

NATIONAL
INDIAN
GAMING
COMMISSION

JUL - 5 1995

David Dominguez, Chairman
Santa Ynez Band of Mission Indians
P.O. Box 517
Santa Ynez, California 93460

Dear Chairman Dominguez:

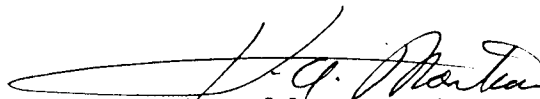
This letter responds to your request to review and approve the tribal gaming ordinance, adopted on April 26, 1994, by the Santa Ynez Band of Mission Indians (Band). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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 Band's gaming ordinance, the Band 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 Santa Ynez Band of Mission Indians for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

SANTA YNEZ BAND
OF MISSION INDIANS

TRIBAL GAMING COMMITTEE ORDINANCE

SECTION 1. STATEMENT OF POLICY. It is the purpose of this ordinance to create the Santa Ynez Gaming Committee in order to provide for the sound regulation of all gaming activities on lands within the jurisdiction of the Santa Ynez Band of Mission Indians, 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, to strengthen tribal self-government and to promote economic self-sufficiency of the Santa Ynez Band of Mission Indians.

SECTION 2. DEFINITIONS. For purposes of this Ordinance:

(a) "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. §§2701 et seq. and 18 U.S.C. §§ 1166-1168.

(b) "Chairman" means the Chairman of the Santa Ynez Gaming Committee established by this Ordinance.

(c) "Class II gaming" means Class II gaming as defined in accordance with the Act, 25 U.S.C. §2703(7)(A).

(d) "Class III gaming" means all forms of gaming that are not Class I gaming or Class II gaming as respectively defined in 25 U.S.C. § 2703 (6) and (7).

(e) "Committee" means the Santa Ynez Gaming Committee established by this Ordinance.

(f) "Contract" means any management contract in effect between the Santa Ynez Band of Mission Indians and a management

company with respect to gaming activities on the Santa Ynez Indian Reservation.

(g) "Executive Director" means the Executive Director of the Santa Ynez Gaming Committee established pursuant to this Ordinance.

(h) "Gaming Employee" means a gaming employee as defined in the Contract, and includes primary management officials and key employees of the Gaming Operation.

(i) "Gaming Facility" means the building, room or rooms or that portion of a room in which Class II gaming or Class III gaming is conducted on the Santa Ynez Indian Reservation.

(j) "Gaming Operation" means the enterprise owned by the Santa Ynez Band of Mission Indians on Tribal lands for the conduct of Class II and Class III gaming.

(k) "Gaming Services" means the providing of any goods, services or concessions by contract to the Tribe directly in connection with the operation of Class II or Class III gaming in a gaming facility in an amount in excess of ten thousand dollars (\$10,000) monthly except for professional legal or accounting services. No contract may be broken up into parts for the purpose of avoiding this definition and any requirement of licensure or certification contained in the Compact.

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

(m) "Ordinance" means this Santa Ynez Tribal Gaming Ordinance.

(n) "State" means the State of California, its authorized officials, agents and representatives.

(o) "Tribe" means the Santa Ynez Band of Mission Indians, its authorized officials, agents and representatives.

SECTION 3. AUTHORIZATION FOR GAMING ACTIVITIES.

(a) Authority for Class II gaming. The Tribe shall be authorized to conduct all forms of Class II gaming on the Reservation, including without limitation any form of bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), including pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo so long as played at the same location as bingo.

(b) Forms of Class III gaming authorized. The Tribe may conduct or operate all forms of Class III gaming authorized under any Compact with the State of California that is in effect.

SECTION 4. 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.

(a) Proprietary Interest in gaming operation. In compliance with 25 U.S.C. §2710(b)(2)(A), the Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity on the Reservation; provided, however, that

nothing herein shall (i) preclude the Tribe from entering into a Management Contract as authorized under 25 U.S.C. §2711.

(b) Annual audit. In compliance with 25 U.S.C. §§2710(b)(2)(C) and (D), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. Copies of the annual audit shall also be available to the general tribal membership upon request, to be held in strict confidence. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming shall be subject to such audits.

(c) Public safety standards. In compliance with 25 U.S.C. §2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and for that purpose shall comply with the requirements of the Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

(d) Background investigations and licensing. In compliance with 25 U.S.C. §2710(B)(2)(F):

(i) all Class II and Class III gaming employees shall be subject to the background investigation and licensing requirements of applicable federal and tribal law.

(ii) Any person or entity proposing to sell or lease gaming equipment, gaming devices or other Gaming Services to the Tribe shall be licensed to do so. The procedures for such license and the standards therefor shall be the same as those applicable to gaming employees herein, and if applicant is a corporation, trust or partnership, application must be made by all officers, directors and any person or entity holding 10% or more of any beneficial or legal interest therein.

SECTION 5. PENALTIES. Any individual who violates any provision of this Ordinance shall be subject to civil penalties including exclusion from employment by any Tribal gaming operation, denial or revocation of a tribal gaming license, exclusion from attendance at any Tribal gaming facility, exclusion from the Reservation if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$500.00 for each such violation. The Santa Ynez Gaming Committee established pursuant to this Ordinance shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe.

SECTION 6. TRIBAL GAMING COMMITTEE.

(a) Establishment of Committee. There is hereby established a Santa Ynez Gaming Committee consisting of five (5)

members, two of whom shall be members of the Santa Ynez Business Committee; two of whom shall be tribal members who are not members of the Santa Ynez Business Committee and one of whom shall be a tribal member who is employed by the Gaming Operation. The members of the Committee shall serve on a part time basis, and the compensation of members of the Committee shall be established by the Santa Ynez General Council. The Committee shall select from among its members a Chairman, a Secretary and such other officers as it deems necessary.

(b) Election of Members. The members of the Santa Ynez Gaming Committee other than the employee member shall be elected by the Santa Ynez General Council at a special election called for that purpose. The employee member of the Gaming Committee shall be elected solely by the tribal members who are employed by the Gaming Operation at the time of that election.

(c) Terms of Office.

(i) Each member of the Santa Ynez Gaming Committee shall serve for a term of three (3) years commencing on the date that the election results are certified and ending three years later, or when that member's successor takes office, whichever is later.

(ii) Notwithstanding the provisions of Section 6(c)(i), the term of office of a Gaming Committee member elected as a member of the Santa Ynez Business Committee shall expire if that person ceases to be a member of the Business Committee, and the term of office of the employee member of the Gaming Committee shall

expire if that person ceases to be an employee of the Gaming Operation.

(iii) Notwithstanding the provisions of Section 6 (c)(i), at the first election to select members of the Gaming Committee under this Ordinance, the employee member shall be elected to an initial term of one (1) year, and one member elected as a Business Committee member and one member elected as a non-Business Committee member shall be elected to initial terms of two (2) years. Thereafter, all terms on the Gaming Committee shall be for three (3) years.

(d) Removal From Office. Members of the Gaming Committee other than the employee member may be removed for cause by a three-fourths (3/4) vote of the Santa Ynez General Council at a special meeting called for that purpose, provided that the member sought to be removed shall be given written notice of the cause for removal not less than twenty (20) days before the special meeting and is given the opportunity to respond to the charges at the special meeting. The employee member of the Gaming Committee may be removed for cause by a three-fourths (3/4) vote of the tribal members employed by the Gaming Operation, provided that the same procedures as set forth above are followed.

(e) Conflict of Interest. No member of the Gaming Committee shall either directly or indirectly enter into any business relationship with, or accept or receive any compensation from, the Gaming Operation other than as an employee of the Gaming Operation.

(f) Powers and duties of Committee. The Gaming Committee shall have the following powers and duties:

- (i) The Committee shall have primary responsibility for oversight of the tribal gaming operation to assure the integrity of such operation and may, for that purpose, employ non-uniformed inspectors who may be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Committee and not under the supervision of any management employees of the Tribal gaming operation. Such inspectors shall have unrestricted access to all areas of the gaming facilities at all times, and personnel employed by the Gaming Operation shall for such purposes provide such inspectors access to locked and secure areas of the gaming facilities in accordance with the standards of operation and management promulgated pursuant to the Contract. Such inspectors shall report to the Committee regarding any failure by the Gaming Operation to comply with any of the provisions of the Contract or this Ordinance and any other applicable laws and ordinances. Inspectors assigned by the Committee may also receive

consumer complaints within the Gaming Facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Committee shall be licensed as gaming employees in accordance with the Act.

- (ii) The Committee may on its own initiative investigate any aspect of the Gaming Operation 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 Gaming Operation to comply with the provisions of the Contract or this Ordinance and may require the Gaming Operation to take any corrective action deemed necessary by the Committee upon such terms and conditions as the Committee may determine appropriate and in accordance with the Contract. The Committee may compel any person employed by or doing business with the Gaming Operation 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.

(iii) The Committee shall carry out each of the responsibilities and duties set forth for the Santa Ynez Gaming Committee in the Contract.

(iv) The Committee may promulgate, review and revise (as necessary) regulations to govern the operation and management of the gaming operation in accordance with the Contract.

(v) The Committee may impose penalties for violations of this Ordinance or the Contract in accordance with Section 6 of this Ordinance.

(vi) The Committee may in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, State or the United States to enforce the provisions of this Ordinance, the Act or the Contract or to enjoin or otherwise prevent any violation of this Ordinance, the Act or the Contract, occurring on the Reservation.

(vii) The Committee may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act or omission of the Gaming Operation or any employee thereof which is asserted to violate this Ordinance or the Contract, and may impose such remedial action as it deems appropriate to bring the Gaming Operation into compliance with such provisions. The Committee may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint.

(viii) The Committee may grant or revoke tribal gaming licenses as required under the Act.

(g) Orders. The Committee may, whenever necessary to protect the public interest in the integrity of Tribal Gaming Operations, issue any order which the Committee has the power to issue, to the Gaming Operation or to any employee or contractor of the Gaming Operation or to any other person within the jurisdiction of the Tribe, to take any action or cease and desist from any action as may be required to protect the public interest.

(h) Executive Director. The Committee may appoint an individual to serve as Executive Director of the Committee to administer its responsibilities as necessary and to oversee inspectors appointed by the Committee as well as such other staff as the Committee may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Committee with other federal, state and local agencies as necessary. The Committee may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Committee with respect to the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Committee. The Executive Director shall have the power, in the name of the Committee, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Committee, which the Committee may exercise under this Ordinance.

(i) Procedures of the Committee.

(i) Regular meetings of the Committee may be held upon such notice, and at such time and place as shall from time to time be fixed by the Committee. Unless otherwise specified by the Committee, no notice of such regular meetings shall be necessary.

- (ii) Special meetings of the Committee may be called by the Chairman or the Executive Director. The person or persons calling the special meeting shall fix the time and place thereof.
- (iii) At any meeting of the Committee, 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 Committee. The Chairman shall preside at all meetings of the Committee 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 Committee may be taken without a meeting if all of 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 Committee, and shall have the same effect as a unanimous vote or resolution of the Committee at a legal meeting thereof.

(v) Members of the Committee may participate in a meeting of the Committee 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) No action of the Committee to impose a penalty pursuant to Section 6 of this Ordinance, or to revoke a license for a gaming employee previously issued by the Committee, shall be valid unless the person affected is given at least seven days' notice of the proposed action and the opportunity to appear and be heard before the Committee, either in person or through a representative or legal counsel, and to submit such evidence as the Committee deems relevant to the matter at issue; provided, that if the Committee deems it necessary to protect the public interest in the integrity of the gaming activities, the Committee 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 license or who is barred from the gaming facilities by action of the Committee may request a hearing before the Committee by written request submitted within thirty days following receipt of notice of the action of the Committee, and the Committee shall thereupon afford an opportunity to appear and be heard before the Committee, either in person or through a representative or legal counsel, and to submit such evidence as the Committee deems relevant to the matter at issue and thereafter the Committee shall either affirm or reconsider its decision. Any hearing conducted under this sub-section may at the direction of the Committee be conducted by the Executive Director or by one or more members of the Committee designated by the Committee for that purpose.

(vii) The Committee may adopt such additional procedures and rules as it deems necessary or

convenient to govern its affairs and which are consistent with this Ordinance.

SECTION 7. 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 operation on the Reservation other than at the gaming facilities.

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

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

(d) Do any other act in connection with the conduct of the tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.

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

(f) To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the

outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

(g) To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gaming device or other gaming activity, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

(h) To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

(i) To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

(j) To manipulate, with the intent to cheat, any component of an electronic game of chance or gaming device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to manipulating a gaming device, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

(k) Knowingly to use other than coins or tokens approved by the Committee or other lawful coin, legal tender of the United States of America, or to use a coin not of the same denomination as the coin intended to be used in the gambling device.

(l) To possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, in analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.

(m) To use any device or means to cheat, or to possess any such device while at the gaming facility.

(n) Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of federal law or the Tribal ordinances, with the intent that the other person play or participate in that gaming.

CERTIFICATION

The foregoing Santa Ynez Band of Mission Indians Tribal Ordinance was duly adopted at a meeting of the Santa Ynez General Council held on this 26th day of April, 1994, at which 83 members were present constituting the required quorum, by a vote of 69 for, 14 against, 0 abstaining.

David O. Dominguez
Chairman,

Attest:

Laura Mucillo
Secretary,

SANTA YNEZ BAND OF MISSION INDIANS
TRIBAL ORDINANCE
INDIAN GAMING REGULATORY ACT COMPLIANCE

I. Purpose

The Santa Ynez Band of Mission Indians (hereinafter "Tribe"), empowered by the Tribe's Articles of Association to enact ordinances, hereby enacts this ordinance in order to ensure that Class II and Class III gaming operations on tribal lands are conducted in accordance with the Indian Gaming Regulatory Act.

II. Gaming Authorized

Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7)(A) ("IGRA") and Class III gaming as defined in Section 2703(8) of IGRA and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.1 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) are hereby authorized.

III. Ownership of Gaming

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any gaming operation authorized by this ordinance.

IV. Use of Gaming Revenue

A. Net revenues from Class II and Class III gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

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

V. Audit

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission.

B. 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 the

audit that is described in subsection A. above.

VI. Protection of the Environment and Public Health and Safety

Class II and Class III gaming facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety.

VII. Licenses for Key Employees and Primary Management Officials

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

A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

a. A person who performs one or more of the following functions:

- (1) Bingo caller;
- (2) Counting room supervisor;
- (3) Chief of security;
- (4) Custodian of gaming supplies or cash;
- (5) Floor manager;
- (6) Pit boss;
- (7) Dealer;
- (8) Croupier;
- (9) Approver of credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

c. If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

a. The person having management responsibility for a management contract;

b. Any person who has authority:

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

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

B. Application Forms

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

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

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

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

- a. Complete a new application form that contains a 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 shall be placed on the application form for a key employee or a primary official before

that form is filled out by an applicant.

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

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

- a. Complete a new application form that contains a notice regarding false statements; or
- b. Sign a statement that contains the notice regarding false statements.

C. Background Investigations

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

- a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- b. Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and 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, 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 (1)(h) or (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Tribe deems relevant; and
- n. Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. § 522.2(h).

2. The Tribe shall conduct or cause to be conducted an investigation sufficient to make a determination under subsection D below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

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

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

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

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

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

F. Report to the National Indian Gaming Commission

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

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

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

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

a. Shall notify the National Indian Gaming Commission; and

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

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

G. Granting a Gaming License

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

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

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

H. License Suspension

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

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

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

VIII. License Locations

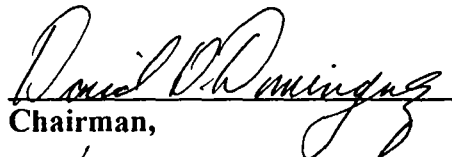
The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II or Class III gaming is conducted under this ordinance.

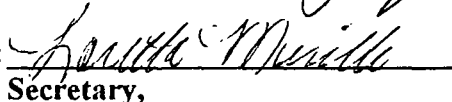
IX. Repeal

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

CERTIFICATION

The foregoing Santa Ynez Band of Mission Indians Tribal Ordinance, Indian Gaming Regulatory Act Compliance, was duly adopted at a meeting of the Santa Ynez General Council held on this 26th Day of April, 1994, at which 83 members were present constituting the required quorum, by a vote of 69 for, 14 against, 0 abstaining.


Chairman,

Attest: 
Secretary,

**SUPPLEMENTAL INFORMATION CONCERNING
THE SANTA YNEZ TRIBAL GAMING ORDINANCE**

1. The Santa Ynez Tribal Gaming Committee will be responsible for conducting background investigations and suitability determinations. The investigations will be conducted by the investigative staff under the direction of the Santa Ynez Tribal Gaming Committee Executive Director. Background information meeting the requirements of 25 CFR Section 556 will be obtained from each applicant on forms designed for that purpose. Fingerprint cards will be forwarded to the National Indian Gaming Commission for processing through the FBI. Investigators of the Santa Ynez Tribal Gaming Committee will verify background information through telephonic or written communications and will interview former employers and personal references. Court records and/or credit reports will also be reviewed. Personal interviews with the applicant will also be conducted as necessary. During the background investigation, potential problem areas and disqualifying information will be documented in writing. The results obtained from the background investigation, including any unsuitable findings or problem areas, will be forwarded to the Santa Ynez Tribal Gaming Committee.

2. Tribal gaming licenses for primary management officials and key employees will be issued by the Santa Ynez Tribal Gaming Committee as established by the Santa Ynez Band of Mission Indian General Council. The Santa Ynez Tribal Gaming Committee will review the results of the background investigations. If more information is required, the Santa Ynez Tribal Gaming Committee will direct the Executive Director to obtain additional information as necessary. When the Santa Ynez Tribal Gaming Committee is satisfied that it has all of the background information required, it will evaluate the investigative results and reach a conclusion as to the applicant based upon the standards for issuance of a tribal gaming license under Federal law and the Santa Ynez Tribal Gaming Ordinance. The Santa Ynez Tribal Gaming Committee will then make a suitability determination as to the applicant and the Executive Director of the Santa Ynez Tribal Gaming Committee will then forward an investigative report and suitability determination to the National Indian Gaming Commission on forms designed for that purpose and meeting the NIGC's requirements.

3. Disputes between the gaming public and the Santa Ynez Band of Mission Indians will be resolved through procedures established by the Santa Ynez Tribal Gaming Committee. Although the Santa Ynez Band of Mission Indians does not have a management contract, disputes with any future management company would be resolved under procedures that would be incorporated into the management contract.

4. For the purposes of service by the National Indian Gaming Commission, the agent for the Tribe is:

Chairman
Santa Ynez Band of Mission Indians
P. O. Box 517
Santa Ynez, CA 93460

5. As described above, fingerprints will be taken by the Santa Barbara County Sheriff's Department and forwarded directly to the National Indian Gaming Commission for processing by the Federal Bureau of Investigation to include the criminal history record information (CHRI).

6. Attached is a copy of the Santa Ynez Tribal Ordinance establishing the Santa Ynez Tribal Gaming Committee and setting forth it's powers and responsibilities.

PNN0BDBE

SANTA YNEZ TRIBAL GAMING COMMITTEE POLICY STATEMENT

PATRON DISPUTE RESOLUTION

OVERVIEW

The dispute resolution policy provides a forum for the patron or guest to voice concerns about problems encountered within the Santa Ynez Indian Casino and a mechanism to have those concerns addressed. The problems addressed may include malfunctioning equipment, possible inaccuracies of calls made by gaming personnel, disputes among patrons and any other circumstance that may pose a concern or threat to the safety and or integrity of the Santa Ynez Indian Casino.

PROCEDURE

FIRST LEVEL

The personnel employed in Guest Relation positions and/or key employee positions are the first point of contact for the patron with a concern or complaint. The key employee should listen carefully to the nature of the complaint and at the conclusion, escort the patron to the nearest Guest Relations employee. Only after the patron is in contact with Guest Relations may the key employee leave the patron.

SECOND LEVEL

The Guest Relations employee shall determine the nature of the concern or complaint and attempt to mediate the circumstances. If unable to successfully handle the concern or complaint, they are to escort the patron to the head of the department in question for resolution. The department head shall document the nature of the concern or complaint on an approved Santa Ynez Tribal Gaming Dispute Resolution form, a copy of which is attached. The Dispute Resolution form shall be forwarded to the General Manager and Santa Ynez Tribal Gaming Committee.

THIRD LEVEL

The General Manager, or his/her designee, shall review the nature of the concern or complaint and take appropriate action to bring about a proper resolution to the dispute. If necessary, the General Manager may speak personally with the patron or other parties involved in the dispute. The Gaming Committee shall be advised of the final disposition and what steps were taken to satisfy the dispute.

FOURTH LEVEL

During any level of the Dispute Resolution process if it is found that the nature of the concern or complaint involves the integrity of the Santa Ynez Indian Casino, or the integrity of the gaming activities, the Gaming Committee Executive Director shall be notified and an investigation initiated.

In the event that such an investigation is initiated, the Gaming Committee will review the investigation report and recommendations presented by the Executive Director and act as the final authority in the Dispute Resolution process. The Gaming Committee's determination shall be final.