



MAY 22 2002

Honorable Joseph O. Mullen
Chairman, Snoqualmie Tribal Council
P.O. Box 670
4609 Preston Fall City Road, SE
Fall City, Washington 98024

RE: Snoqualmie Tribe's Gaming Ordinance

Dear Chairman Mullen:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the tribal gaming ordinance, Tribal Council Act 3-02, adopted on February 14, 2002, by the Snoqualmie Tribal Council (Tribe). This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA, over which the Tribe exercises jurisdiction.

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 Snoqualmie Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

A handwritten signature in cursive script that reads "Montie R. Deer".

Montie R. Deer
Chairman

**ACT RELATED TO
GAMING**

BE IT ENACTED BY THE TRIBAL COUNCIL

Section 5-1. Findings, Policy, Purpose.

The Snoqualmie Tribal Council finds that:

1. The Tribal Council has the authority, under the Constitution and By-Laws of the Tribe, to enact necessary regulations for the protection of the health, safety and general welfare of the Snoqualmie Indian Tribe;
2. The conduct of certain forms of gaming are desired by Snoqualmie Tribal members, and its regulation is necessary for the protection of the health, safety and general welfare of the Snoqualmie Indian Tribe;
3. Revenues from such activities are essential to fund and insure the delivery of needed social programs and services to tribal members;
4. Authorized forms of gaming must be regulated and operated by the Tribe to maintain and insure their orderly and lawful operation;
5. Tribally-regulated and operated bingo games, raffles, pull-tabs, punch-boards and other authorized gaming will not lead to the proliferation of undesired gambling, or to the influx of gamblers or organized crime, but will serve the economic needs of the Tribe as it strives for self-sufficiency; and
6. Washington State law is not applicable to Tribal operations, nor does it adequately address the special interests and needs of the Snoqualmie Indian tribe in both protecting the Reservation and its residents and providing needed revenues to the Tribe.

It shall be tribal policy:

1. To develop and oversee the regulation and operation of authorized gaming to the end that the Tribe is better able to provide its members with community and social services while at the same time protecting against the infiltration of organized crime and insuring that widespread gambling and gaming are not allowed within the reservation; and
2. To, whenever possible, construe and enforce this ordinance in a manner designed to conform with the principles and guidelines set forth in and pursuant to Chapter 9.46 of the Revised Code of Washington.

It is the purpose of this Chapter to govern and regulate the operation and conduct of all Gaming activities on lands within the jurisdiction of the Snoqualmie Indian Reservation 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 the Tribe's share of Net Revenues from such Gaming activities to the public purposes of the Tribe, including the support of Tribe government programs which promote the general health, safety and welfare of the Tribe and its members.

Section 5-2. Definitions.

1. Rules of Construction. In this Chapter, unless otherwise specifically provided:
 - a. The masculine includes the feminine;
 - b. The singular includes the plural;
 - c. "Includes" and "including" are not limiting; and
 - d. "Or" is not exclusive.
2. Definitions. For the purposes of this Chapter, unless otherwise expressly provided, the following definitions shall apply:

"Act" means the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. Section 2701, *et seq.*

"Applicant" means any Person who has applied for a license under the provisions of this Chapter.

"Application" means a request for the issuance of a license under the provisions of this Chapter.

"Chairman" means the Tribal Chairman of the Snoqualmie Indian Tribe.

"Chapter" means this Snoqualmie Gaming Ordinance and any regulations and standards of operation and management promulgated by the Snoqualmie Gaming Commission hereunder.

"Class I Gaming" is defined as social games solely for prize of minimal value or traditional forms of Indian gaming engaged in by individuals as part of, or in connection with, tribal ceremonies or celebrations.

"Class II Gaming" means Class II Gaming as defined in accordance with the Act, 25 U.S.C. Section 2703 (7) (A), and the regulations promulgated thereunder by the Commission.

"Class III Gaming" means Class III Gaming as defined in accordance with the Act, 25 U.S.C. Section 2703(8).

"Commission" means the National Indian Gaming Commission.

“*Compact*” means such Compact governing the conduct of Class III Gaming on the Tribe’s Reservation as may be entered into pursuant to the Indian Gaming Regulatory Act between the State of Washington and the Snoqualmie Indian Tribe, 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 Tribe’s Reservation.

“*Council*” means the Snoqualmie Indian Tribal Council, the duly constituted governing body of the Snoqualmie Indian Tribe, empowered by the Tribe’s Constitution to adopt this Chapter.

“*Director*” means the executive director of the Snoqualmie Gaming Commission established pursuant to this Chapter.

“*Enterprise*” means the Snoqualmie Gaming Enterprise established by the Council to conduct, among other things, all Gaming Operations of the Tribe on the Reservation.

“*Game*” means any banking or percentage 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. It shall not, however, include social games played in private homes or residences, not open to the general public, and not otherwise subject to regulation under the provisions of this ordinance.

“*Gaming*” or “*gambling*” means to deal, operate, carry on, conduct, maintain or expose for play any Game. A Person engages in Gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions valid under the law of contracts, nor include traditional Indian games played by Tribal members and their guests.

“*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.

“*Gaming Employee*” means any Key Employee, any Primary Management Official or any other Person employed by the Enterprise who performs Gaming Related Activities, including those Persons whose employment duties require or authorize access to restricted Gaming related areas of the Gaming Facility.

“*Gaming Employee License*” means a license issued by the Snoqualmie Gaming Commission pursuant to **Section 5-9**, permitting a Person to be employed as a Gaming Employee.

“*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.

“*Gaming Facility*” or “*Gaming Facilities*” means any room or rooms in which Class II Gaming or Class III Gaming is conducted on the Reservation.

“*Gaming Facility License*” means a license issued by the Snoqualmie Gaming Commission pursuant to **Section 5-11**, permitting Gaming Operations at a Gaming Facility.

“*Gaming Operation*” means any Class II or Class III Gaming conducted by the Enterprise pursuant to this Chapter.

“*Gaming Operator License*” means a license issued by the Snoqualmie Gaming Commission pursuant to **Section 5-12**, permitting the Enterprise to conduct Gaming Operations at a Gaming Facility.

“*Gaming-Related Activities*” means any type of activity that falls within the definition of “Gaming” and includes administrative and financial activities for the revenue generated from Gaming activities.

“*Gaming Services*” means:

1. 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 \$5,000.00 in any single month, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services.
2. The providing of any amount of Gaming Equipment to the Tribe or the Enterprise in connection with the operation of Class II or Class III Gaming in a Gaming Facility.
3. The extension of or guarantee of any financing for the Enterprise or the Gaming Facilities by any Person other than the Tribe or an Institutional Investor.
4. The providing of any services by a Management Contractor.

“*Gaming Services License*” means a license issued by the Snoqualmie Gaming Commission pursuant to **Section 5-10**, permitting a Person to provide Gaming Services.

“*Gaming Support Employee*” means any employee or natural persons employed by the Enterprise who perform employment duties that are not Gaming related and do not meet the definition of “Gaming Employee” and includes employees having access to non-public areas but not restricted Gaming related areas of the Gaming Facility.

“*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 \$250,000,000.00, which regularly provides companies with asset-based equipment leasing or financing; or a Gaming company duly licensed in such jurisdictions as the Snoqualmie Gaming Commission deems acceptable.

“Key Employee” means:

1. A Person who performs one or more of the following functions:
 - a. Bingo caller;
 - b. Counting room supervisor;
 - c. Chief of security;
 - d. Custodian of Gaming supplies or cash;
 - e. Floor manager or management;
 - f. Pit boss;
 - g. Dealer;
 - h. Croupier;
 - i. Approver of credit; or
 - j. Custodian of Gaming Devices, including Persons with access to cash and accounting records within such devices.
2. If not otherwise included, any other Person whose total cash compensation is in excess of \$65,000.00 per year; or
3. If not otherwise included, the 4 most highly compensated Persons in the Enterprise.

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

“Management Contractor” means a Person that has entered into a Management Contract with the Tribe or the Enterprise which has been approved pursuant to 25 U.S.C. Sections 2710(d)(9) and 2711.

“Manufacturer” means a Person that manufactures Gaming Devices and/or component parts thereof, as defined herein, for use or play in the Gaming Facilities.

“*National Indian Gaming Commission*” means the National Indian Gaming Commission established pursuant to 25 U.S.C. Section 2704.

“*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).

“*Patron*” means any person or group of persons who participate as players in games as defined by this ordinance, or who are physically present on premises wherein or whereon such games are being played, but shall not include current employees of the gaming establishment who are actually providing services at the time of such games being played.

“*Person*” means and includes a corporation, company, partnership, firm, association or society, as well as a natural person or any other business entity. When “Person” is used to designate the violator or offender of any law, it includes a corporation, partnership, or any association of Persons.

“*Primary Management Official*” means the Person having management responsibility for or under a Management Contract.

“*Principal*” means, with respect to any Person:

1. Each of its officers and directors;
2. Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general management;
3. Each of its owners or partners, if an unincorporated business;
4. Each of its shareholders who owns more than 10% of the shares of the corporation, if a corporation;
5. Each Person other than a banking institution who has provided financing for the entity constituting more than 10% of the total financing of the entity; and
6. Each of the beneficiaries, or trustees of a trust.

“*Reservation*” means all lands within the limits of the Snoqualmie Indian Reservation, and all other lands title to which is held in trust by the United States for the benefit of the Tribe or any individual member or members of the Tribe or held by the Tribe or an individual member of the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental power.

“*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.

“*Snoqualmie Gaming Commission*” means the Snoqualmie Gaming Commission established pursuant to this Chapter.

“*State*” means the State of Washington, its authorized officials, agents and representatives.

“*State Gaming Agency*” means such agency of the State of Washington which the governor may from time to time designate by written notice to the Tribe as the single state agency which shall act on behalf of the State under the Compact.

“*Tribal Law Enforcement Agency*” means the police force of the Snoqualmie Indian Tribe established and maintained by the Tribe to carry out law enforcement on the Reservation.

“*Tribe*” means the Snoqualmie Indian Tribe, a federally recognized Indian tribe.

Section 5-3. 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 Chapter as if set forth in full herein, and in the event of any conflict between a provision of this Chapter 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 Chapter 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 Tribe 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 Tribe on the Reservation.

Section 5-4. Authorization.

1. Class I Gaming. Class I gaming may be engaged in by individuals and organizations without restriction and is not subject to the provisions of this Act
2. Class II Gaming. The Enterprise, on behalf of the Tribe may conduct Class II Gaming as an operator without the necessity of a license under this Chapter but shall comply with other applicable provisions of this Chapter. Until this Chapter is amended by appropriate action of the Snoqualmie Tribal Council in a manner consistent with the relevant provisions of the National Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701, *et seq.*, the Enterprise shall be the only entity or organization authorized to engage in Class II gaming activities on the Snoqualmie Reservation for profit to the exclusion of any other entity, organization or person. The Tribe may conduct or license Class II Gaming activities on behalf of a bona fide charitable, religious and non-profit organizations subject to regulations promulgated by the Commission on this topic and the National Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701, *et seq.*
3. Class III Gaming. 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, entity, corporation, organization or government, except

the Snoqualmie Tribe or the Enterprise, shall authorize or conduct any form of Class III gaming within the Snoqualmie Reservation unless such gaming is consistent with:

- a. the Indian Gaming Regulatory Act;
 - b. a Tribal-State compact for Class III gaming; and
 - c. is licensed by the Snoqualmie Tribe.
4. Gaming Prohibited. All gaming activities not authorized by this Act, including, but not limited to, those activities commonly known as bookmaking, betting, card parlors, bunco or confidence games, pyramid clubs or schemes, chain letters and three card monte, are unlawful and prohibited.
5. Age Restriction. No person under the age of eighteen (18) shall be allowed to be permitted to place a wager, directly or indirectly, on any Class II or Class III Gaming.
6. Sovereignty. Irrespective of any authority granted in this Chapter to the Enterprise to conduct Gaming on behalf of the Snoqualmie Tribe, the Snoqualmie Tribe by this enactment, does expressly retain and does not in any way waive its right of sovereignty as expressed in treaties, laws or in any other manner.

Section 5-5. Ownership.

The Tribe shall have the sole propriety interest in and responsibility for the conduct of any Gaming Operation authorized by this Chapter; provided, however, that nothing herein shall be construed to prevent the Tribe from granting security interests or other financial accommodations to secured parties, lenders or others, or to prevent the Tribe 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 Tribe 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 Tribe from its Gaming activities for the purpose of repayment of the debt obligations of the Tribe to such secured party in accordance with the provisions of such agreements.

Section 5-6. Use of Revenue.

1. Net Revenue Use. In compliance with Section 2710(b)(2)(B) of the Act, Net Revenues from Class II and Class III Gaming shall be used only for the following purposes:
 - a. To fund tribal government operations and programs;
 - b. Provide for the general welfare of the Tribe and its members.
 - c. Promote tribal economic development;
 - d. Donate to charitable organizations; or

- e. Help fund operations of local government agencies.
2. Per Capita. If the Tribe elects to make per capita payments to the Tribe's members, it shall authorize such payments only upon approval of a plan submitted to the Secretary of the Interior under Section 2710(b)(3) of the Act.
3. Reserves. The Snoqualmie Tribe hereby specifically reserves, through its inherent power, the full right and authority to adopt or impose a uniform and comprehensive system of revenue, taxation and licensing relating to gaming allowed by this ordinance.

Section 5-7. 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 5-8. Protection of 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 Tribe.

Section 5-9. Licenses--Employee.

1. Licenses. All Class II and Class III Gaming Employees shall be required to obtain a Gaming Employee License from the Snoqualmie Gaming Commission, 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 Snoqualmie Gaming Commission, 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 Tribe, unless such Person is at least 21 years of age. The Snoqualmie Gaming Commission shall ensure that the policies and procedures set out in the Compact and made a part hereof are implemented with respect to Gaming Employee licensure for all Class II and Class III Gaming Employees. The Snoqualmie Gaming Commission shall be empowered to create a dual or multitiered 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.

2. Application Forms.

- a. The Snoqualmie Gaming Commission will place the following notices on the Application form for a Key Employee or a Primary Management Official before that form is filled out by an applicant:
- (i) 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.
 - (ii) A false statement on any part of your application may be grounds for not hiring you, or for firing you after you being work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, Section 1001).
- b. The Snoqualmie Gaming Commission shall ensure that all Application forms for a Gaming Employee License comply with the Compact, and require, at a minimum, that each prospective employee provide the Snoqualmie Gaming Commission with the information set out in the Compact.

3. Background Investigations. The Snoqualmie Gaming Commission 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. The Tribal Law Enforcement Agency, or such other third-party investigative entity with which the Snoqualmie Gaming Commission may contract, shall assist the Snoqualmie Gaming Commission in conducting background investigations as deemed necessary and appropriate by the Snoqualmie Gaming Commission. The Snoqualmie Gaming Commission shall conduct an investigation sufficient to make a determination under subsection (3) below. In conducting such background investigation, the Snoqualmie Gaming Commission and its agents shall promise to keep confidential the identity of each Person interviewed in the course of the investigation, unless disclosure is required under federal law. The Tribe

shall enter into an agreement with the City of Snoqualmie Police Department 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). Any such criminal history check shall include a check of criminal history records information maintained by the Federal Bureau of Investigation. The Snoqualmie Gaming Commission 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 (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 (h) or (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 photograph;
 - m. Any other information the Snoqualmie Gaming Commission deems relevant; and
 - n. Fingerprints consistent with procedures adopted by the Snoqualmie Gaming Commission according to 25 C.F.R. § 522.2(h).
4. Eligibility Determination. The Snoqualmie Gaming Commission shall, as soon as possible after completion of the background investigation, determine whether an Applicant is eligible for a Gaming Employee License. The Snoqualmie Gaming Commission shall determine that an Applicant is not eligible for a Gaming Employee License if such Applicant:
- a. 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 Chapter; or
 - b. 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
 - c. Has been convicted of any felony or Gaming offense if applicable under the eligibility standards adopted by the Snoqualmie Gaming Commission.
5. Procedures for forwarding Applications and reports for Key Employees and Primary Management Officials to National Indian Gaming Commission. Upon completion of a background investigation, and an eligibility determination for a Gaming Employee License pursuant to subsection (4) of this section, and in any event no later than the time when a Key Employee or Primary Management Official begins work, the Snoqualmie Gaming Commission 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 (3) 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 to subsection (4) 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 Snoqualmie Gaming Commission 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 3 years from the date of termination of employment.

6. Granting a License. Upon completion of the eligibility determination required pursuant to subsection (4) of this section, the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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 thirty-day period after receipt by the chairman of the Commission of the investigative report required pursuant to subsection (5) of this section, the Commission notifies the Snoqualmie Gaming Commission that it has no objection to the issuance of a Gaming Employee License, or fails to provide the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission shall grant a Gaming Employee License to such individual. If, however, the chairman requests further information during the thirty-day period, the thirty-day period shall be suspended until the chairman receives the information requested, if, within the thirty-day period, the Commission provides the Snoqualmie Gaming Commission with a statement itemizing objections to the issuance of a Gaming Employee License to a Key Employee or to a Primary Management Official, the Snoqualmie Gaming Commission shall reconsider the license Application, taking into account the objections itemized by the Commission. The Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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.

7. Suspension and Revocation. The issuance of a Gaming Employee License by the Snoqualmie Gaming Commission shall not create or imply a right of employment or continued employment. The Enterprise shall not employ, and if already employed, shall terminate any Person who has had his or her Gaming License denied or revoked by the Snoqualmie Gaming Commission. If, after the issuance of a Gaming Employee License, the Snoqualmie Gaming Commission 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 (3) of this section, the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission shall decide to revoke or to reinstate the Gaming Employee License, and shall notify the licensee and the Commission of its decision. Additionally, the

Snoqualmie Gaming Commission 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 original license, or any renewal thereof, comes to the attention of the Snoqualmie Gaming Commission, 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 Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission has provided the licensee with a Revocation Hearing.

8. 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 Snoqualmie Gaming Commission. 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 Snoqualmie Gaming Commission. 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 Snoqualmie Gaming Commission or the State Gaming Agency.

Section 5-10. Services.

1. Gaming Services. No Person may provide Gaming Services to the Tribe or the Enterprise, within or without the Gaming Facilities, unless it is the holder of a valid current Gaming Services License issued by the Snoqualmie Gaming Commission. 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.
2. Application Forms. The Snoqualmie Gaming Commission shall ensure that all Application forms for a Gaming Service License shall comply with the Compact, and require at a minimum that each prospective Gaming Service Licensee provide the Snoqualmie Gaming Commission with the information set out in the Compact concerning the Applicant and the Applicant's Principals. The Snoqualmie Gaming Commission shall require each prospective provider of Gaming Services to provide the Snoqualmie Gaming Commission with such information, documentation and assurances as may be required by the Snoqualmie Gaming Commission, which shall, at a minimum, identify all of such 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; or 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 a form as required by the Snoqualmie Gaming Commission.

3. Background Investigations. The Snoqualmie Gaming Commission 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. The Tribal Law Enforcement Agency, or such other third-party investigative entity with which the Snoqualmie Gaming Commission may contract, and shall assist the Snoqualmie Gaming Commission in conducting background investigations as deemed necessary and appropriate by the Snoqualmie Gaming Commission. The Snoqualmie Gaming Commission shall conduct an investigation sufficient to make a determination under subsection (4) below. In conducting such background investigation, the Snoqualmie Gaming Commission or its agent shall promise to keep confidential the identity of each Person interviewed in the course of the investigation.
4. Eligibility Determination. The Snoqualmie Gaming Commission shall, as soon as possible after completion of the background investigation, determine whether an Applicant is eligible for a Gaming Services License. The Snoqualmie Gaming Commission shall determine that an Applicant is not eligible for a Gaming Services License if such Applicant, or any Principal identified with such Applicant:
 - a. 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 Chapter; or
 - b. 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
 - c. Has been convicted of a felony or a Gaming offense if applicable under the eligibility standards adopted by the Gaming Commission.
5. Granting a License. Upon completion of the eligibility determination required pursuant to subsection (4) of this section, the Snoqualmie Gaming Commission 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.
6. Suspension and Revocation. The issuance of a Gaming Services License by the Snoqualmie Gaming Commission shall not create or imply a right to supply Gaming Services on a continuing basis. The Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission, 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 Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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.

7. 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 Snoqualmie Gaming Commission. 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 Snoqualmie Gaming Commission. 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 Snoqualmie Gaming Commission.

Section 5-11. Facility.

Upon issuance of a certificate of occupancy by the Tribe's Development Department, the Snoqualmie Gaming Commission 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 Tribe, prior to commencement of any Gaming Operations at such Gaming Facility, certifying that such Gaming Facility has been constructed in accordance with the standards set forth in **Section 5-8**. The Snoqualmie Gaming Commission shall enforce the health and safety standards applicable to the Gaming Facilities in accordance with **Section 5-8**. Such Gaming Facility License shall be renewed on an annual basis by the Snoqualmie Gaming Commission, provided that the Gaming Facility is maintained and operated in accordance with the standards set forth in **Section 5-8**. The Snoqualmie Gaming Commission shall not renew a Gaming Facility License, and shall suspend or revoke a Gaming Facility License, in the event that the Tribe's Development Department suspends or revokes the certificate of occupancy for the Gaming Facility, or the Tribe's Development Department determines the Gaming Facility is not maintained and operated at all times in accordance with the standards set forth in **Section 5-8**.

Section 5-12. Operator.

1. Operator License. The Snoqualmie Gaming Commission 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 5-9. Such Gaming Operator License shall be renewed on an annual basis by the Snoqualmie Gaming Commission, 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 Snoqualmie Gaming Commission in the event that such requirements are not met.

2. Operator Authority. Any operator shall have the authority and discretion to exclude from gaming activities or gaming facilities, any individual who:
 - a. Appears to be under the influence of intoxicants;
 - b. Appears to be losing an unreasonable amount of money at gaming activities;
 - c. Appears to be violating rules or regulations governing gaming activities as established by the Commission or operator;
 - d. By virtue of his condition or activities, disturbs the peaceful participation of other individuals in gaming activities or disrupts the orderly conduct of the gaming activity;
3. Inquiries. An operator may make reasonable inquiries of individuals in the course of determining whether any of the activities defined in subsection (2) above are occurring;
4. No Liability. An operator who excludes any individual pursuant to this section shall not incur any liability, criminal or civil, as a result of doing so.
5. Petition to Commission. Any person who is excluded from gaming by an operator pursuant to this section may petition the Commission for an order lifting the exclusion. The Commission shall have full discretion in determining whether to hear any such petition and shall have the authority to enact such rules as may be necessary regarding the procedures for acting upon any such petition. The Commission shall further have discretion to impose such conditions as they deem appropriate in issuing any order lifting an exclusion.

Section 5-13. Regulatory.

1. Gaming Regulatory License. Until the Chairman notifies the members of the Snoqualmie Gaming Commission Board that the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission's Regulatory Department unless he or she is the holder of a valid current Gaming regulator license issued initially by the Council and later by the Snoqualmie Gaming Commission after the notification by the Chairman. The Council shall ensure that the policies and procedures set out in the Compact and this **Section 5-13** are complied with until such notice is provided by the Chairman. Initially the "*regulator licensor*" referred to in this **Section 5-13** will be the Council and then, after notice by the Chairman, the Snoqualmie Gaming Commission.

2. Application Forms. The regulator licensor shall ensure that all Application forms for a Gaming regulator license shall comply with the Compact, and require at a minimum that each prospective licensee provide the regulator licensor with the information set out in the Compact.
3. 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 30 days from the time of commencement. The Tribal 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 (4) 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 Tribe, except those policies and procedures adopted pursuant to the regulatory provisions of this Chapter, 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 affects the operation of the Snoqualmie Gaming Commission or any entity subject to its regulation.
4. 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:
 - a. 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 Chapter; or
 - b. 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
 - c. Has been convicted of any felony or Gaming offense if applicable under the eligibility standards adopted by the Regulatory Agency.
5. Granting a License. Upon completion of the eligibility determination required pursuant to subsection (4) of this section, the regulator licensor 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 Council, or such body delegated by the Council

to hear such appeals, pursuant to procedures similar in form to the procedures used in a Revocation Hearing.

6. 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 Council, or such body delegated by the Council to hear such appeals, pursuant to procedures similar in form to the procedures used in a Revocation Hearing.
7. 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 5-14. Snoqualmie Gaming Commission.

1. Establishment of the Snoqualmie Gaming Commission. The Snoqualmie Gaming Commission is hereby established. The Snoqualmie Gaming Commission shall be a regulatory agency of the Snoqualmie Indian Tribe.
2. Board Members. The board shall consist of three members, a Director and two other members, at least two of whom shall be members of the Tribe, and all of whom shall be selected by the 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 appointment by the Council 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 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 Council then in office. Vacancies in the board may be filled by appointment by the Director pending action by the Council. All decisions of the board

are final and are not subject to further judicial or political review or appeal, except as provided by **Section 5-20**.

3. Director. The Council shall appoint an individual to serve as a full-time Director of the Snoqualmie Gaming Commission 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 Council. The Director shall be responsible for coordination of the functions of the Snoqualmie Gaming Commission with the Council, the Enterprise, the Tribal 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 with respect to the grant or denial, suspension or revocation of any license, the imposition of any penalty, or the investigation of any complaint. The Director shall hire, pursuant to the authorized budget for the Snoqualmie Gaming Commission, and supervise and oversee inspectors and such other staff, consultants and counsel as the Snoqualmie Gaming Commission may from time to time employ. The Director shall have the power, in the name of the Snoqualmie Gaming Commission, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Snoqualmie Gaming Commission, which the Snoqualmie Gaming Commission may exercise under this Chapter and any other applicable law. The Director shall further have the power, in the name of the Snoqualmie Gaming Commission, 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 Snoqualmie Gaming Commission, unless such power is reserved to the board by this section or regulations adopted hereto. The Director shall be the agent of the Tribe 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).
4. Restriction on Activities. Neither the board members, the Director nor the staff of the Snoqualmie Gaming Commission shall participate as a player in any Gaming activity conducted by the Tribe, or have any personal financial interest in any Gaming activity conducted by the Tribe, or engage in any business or have any personal financial activity in any business which is licensed or regulated by the Snoqualmie Gaming Commission pursuant to this section, or be employed by the Enterprise.
5. Powers and Duties of the Snoqualmie Gaming Commission. The Snoqualmie Gaming Commission shall have the following powers and duties:
 - a. The Snoqualmie Gaming Commission shall have primary responsibility for oversight of the Gaming Operations to assure the integrity of such operations and shall, for that purpose employ as staff of the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission, and not to any management employees of the Tribe Gaming Operations. The board members, Director and staff of the

Snoqualmie Gaming Commission, shall be licensed by the regulator licenser in accordance with **Section 5-13**.

- b. Snoqualmie Gaming Commission staff 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 section 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 section 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 Snoqualmie Gaming Commission regarding any failure by the Enterprise, any employee or agent of the Enterprise, or any Person to comply with any of the provisions of this section and other applicable laws. Inspectors assigned by the Snoqualmie Gaming Commission shall also receive consumer complaints within the Gaming Facilities and shall assist in seeking voluntary resolution of such complaints.

- c. The Snoqualmie Gaming Commission shall have the responsibility and authority to investigate any alleged or reported violations of this Chapter, and all other applicable laws. The Snoqualmie Gaming Commission 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 to comply with the provisions of this Chapter and all other applicable laws. The Snoqualmie Gaming Commission 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 Chapter, the Act or other applicable law. The Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission of a violation of this Chapter or other applicable laws, the Snoqualmie Gaming Commission shall require the Enterprise or the holder of a license to take any corrective action deemed necessary by the Snoqualmie Gaming Commission upon such terms and conditions as the Snoqualmie Gaming Commission may determine necessary and proper pursuant to this Chapter. 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

Council on material violations of the provisions of this Chapter and actions taken by the Snoqualmie Gaming Commission in response to such violations.

- d. The Snoqualmie Gaming Commission 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 Tribal Law Enforcement Agency and the appropriate State and federal law enforcement agencies, setting forth the respective responsibilities of the Snoqualmie Gaming Commission, the security department of the Enterprise, the Tribal Law Enforcement Agency and the appropriate State and federal law enforcement agencies.
- e. The Snoqualmie Gaming Commission 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 Council. The Snoqualmie Gaming Commission shall require that the Enterprise establish the Security and Surveillance Requirements set forth in the Compact. The Snoqualmie Gaming Commission shall review and approve floor plans and surveillance systems for each Gaming Facility.
- f. The Snoqualmie Gaming Commission 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 5-9, 5-10, 5-11, and 5-12**, respectively.
- g. The Snoqualmie Gaming Commission shall establish a process for Persons barred from the Gaming Facilities because their behavior or criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the Gaming activities of the Tribe.
- h. The Snoqualmie Gaming Commission may impose penalties for violations of this Chapter, the Standards of Operation and Management, and other applicable laws, in accordance with **Section 5-15**.
- i. The Snoqualmie Gaming Commission may recommend to the Council that the Tribe bring any civil action or criminal complaint in the courts of the Tribe, the State or the United States to enforce the provisions of this section or to enjoin or otherwise prevent any violation of this section, the Act or other applicable laws, occurring on the Reservation.
- j. The Director of the Snoqualmie Gaming Commission shall propose an annual operating budget which shall be subject to the approval of the 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 Chapter. The Council shall fund the approved budget from the Tribe's own resources. All employees of the Snoqualmie Gaming Commission, including the Director, shall be tribal employees subject to the personnel policies of the Tribe.

- k. The Snoqualmie Gaming Commission may set fees to be assessed against Gaming Employees and Gaming Services providers to cover the costs incurred by the Snoqualmie Gaming Commission in conducting background investigations required for licensure of Gaming Employees and Gaming Services providers.
 - l. The Snoqualmie Gaming Commission may adopt regulations to authorize the use of credit by Gaming customers.
6. Emergency Powers of the Director. The Director or any other member of the Snoqualmie Gaming Commission 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 Snoqualmie Gaming Commission any order which the Snoqualmie Gaming Commission has the power to issue, to the Enterprise or to any employee or contractor of the Enterprise 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.
7. Procedures of the Snoqualmie Gaming Commission Board.
- a. 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.
 - b. Special meetings of the board may be called by the Chairman or the Director. The Person(s) calling the special meeting shall fix the time and place thereof.
 - c. At any meeting of the board, a majority of the members then in office shall constitute a quorum for the transaction of business agendas and minutes which record the formal acts of the board are required for both regular and special meetings. 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 Director shall preside at all meetings of the board unless the Director is absent, in which case the senior member of the board shall serve as Director.
 - d. 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.
 - e. The board shall adopt such additional procedures and rules as it deems necessary or convenient to govern its activities and which are consistent with this Chapter.
 - f. The board shall conduct all appeal hearings mandated by this Chapter, except those conducted pursuant to **Section 5-20**. All appeal hearings shall afford the Person affected with at least 15 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 appeal 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 agency may request an appeal hearing before the board, provided such Person submits such request in writing submitted within 30 days following receipt of notice of the action of the Snoqualmie Gaming Commission.

Section 5-15. Compliance with Act.

This Chapter 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 5-16. Prohibited Acts.

It shall be a violation of this Chapter for any Person to:

1. Conduct or participate in any Class II or Class III Gaming on the Reservation other than in a licensed Gaming Facility.
2. Receive, distribute, apply or divert any property, funds, proceeds or other assets of a Gaming Operation to the benefit of any Person, except as authorized by this ordinance, the Act, or other Application law.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. Use tokens or chips for wagers other than those approved by the Snoqualmie Gaming Commission, or use counterfeit or fraudulent coin, currency or other money or funds of any kind.
10. 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.
11. Possess a weapon or discharge a firearm in any Gaming Facility, except in accordance with the Snoqualmie Gaming Commission regulations.
12. 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 Tribe, including employees and officials of the Enterprise and the Snoqualmie Gaming Commission, for the purpose of influencing any action or decision relating to Gaming or tribal governmental activities related thereto.

Section 5-17. Penalties.

1. Civil Penalties. Any Person who violates any provision of this Chapter 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 nonmember 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 \$5,000.00 for each such violation. The Snoqualmie Gaming Commission shall have the jurisdiction to impose any such penalties on any Person within the jurisdiction of the Tribe.
2. Tribal Prosecution. The Snoqualmie Gambling Commission may refer violations under this chapter to the Tribal Prosecutor for possible civil prosecution or exclusion from the Snoqualmie Reservation in conformance with the Snoqualmie Tribal Code.

Section 5-18. Repeal and Severability.

To the extent that they are inconsistent with this Chapter, all prior Gaming ordinances of the Tribe are hereby repealed. If any clause, provision or section of this Chapter shall be ruled invalid or unenforceable by any court of competent jurisdiction by final order after all appellate jurisdiction is exhausted, such holding shall not invalidate or render unenforceable any other remaining provisions of this ordinance. Until such final order is entered and review exhausted,

the questioned provisions shall be absent and enforceable injunction to the contrary, in full force and effect.

Section 5-19. Detention and Questioning of Persons Suspected of Violations.

1. Questioning. The authorized agents of the Snoqualmie Gaming Commission or security personnel of the Gaming Facility (hereafter "*authorities*"), may question any Person in the Gaming Facility who may be involved in illegal acts or who is suspected of violating any of the provisions of the Compact or **Section 5-16**. None of the authorities is criminally or civilly liable:
 - a. On account of any such questioning; or
 - b. For reporting to the Snoqualmie Gaming Commission, the State Gaming Agency, Tribe, federal or State regulatory authorities, or law enforcement authorities the identity of the Persons suspected of the violation.
2. Custody. Any of the authorities who have probable cause for believing that there has been involvement in illegal acts or a violation of the Compact or **Section 5-16** in the Gaming Facility by any Person may take that Person into custody and detain him in the Gaming Facility in a reasonable manner and for a reasonable length of time. Such a taking into custody and detention does not render the authorities criminally or civilly liable unless it is established by clear and convincing evidence that the taking into custody and detention was unreasonable under all the circumstances.
3. Notice. There must be displayed in a conspicuous place in the Gaming Facility a notice in boldface type clearly legible and in substantially this form: Agents of the Snoqualmie Gaming Commission or any authorities who have probable cause for believing that any Person may be involved in illegal acts or has violated any provision of applicable law prohibiting cheating or other Gaming offense may detain that Person in the Gaming Facility.

Section 5-20. Appeal from Decisions of the Snoqualmie Gambling Commission.

1. Denial. If the Commission denies a Person a license, or if the Commission revokes a license which was previously granted, the Commission shall do so in writing, outlining the reasons for such decision, and deliver such writing to the person by certified mail, return receipt requested. If a person considers himself or herself aggrieved by such a decision, he or she may appeal to the Snoqualmie Tribal Court within thirty (30) business days of the date of the mailing was received by the U.S. Postal Service or other carrier as evidenced by a dated receipt for same. The appeal shall be only on the record, and shall not be heard de novo. If the Court finds that the order of the Commission was issued arbitrarily and capriciously, clearly erroneously, or in violation of the Constitution of the Snoqualmie Tribe or the constitutional rights of Indians (25 U.S.C. §§ 1301-1303), made upon unlawful procedure or some other clear error of law, the Court shall vacate the same and remand the issuance or re-issuance of a license. Otherwise, the denial shall be upheld.

2. Appeal. If the person is dissatisfied with the decision issued by the Snoqualmie Tribal Gaming Commission, he or she may appeal to the Snoqualmie Tribal Court within thirty (30) days of the issuance of the written decision from the Snoqualmie Tribal Gaming Commission. The appeal shall be only on the record and shall not be heard de novo. If the Court finds that the order of the Snoqualmie Tribal Gaming Commission was issued arbitrarily and capriciously, clearly erroneously, or in violation of the Constitution of the Snoqualmie Tribe of Indians or the constitutional rights of Indians (25 U.S.C. §§ 1301-1303), made upon unlawful procedure or some other clear error of law, the Court shall vacate the same and remand. Otherwise, the decision of the Snoqualmie Tribal Gaming Commission shall be upheld.
3. Court of Appeals. If the Person is dissatisfied with the decision issued by the Snoqualmie Tribal Court under either (a) or (b)above, he may appeal to the Snoqualmie Court of Appeals in accordance with the Snoqualmie Tribal Code.
4. Commercial Obligations Court. A hearing on the merits to overturn the Snoqualmie Gaming Commission's decision to deny, suspend, or revoke a Management Contractor's Gaming Services License or a Primary Management Official's Gaming Employee License shall be heard on a fast track grant of an appellate petition to the Snoqualmie Commercial Obligations Court, pursuant to the Snoqualmie Court Code. The Snoqualmie Commercial Obligations Court may issue an injunction or declaratory relief which may immediately reinstate the Management Contractor's Gaming Services License or a Primary Management Official's Gaming Employee License.

Section 5-21. Amendment

All powers of amendment are retained by the Snoqualmie Tribal Council.

Enacted by the Snoqualmie Tribal Council on this 14 day of February 2002 in session duly met.

Joseph O Muller 2-14-02
Tribal Chairperson

Carlene DeFesta 2-14-02
Tribal Secretary

APPROVED AS TO FORM:

Tribal Council

Legislative History:

Introduced on : 1/31/02
Referred to Committee on N/A
Reported on 2/14/02 Report # _____
Enacted by the Tribal Council on 2/14/02 with 8 FOR, 0 AGAINST and 0 ABSTAINING
Rejected by a vote of ___ FOR, ___ AGAINST and ___ ABSTAINING
Filed on _____ Law # _____ BY _____