

FILE COPY

**NATIONAL
INDIAN
GAMING
COMMISSION**

AUG 23 1996

Ivan Makil
President
Salt River Pima-Maricopa Indian Community
Route 1, Box 216
Scottsdale, AZ 85256-9722

Dear President Makil:

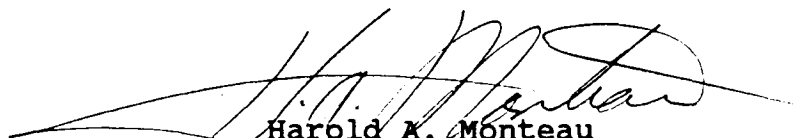
This letter responds to your request to review and approve the tribal gaming ordinance, Ordinance No. 219-96, adopted on June 26, 1996, by the Salt River Pima-Maricopa Indian Community (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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 Salt River Pima-Maricopa Indian Community for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

JUL - 1 1996

SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY
Rt. 1, Box 216
Scottsdale, AZ 85256

SRO 219-96

AN ORDINANCE TO GOVERN, REGULATE, AND CONTROL, GAMING ON THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY RESERVATION.

BE IT ENACTED BY THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY:

The Community's ordinance SRO-212-96 is hereby amended in Sections 9(b) and 11. The amended Ordinance is herewith set forth in its entirety, as follows.

Section 1. **Purpose**

It is the purpose of this Ordinance to govern and regulate the operation and conduct of all gaming activities on lands within the jurisdiction of the Salt River Pima-Maricopa Indian Community, in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, and to promote the development of a balanced tribal economy by dedicating all of the net revenues from such gaming activities to the public purposes of the Tribe, including the support of Community government programs which promote economic development and the health, education and welfare of the Community and its members.

Section 2. **Definitions**

For purposes of this Ordinance:

- (a) "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. Sections 2701 et seq.
- (b) "Applicant" means any person who has applied for a license under the provisions of this Ordinance.
- (c) "Application" means a request for the issuance of a license under the provisions of this Ordinance.
- (d) "Class II gaming" means Class II gaming as defined in accordance with the Act, 25 U.S.C. Sec. 2703(7)(A), and the regulations promulgated thereunder by the Commission.
- (e) "Class III gaming" means Class III gaming as defined in accordance with the Act, 25 U.S.C. Sec. 2703(8).

- (f) "Commission" means the National Indian Gaming Commission.
- (g) "Community" means the Salt River Pima-Maricopa Indian Community.
- (h) "Community Council" means the Salt River Pima-Maricopa Indian Community Council, the duly constituted governing body of the Salt River Pima-Maricopa Indian Community, empowered by the Salt River Pima-Maricopa Indian Community Constitution to adopt this Ordinance.
- (i) "Community law enforcement agency" means the police force of the Salt River Pima-Maricopa Indian Community established and maintained by the Community to carry out law enforcement on the Reservation.
- (j) "Community President" means the President of the Salt River Pima-Maricopa Indian Community.
- (k) "Community Regulatory Agency" means the Salt River Pima-Maricopa Indian Community Gaming Regulatory Agency established pursuant to this Ordinance.
- (l) "Compact" means such compact governing the conduct of Class III gaming on the Community's Reservation as may be entered into pursuant to the Indian Gaming Regulatory Act between the State of Arizona and the Salt River Pima-Maricopa Indian Community, and approved by the Secretary of the Interior, or such procedures promulgated by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act governing the conduct of Class III gaming on the Community's Reservation.
- (m) "Director" means the Executive Director of the Salt River Pima-Maricopa Indian Community Regulatory Agency established pursuant to this Ordinance.
- (n) "Enterprise" means the Salt River Pima-Maricopa Indian Community Gaming Enterprise established by the Salt River Pima-Maricopa Indian Community Council to conduct all gaming operations of the Community on the Reservation.
- (o) "Game" means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for coin, currency, property or other consideration or thing of value.
- (p) "Gaming" or "gambling" means to deal, operate, carry on, conduct, maintain or expose for play any game.
- (q) "Gaming device" means a microprocessor-controlled electronic device which allows a player to play games of

chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens or by the use of credit, and which awards game credits, cash, tokens, replays or a receipt that can be redeemed by the player for any of the foregoing. Game play may be displayed by video facsimile, or mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

(r) "Gaming employee" means any key employee, any primary management official, and any other person employed by the Enterprise, including but not limited to any person whose employment duties require or authorize access to restricted areas of a gaming facility not otherwise open to the public.

(s) "Gaming employee license" means a license issued by the Community Regulatory Agency pursuant to section 9 of this Ordinance permitting a person to be employed as a gaming employee.

(t) "Gaming equipment" means any machine, equipment or device which is specially designed or manufactured for use in the operation of any Class II or Class III gaming activity, including any gaming device.

(u) "Gaming facility" or "gaming facilities" means any room or rooms in which Class II gaming or Class III gaming is conducted on the Reservation.

(v) "Gaming facility license" means a license issued by the Community Regulatory Agency pursuant to section 11 of this Ordinance allowing permitting gaming operations at a gaming facility.

(w) "Gaming operation" means any Class II or Class III gaming conducted by the Enterprise pursuant to this Ordinance.

(x) "Gaming operator license" means a license issued by the Community Regulatory Agency pursuant to Section 12 of this Ordinance, permitting the Enterprise to conduct gaming operations at a gaming facility.

(y) "Gaming services" means:

(i) the providing of any goods or services (except for legal services) for the gaming facilities or the gaming enterprise in an amount in excess of \$5,000 in any single month, including but not limited to equipment, transportation, food, linens, janitorial supplies, maintenance, or security services;

(ii) the providing of any amount of gaming equipment to the Community or the Enterprise in connection with the operation of Class II or Class III gaming in a gaming facility;

(iii) the extension of or guarantee of any financing for the Enterprise or the gaming facilities by any person or entity other than the Community or an institutional investor;

(iv) the provision of any services by a management contractor.

(z) "Gaming services license" means a license issued by the Community Regulatory Agency pursuant to Section 10 of this Ordinance permitting a person or entity to provide gaming services.

(aa) "Institutional investor" means an agency of the United States; a lending institution licensed and regulated by the State or the United States; a mutual fund that meets the requirements of a 'qualified institutional buyer' as defined in Rule 144A of the Federal Securities Act; an insurance company as defined in Section 2(a)(17) of the Investment Company Act of 1940, as amended; and investment company registered under Section 8 of the Investment Company Act of 1940, as amended; an investment adviser registered under Section 203 of the Investment Advisers Act of 1940, as amended; a finance company with net assets in excess of \$250 million which regularly provides companies with asset-based equipment leasing or financing; or a gaming company duly licensed in such jurisdictions as the Community Regulatory Agency deems acceptable.

(bb) "Key employee" means:

(i) 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 or management
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gaming devices including persons with access to cash and accounting records within such devices;

(ii) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or

(iii) If not otherwise included, the four most highly compensated persons in the Enterprise.

(cc) "Management contract" means a contract within the meaning of 25 U.S.C. Sections 2710(d)(9) and 2711.

(dd) "Management contractor" means a natural person or entity that has entered into a management contract with the Community or the Enterprise which has been approved pursuant to 25 U.S.C. Sections 2710(d)(9) and 2711.

(ee) "Manufacturer" means a natural person or entity that manufactures Gaming Devices and/or component parts thereof as defined herein for use or play in the Gaming Facilities.

(ff) "National Indian Gaming Commission" means the National Indian Gaming Commission established pursuant to 25 U.S.C. Section 2704.

(gg) "Net revenues" means gross revenues of Class II and Class III gaming activities less amounts paid out as, or paid for, prizes and total operating expenses including debt service but excluding management fees paid to a management contractor within the meaning of 25 U.S.C. Section 2711(c).

(hh) "Ordinance" means this Salt River Pima-Maricopa Indian Community Gaming Ordinance, and any regulations and Standards of Operation and Management promulgated by the Community Regulatory Agency hereunder.

(ii) "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When "person" is used to designate the violator or offender of any law, it includes a corporation, partnership, or any association of persons.

(jj) "Principal" shall mean, with respect to any person:

(i) each of its officers and directors;

(ii) each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general management;

(iii) each of its owners or partners, if an unincorporated business;

(iv) each of its shareholders who own more than ten percent of the shares of the corporation, if a corporation;

(v) each person other than a banking institution who has provided financing for the entity constituting more than ten percent of the total financing of the entity; and

(vi) each of the beneficiaries, or trustees of a trust.

(kk) "Primary management official" means:

(i) The person having management responsibility for or under a management contract; or

(ii) Any person who has authority:

(1) To hire and fire employees; or

(2) To set up working policy for the Enterprise; or

(iii) The chief financial officer or other person who has financial management responsibility for the Enterprise.

(ll) "Reservation" means all lands within the limits of the Salt River Pima-Maricopa Indian Community Reservation, and all other lands title to which is held in trust by the United States for the benefit of the Community or any individual member or members of the Community or held by the Community or an individual member of the Community subject to restriction by the United States against alienation and over which the Community exercises governmental power.

(mm) "Revocation hearing" means a hearing conducted to consider the initial denial, or subsequent conditioning, suspension or revocation of a gaming employee or gaming services license.

(nn) "State" means the State of Arizona, its authorized officials, agents and representatives.

(oo) "State gaming agency" means such agency of the State of Arizona which the Governor may from time to time designate by written notice to the Community as the single state agency which shall act on behalf of the State under the Compact.

Section 3. Adoption of Compact

At such time as the Compact becomes legally effective pursuant to the Act, the Compact shall be deemed to be incorporated herein and enacted as an integral part of this Ordinance as if set forth in full herein, and in the event of any conflict between a provision

of this Ordinance and a provision of the Compact, the provision set forth in the Compact shall be deemed to be controlling, except in the event that the provision set forth in this Ordinance is stricter or more stringent. The adoption of the Compact and incorporation herein shall under no circumstances be deemed to affect the operation by the Community of any Class II gaming, whether conducted within or without the gaming facilities, or to confer upon the State any jurisdiction over such Class II gaming conducted by the Community on the Reservation.

Section 4. **Gaming Authorized**

The Enterprise on behalf of the Tribe may conduct Class II gaming, and the Enterprise on behalf of the Tribe may conduct all types of Class III gaming authorized by the compact once the Compact becomes legally effective pursuant to the Act. No person under the age of 21 shall be allowed to be permitted to place any wager, directly or indirectly, on any Class II or Class III gaming.

Section 5. **Ownership of Gaming**

The Community shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance; provided, however, that nothing herein shall be construed to prevent the Community from granting security interests or other financial accommodations to secured parties, lenders or others, or to prevent the Community from entering into true leases or financing lease arrangements, or to interfere with the exercise by any secured party of its rights under any financing agreement with the Community to enforce its security interests in the premises on which such gaming activities may be conducted, or to enforce its rights against gross revenues of the Community from its gaming activities for the purpose of repayment of the debt obligations of the Community to such secured party in accordance with the provisions of such agreements.

Section 6. **Use of Gaming Revenue**

(a) In compliance with Sec. 2710(b)(2)(B) of the Act, net revenues from Class II and Class III gaming shall be used only for the following purposes:

- (i) to fund tribal government operations and programs;
- (ii) provide for the general welfare of the Community and its members.
- (iii) promote tribal economic development;
- (iv) donate to charitable organizations; or
- (v) help fund operations of local government agencies.

(b) If the Community elects to make per capita payments to Community members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under Sec. 2710(b)(3) of the Act.

Section 7. **Audit**

The Enterprise shall cause to be conducted annually an independent audit of all 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 contracts for professional legal and accounting services, shall be specifically included within the scope of such audit.

Section 8. **Protection of the Environment and Public Health and Safety**

All gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety, and for that purpose shall comply with the standards generally imposed by the Uniform Laws Annotated Codes covering the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code, and Uniform Fire Code, the public health standards for food and beverage handling requirements of the United States Public Health Service, and all other applicable health, safety and environmental standards of the Community.

Section 9. **Gaming Employee Licenses**

All Class II and Class III gaming employees shall be required to obtain a gaming employee license from the Community Regulatory Agency, and no person may commence or continue employment as a gaming employee unless he or she is the holder of a valid current gaming employee license or temporary gaming employee license issued by the Community Regulatory Agency, and is certified by the State gaming agency if so required by the Compact. No person may commence employment as a gaming employee unless such person is at least 18 years of age, and no person shall be employed in the service of alcoholic beverages at any gaming facility, if such service of alcoholic beverages is allowed by the Community, unless such person is at least 21 years of age. The Community Regulatory Agency shall ensure that the policies and procedures set out in Appendix A attached hereto and made a part hereof are implemented with respect to gaming employee licensure for all Class II and Class III gaming employees. The Community Regulatory Agency shall be empowered to create a dual or multi-tiered licensure system which requires a greater degree of information be provided and a more comprehensive background investigation be employed with respect to prospective key employees and primary management officials.

(a) Application Forms. The Community Regulatory Agency shall ensure that all application forms for a gaming employee license shall contain the notice described in Section A of Appendix A, and require at a minimum that each prospective employee provide the Community Regulatory Agency with the information set out in Section B of Appendix A.

(b) Background Investigations. The Community Regulatory Agency shall ensure that a background investigation is conducted on all prospective gaming employees upon receipt of a completed application for employment as a gaming employee. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible, ~~and in any event shall be completed within thirty days from the time of commencement.~~ ^{deleted} The Community law enforcement agency, or such other third-party investigative entity with which the Community Regulatory Agency may contract, shall assist the Community Regulatory Agency in conducting background investigations as deemed necessary and appropriate by the Community Regulatory Agency. The Community Regulatory Agency shall conduct an investigation sufficient to make a determination under subsection (c) below. In conducting such background investigation, the Community Regulatory Agency and its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation. The Community shall enter into an agreement with the National Indian Gaming Commission as a third-party investigative entity for purposes of taking and checking fingerprints of all applicants and conducting any additional criminal history checks as may be deemed necessary by the Commission pursuant to 25 C.F.R. § 522.2(h).

(c) Eligibility Determination. The Community Regulatory Agency shall, as soon as possible after completion of the background investigation, determine whether an applicant is eligible for a gaming employee license. The Community Regulatory Agency shall determine that an applicant is not eligible for a gaming employee license if such applicant:

(i) has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations, pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this Ordinance, or

(ii) has failed to provide any information reasonably required to investigate the application for a gaming employee license or to reveal any fact material to such application, or has furnished any information which is

untrue or misleading in connection with such application,
or

(iii) has been convicted of any felony or gaming offense...

if applicable under the eligibility standards adopted by the Regulatory Agency.

(d) Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the National Indian Gaming Commission. Upon completion of a background investigation, and an eligibility determination for a gaming employee license pursuant to subsection (d) of this section, and in any event no later than the time when a key employee or primary management official begins work, the community Regulatory Agency shall forward to the National Indian Gaming Commission a copy of the completed application for employment, and a investigative report on the background investigation required pursuant to subsection (b) of this section. Such investigative report shall include the steps taken in conducting the background investigation, the results obtained, the conclusions reached, and the bases for those conclusions, along with a copy of the eligibility determination made pursuant to subsection (c) of this section. Such eligibility determination and investigative report shall be forwarded to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System, regardless of whether a prospective licensee is granted or denied a license. The Community Regulatory Agency shall retain applications for employment of key employees and primary management officials and reports of background investigations of such individuals for inspection by the Chairman of the Commission or his or her designee for no less than three years from the date of termination of employment.

(e) Granting a Gaming License. Upon completion of the eligibility determination required pursuant to subsection (c) of this section, the Community Regulatory Agency shall either grant or deny a gaming employee license. Any individual denied a gaming employee license shall be entitled to a revocation hearing. In the event the Community Regulatory Agency determines that a key employee or primary management official is eligible to be granted a gaming employee license, such individual shall be granted a temporary gaming license pending completion of the following procedure. If, upon completion of a 30-day period after receipt by the Chairman of the National Indian Gaming Commission of the investigative report required pursuant to subsection (d) of this section, the Commission notifies the Community Regulatory Agency that it has no objection to the issuance of a gaming employee license, or fails to provide the Community Regulatory Agency with a request for further information or a statement itemizing objections to the issuance of a gaming employee license to a key employee or primary management official, the Community Regulatory Agency shall grant a gaming employee

license to such individual. If, however, the Chairman requests further information during the 30-day period, the 30-day period shall be suspended until the Chairman receives the information requested. If, within the 30-day period, the Commission provides the Community Regulatory Agency with a statement itemizing objections to the issuance of a gaming employee license to a key employee or to a primary management official, the Community Regulatory Agency shall reconsider the license application, taking into account the objections itemized by the Commission. The Community Regulatory Agency shall make the final decision whether to issue a gaming employee license to such applicant. Each temporary gaming employee license shall expire and become void and of no effect upon the determination by the Community Regulatory Agency of the applicant's suitability for a gaming employee license. Each holder of a gaming employee license shall be required to wear in plain view while at work an identification card issued by the Community Regulatory Agency which includes the holder's photograph, first and last name, and an identification number unique to the individual license which shall include a tribal seal or signature, and an expiration date.

(f) License Suspension and Revocation. The issuance of a gaming employee license by the Community Regulatory Agency shall not create or imply a right of employment or continued employment. ~~The Enterprise shall not employ, and if already employed, shall terminate, and the Community Regulatory Agency shall revoke the license of any person who has been convicted of any felony or gaming offense.~~ ^{Amended} If, after the issuance of a gaming employee license, the Community Regulatory Agency receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment pursuant to the standard for eligibility determination contained in subsection (c) of this section, the Community Regulatory Agency shall suspend such license, shall notify in writing the licensee of the suspension and proposed revocation of the licensee's gaming employee license, and shall hold a revocation hearing. After the revocation hearing, the Community Regulatory Agency shall decide to revoke or to reinstate the gaming employee license, and shall notify the licensee and the Commission of its decision. Additionally, the Community Regulatory Agency shall have the right to conduct additional background or other investigations of any gaming employee at any time, and may suspend or revoke any gaming employee license issued hereunder if new information concerning facts arising either prior to or since the issuance of the Regulatory Agency which information could justify denial of such original license, or any renewal thereof; provided, however, that no such license shall be suspended without notice and a revocation hearing unless the Community Regulatory Agency determines that continued licensing

constitutes an immediate threat to the public health, safety or welfare, or the integrity of gaming on the Reservation, and no license shall be revoked until the Community Regulatory Agency has provided the licensee with a revocation hearing.

(g) License Duration and Renewal. Any gaming employee license shall be effective for one year from the date of issuance; provided, that a licensee who has applied for renewal may continue to be employed or engaged under the expired license until action is taken on the renewal application by the Community Regulatory Agency. Applicants for renewal of a gaming employee license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the Community Regulatory Agency. Additional background investigations shall not be required for applicants for license renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by either the Community Regulatory Agency or the State gaming agency.

Section 10. Gaming Services Licenses

No person or entity may provide gaming services to the Community or the Enterprise, within or without the gaming facilities, unless it is the holder of a valid current gaming services license issued by the Community Regulatory Agency. Each manufacturer and supplier of gaming devices used by the enterprise shall be required to hold a valid current gaming services license before providing or supplying gaming devices to any gaming operation. Any management contractor, including the management contractor's principals, shall be required to hold a valid current gaming services license and to have received approval of its management contract by the National Indian Gaming Commission, before providing management services to any gaming operation.

(a) Application Forms. The Community Regulatory Agency shall ensure that all application forms for a gaming service license shall contain a form of the notice described in Section A of Appendix A, and require at a minimum that each prospective gaming service licensee provide the Community Regulatory Agency with the information set out in Section B of Appendix A concerning the applicant and the applicant's principals. The community Regulatory Agency shall require each prospective provider of gaming services to provide the Community Regulatory Agency with such information, documentation and assurances as may be required by the Community Regulatory Agency, which shall at a minimum identify all of said applicant's principals, and which shall concern the applicant's and each principal's personal and family history, personal and business references, criminal conviction record, business activities, financial affairs, prior gaming industry

experience and general educational background; all of the foregoing as may be applicable to such applicant or such principal. Each such application shall be accompanied by the fingerprint card(s) and current photograph(s) of each principal of the applicant in form as required by the Community Regulatory Agency.

(b) Background Investigations. The Community Regulatory Agency shall ensure that a background investigation is conducted on all prospective gaming services providers upon receipt of a completed application. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible, ~~and in any event shall be completed within sixty days from the time of commencement.~~ *deleted* The Community law enforcement agency, or such other third-party investigative entity with which the Community Regulatory Agency may contract, shall take fingerprints pursuant to 25 C.F.R. § 522.2(h), *deleted* and shall assist the Community Regulatory Agency in conducting background investigations as deemed necessary and appropriate by the Community Regulatory Agency. The Community Regulatory Agency shall conduct an investigation sufficient to make a determination under subsection (c) below. In conducting such background investigation, the Community Regulatory Agency or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

(c) Eligibility Determination. The Community Regulatory Agency shall, as soon as possible after completion of the background investigation, determine whether an applicant is eligible for a gaming services license. The Community Regulatory Agency shall determine that an applicant is not eligible for a gaming services license if such applicant, or any principal identified with such applicant:

(i) 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 of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this Ordinance, or

(ii) has failed to provide any information reasonably required to investigate the application for a gaming services license or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application, or

(iii) has been convicted of a felony or a gaming offense *if applicable*
under the eligibility standards adopted by the Regulatory Agency.

(d) Granting a Gaming Services License. Upon completion of the eligibility determination required pursuant to subsection (c) of this Section, the Community Regulatory Agency shall either grant or deny a gaming services license. Any gaming services licensee applicant denied a gaming services license shall be entitled to a revocation hearing.

(e) License Suspension and Revocation. The issuance of a gaming services license by the Community Regulatory Agency shall not create or imply a right to supply gaming services on a continuing basis. The Community Regulatory Agency shall have the right to conduct additional background or other investigations of any gaming services licensee or principal of such licensee at any time, and may suspend or revoke any gaming services license issued hereunder if new information concerning facts arising either prior to or since the issuance of the original license, or any renewal thereof, comes to the attention of the Community Regulatory Agency which information could justify denial of such original license, or any renewal thereof; provided, however, that no such license shall be suspended without notice and hearing unless the Community Regulatory Agency determines that continued licensing constitutes an immediate threat to the public health, safety or welfare, or the integrity of gaming on the Reservation, and no license shall be revoked until the Community Regulatory Agency has provided the licensee with a revocation hearing; and provided further, that the licensee shall be entitled to any payment due for services provided or goods delivered prior to the effective date of suspension or revocation of the license.

(f) License Duration and Renewal. Any gaming services license shall be effective for one year from the date of issuance; provided, that a licensee who has applied for renewal may continue to supply gaming services under the expired license until action is taken on the renewal application by the Community Regulatory Agency. Applicants for renewal of a gaming services license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the Community Regulatory Agency. Additional background investigations shall not be required of applicants for license renewal unless new information concerning the applicant's continuing eligibility for a license is discovered by the Community Regulatory Agency.

Section 11. Gaming Facility Licenses

Upon issuance of a certificate of occupancy by the Tribe's Community Development Department, the Community Regulatory Agency

shall issue a separate gaming facility license to each gaming facility, which license shall be required for each place, facility, or location on Indian lands within the Community, prior to commencement of any gaming operations at such gaming facility, certifying that such gaming facility has been constructed in accord with the standards set forth in Section 8 of this Ordinance. The Community Regulatory Agency shall enforce the health and safety standards applicable to the gaming facilities in accordance with Section 8 of this Ordinance. Such gaming facility license shall be renewed on an annual basis by the Community Regulatory Agency, provided that the gaming facility is maintained and operated in accord with the standards set forth in section 8 of this Ordinance. The Community Regulatory Agency shall not renew a gaming facility license, and shall suspend or revoke a gaming facility license, in the event that the Community Development Department suspends or revokes the certificate of occupancy for the gaming facility, or the Community Development Department determines the gaming facility is not maintained and operated at all times in accord with the standards set forth in Section 8 of this Ordinance.

Section 12. **Gaming Operator License**

The Community Regulatory Agency shall issue a gaming operator license prior to commencement of any gaming operations at a gaming facility, certifying that each principal, primary management official and key employee of the Enterprise holds a valid current gaming employee license issued in accordance with Section 9 of this Ordinance. Such gaming operator license shall be renewed on an annual basis by the Community Regulatory Agency, provided that each principal, primary management official and key employee of the Enterprise continues to hold a valid current gaming employee license, and such license may be suspended or revoked by the Community Regulatory Agency in the event that such requirements are not met.

Section 13. **Gaming Regulatory License**

Until the Executive Director notifies the Director of the Community Development Department and the members of the Community Regulatory Agency Board that the Community Regulatory Agency has the ability to take over all gaming regulator licensing, no person may commence or continue employment as a Board member, Director, staff or inspector in the Salt River Pima-Maricopa Gaming Regulatory Department unless he or she is the holder of a valid current gaming regulator license issued by the Community Development Department and the Community Regulatory Agency, after the notification described in this paragraph (hereafter called "Regulatory Licensor"). The Community Development Department shall ensure that the policies and procedures set out in Appendix A attached hereto and made a part hereof are implemented with respect to gaming regulator licensure for prospective gaming regulator licensees.

(a) Application Forms. The Regulator Licensor shall ensure that all application forms for a gaming regulator license shall contain the notice described in Section A of Appendix A, and require at a minimum that each prospective licensee provide the Regulator Licensor with the information set out in Section B of Appendix A.

(b) Background Investigations. The Regulator Licensor shall ensure that a background investigation is conducted on all prospective Gaming Regulatory licensees upon receipt of a completed application for employment as a gaming regulator. Such background investigation shall commence immediately upon receipt of the completed application and shall be conducted as quickly as possible, and in any event shall be completed within thirty days from the time of commencement. The Community law enforcement agency, or such other third-party investigative entity with which the Regulator Licensor may contract, shall assist the Regulator Licensor in conducting background investigations as deemed necessary and appropriate by the Regulator Licensor. The Regulator Licensor shall ensure that an investigation is conducted sufficient to make a determination under subsection (c) below. In conducting such background investigation, the Regulator Licensor or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation. All actions of the Director not subject to the policies and procedures of the Community, except those policies and procedures adopted pursuant to the regulatory provisions of this ordinance, may be reviewed by the Board at the request of any person or at the Board's own initiative upon the Board's written finding that the review will deal with a matter which significantly effects the operation of the Community Regulatory Agency or any entity subject to its regulation.

(c) Eligibility Determination. The Regulator Licensor shall, as soon as is practicable after completion of the background investigation, determine whether an applicant is eligible for a gaming regulator license. The Regulator Licensor shall determine that an applicant is not eligible for a gaming regulator license if such applicant:

(i) has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations, pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of the gaming activities permitted pursuant to this Ordinance, or

(ii) has failed to provide any information reasonably required to investigate the application for a gaming

employee license or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application, or

(iii) has been convicted of any felony or gaming offense *if applicable*
under the regulatory standards adopted by the appropriate agency.

(d) Granting a Gaming Regulator License. Upon completion of the eligibility determination required pursuant to subsection (c) of this section, the Regulator Licenser shall either grant or deny a gaming regulator license. Any person denied a gaming regulator license shall have the opportunity to appeal such denial to the Community Council, or such body delegated by the Community Council to hear such appeals, pursuant to procedures similar in form to the procedures used in a revocation hearing.

(e) License Suspension and Revocation. The issuance of a gaming regulator license by the Regulator Licenser shall not create or imply a right of employment or continued employment. The Regulator Licenser shall have the right to conduct additional background or other investigations of any licensee at any time, and may suspend or revoke any gaming regulator license issued hereunder if new information concerning facts arising either prior to or since the issuance of the original license, or any renewal thereof, comes to the attention of the Regulator Licenser which information could justify denial of such original license, or any renewal thereof; provided, however, that no such license shall be suspended without notice and hearing unless the Regulator Licenser determines that continued licensing constitutes an immediate threat to the public health, safety or welfare, or the integrity of gaming on the Reservation, and no license shall be revoked until the Regulator Licenser has provided the licensee with the opportunity to appeal such denial to the Community Council, or such body delegated by the Community Council to hear such appeals, pursuant to procedures similar in form to the procedures used in a revocation hearing.

(f) License Duration and Renewal. Any gaming regulator license shall be effective for one year from the date of issuance; provided, that a licensee who has applied for renewal may continue to be employed or engaged under the expired license until action is taken on the renewal application by the Regulator Licenser. Applicants for renewal of a gaming regulator license shall provide updated material as requested, on the appropriate renewal forms, but shall not be required to resubmit historical data already available to the Regulator Licenser. Additional background investigations shall not be required of applicants for license renewal unless

new information concerning the applicant's continuing eligibility for a license is discovered by or made available to the Regulator Licenser.

Section 14. Community Regulatory Agency

(a) Establishment of the Community Regulatory Agency and Board. The Salt River Pima-Maricopa Indian Community Regulatory Agency is hereby established. The Community Regulatory Agency shall be a regulatory agency of the Salt River Pima-Maricopa Indian Community, governed by ^a Board composed of three members, ~~The Board shall consist of a~~ Chairman and two other members, at ^{lea} least two of whom shall be members of the Community, and all of whom shall be selected by the Community Council. Each Board member shall serve for a term of three years commencing on the date of their appointment; provided, that the initial members so appointed shall serve for terms deemed to commence on [October __, 1996] and one of the initial members appointed shall be designated to serve for an initial term of one year and one of the initial members appointed shall be designated to serve for an initial term of two years. Board members shall serve on a part-time basis, and the Community Council shall establish the compensation of the Board members. Board members shall serve at the pleasure of and may be removed with or without cause by a vote of a majority of the members of the Community Council then in office. Vacancies in the Board may be filled by appointment by the Community President pending action by the Community Council. All decisions of the Board are final and are not subject to further judicial or political review or appeal.

(b) Director. The Community Council shall appoint an individual to serve as a full-time Director of the Community Regulatory Agency to administer its responsibilities on a day to day basis. The Director shall be required to have a minimum of five years of experience as a gaming regulator. The compensation of the Director shall be established by the Community Council. The Director shall be responsible for coordination of the functions of the Community Regulatory Agency with the Community Council, the Enterprise, the Community law enforcement agency, the State gaming agency, state and federal law enforcement agencies, and the National Indian Gaming Commission. The Board may request the Director to conduct investigations and render recommendations to the Community Regulatory Agency with respect to the grant or denial, suspension or revocation of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Community Regulatory Agency. The Director shall hire, pursuant to the authorized budget for the Community Regulatory Agency, and supervise and oversee inspectors and such other staff,

consultants and counsel as the Community Regulatory Agency may from time to time employ. The Director shall have the power, in the name of the Community Regulatory Agency, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Community Regulatory Agency, which the Community Regulatory Agency may exercise under this Ordinance and any other applicable law. The Director shall further have the power, in the name of the Community Regulatory Agency, to issue, deny, condition, suspend or revoke any gaming employee license, gaming services license, gaming facility license, or gaming operator license, and to take any other action on behalf of and in the name of the Community Regulatory Agency, unless such power is reserved to the Board by this Ordinance or regulations adopted hereto. The Director shall be the agent of the Community for the service by the National Indian Gaming Commission of process, or any official determination, order or notice pursuant to the Act or to 25 C.F.R. § 522.2(g). All actions of the Director may be reviewed by the Board, acting on its own initiative or at the request of the Director, and subject to such review any action of the Director may be upheld, vacated or revised by the Board.

(c) Restriction on Activities. Neither the Board members, the Director nor the staff of the Community Regulatory Agency shall participate as a player in any gaming activity conducted by the Community, or have any personal financial interest in any gaming activity conducted by the Community, or engage in any business or have any personal financial activity in any business which is licensed or regulated by the Community Regulatory Agency pursuant to this Ordinance, or be employed by the Enterprise.

(d) Powers and Duties of the Community Regulatory Agency. The Community Regulatory Agency shall have the following powers and duties:

(i) The Community Regulatory Agency shall have primary responsibility for oversight of Community gaming operations to assure the integrity of such operations and shall, for that purpose employ as staff of the Community Regulatory Agency inspectors who shall be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of and report to the Community Regulatory Agency and not to any management employees of the Community gaming operations. Inspectors appointed by the Community Regulatory Agency and the Board members, Director and staff of the Community Regulatory Agency, shall be licensed by the Regulator Licensor in accordance with Section 13 of this Ordinance.

(ii) Community Regulatory Agency inspectors shall have unrestricted and immediate access to any and all areas of the gaming facilities at all times for the purpose of ensuring compliance with this Ordinance and other applicable laws, and personnel employed by the Enterprise shall for such purposes provide such inspectors access to locked and secure areas of the gaming facilities in accordance with this Ordinance and other applicable laws. An inspector or inspectors shall be present in the Gaming Facilities during all hours of gaming operation. Such inspectors shall report to the Community Regulatory Agency regarding any failure by the Enterprise, any employee or agent of the Enterprise, or any person or entity to comply with any of the provisions of this Ordinance and other applicable laws. Inspectors assigned by the Community Regulatory Agency shall also receive consumer complaints within the gaming facilities and shall assist in seeking voluntary resolution of such complaints.

(iii) The Community Regulatory Agency shall have the responsibility and authority to investigate any alleged or reported violations of this Ordinance, and all other applicable laws. The Community Regulatory Agency shall on its own initiative investigate any aspect of the operations of the Enterprise in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Enterprise or any other person or entity to comply with the provisions of this Ordinance and all other applicable laws. The Community Regulatory Agency may receive any complaint from any person, including the gaming public or any gaming employee, who is or who claims to be adversely affected by any act or omission of a gaming operation or any employee thereof and which is asserted to violate this Ordinance, the Act or other applicable law. The Community Regulatory Agency may, in its sole discretion, conduct a hearing and receive evidence, pursuant to such procedures as it may adopt, if it deems an evidentiary proceeding useful in the resolution of any such complaint or alleged violation or breach. The Community Regulatory Agency may compel any person employed by or doing business with the Enterprise to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation. The Community Regulatory Agency shall make a written record of any unusual occurrences, violations or suspected violations, without regard to materiality. In the event of a determination by the Community Regulatory Agency of a violation of this

Ordinance or other applicable laws, the Community Regulatory Agency shall require the Enterprise or the holder of a license to take any corrective action deemed necessary by the Community Regulatory Agency upon such terms and conditions as the Community Regulatory Agency may determine necessary and proper pursuant to this Ordinance. Appropriate disciplinary action may include, but not be limited to, suspension or revocation of a license, and confiscation or shutting down any gaming device or other equipment or gaming supplies which fail to conform with required standards. The Director shall report regularly to the Community Council on material violations of the provisions of this Ordinance and actions taken by the Community Regulatory Agency in response to such violations.

(iv) The Community Regulatory Agency shall prepare a plan for the protection of public safety and the physical security of patrons in each of the gaming facilities, following consultation and agreement with the Enterprise, the Community law enforcement agency and the appropriate state and federal law enforcement agencies, setting forth the respective responsibilities of the Community Regulatory Agency, the security department of the Enterprise, the Community law enforcement agency and the appropriate state and federal law enforcement agencies.

(v) The Community Regulatory Agency, through action of the Board, shall establish and revise Standards of Operation and Management for Class II and Class III gaming activities, which Standards of Operation and Management shall be approved by the Community Council. The initial Standard of Operation and Management for Security and Surveillance Requirements is hereby adopted and set forth in Appendix B attached hereto. The Community Regulatory Agency shall require that the Enterprise establish, pursuant to the Security and Surveillance Requirements set forth in Appendix B, a closed-circuit television surveillance system capable of recording and preserving on videotape all areas of the gaming facilities required by the Community Regulatory Agency to be under surveillance. The Community Regulatory Agency shall review and approve floor plans and surveillance systems for each gaming facility.

(vi) The Community Regulatory Agency shall issue or deny and, when necessary and appropriate, condition, suspend or revoke, gaming employee licenses, gaming services licenses, gaming facility licenses, and gaming operator licenses, in accordance with sections 9, 10, 11, and 12, respectively, of this Ordinance.

(vii) The Community Regulatory Agency shall establish a list of persons barred from the gaming facilities because their criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the gaming activities of the Community.

(viii) The Community Regulatory Agency, through action of the Board, may impose penalties for violations of this Ordinance, the Standards of Operation and Management, and other applicable laws, in accordance with Section 15 of this Ordinance.

(ix) The Community Regulatory Agency may recommend to the Community Council that the Community bring any civil action or criminal complaint in the courts of the Community, the State or the United States to enforce the provisions of this Ordinance or to enjoin or otherwise prevent any violation of this Ordinance, the Act or other applicable laws, occurring on the Reservation.

(x) The Community Regulatory Agency, through action of the Board, shall adopt an annual operating budget which shall be subject to the approval of the Community Council, and shall in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance. All employees of the Community Regulatory Agency, including the Director and the Board members, shall be tribal employees subject to the personnel policies of the Community.

(xi) The Community Regulatory Agency may set fees to be assessed against gaming employees and gaming services providers to cover the costs incurred by the Community Regulatory Agency in conducting background investigations required for licensure of gaming employees and gaming services providers.

(xiii) The Community Regulatory Agency may adopt regulations to authorize the use of credit by gaming customers.

(e) Emergency Powers of the Director. The Director or any other member of the Community Regulatory Agency acting in the absence of the Director may, whenever he or she deems it necessary to protect the public interest in the integrity of tribal gaming operations, issue in the name of the Community Regulatory Agency any order which the Community Regulatory Agency has the power to issue, to the Enterprise or to any employee or contractor of the Enterprise or to any other person or entity within the jurisdiction of the Community, to

take any action or cease and desist from any action as may be required to protect the public interest; provided, that any such order shall be subject to review by the Board at its earliest opportunity, whereupon it may be confirmed or vacated by the Board.

(f) Procedures of the Community Regulatory Agency Board.

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

(ii) Special meetings of the Board may be called by the Chairman or the Director. The person or persons calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need to be specified in the notice of the meeting.

(iii) At any meeting of the Board, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Board. The Chairman shall preside at all meetings of the Board unless the Chairman designates another member to preside in his absence.

(iv) Any action required or permitted to be taken at a meeting of the Board may be taken without a meeting if all the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Board, and shall have the same effect as a unanimous vote or resolution of the Board at a legal meeting thereof. Any such action taken by unanimous written consents may, but need not be, set forth in such consents in the form of resolutions or votes.

(v) Members of the Board may participate in a meeting of the Board by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such matter by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.

(vi) The Board shall adopt such additional procedures, rules and regulations as it deems necessary or convenient

to govern the affairs of the Community Regulatory Agency and which are consistent with this Ordinance.

(vii) The Board shall conduct all revocation hearings mandated by this Ordinance. All revocation hearings shall afford the person affected with at least fifteen days written notice of the proposed action and the opportunity to appear and be heard before the Board, to be represented by counsel at such hearing, and to offer sworn oral, written and documentary evidence relevant to the breach or action charged. All decisions of the Board at revocation hearings shall be in writing and shall be made available to the person affected. Notwithstanding the foregoing, if the Board deems it necessary to protect the public interest in the integrity of the gaming activities, the Board may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial gaming employee license or gaming services license or who is barred from the gaming facilities by action of the Board may request a revocation hearing before the Board, provided such person submits such request in writing submitted within thirty days following receipt of notice of the action of the Community Regulatory Agency.

Section 15. **Penalties**

Any person who violates any provision of this Ordinance shall be subject to civil penalties including exclusion from employment by the Enterprise, exclusion from attendance at any gaming facility, exclusion from the Reservation if a non-member of the Community, or, with respect to any person subject to the jurisdiction of the Community to impose such fines, a fine of not more than \$5,000.00 for each such violation. The Community Regulatory Agency shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Community.

Section 16. **Repeal and Severability**

To the extent that they are inconsistent with this ordinance, all prior gaming ordinances of the Community are hereby repealed. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall remain valid and shall not be thereby affected.

Section 17. Compliance with the Act

This Ordinance shall be construed in a manner which conforms to the Act in all respects, and if inconsistent with the Act in any manner, the provisions of the Act shall govern.

Section 18. Prohibited Acts

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

(a) Conduct or participate in any Class II or Class III gaming on the Reservation other than in a licensed gaming facility.

(b) Receive, distribute, apply or divert any property, funds, proceeds or other assets of a gaming operation to the benefit of any individual or other person except as authorized by this ordinance, the Act or other application law.

(c) Tamper with any equipment used in the conduct of gaming with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of the gaming operation.

(d) Do any other act in connection with the conduct of gaming with the intent to affect the outcome of any game or any wager other than in accordance with the publicly announced rules of the gaming operation.

(e) Alter or misrepresent the outcome or other event on which wagers have been made after the outcome is determined but before it is revealed to the players.

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

(g) Claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from any authorized game, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

(h) Manipulate, with intent to cheat, any component of any authorized game or the game itself in a manner contrary to the designed and normal operational purpose for the component, or the game itself.

(i) Use tokens or chips for wagers other than those approved by the Community Regulatory Agency, or use counterfeit or fraudulent coin, currency or other money or funds of any kind.

(j) Possess or entice another person to possess any device to assist in projecting the outcome of any game, including but not limited to devices designed to count cards, analyze probabilities, or suggest strategies for playing or betting, or use or entice another person to use any device or means to cheat or defraud.

(k) Possess ^{a weapon} or discharge any firearm ~~in any gaming facility~~ ^{annexed} ~~except in accordance with the Community Regulatory Agency.~~

(l) Act or conspire with another to give, or offer to give, any money, thing of value, gift or other consideration to any elected official or employee of the Community, including employees and officials of the Enterprise and the Community Regulatory Agency, for the purpose of influencing any action or decision relating to gaming or Community governmental activities related thereto.

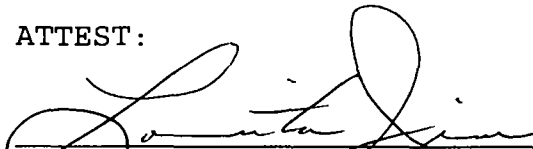
C E R T I F I C A T I O N

Pursuant to authority contained in Article VII, Section (c) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, the foregoing ordinance was adopted this 26th day of June, 1996, in a duly called meeting held by the Community Council in Salt River, Arizona, at which a quorum of 9 members were present by a vote of 8 for; 0 opposed; 1 absent (out of room).

SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL


Ivan Makil, President

ATTEST:


Lonita Jim, Secretary

APPENDIX A

(A) Application Forms for a License as a Gaming Employee

1. The following notice ("Privacy Act Notice") shall be placed on the application form for all Gaming Employees 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 the individuals to be employed in a gaming operation. The information will be used by the Salt River Pima-Maricopa Indian Community, the State of Arizona, and by National Indian Gaming Community Regulatory Agency 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 the Salt River Pima-Maricopa Indian Community, the State of Arizona or the National Indian Gaming Community Regulatory Agency 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 the Salt River Pima-Maricopa Indian Community being unable to hire you as a gaming employee.

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

2. Existing Gaming Employees shall be notified in writing that they shall either:

(a) Complete a new application form that contains Privacy Act Notice; or

(b) Sign a statement that contains the Privacy Act Notice and consent to the routine uses described in that notice.

3. The following notice ("False Statement Notice") shall be placed on the application form for Gaming Employees 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.)

4. The Community shall notify in writing existing Gaming Employees that they shall either:

(a) Complete a new application form that contains a False Statement Notice; or

(b) Sign a statement that contains the False Statement Notice.

(B) Information Required as Part of Background Investigations.

1. The Community shall require each prospective Gaming Employee to provide, at a minimum, 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 drivers 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, and 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 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 (l)(h) or (l)(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 Community Regulatory Agency deems relevant; and

(n) Fingerprints consistent with procedures adopted by the Community Regulatory Agency according to 25 C.F.R. § 522.2(h).

APPENDIX B

[Same as Security and Surveillance Standards set forth in the existing compacts]

STATE OF ARIZONA GAMING COMPACT

SECURITY AND SURVEILLANCE REQUIREMENTS

(A) **Closed Circuit Television.** The Gaming Facility operator shall install, maintain and operate a closed circuit television system according to the specifications set forth in this Appendix. The Tribal Gaming Agency and the State Gaming Agency shall have access to the system or its signal at all times.

(B) **Required Equipment.** The closed circuit television system shall include, but shall not be limited to, the following equipment:

(1) **Cameras.** Pan, tilt, zoom, commonly referred to as P.T.Z. cameras, that are light sensitive and capable of being placed behind a dome or one-way mirror which conceals the P.T.Z. cameras from view. Each camera shall have the capability to distinguish a clear, unobstructed view of the areas where Gaming Devices are operated as part of a network.

(2) **Video printers.** Video printers shall be capable of adjustment and shall possess the capability to generate instantaneously upon command a clear, still copy of the image depicted on a videotape recording with a minimum of 128 shades of gray.

(3) **Video screens.** Video monitor screens must be at least 12 inches measured diagonally and all controls must be front mounted. Solids state circuitry is required.

(4) **Date and time generators.** Date and time generators shall be capable of recording both time and date of the recorded events without obstructing the recorded view. Recordings must be in military time (i.e., 24-hour format).

(5) **Universal power supply.** The system and its equipment must be directly and securely wired in a manner designed to prevent tampering with the system.

(6) **Camera domes.** Camera domes shall be of sufficient quality and size to accommodate P.T.Z. cameras and shall be capable of providing clear, unobstructed views.

(7) Video switchers. Video switchers shall be capable of both manual and automatic sequential switching for the entire surveillance system.

(8) Videotape recorders. Videotape recorders shall be capable of producing high quality, first generation pictures with a horizontal resolution of a minimum of 300 lines nonconsumer, professional grade, and recording standard 1/2 inch, VHS tape with high-speed scanning and flickerless playback capability in real time. In addition, recorders shall have time and date insertion capabilities for taping that which is being viewed by any camera in the system. A minimum of one video recorder for every eight video cameras is required.

(C) Required surveillance. The Gaming Facility shall conduct and record surveillance which allows clear, unobstructed views in the following areas of the Gaming Facility:

(1) Overall views of the Gaming Device area where Gaming Devices operated as part of a network are in operation. Each Gaming Device operated as part of a network shall have the capability of being viewed by no less than two cameras and each camera shall have the resolution capability to determine the denomination of bills, coins and/or tokens being used in such Gaming Devices;

(2) Views of patrons, spectators and inspectors, with sufficient clarity to permit identification thereof in the area in which Gaming Devices operated as part of a network are in operation;

(D) Equipment in Gaming Facility Surveillance Offices. Gaming Facilities shall be equipped with a minimum of two 12-inch monochrome video monitors with control capability of any video source in the surveillance system. The following shall be additional mandatory equipment for the surveillance office:

- (1) Video printer;
- (2) Video recorders;
- (3) Audio pickup of soft count room;
- (4) Time and date generators, if not in the master surveillance system;
- (5) Total override surveillance system capabilities.

(6) All closed circuit cameras shall be equipped with lenses of sufficient quality to allow clarity of the value of gaming tokens and currency or coins. These cameras shall be capable of black and white recording and viewing.

(E) Lighting. Adequate lighting shall be present in all areas of gaming device area and count rooms to enable clear video reproduction.

(F) Surveillance room. There shall be provided in each Gaming Facility a room or rooms specifically utilized to monitor and record activities as required under this Appendix. These rooms shall have a trained surveillance person present during Gaming Facility operating hours. The surveillance room shall be equipped with an audio pickup system. In addition to the mandatory equipment requirements set forth in Paragraph (D) of this Appendix, the following are requirements for the operation of equipment in the surveillance rooms:

(1) Surveillance equipment. All equipment that may be utilized to monitor or record views obtained by a gaming device area surveillance system must remain located in the room used exclusively for surveillance security purposes, except for equipment which is being repaired or replaced. The entrance to the surveillance room shall be locked or secured at all times except during ingress and egress by authorized personnel.

(2) Override capability. At the option of the Tribal Gaming Agency, any surveillance equipment utilized by the Tribal Gaming Agency must have total override capability over any other satellite monitoring equipment in other Gaming Facility offices.

(3) Agency access. Authorized Employees of the Tribal Gaming Agency and the State Gaming Agency shall at all times be provided immediate access to the surveillance room and other surveillance areas. Also, all authorized Tribal Gaming Agency and State Gaming Agency employees shall have access to all records and areas of such rooms.

(4) Surveillance logs. Entry in a permanent surveillance log shall be required when requested by the Tribal Gaming Agency or the State Gaming Agency whenever surveillance is conducted or anyone, or whenever any activity that appears unusual, irregular, illegal or in violation of applicable rules is observed. Also, all telephone calls to the surveillance room shall be logged.

(5) Floorplan. A copy of the configuration of the gaming device area floor shall be posted in the surveillance room at the Gaming Facility and

updated immediately upon any change. Also included shall be the location of any change, and the location of surveillance cameras and Gaming Devices by assigned numbers. Copies of such floorplan shall also be made available to authorized personnel in the Gaming Facility surveillance room.

(6) Storage and retrieval. Surveillance personnel will be required to label and file all videotape recordings. The date, time, and signature of the person making the recording shall be recorded. All videotape recordings shall be retained for at least seven (7) days after recording unless a longer period is required by the Tribal Gaming Agency, the State Gaming Agency, or a court order. Original audio tapes and original video tapes shall be released to the Tribal Gaming Agency or State Gaming Agency upon demand.

(7) Malfunctions. Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the gaming device shall be closed to play until such coverage can be provided. A record of all malfunctions shall be kept and reported to the Tribal Gaming Agency on a daily basis.

(8) Security. Entry to the surveillance room is limited to persons approved by the Tribal Gaming Agency or State Gaming Agency. A log of personnel entering and exiting the surveillance room shall be maintained and submitted to the Tribal Gaming Agency every 30 days.

(G) Playback station. An area is required to be provided within the gaming facility offices that will include, but is not limited to, a video monitor and a video recorder with the capability of producing first generation videotape copies.

(H) Additional requirements.

(1) Audio and videotape monitoring. Audio and videotape monitoring will be continuous in the surveillance room. When someone is being detained in the security detention areas, audio and videotape recording shall be continuous. These recordings shall be retained for thirty (30) days after the recorded event, unless directed otherwise by the Tribal Gaming Agency, State Gaming Agency or a court order.

(2) Agency access. The Tribal Gaming Agency and the State Gaming Agency and their respective authorized employees shall at all times be provided immediate access to the surveillance room and all areas, public and non-public, of the Gaming Facility in accordance with Section 7(a) of this Compact.

(3) Written plans and alterations. The Gaming Facility operator

shall submit to the Tribal Gaming Agency and the State Gaming Agency for approval a written surveillance system plan no later than five (5) days prior to the start of gaming operations. With respect to Gaming Facilities already in operation at the time this Compact is approved, the Gaming Facility operator shall submit such written surveillance plan within thirty (30) days after the Compact is approved.

(4) **Surveillance system plan.** The surveillance system plan must include a gaming device area floor plan that shows the placement of all surveillance equipment in relation to the locations required to be covered and a detailed description of the surveillance system and its equipment.

(i) **Changes in gaming locations.** The Gaming Facility operator may change the location of Gaming Devices within the facility. The surveillance system must also be adjusted, if necessary, to provide the coverage required by this Appendix. The Tribal Gaming Agency must approve the change in the surveillance system coverage before the relocated Gaming Devices may be placed in operation. The Gaming Facility operator must submit any change to the surveillance system and related security and surveillance equipment within seven (7) days in advance of the proposed changes to the Tribal Gaming Agency and the State Gaming Agency.

(j) **Surveillance during nongaming hours.** Security surveillance will be required during nongaming hours as follows:

(1) **Cleanup and removal time.** At any time cleanup operations or money removal is being conducted in the Gaming Device operating area, the security surveillance room shall be staffed with a minimum of one trained surveillance person.

(2) **Locked down mode.** Any time the Gaming Facility is closed and in a locked down mode, sufficient surveillance coverage shall be conducted to monitor and record the facility area in general, so that security integrity is maintained. During this period it is not required that a trained security surveillance person be present.