownership interests in those businesses;

(g) Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted;

(h) Name and address of any licensing or regulatory agency (federal, tribal, state, local or foreign) with which the person has ever filed an application for a occupational license or permit and whether or not such license or permit was granted;

(i) For each felony for which there is an on-going prosecution or conviction: the charge, the name and address of the court involved, and the date and disposition, if any of the case;

(j) For each misdemeanor or on-going misdemeanor prosecution or conviction (excluding minor traffic violations) within ten (10) years of the date of the application: the charge, the name and address of the court involved, and the date and disposition, if any of the case;

(k) For each criminal charge (excluding minor traffic violations) whether or not there is or was a conviction, if such criminal charge is within ten (10) years of the date of the application: and is not otherwise listed above pursuant to sections (h) or (i) of this section 9(e): the criminal charge, the name and address of the court involved, and the date and disposition, if any of the case;

(l) Current photograph;

(m) Any other information that the Tribe may deem relevant, and

(n) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. & 322.2(h).

2. The Tribe shall cause to be conducted an investigation sufficient to make a determination of eligibility required under this Ordinance. In conducting the background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation, pursuant to the Privacy Act of 1974.

f. Eligibility Determination.

The Gaming Commission 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 official for employment in a gaming operation. If the Gaming Commission 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, the tribal gaming Enterprise shall not employ that person in a Key Employee or primary management official position and; further, shall not employ the person in any other position for which a Class A license is required, except as specifically provided by the Gaming Commission.

g. Forwarding Licensing Applications and Reports to NIGC.

(1) On or before the date that any Key Employee or primary management official is employed by the gaming enterprise authorized under this Ordinance, The Gaming Commission shall forward to NIGC the person's completed application for employment containing the information required under subsection e. of section 9 of this Ordinance.

(2) Prior to issuing a license to a primary management official or Key Employee, the Gaming Commission shall forward to NIGC, together with a copy of the eligibility determination made under subsection f. above, an investigative report on each background investigation. The investigative report on each background investigation shall be forwarded to NIGC within sixty (60) days after the employee begins work, or within sixty (60) days of the approval of this Ordinance by the Chair of the NIGC. The gaming enterprise shall not employ or continue to employ any person as a Key Employee or primary management official who does not have a license within ninety (90) days of beginning work.

The investigative report shall include the following information.

- (a) Steps taken in conducting a background investigation;
- (b) Results obtained;
- (c) Conclusions reached; and

(d) The basis for those conclusions.

(3) The Tribe shall provide to NIGC or nay other agency, any other reports and information required by IGRA and regulations promulgated thereunder. Further, 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 Chair of NIGC or his or her designate for no less than three (3) years from the date of the termination of employment.

(4) If a license is not issued to an applicant, the Tribe shall notify NIGC and may forward copies of its eligibility determination and investigative report (if any) to NIGC for inclusion in the Indian Gaming Individuals Records System.

h. Granting a Gaming License.

(1) If within a thirty (30) day period after the NIGC receives a report as required under subsection g. above, the NIGC notifies the Tribe that it has no objection to the issuance of a license pursuant to the license application filed for a Key Employee or primary management official for whom the Tribe has provided an application and investigative report, the Tribal Gaming Commission may issue the license.

(2) The Tribal Gaming Commission shall provide any additional information requested by the Chair of the NIGC concerning a Key Employee or primary management official who is the subject of the report as required under subsection g. above. A NIGC request for additional information shall suspend the thirty day (30) period under subsection h.(1) above until the Chair of the NIGC receives the additional information.

(3) If within thirty (30) day period established under subsection h.(1) above, the NIGC provides a statement itemizing objections to the issuance of a license to a Key Employee or primary management official, the Tribal Gaming Commission shall reconsider the application, taking into account such objections. The Tribe retains the Right to make the final determination whether to issue the license to such applicant.

i. Temporary Licenses.

Pending completion of an investigation for a license, temporary licenses may be issued by the Gaming Commission, if in its sole discretion it may deem it appropriate to do so. Such licenses shall permit the licensee to engage in such activities and pursuant to such terms and conditions as specified by the Gaming Commission, in its sole discretion.

j. License Renewal.

Class A and Class B licenses unless otherwise specified and exempted by the Gaming Commission, shall be subject to renewal every year and may be revoked or suspended upon the occurrence of any act which, if known during the application process, would have tended to disqualify such person for such a license.

k. License Investigations.

The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants may be required if so requested to pay a license fee and to reimburse the Gaming Commission for all costs incurred in obtaining information as a condition of processing such application, except that no Tribal Member shall be charged any license fee or cost. Estimates of such costs shall be provided to applicants upon reasonable request.

l. License Fees.

All persons applying for a license shall agree to pay all applicable license fees and costs when due, including a reasonable deposit for costs for the gathering of information and investigation in connection with the license application. Applicant shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the Bureau of Indian Affairs, the NIGC or other such agency as may be required by law.

m. Standards.

All persons engaged by or associated with any gaming activity on the reservation shall conduct themselves with honesty, integrity, and with such decorum and manners as may be deemed necessary to reflect positively on the Tribe, its Members and the gaming activity involved. Any failure to abide by such standards, or any violation of any rule, ordinance, custom, or tradition of the Tribe, the reservation or the gaming activity, or the terms or conditions of the license, may be grounds for the immediate suspension or revocation of any license issued hereunder.

n. Appeals.

All decisions of the Gaming Commission regarding the issuance of licenses shall be final, except that any Tribal Member who is denied a license by the Gaming Commission may within sixty (60) days of written notice of such denial, appeal that denial to the Tribal Business Council, which shall have the power to reverse the decision of the Gaming Commission and order that such license be issued, provided further that no such license shall be issued for more than one (1) year, subject to the renewal procedures set forth herein, and provided further that no order of the Tribal Business Council that a license be issued shall be valid if such an issuance would place the Tribe in violation of any Tribal-State Compact to which the Tribe is a party, or of any applicable law. Subject to the approval of the Tribal Business Council and provided that such license issuance would not place the Tribe in violation of any Tribal-State Compact to which the Tribe is a party, or of any applicable law, the aforesaid license requirements may be waived as to any Member of the Tribe.

o. License Suspension.

(1) If, after the issuance of a gaming license, the Gaming Commission receives reliable information from the NIGC or other reliable sources indicating that a Key Employee or a primary

management official is not eligible for employment under the eligibility criteria established in section 9 above, the Gaming Commission shall suspend the license and notify the licensee in writing of the license suspension and proposed revocation.

(2) The Gaming Commission shall notify the licensee in writing of a time and place for a hearing on the proposed revocation of a license.

(3) After the revocation hearing, the Gaming Commission shall determine whether to revoke or to reinstate the gaming license. For actions taken in response to information provided by the NIGC, the Gaming Commission shall notify NIGC of its decision.

p. Facilities Licenses.

Before gaming activities can be conducted therein, the Gaming Commission shall inspect and license, in accordance with this Ordinance and any requirements of IGRA, each such facility. Facilities in which gaming activities were taking place on the date this Ordinance was adopted shall be deemed to have qualified for and be operating under such a license upon adoption of this Ordinance.

Section 10. Application Forms.

a. Each application form for a Key Employee or a primary management official, as well as for other Class A license applications unless otherwise specifically exempted by the Gaming Commission, shall contain the two (2) notices set forth in subsection (1) and (2) below:

(1) Privacy Act Notice:

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 sey. 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 the National Indian Gaming Commission members and staff who have need for this information in performance of their official duties. The information may be disclosed to 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 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 and delay in processing your application.

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(2) Noti regarding False Statement.

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 and or imprisonment. (U.S. Code, title 18, ~1001)

b. Any existing Key Employee or primary management official, or other Class A licensee unless otherwise specifically exempted by the Gaming Commission, shall be notified that they shall either:

(1) Complete a new application form that contains the Privacy Act notice and the notice regarding false statements; or

(2) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice, and sign a statement that contains the notice regarding false statements.

Section 11. Class III Gaming: Tribal-State Compacts.

In addition to the provisions set forth above, no Class III gaming shall be engaged in on the reservation unless a Tribal-State Compact or alternative as provided by IGRA has first been obtained in accordance with IGRA. All negotiations for such Compacts shall be conducted through the Tribal Business Council, with the advice and suggestions of the Gaming Commission, and shall be finalized in accordance with Tribal Law. To the extent that any provision of a Tribal-State Compact is inconsistent with the provisions of this Ordinance, such Compact shall prevail and shall be deemed incorporated by reference herein.

Section 12. Interest in Management Contracts by Tribal Officials.

a. Restrictions. No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to IGRA, nor shall such elected official serve on the Board of Directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or ten percent (10%) or more of the beneficial interest in any partnership, trust, or any corporation or other entity, or in the case of any entity having thirty-five (35) or less owners, shareholders, partners or beneficiaries, any interest in any such corporation, partnership, trust or other entity, having a financial interest in, or a management responsibility for, such contract, or any other interest in any such entity.

Section 13. Regulation of Specific Games.

a. **Gaming Commission Rules.** The rules of each Class I game recognized hereunder, and of any Class II or Class III games permitted hereunder, shall be promulgated by the Gaming Commission and shall govern the conduct thereof.

Section 14. Repeal.

To the extent that they are inconsistent with this Ordinance, all prior gaming ordinances are hereby repealed.

Section 15. Amendments and or Revision.

No Amendments and or Revisions can be enacted upon this Ordinance unless first approved by the General Tribal Membership vote which must consist of fifty-one percent (51%) of the Tribal Membership.

Date: 7-23-93


Tribal Chairman