

**NATIONAL
INDIAN
GAMING
COMMISSION**

JAN - 5 1996

Lyle Emerson George
Chairman
The Suquamish Tribe
P.O. Box 498
Suquamish, Washington 98392

Dear Chairman George:

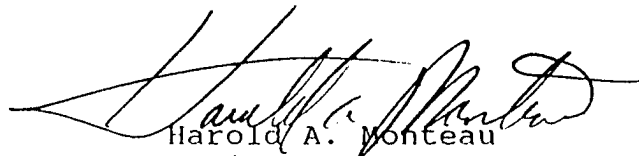
This letter responds to your request to review and approve the tribal gaming ordinance, Title 11, adopted on October 23, 1995, by the Suquamish Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

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

Sincerely yours,


Harold A. Monteau
Chairman

SUQUAMISH GAMING ORDINANCE

TITLE 11 CHAPTER 5

11.5.1 Title

1. This Ordinance shall be known as the "Suquamish Gaming Ordinance".

11.5.2 Authorization

1. This Ordinance, governing the conduct and regulation of gaming activities within the Port Madison Reservation and other Tribally owned land, is authorized by the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Sec. 2703 ("I.G.R.A.") and by regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. Sec. 502 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992).

11.5.3 Findings

1. The Suquamish Tribal Council finds that;
 - a. The Suquamish Tribe has the sovereign right and exclusive authority to regulate Class I and Class II gaming activities on Suquamish Indian Lands;
 - b. The Suquamish Tribe has the sovereign right to operate, license and regulate Class III gaming activities on Suquamish Indian Lands, provided it has entered into and operates its Class III gaming activities consistent with a compact entered into between the Tribe and the State of Washington;
 - c. The raising of funds for the promotion of Tribal government and social programs and/or bona fide charitable or non-profit organizations through gaming activities on Suquamish Indian Lands is in the Tribal and public interest;
 - d. The exercise of Tribal sovereign power through this Ordinance is necessary to protect the right of Tribal self-government and to regulate its internal relations so as to protect its political and economic security; and
 - e. It is essential to the health, safety and general welfare of the Suquamish Tribe and to visitors of the Port Madison Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Suquamish Indian Lands.

11.5.4 Interpretation

1. This Ordinance shall be deemed an exercise of the sovereign power of the Suquamish Indian Tribe and all provisions of this Ordinance shall be liberally construed for the accomplishment of the Statement of Purpose.
2. Any ambiguity in this Ordinance or in any rules or regulations hereafter promulgated pursuant to this Ordinance shall be resolved so as to be consistent with I.G.R.A. and other applicable Tribal and federal law.

11.5.5 Statement of Purpose

1. The purposes of this Ordinance are to:
 - a. Govern, regulate and provide standards for the operation, conduct and playing, on Suquamish Indian Lands, of Class I and Class II Gaming, as defined by the Indian Gaming Regulatory Act of 1988, 25 U.S.C. Section 2701 et. seq., and Class III Gaming, as defined by the same Act and as authorized by and pursuant to the provisions of a Tribal/State Compact entered into in compliance with the Act;
 - b. Strengthen the existing economy of the Suquamish Indian Tribe and promote Tribal economic development;
 - c. Enhance employment opportunities for Tribal members; and
 - d. Generate revenue for use in the improvement of the health, education, and welfare of Tribal members.

11.5.6 Definitions

"Act" or "I.G.R.A" means the Indian Gaming Regulatory Act, Public Law 100-497, codified as 25 U.S.C. Section 2701 et. seq.

"Bingo" means the game of chance (whether manual, electronic, computer, or otherwise technologically assisted) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations, in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person covering a previously designated arrangement of numbers or designations on such cards.

"Class I Gaming" means and shall include social and traditional games played for prizes of minimal value and traditional forms of Indian gaming

engaged in by individuals as part of, or in connection with, Suquamish Tribal ceremonies or celebrations.

"Class II Gaming" means and shall include all forms of gaming which are defined as "Class II Gaming" in I.G.R.A., P.L. 100-447, 25 U.S.C. Section 2703 (7) (A) and the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. 502.3 (as published in the Federal Register at 57 FR 12382-12393, April 1992). This definition shall include but shall not be limited to the following forms of games: Bingo and, if played in the same location, pull-tabs, punchboards, tip jars, instant bingo, speed bingo, and other games similar to or which is a form of bingo; and non-banking card games, when played in conformity with I.G.R.A., 25 U.S.C. Sec. 2703 (7).

"Class III Gaming" means and shall include all gaming which is not Class I or Class II, as defined in I.G.R.A., or as authorized by judicial determination, federal regulation or federal pronouncement and as authorized and conducted by the Tribe in accordance with and pursuant to the provisions of the Tribal/State Compact and this Ordinance.

"Class II Gaming Contract" means a contract for the provision of any goods or services for the conduct of Class II Gaming.

"Class III Gaming Contract" means a contract for the provision of any goods or services for the conduct of Class III Gaming.

"Class II Gaming Contractor" means any individual, business or other entity who applies for or is a party to a Class II Contract.

"Class III Gaming Contractor" means any individual, business or other entity who applies for or is a party to a Class III Contract.

"Commission" or "Tribal Gaming Commission" means the Suquamish Tribal Gaming Commission established by this Ordinance.

"Commissioner" means a member of the Suquamish Tribal Gaming Commission.

"Contractor" means any contractor who manages or operates a Class II or Class III gaming operation for the Tribe or is a lessor of gaming equipment or supplier of gaming services to the Tribe.

"Entity" means any organization, including any division, department, or unit therein and includes, but is not limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association,

proprietorship, trust, estate, commission, bureau, or agency, except this definition shall not include the Suquamish Indian Tribe.

"Game Card" or "Bingo Game Card" means a regular or special bingo card.

"Gaming Activities" means the conduct of gaming activities permitted pursuant to I.G.R.A. or the Tribal/State Gaming Compact.

"Gaming Facility" means the room or rooms in which Class II or Class III gaming activities as authorized by I.G.R.A. or the Tribal/State Gaming Compact are conducted on Suquamish Indian Lands.

"Gaming Operation" or "Tribal Gaming Operation" means any enterprise operated by the Tribe on Suquamish Indian lands for the conduct of any form of Class II or Class III gaming in any Gaming Facility. Where gaming is operated by a Tribal department or agency, the terms shall not include those portions of the department or agency which are unrelated to gaming.

"Gross Receipts" means the total receipts from the conduct of gaming activities.

"High Security Employee" means

1. any person who performs one or more of the following functions:
 - a. floor manager;
 - b. pit boss;
 - c. dealer;
 - d. croupier;
 - e. approver of credit;
 - f. counting room supervisor;
 - h. custodian of gaming supplies or cash;
 - i. custodian of gaming devices, including persons with access to cash or accounting records within such devices;
 - j. bingo caller;
 - k. chief of security; and
 - l. If not otherwise included in subsection 1, any other person whose total cash compensation is in excess of \$50,000 per year; and
 - m. If not otherwise included, the four most highly compensated persons in the gaming operation.

"Indian Lands" or "Suquamish Indian Lands" means Indian lands as defined by 25 U.S.C. Section 2703 (4)(A) and (B).

"Individual" or "Person" means, but is not limited to, natural persons and business entities, including business sole proprietorships, partnerships, corporations, joint ventures, organizations and associations.

"Key Employee" means any officer or person who can affect the course of business, make material decisions or is in a sensitive employment position.

"License" or "Licensed" means a Tribal gaming license or having a valid Tribal gaming license issued by the Suquamish Gaming Commission pursuant to the powers and authorities granted under this Ordinance.

"Lottery" means any scheme for the disposal or distribution of property, by chance, among persons who have paid valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or interest in such property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.

"Low security employee" means any person employed to work in a gaming area with no responsibility for management or operation of Class II or Class III gaming activities and no access to cash or to the interior of any gaming terminals.

"Major procurement" means any procurement action or contract for any goods, services, or products involving the determination of winners in any Class III gaming activities, for the printing of tickets used in any Class III gaming activity; or for any goods or services involving the receiving or recording of number selections in any Class III gaming activity;

"Minor Procurement" means any procurement action or contract related to any Class III gaming activity that is neither a Major Procurement or a Sensitive Procurement.

"National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory commission established pursuant to I.G.R.A..

"Native American" or "Indian" means a person who is an enrolled member of a Federally recognized Indian Tribe.

"Net Revenues" means the total gross revenues from gaming activities, less all reasonable sums actually expended for operating expenses, including but not limited to, amounts paid for or paid out as prizes.

"NIGC Chairman" means the Chairman of the National Indian Gaming Commission.

"Non-banking card game" means any card game in which two or more players play against each other and the players do not wager against the house. Non-banking card games played in conformity with State law regulating such is Class II gaming. All other non-banking card games are Class III games.

"Player" means any person paying some amount of United States currency to the Tribe for admission to or participation in Class II or Class III gaming activity and who is participating with the reasonable expectation of or the chance of receiving a prize of some value as a result of participating in, playing or wagering on such game.

"Primary Management Official" means any person within the Gaming Operation who: (i) has management responsibility for a management contract; (ii) has the authority to hire and fire employees; (iii) has the authority to set up working policy for the Gaming Operation; or (iv) has financial management responsibility, including but not limited to the Chief Financial Officer.

"Principal" means with respect to any enterprise: (1) each of its officers and directors; (2) each of its key management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager; (3) each of its owners or partners, if an unincorporated business; (4) each of its shareholders who own more than ten (10) percent of the share of the corporation, if a corporation; and (5) each person or entity other than a banking institution who has provided financing for the enterprise constituting more than ten percent of the start-up capital or operating capital over a twelve (12) month period, or any combination thereof.

"Prize" means any United States currency, cash or other property or thing of value awarded to a player or players, or received by a player or players, as a result of their participation in a gaming activity.

"Pull Tabs" means factory covered tickets which are purchased and opened by customers and which reveal a predetermined winning arrangement.

"Punch Board" means a small board which has many holes, each filled with a rolled up printed slip to be punched out upon payment of a player fee, in an effort to obtain a slip that entitles the player to a pre-designated prize.

"Regular Bingo Card" means a paper card or board issued to a person or a game card generated by and appearing on the screen of a computer employed by the Gaming Facility and assigned to a player which, upon payment of an admission fee, affords the person an opportunity to participate in all regular Bingo games played at a Bingo occasion.

"Secretary" means the Secretary of the United States Department of the Interior.

"Sensitive Procurement" means any procurement action or contract for goods or services, other than a major procurement, that may either directly or indirectly affect the integrity, security, honesty and fairness of the operation and administration of Class II or Class III gaming. A typical example of this class of procurement is the acquisition of security systems required to protect the security and integrity of Class II or Class III gaming.

"Special Bingo Card" means a disposable, specially marked Bingo Card or a game card generated by and appearing on the screen of a computer employed by the Gaming Facility and assigned to a player which affords a person the opportunity to participate in a special Bingo game for special prizes.

"Special Bingo Game" means any Bingo game which is not a regular Bingo game and which is played with special Bingo cards whether or not for special prizes.

"State" means the State of Washington.

"State Gaming Agency" means the Washington State Gambling Commission.

"Tribal Council" or "Suquamish Tribal Council" means the governing body of the Suquamish Tribe as set forth in the Suquamish Tribe's Constitution and Bylaws.

"Tribal Court" means the Suquamish Tribal Court.

"Tribal Gaming Inspector" means an enforcement officer hired by the Tribal Gaming Commission and who is authorized by this Ordinance to enforce its provisions and the provisions of the Tribal/State Gaming Compact, including the right to detain and/or arrest individuals. Gaming Inspectors are the only persons authorized to carry and/or display badges as Tribal gaming enforcement agents on Suquamish Indian Lands. Gaming Inspectors, under the direction of the Director of the Suquamish Gaming Commission, shall oversee and monitor the day to day operations of any Tribal Gaming Facility.

"Tribal Gaming Operator" means any person or entity operating a Tribal Gaming Operation on behalf of or under contract with the Suquamish Indian Tribe.

"Tribal Member" means an enrolled member of the Suquamish Tribe.

"Tribal/State Gaming Compact" means the Compact between the Suquamish Indian Tribe and the State of Washington regulating Class III gaming activities on Suquamish Indian Lands;

"Tribe" or "Suquamish Tribe" means the Suquamish Indian Tribe, recognized by the United States Government in 1965 and having the special rights of self government. This definition includes all Tribal agencies and officials.

11.5.7 Class I Gaming Authorized

1. Class I Gaming is hereby authorized on Suquamish Indian Lands and may be conducted by any person. Class I Gaming shall not be regulated by this Ordinance.

11.5.8 Class II Gaming Authorized

1. Class II Gaming is hereby authorized on Suquamish Indian Lands. Class II Gaming shall be regulated by the Tribal Gaming Commission and shall only be operated at Gaming Facilities on Indian Lands in a manner consistent with the provisions of this Ordinance and I.G.R.A.

2. A Tribal Gaming Operator or any manager under contract to manage a Tribal Class II Gaming Facility, may conduct Bingo, non-banking card games and other Class II gaming activities.

11.5.9 Class III Gaming Authorized

1. Class III Gaming is hereby authorized on Suquamish Indian Lands. Class III shall be regulated by the Tribal Gaming Commission and shall only be operated in a manner consistent with this Ordinance, the Tribal/State Gaming Compact and I.G.R.A.

2. The Tribal Gaming Operator or any manager under contract to manage the Tribal Class III Gaming Facility, may conduct any Class III game permitted in the Tribal/State Gaming Compact.

3. The Tribal Gaming Operator or any manager under contract to manage the Tribal Class III Gaming Facility may conduct any Class III game which is legalized within the State of Washington after the date of the Compact then in effect or which becomes permitted on Indian Lands pursuant to federal law, federal regulation, through a consensual lawsuit or by court decision, provided that prior to commencing the play of such games, the Gaming Operator complies with the terms of the Tribal/State Gaming Compact regulating the playing of new games.

11.5.10 Unauthorized Gaming Prohibited

1. Gaming by any person, party or other entity on any lands subject to the jurisdiction of the Suquamish Indian Tribe, except as authorized pursuant to this Ordinance, is hereby prohibited and declared unlawful.

11.5.11 Ownership of Gaming Operation

1. The Suquamish Tribe shall have the sole proprietary interest in, authority and responsibility for the conduct of any Class II gaming operation authorized by this Ordinance, except as provided in Section 11.5.11.2 below.

2. Individually owned gaming operations are prohibited, except individually owned Class II pull tab operations and State lottery tickets sales outlet operations existing as of the enactment date of this Ordinance are grandfathered under this provision, provided such operations and outlets comply with all laws, rules and regulations applicable to their operation.

3. No license to own or operate any Class II gaming shall be issued to any person or entity other than the Suquamish Indian Tribe, except as provided in this Section 11.5.11 to individually owned Class II pull tab operations and State Lottery ticket sales outlet operations exempted under Section 11.5.11.2.

4. Class II pull tab operations and State lottery ticket sales outlets exempted under the grandfathering provision of Section 11.5.11.2 shall be licensed and regulated by the Tribal Gaming Commission and shall be subject to the Suquamish Gaming Ordinance, and as it may be amended. Tribal licensing standards for operations and outlets exempted under Section 11.5.11.2 shall be at least as restrictive as those established by Washington State law governing similar gaming operations. Washington State law standards with respect to purpose, entity, pot limits and hours of operation shall apply to all operations and outlets exempted under Section 11.5.11.2.

5. Owners of operations and outlets exempted under Section 11.5.11.2 shall pay an assessment to the National Indian Gaming Commission in accordance with 25 C.F.R. Section 514.1., and as it may be amended.

6. Any person or entity who is not eligible to receive a Washington State license to conduct a Class II pull tab operation or a State lottery ticket sales outlet shall be denied a Tribal gaming license.

7. No less than sixty percent (60%) of the net pull tab or lottery ticket sales revenues from the exempted Class II pull tab operations and State Lottery ticket sales outlets shall be income to the Tribe.

8. Income to the Suquamish Tribe from individually owned Class II pull tab operations and State lottery ticket sales operations shall be used only for the purposes listed in Section 11.5.14.1 of this Ordinance.

9. The Suquamish Tribe shall have the sole proprietary interest in and responsibility for the conduct of any Class III gaming conducted on Suquamish Indian Lands authorized by this Ordinance and the Tribal/State Gaming Compact.

10. No license to own or operate any Class III gaming shall be issued to any person or entity other than the Suquamish Indian Tribe.

11.5.12 Management, Finance and Construction Contracts

1. The Suquamish Tribal Council or its authorized agents shall have the authority to enter into construction, consulting or other contracts necessary to operate, build and maintain Class II or Class III gaming activities on Suquamish Indian Lands, including the authority to enter engineering, architectural and environmental assessment agreements preliminary thereto, provided all such contracts are in conformity with applicable Tribal and Federal laws, rules and regulations then in effect.

2. The Suquamish Tribal Council or its authorized agents shall have the authority to enter into finance contracts relating to Class II or Class III gaming activities on Suquamish Indian Lands, provided no financing contract exceeding One Million Five Hundred Thousand Dollars (\$1,500,000.00) is valid to bind the Suquamish Tribe without the prior approval of the Tribal Council.

3. The Suquamish Tribal Council or its authorized agents shall have the authority to lease gaming equipment, provided such leases are in conformity with I.G.R.A., the provisions of this Ordinance and any other applicable Tribal and Federal laws, rules and regulations then in effect.

4. The Suquamish Tribal Council or its authorized agents may enter into a contract with an individual manager or managers or with a management company for the operation and management of Class II or Class III gaming activities. Each such contract must comply with I.G.R.A., the provisions of this Ordinance, other applicable provisions of Tribal and Federal law, rules and regulations then in effect.

11.5.13 Net Revenue Tax

1. There shall be a Tribal Tax upon the net revenue of any Class II or Class III gaming activity within the jurisdiction of the Tribe, in a percentage to be determined by the Tribal Council. The Tribal Tax shall be assessed and paid monthly into the Suquamish Indian Tribe General Fund. Net revenues, for the purposes of this Section, shall mean gross gaming revenues less amounts paid out as, or paid for, prizes; and total gaming related operating expenses, excluding any management contract fees. The Tribal Council may reduce or waiver such tax as is necessary to promote economic development on the Port Madison Reservation.

11.5.14 Use of Gaming Revenue

1. Net revenues from Class II and Class III gaming shall be used only for the following purposes:

- a. To fund Tribal government operations, programs or businesses;
- b. To provide for the general welfare of the Tribe and its members;
- c. To promote Tribal economic development;
- d. To donate to charitable and/or non-profit organizations;
- e. To fund, in whole or in part, operations of local government agencies impacted by gaming activities.

11.5.15 Suquamish Gaming Commission -- Establishment

1. The Suquamish Tribal Council is hereby authorized to establish a Suquamish Tribal Gaming Commission, empowered to administer this Ordinance and to exercise all the powers necessary and proper as set forth in this Ordinance, and to designate three (3) members to be its Commissioners and one (1) person to be an alternate Commissioner.

11.5.16 Terms for Commissioners

1. Appointment of Commissioners and the Alternate shall be for a period of three (3) years, except that of the initial Commissioners, one Commissioner shall be appointed for one year, one for two years and one for three years in order to achieve a staggered appointment schedule and to provide continuity within the Commission. The Alternate shall be appointed for one year. The Commissioners and the Alternate may be re-appointed for one or more successive terms.

11.5.17 Minimum Qualifications for Commissioners

1. The Gaming Commissioners and the Alternate shall possess and demonstrate as minimum qualifications:
 - a. Knowledge, experience or familiarity with business management; or
 - b. Knowledge of and experience in administration and administrative procedure.

2. The Gaming Commissioners and the Alternate, shall also possess or express a willingness to acquire:
 - a. Knowledge of and experience in the commercial gaming industry;
 - b. Familiarity with I.G.R.A; and
 - c. Knowledge of and experience in law enforcement.

11.5.18 Appointment of Commissioners

1. Gaming Commissioners and the Alternate shall be appointed from among the Tribe's General Council membership except the Tribal Council may appoint a non-member Indian or a non-Indian as a Gaming Commissioner where such person has demonstrated expertise in critical areas of gaming regulation or law enforcement. At no time shall there be more than one Gaming Commissioner who is not a member of the Tribe. The Gaming Commission shall insure that Commissioners who are tribal members shall be trained to assume full responsibility to regulate the Tribal Gaming Facility as soon as practicable.

2. No person shall be appointed to the Gaming Commission unless the Tribal Council is satisfied that such nominee:
 - a. Is a person of good character, honesty and integrity, whose prior activities, criminal record, if and, and reputation, habits, associations do not pose a threat to the public interest of the Tribe, its members, or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and

 - b. Has no interest in any private gaming activity on Suquamish Indian Lands or any activity which may have interests which conflict with the Tribal Gaming Operation.

11.5.19 Commissioners, No financial Interest in Gaming

1. Neither the Commissioners nor the Alternate shall have any direct or indirect financial interest in the Class II or Class III gaming activities.

11.5.20 Commissioners, Compensation

1. Tribal Gaming Commissioners and the Alternate shall receive, at minimum, a stipend or be reasonably compensated, as determined by the Tribal Council in its annual Tribal budgeting process. Any stipend or compensation shall be paid from the Tribe's income from gaming activities, including taxes and profits paid to the Tribe from the Class II and Class III gaming activities.

11.5.21 Removal of Commissioners

1. Any Gaming Commissioner may be removed for good cause, after written notice and an opportunity to be heard by the Tribal Council. Good cause exists when any condition occurs or is discovered which would exclude a person from appointment. The decision of the Tribal Council on such removal shall be final.

11.5.22 Commission Administration - Purpose and Responsibility

1. The Commission shall be guided by this Ordinance and in the case of Class III gaming, also the Tribal/State Compact, and shall cause the development of, approve and monitor the implementation of policies for the operation of Gaming Activities, personnel policies and procedures, training and operations procedures, all budgets, the record keeping and accounting methods, cash management systems, and shall rate the performance of Tribal Gaming agency or any manager or management company with whom the Tribal Gaming Operator or its authorized agent has an approved contract.

2. The Commission shall be guided by this Ordinance and shall cause the development of, approve and monitor all gaming operations within Suquamish Indian Lands which conduct Class II pull-tab gaming and sell State lottery tickets.

3. The members of the Commission shall not interfere with or become involved in the day to day operations of any gaming activities.

11.5.23 Promulgation of Regulations

1. It shall be the responsibility of this Commission to promulgate regulations necessary to administer this Ordinance and to perform its functions, including the enforcement provisions and penalties. The Commission, in order to accomplish the following illustrative acts for and on behalf of the Suquamish Indian Tribe, where it deems appropriate, may:

a. Promulgate, adopt, amend, enforce and repeal appropriate rules and regulations as may be necessary and desirable for the proper implementation of this Ordinance;

b. Execute contract and interlocal agreements, papers and documents in the name of the Commission, and shall honor related contracts heretofore entered into by the Suquamish Tribal Council related to the business of the Commission;

c. Approve all contracts for the rental of equipment for the operation of Class II and Class III Gaming as provided in this Ordinance;

d. Authorize the Suquamish Tribal government to establish and operate itself, or through its authorized agent, all Class II and Class III gaming activities on Suquamish Indian Lands; provided, the Tribe shall have sole proprietary interest and responsibility for the conduct of any Class II or Class III gaming activity, with the exception of existing gaming activities specifically grandfathered in pursuant to Section 11.5.11.3 of this Ordinance;

e. Pay all customs, duties, excises, charges, and obligations whatsoever related to the business of the Commission.

f. Identify and define the rules of play for each Class II and Class III game permitted.

g. License, inspect and oversee all gaming activities and persons employed in gaming activities conducted on Suquamish Indian Lands;

h. Establish systems to:

1. Adequately check the background of Primary Management Officials and Key Employees of the gaming enterprise;

2. Monitor Primary Management Officials, Key Employees and High Security Employees on an ongoing basis;

3. Provide for the verification of background check results provided by the NIGC before any licenses are issued for Class II or Class III Gaming;

j. Ensure that Class II gaming facilities are operated in compliance with this Ordinance and I.G.R.A.

k. Ensure that Class III gaming facilities are operated in compliance with this Ordinance, the Tribal/State Gaming Compact and I.G.R.A.

l. Ensure the physical safety of patrons in gaming facilities;

- m. Ensure the physical safety of personnel employed by the Gaming Operation;
- n. Ensure the physical safeguarding of assets transported to and from the Gaming Facility and the cashier's cage department;
- o. Protect the patrons' and the Gaming Operation's property from illegal activity;
- p. Temporarily detain, to the extent of its authority under this Ordinance, and until notification of the appropriate law enforcement authorities, persons who may be involved in illegal acts;
- q. Carry on a continuous study and investigation of Class II and Class III gaming on Suquamish Indian Lands for the purposes of:
 - 1. Ascertaining any defects in or abuses of the standards and regulations in this Ordinance and any and all applicable rules and regulations;
 - 2. Formulating recommendations for changes in the standards and regulations in this Ordinance and any and all applicable rules and regulations;
 - 3. Preventing abuses and evasions of the standards and regulations prescribed by this Ordinance and applicable rules and regulations.
- r. Report to the Tribal Council on any matters related to gaming which are deemed by the Tribal Gaming Commission to constitute an emergency requiring immediate action;
- s. Take any action it deems necessary and appropriate for violation(s) of this Ordinance, applicable rules or regulations, including but not limited to license suspension, license revocation, prosecution, referral for prosecution or civil suit;
- t. Employ such employees as are necessary to carry out the specific and general powers and duties of the Tribal Gaming Commission, including but not limited to Gaming Inspectors. Commission employees shall meet all license requirements of High Security Employees.
- u. Establish systems to log and record, in a permanent and detailed manner:
 - 1. a security log, recording any and all unusual occurrences at any Gaming Facility that require further investigation under the terms of the Tribal/State Gaming Compact.

2. a surveillance log, as written or computerized records, recording all surveillance activities in the monitoring room of the Gaming Facility;

v. Perform all matters and things directly or indirectly necessary to conduct its business and carry out its duties and functions;

w. Perform all other duties related to the conduct and operation of the powers and duties authorized by this Ordinance.

11.5.24 Meetings - Schedule, Notice, Quorum

1. The Commission shall regularly meet monthly. The Commission shall also meet at the request of two members of the Commission or the Chairperson of the Tribal Council. A quorum shall be three members. Voting shall be by majority. Notice of the meetings shall be given to Commission members and to the Tribal Council at least five days prior to the meeting except in the case of an emergency or special meeting. An agenda shall be established. Minutes shall be recorded, filed and maintained for three years.

2. The alternate Commissioner shall not attend any meetings of the Commission unless attendance is necessary to establish a quorum. The alternate Commissioner shall receive all copies of meeting minutes and the Commission shall keep the alternate Commissioner apprised of the activities, decisions and actions of the Commission.

11.5.25 Reporting

1. The Commission shall cause a report, approved by the Commission, to be submitted each month by the fifteenth day of the following month to the Tribal Council to include information on each of the Commission's responsibilities. The monthly report shall include a financial statement for the month just ended and a cumulative report to the Tribal Council twice annually on the performance of the Tribal department or any approved manager or management company with whom the Tribe or its authorized agent has an approved contract.

11.5.26 Annual Audits

1. The Tribal Gaming Commission shall cause to be conducted annually an independent audit of its Class II and Class III gaming operations and shall submit the resulting audit reports to the Tribal Council and the National Indian Gaming Commission. The audit reports shall be made available to Federal agencies authorized by Federal law to obtain copies of the results of those audits. All audits shall be deemed to be confidential and proprietary information

and not subject to disclosure without the express written approval of the Tribal Gaming Commission.

2. Audit(s) shall be conducted by an independent auditing firm, selected at the discretion of the Gaming Operator's Chief Financial Officer or the Tribal Gaming Commission on the Gaming Operator's behalf. Nothing in this paragraph shall prohibit the annual audit of Tribal gaming activities from being encompassed within the Tribe's existing audit system.

3. All gaming related contracts which result in the purchase of supplies, services, or concessions in excess of Twenty five Thousand Dollars (\$25,000.00) annually, except for professional, legal or accounting contracts, shall be specifically included within the scope of the annual independent audits.

11.5.27 Gaming Inspectors

1. The Tribal Gaming Commission shall employ as many Tribal Gaming Inspectors as it deems necessary to ensure full enforcement of this Ordinance.

2. Tribal Gaming Inspectors may be present in any Class II Gaming Facility during all operating hours of the Gaming Operation. Tribal Gaming Inspectors shall have immediate access to any and all areas of any Class II Gaming Operation for the purposes of ensuring compliance with this Ordinance and I.G.R.A.

3. At least one Tribal Gaming Inspector shall be present in the Class III Gaming Facility during all operating hours of the Gaming Operation, and shall have immediate access to any and all areas of the Gaming Operation for the purposes of ensuring compliance with this Ordinance and with the Tribal/State Gaming Compact.

4. Tribal Gaming Inspectors shall immediately report to the Tribal Gaming Commission any violation of this Ordinance, the Tribal/State Gaming Compact, I.G.R.A. or other law, ordinance or regulation by the Gaming Operation, a gaming employee or any person on the premises, whether or not associated with the Gaming Operation.

5. The Tribal Gaming Commission shall forward a report of any Class III Gaming violation to the State Gaming Agency on a continuing basis.

11.5.28 Investigation of Violations and Sanctions

1. The Tribal Gaming Commission shall investigate any reported violation of this Ordinance, the Tribal/State Compact provisions or any other applicable law, ordinance or regulation.

2. In the event a violation is found, the Tribal Gaming Commission shall require the Gaming Operator or manager to correct the violation upon such terms and conditions as the Commission determines is necessary. In addition, the Tribal Gaming Commission may impose fines or other sanctions as provided in this Ordinance against any gaming employee or any person directly or indirectly involved in, or benefiting from, the violation.

3. The Tribal Gaming Commission shall forward copies of all completed investigation reports and final dispositions concerning Class III gaming violations to the State Gaming Agency on a continuing basis.

4. The Tribal Gaming Commission may request the State Gaming Agency to assist in any investigation of Class III gaming violations or to provide related investigation services.

11.5.29 Meetings with State Gaming Agency

1. The Tribal Gaming Commission shall meet with the State Gaming Agency at least once a year, and on a quarterly basis for the first twelve (12) months after the execution of the Tribal/State Gaming Compact, for the purpose of reviewing existing practices and examining methods to improve the regulatory program created by the Tribal/State Gaming Compact.

2. The Tribal Gaming Commission shall follow the protocol established in the Tribal/State Gaming Compact in initiating and conducting the Agency meeting.

11.5.30 Gaming Facility

1. To ensure that the environment, public safety, public health and tribal welfare are adequately protected, the Tribal Gaming Facility shall be constructed, maintained and operated in compliance with applicable Tribal and Federal laws, including but not limited to fire codes, safety codes and building codes.

2. The Tribal Gaming Facility shall be subject to inspection to insure compliance, annually or on such basis as the Tribal building inspector, or if none, the Tribal Gaming Commission, determines is necessary and appropriate.

11.5.31 Operation of Class II Gaming Facility

1. The Tribal Gaming Operator shall obtain a Facility license as a condition of operating a Class II Gaming Facility.

2. Class II Gaming may be conducted each and every day of the week and at such hours of the day or night as determined in the exercise of the Tribe's sole

discretion, and there shall be no limit as to prize money for any single gaming activity, bingo game or session except as determined in the exercise of the Tribe's sole discretion.

3. Prior to commencing operation of a Class II game or making any material change in the operation, the Tribal Gaming Operator shall:

a. Notify the Tribal Gaming Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.

b. The proposed schedule shall be approved unless the Tribal Gaming Commission notifies the operator or manager of its objection(s) within fifteen (15) days of its receipt of the proposed schedule.

c. If the Tribal Gaming Commission makes an objection(s), it shall state its reason(s) and the change(s) necessary, and the operator may submit a revised proposal accommodating the Commission's objection(s), or may request an opportunity to rebut the objection(s).

d. The Tribal Gaming Operator's submission of a revised schedule which incorporates and accommodates the Tribal Gaming Commission's objection(s), shall be deemed approved upon its submission.

e. If the Tribal Gaming Operator requests an opportunity to rebut then, within fifteen (15) days of receiving the request, the Tribal Gaming Commission shall set a date, time and place for a conference with the operator. The Tribal Gaming Commission shall issue its decision within fifteen (15) days after the occurrence of the conference. The Tribal Gaming Commission's decision shall be final and not subject to further appeal.

4. A schedule of the Class II games to be conducted must be conspicuously posted at each entrance to the Class II Gaming Facility each week in which games will be conducted. The schedule must include a statement of the prizes offered for each game.

5. The number of person permitted to play any Class II game shall be determined by the Tribal Gaming Operator as is appropriate, provided, the number of people permitted in any Class II Gaming Facility or in any room within the Facility shall not exceed the limitation regarding maximum occupancy permitted under the applicable fire, building, or other safety codes or standards.

6. The number of people permitted to play any Bingo game shall not exceed the number of seats available in the room(s) in which the game is being played.

7. No person may loiter in any room in which a Bingo game is being played. Persons entering any room in which a Bingo game is being played must be a player, accompanying a player, a facility employee, a food facility patron or a persons present by authority of the Tribal Gaming Commission for authorized purposes.

8. The Tribal Gaming Operator shall provide the game cards to be used for each Bingo game conducted and each card shall be marked to indicate that the issuing facility is the Tribal Class II Gaming Facility.

9. Special Bingo cards must be issued separately from regular Bingo cards, and must be specially marked to indicate the particular Special Bingo game, including date and the facility of issuance. In the case of computer generated cards, the computer must be programmed to lock on a card at the start of the game, prior to the calling of the first number or designated symbol, so as not to permit altering or changing of the card during the game, and every winning card can be verified. A Special Bingo card shall be valid only for the designated game.

11.5.32 Operation of Class III Gaming Facility

1. The Tribal Gaming Operator of a Class III gaming facility shall obtain a Facility license as a condition of operating a Class III Gaming Facility.

2. Class III Gaming may be conducted to the maximum allowed by and in conformance with the hours and days provided in the Tribal/State Compact or any amendment thereto.

3. Prior to commencing operation of a Class III game or making any material change in the of operation, the Tribal Gaming Operator of the Class III Gaming Facility shall:

a. Notify the Tribal Gaming Commission of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.

b. The proposed schedule shall be approved unless the Tribal Gaming Commission notifies the Tribal Gaming Operator of its objection(s) within fifteen (15) days of its receipt of the proposed schedule.

c. If the Tribal Gaming Commission makes an objection(s), it shall state its reason(s) and the change(s) necessary, and the Tribal Gaming Operator may submit a revised proposal accommodating the Commission's objection(s), or may request an opportunity to rebut the objection(s).

d. The Tribal Gaming Operator's submission of a revised schedule which incorporates and accommodates the Tribal Gaming Commission's objection(s), shall be deemed approved upon its submission.

e. If the Tribal Gaming Operator requests an opportunity to rebut then, within fifteen (15) days of receiving the request, the Tribal Gaming Commission shall set a date, time and place for a conference with the Operator. The Tribal Gaming Commission shall issue its decision within fifteen (15) days after the occurrence of the conference. The Tribal Gaming Commission's decision shall be final and not subject to further appeal.

11.5.33 Record Maintenance

1. The Tribal Gaming Operator shall maintain accurate and up to date records for each Class II and Class III gaming activity conducted.

2. Records for each Class II and Class III gaming activity shall include records of:

a. all financial transactions, including but not limited to gross receipts, payouts for prizes whether in cash or merchandise, any and all operating expenses, and net profits;

b. all gaming machine testing, malfunctions, maintenance and repairs;

c. personnel;

d. complaint of patrons and resolutions thereof;

e. in house investigations of incidents or accidents of any kind;

f. actions by the Gaming Facility against players or facility visitors;

g. actions by the Gaming Facility against or reprimanding employees.

h. tax records or information provided to the Tribal, State or Federal Government as required by Tribal or Federal law.

3. Records for each Class III gaming activity shall also include any information required to be kept under the terms of the Tribal/State Compact.

11.5.34 Prohibition on Per Capita Payments

1. The Tribe may make per capita payments to tribal members only upon approval of a plan submitted to the Secretary of the Interior pursuant to I.G.R.A. 25 U.S.C. section 2710(b) (3).

11.5.35 Prohibition on Minors, Employees

1. No person under the age of eighteen (18) years shall be permitted to play any Class III game.

1. No person under the age of eighteen (18) years shall be permitted in any area of a Class II or Class III Gaming Facility which has been designated for pari-mutuel or off track betting activities.

2. Where alcoholic beverages are offered in any Class II or Class III Gaming Facility, no person under the age of twenty-one (21) shall be permitted on the gaming floor of that Gaming Facility during actual hours of operation.

3. No person employed by a Class II or Class III Gaming Operation may play any game conducted in any Gaming Facility.

4. No person who assists in or holds, operates or conducts a Class II or Class III Gaming Operation may play any game conducted in any Gaming Facility.

11.5.36 Prohibition on Firearms

1. No person shall possess firearms within any Class II or Class III Gaming Facility, except as provided in this section. The Tribal Gaming Commission shall place a notice of this prohibition near the entrance to each Gaming Facility. This prohibition does not apply to Tribal Gaming Inspectors, authorized agents or officers of the Tribal Law Enforcement Agency or the State Gaming Agency, or to authorized agents or officers of Federal, State or Local law enforcement agencies authorized by law or by a co-operative, mutual aid, cross deputization or memorandum of understanding agreement entered into with the Tribe.

11.5.37 Bona Fide Employees

1. All person involved in the conduct of Class II or Class III gaming must be a bona fide employee of the Tribal Gaming Operator.

11.5.38 Identification Tags

1. All persons assisting in, operating or conducting any Class II or Class III game shall wear in plain view and affixed to their uniforms, a legible

identification tag issued by the Tribal Gaming Commission, which includes such person's photograph, first name, an identification number unique to the individual's Tribal gaming license, a Tribal seal or signature, and a date of expiration.

11.5.39 Prizes, Taxing and Reporting to the Internal Revenue Service

1. Provisions of the Internal Revenue Code of 1986, as amended, concerning the taxation and reporting of withholding of taxes with respect to prizes or winnings from gaming or wagering pursuant to the operation of Class II or Class III gaming operated on the Port Madison Reservation shall apply to the Tribe's gaming operations.

11.5.40 Assignment, Forfeiture of Prizes

1. The right of any person to a prize shall not be assignable except that payment of any prize may be made to the estate of a deceased prize winner or to a person pursuant to an order of the Tribal Court.

2. Any unclaimed prize of a Class II or Class III Gaming Activity shall be retained by the Gaming Operator for ninety (90) days after the prize is available to be claimed. Any person who fails to claim a prize during such time shall forfeit all rights to the prize and the amount of the prize shall be awarded to the Tribe.

3. Any consideration paid by and all rights to any prize won by a person under the age of eighteen (18) years or by an employee while on duty or in uniform shall be forfeited as a violation of Section 11.5.35 of this Ordinance. The amount of any such consideration and/or prize shall be awarded to the Tribe.

11.5.41 Licenses for Gaming Employees, Facilities, Financiers and Contractors

1. No licensing shall be required for Class I gaming.

2. The Tribal Gaming Commission shall have the sole and exclusive authority to license Class II gaming operations on Suquamish Indian Lands which are now or may hereafter be permitted by federal law, this Ordinance, the Tribal/State Compact or court decision.

3. The Tribal Gaming Commission shall have the sole and exclusive authority to license Class III Gaming operations on Suquamish Indian Lands which are now or may hereafter be permitted by federal law, this Ordinance, the Tribal/State Compact or court decision.

4. The Tribal Gaming Commission shall ensure that the policies and procedures set forth in this section are implemented with respect to licensing of all persons employed at any Class II or Class III gaming enterprise operated on Suquamish Indian Lands.

5. The Tribal Gaming Commission shall issue the following licenses for gaming on Suquamish Indian Lands:

- a. Gaming Operation License
- b. Financier License
- c. Primary Management Official License
- d. High Security License
- e. Low Security License
- f. Facility License
- g. Class II Gaming Contractor's License
- h. Class III Gaming Contractor's License
- i. Other Licenses as necessary and appropriate

6. Licenses shall indicate the type and class of License on the face of the License. A combined Class II and Class III license may be issued if appropriate.

11.5.42 License Fees: Application and Renewal Fees

1. Any person or entity making application for a Tribal gaming license pursuant to this Ordinance shall submit his, her or its application, required forms and information and an application fee, as established by the Tribal Gaming Commission pursuant to this Ordinance.

2. A licensee shall, at least sixty (60) days prior to the expiration of his, her or its license, make application for renewal, as required by the Tribal Gaming Commission, and shall submit the application, required forms and information, together with a renewal fee equivalent to one hundred percent (100%) of the then prevailing license fee.

3. The Tribal Gaming Commission may immediately issue a license if the prospective employee has a current license or certification issued by the State Gaming Agency and the State Gaming Agency certifies that the prospective employee is in good standing and the employee consents to disclosure of his, her or its records to the Tribal Gaming Commission.

4. The Tribal Gaming Commission shall have the authority to establish the license application fees provided in this Section by regulation. The basis for any such license fee shall reflect the costs incurred by the Tribal Gaming Commission associated with the issuance of gaming licenses, including background checks.

5. The Tribal Gaming Commission shall be authorized to collect payment for license fees by lump sum payment, monthly payment plan, payroll deduction, or by any other means deemed appropriate by the Commission.

11.5.43 Duration and Renewal of Tribal Gaming License

1. Each Tribal gaming license shall be effective for one year from the date of issuance.

2. A licensed employee or entity who has timely applied for renewal of the license may continue to be employed under the expired Tribal gaming license until the Tribal Gaming Commission takes action on the renewal application.

3. Applicants seeking renewal of a gaming license shall provide information updating originally submitted information on the appropriate renewal forms. Applicants shall not be required to re-submit historical data already available to the Tribal Gaming Commission.

4. Additional background investigation by the Tribal Gaming Commission shall not be required unless the Commission discovers new information concerning the applicant's continuing suitability or eligibility for a Tribal gaming license.

5. In the event the Tribal Gaming Commission denies a renewal application, the Commission shall notify the applicant in writing of the denial determination and forward of copy of the statement to the National Indian Gaming Commission and, for Class III gaming license renewal denials, to the State Gaming Agency in accordance with the Tribal/State Gaming Compact.

11.5.44 Privacy Act Notice on Application Forms

1. The following notice shall be placed on the application form provided to any applicant for a Key Employee, High Security Employee or Primary Management Official position:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by the Indian Gaming Regulatory Act, 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 a 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 the tribe's being unable to hire you for a primary management official, high security employee 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. The Tribal Gaming Commission shall notify existing Key Employees, High Security Employee and Primary Management Officials in writing that they shall either:

a. Complete a new application form which contains a Privacy Act notice;
or

b. Sign a statement which contains the Privacy Act notice and consent to the routine use described in that notice.

11.5.45 False Statement Notice on Application Forms

1. The following notice shall be placed on the application form provided to any applicant for a Key Employee, High Security Employee or Primary Management Official position:

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).

2. The Tribal Gaming Commission shall notify existing Key Employees, High Security Employees and Primary Management Officials in writing that they shall either:

a. Complete a new application form which contains a notice regarding false statements; or

b. Sign a statement which contains the notice regarding false statements.

11.5.46 License: Qualifications and Requirements

1. Prior to commencement of operation and annually thereafter, principals of any Management Company under contract with the Gaming Operation shall be licensed by the Tribal Gaming Commission in accordance with the provision of the Tribal/State Compact and I.G.R.A.
2. All Primary Management Officials, High Security Employees and Low Security Employees to be employed by the Gaming Operation shall be licensed by the Tribal Gaming Commission in accordance with the provisions of the Tribal/State Compact and I.G.R.A.
3. All prospective employees of the Gaming Facility, including Primary Management Officials, High Security Employees, and Low Security Employees, shall provide to the Tribal Gaming Commission any required application fee and, at minimum, the following information:
 - a. Full name, other names used (oral or written), maiden name, mother's maiden name,
 - b. social security number(s),
 - c. date and place of birth,
 - d. citizenship,
 - e. gender,
 - f. all languages (spoken or written);
 - g. Current and for the previous five (5) years: business and employment positions held and the address of each such business or employer;
 - h. Current and for the previous five (5) years: ownership interests in any business and the address of each such business;
 - i. Current driver's license number and any other driver's license held in the past five years;
 - j. Description of any existing or previous business relationships, including prior employment, with any Indian Tribe and, if applicable, any ownership interest in such business(es);
 - k. 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 (g) of this section;
 - l. Current business and residence telephone numbers;
 - m. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 - n. The name and address of any licensing or regulatory agency with whom the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

- o. The name and address of any licensing or regulatory agency with whom the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
 - p. For each felony conviction or ongoing prosecution, the charge, the name and address of the court involved, and the date and disposition, if any;
 - q. For each misdemeanor conviction or ongoing prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date and disposition, if any;
 - r. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (p) or (q) of this section, the criminal charge, the name and address of the court involved and the date and disposition, if any;
 - s. Two current photographs;
 - t. Any other information the Tribal Gaming Commission deems relevant;
- and
- u. Fingerprints consistent with procedures adopted by the Tribal Gaming Commission in accordance with 25 C.F.R. Section 522.2(h). The Suquamish Gaming Commission shall engage the Suquamish Tribal Police or other qualified law enforcement agency to complete the fingerprinting license applicants.

11.5.47 Completion of State Certification Application

1. Each applicant for a Class III Gaming related license shall also submit to the Tribal Gaming Commission a completed State Certification application together with all fees required by the State Gaming Agency and the Tribal Gaming Commission. For business entity applicants, the principals of such entities shall submit the required application, attachments and fees.
2. The Tribal Gaming Commission shall transmit a copy of all Class III Gaming license application materials for each applicant, together with a set of fingerprint cards, a current photograph, and the fee required, to the State Gaming Agency.

11.5.48 Request for Temporary State Certification of Gaming Employees

1. The Tribal Gaming Commission may, within thirty (30) days of receiving a completed application, request that the State Gaming Agency issue a temporary State Certification to the applicant, unless the State Gaming Agency's background investigation during that period discloses that the applicant has a criminal history or the State Gaming Agency discovers compelling evidence of dishonesty, criminal conduct or an association(s) sufficient to disqualify the applicant under the State's certification requirements.

2. Any temporary certification granted shall become void and be of no effect upon either the issuance of a State certification or the issuance of an intent to deny, in accordance with the Tribal/State Gaming Compact.

11.5.49 Background Investigation Procedures

1. The Tribal Gaming Commission shall conduct an investigation of each license applicant sufficient to make a determination as set forth below in this section. In conducting a background investigation, the Tribal Gaming Commission and its investigative personnel shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

2. The Tribal Gaming Commission shall be responsible for the conduct of background investigations, and for making suitability determinations for employees of the Class II Gaming Operation.

3. The Tribal Police Agency, a qualified Contractor of the Tribal Gaming Commission or the Tribal Gaming Commission, shall obtain fingerprints from all applicants and employees of the Class II Gaming Operation. The Tribal Gaming Commission may utilize the National Indian Gaming Commission or the State Gambling Commission Enforcement Agency, as may be required by I.G.R.A. or the Tribal State Gaming Compact, to process the fingerprints.

4. The Tribal Gaming Commission is authorized to conduct background investigations of Class III gaming license applicants. The Tribal Gaming Commission may alternatively rely solely on the background investigation report provided by the State in accordance with the Tribal/State Gaming Compact in determining whether to issue a Class III Gaming license.

5. The minimum investigative procedures to be performed in connection with a background investigation of Key Employees, Primary Management Officials, High Security Employees and Low Security Employees shall include the following:

a. Verification by written or oral communication of information submitted by the applicant;

b. Inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations.

c. Interviews with a sufficient number of knowledgeable people such as former employers, personal references and others to whom reference is made in order to provide a basis for the commission to make a finding concerning an applicant's eligibility for employment in the Gaming Operation; and

d. Documentation of the disposition of all potential problem areas shall be noted and disqualifying information will be obtained.

6. The Tribal Gaming Commission shall review and approve the investigative work done. If, after investigation, the Tribal Gaming Commission determines that employment of the applicant poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, a tribal gaming operation shall not employ that applicant in a Key Employee, High Security Employee or Primary Management Official position.

7. The Tribal Gaming Commission shall deny a gaming license to any prospective Key Employee, High Security Employee or Primary Management Official who has committed any of the following crimes under the law of any jurisdiction, or is the subject of a civil judgment in any jurisdiction that is based upon facts which constitute the elements of any of the following crimes:

- a. Aggravated murder; murder in the first degree;
- b. Assault, in the first or second degree;
- c. Kidnapping in the first degree;
- d. Rape in the first degree;
- e. Sodomy in the first or second degree;
- f. Unlawful sexual penetration in the first degree;
- g. Sexual abuse in the first or second degree;
- h. Any crime related to child pornography;
- i. Forgery in the first degree;
- j. Possession of a forgery device;
- k. Unlawful factoring of a credit card transaction;
- l. Falsifying business records;
- m. Sports bribery or receiving a sports bribe
- n. Making a false financial statement
- o. Obtaining execution of a document by deception
- p. Theft by extortion;
- q. Arson in the first degree;
- r. Computer crime;
- s. Robbery in the first or second degree;
- t. Bribery;
- u. Bribing a witness;
- v. Perjury;
- w. Any theft accomplished by manipulation of records, e.g. embezzlement;
- x. Promotion of unlawful gambling;
- y. Conviction of any crime if the original charge was promotion of unlawful gambling, and a lesser charge was plea-bargained;
- z. Tax evasion.

8. The Tribal Gaming Commission shall deny a gaming license to any prospective Key Employee, Primary Management Official or High Security Employee who:

a. has associated in a business relationship, whether as a partner, joint venturer or employer, with any other person who has been convicted of one of the crimes listed in subparagraph (7) of this Section;

b. had been employed by any other person who has been convicted of one of the crimes listed in subparagraph (7) of this Section, if the prospective employee or official was in any way involved in or aware of the criminal activity as it occurred.

c. fails to disclose any material fact to the Tribal Gaming Commission or its authorized agents during a background or security investigation.

d. who misstates or falsifies a material fact to the Tribal Gaming Commission during a background or security investigation.

e. is ineligible for any other reason the Tribal Gaming Commission deems sufficient, provided such reason is consistent with the Tribal/State Compact and this Ordinance.

9. In determining whether to deny a gaming license to any prospective Key Employee, Primary Management Official or High Security Employee, the Tribal Gaming Commission shall consider, but need not be limited to, the following factors:

a. Whether the applicant has been convicted of any crime other than a crime listed in subparagraph (7) in any jurisdiction;

b. Whether the applicant has associated with persons or businesses of known criminal background, or persons of disreputable character, that may adversely affect the general credibility, honesty, integrity, security, fairness or reputation of the Gaming Operation; or

c. Whether there is any aspect of the applicant's past conduct that the Tribal Gaming Commission determines would adversely affect the honesty, integrity, security or fairness of the Gaming Operation.

11.5.50 Denial of License Application

1. The Tribal Gaming Commission shall deny a gaming license to any prospective Low Security Employee who has committed any of the crimes listed in subsection (a) through (e) of 11.5.49 (7).
2. The Tribal Gaming Commission may deny a gaming license to any prospective Low Security Employee who has committed any of the crimes listed in subsection (f) through (z) of 11.5.49 (7).
3. The Tribal Gaming Commission may reject any applicant who:
 1. Fails to provide all the information requested in the application;
 2. Violates, fails or refuses to comply with any provision, requirement, condition, limitation, or duty imposed by this Ordinance, I.G.R.A. or the Tribal/State Gaming Compact;
 3. Fails to provide information reasonably required to investigate the application for a Tribal license or to reveal any fact which the applicant knows or should reasonably know is material to such application, or has furnished any information which is untrue or misleading in connection with such application.
 4. Has had a Tribal or State gaming license revoked or denied during the twelve (12) months prior to the date on which the Tribe received the application;
 5. Is currently on probation imposed by, has demonstrated a willful disregard for, or has failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses which could subject the individual or entity to suspension, revocation, or forfeiture of a gaming license.

11.5.51 Waiver of Disqualifying Criteria

1. If a prospective Key Employee, Primary Management Official, High Security Employee or Low Security Employee is disqualified for licensing or employment under the provisions of 11.5.49 above, and the Tribal Gaming Commission believes there are mitigating circumstances justifying a waiver of the disqualifying factor, the Commission may give written notice to the State requesting a meeting to confer on the waiver of an applicant's disqualification in accordance with the terms of the Tribal/State Compact.
2. In order to waive a disqualification of licensing or employment of any prospective Key Employee, Primary Management Official, High Security

Employee or Low Security Employee, both the Tribal Gaming Commission and the State must agree on the waiver.

3. Waiver of disqualification of licensing or employment may be based on one or more of the following circumstances:

- a. Applicant's age at the time of any conviction;
- b. Passage of time since conviction for the crime committed;
- c. Severity of the offense committed;
- d. Applicant's overall criminal record;
- e. Applicant's current reputation and standing in the community;
- f. The nature of the position for which the application is made.

11.5.52 Gaming Applications by Tribal Members, Indians

1. The Tribal Gaming Commission may, by mutual agreement with the State Gaming Agency, waive certain criteria for any enrolled Tribal member and issue a provisional or conditional gaming license, if the Tribal member applicant does not pose a material risk of engaging in unlawful activity or activity detrimental to the operation of the Gaming Facility. The provisional or conditional gaming license issued may be a temporary license based upon specific conditions and a further detailed review of the Tribal member applicant. The Tribal Gaming Commission may require the Tribal member applicant to pay additional fees to maintain a temporary, conditional or provisional gaming license.

2. An application submitted for a Tribal gaming license by an Indian from a federally recognized Indian Tribe shall not be denied, suspended or revoked on the grounds that such Indian has been charged or convicted under any State law of non-gambling related offenses if the charge or conviction occurred prior to the United States Supreme Court rulings upholding State jurisdiction over Indians for such offenses as, but not limited to, (1) hunting or fishing offenses; (2) cigarette sales offenses; (3) alcohol sales offenses.

3. An Indian from a federally recognized Indian Tribe who has been charged or convicted in cases involving the exercise of non-gambling related trust or treaty right shall not be barred as a result of such activities from obtaining a Tribal gaming license in the absence of other violations, activities or factors which would warrant denial, suspension or revocation.

11.5.53 Denial Final

1. Denial of employment or a license by the Tribal Gaming Commission is final.

11.5.54 Procedures For Forwarding Applications And Reports of Class II Gaming License Investigations To The National Indian Gaming Commission.

1. Within sixty (60) days after a Primary Management Official, High Security Employee or Low Security Employee begins working at a Tribal Class II Gaming Facility , the Tribal Gaming Commission shall forward to the NIGC a completed application for employment and conduct a background investigation and make the determination referred to in 11.5.49 of this Ordinance.
2. No Key Employee, Primary Management Official, High Security Employee or Low Security Employee may be employed at the Tribal Class II Gaming Facility for longer than ninety (90) days without the necessary and applicable license.
3. The Tribal Gaming Commission shall prepare and forward to the NIGC an investigative report on each Class II gaming license application background investigation it conducts. The 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 such conclusions.
4. Along with the report, the Tribal Gaming Commission shall submit a copy of the eligibility determination made under 11.5.49 (7) of this Ordinance.
5. If a license is not issued to an applicant, the Tribal Gaming Commission:
 - a. Shall notify the NIGC;
 - b. May forward copies of its eligibility determination and investigative report,
if any, to the NIGC for inclusion in the Indian Gaming Individuals Records System.
6. With respect to Key Employees, High Security Employees and Primary Management Officials, the Tribal Gaming Commission shall retain applications for employment and reports, if any, of background investigations for inspection by the Chairman of the NIGC or his or her designee for not less than three (3) years from the date of termination of employment.

11.5.55 Granting a Class II Gaming License

1. If, within a thirty (30) days after the NIGC receives a report, the NIGC notifies the Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by an applicant for a Key

Employee, High Security Employee or Primary Management Official position for whom the Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission may issue a license to such applicant.

2. The Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the NIGC concerning any Key Employee, High Security Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the thirty (30) day period under section 11.5.55 (1) until the Chairman of the NIGC receives the additional information.

3. If, within the thirty (30) day period described above, the NIGC provides the Tribal Gaming Commission with a statement itemizing objections to the issuance of a license to a Key Employee, High Security Employee or Primary Management Official for whom the Tribal Gaming Commission has provided an application and investigative report, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Tribal Gaming Commission shall make the final decision on whether to issue a license to the applicant.

11.5.56 License Suspension and Revocation

1. The Tribal Gaming Commission shall immediately suspend, and after notice and hearing, revoke the license issued pursuant to this Ordinance to any person or entity who is or becomes ineligible to hold a license under this Ordinance or who violates any provision of this Ordinance, of 25 U.S.C. Section 2701 et. seq, or of 18 U.S.C. Section 1163 or any rule or regulation promulgated and adopted thereunder.

2. If, after issuing a license, the Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that the applicant or employee does not meet the standards established and set forth in this Ordinance or is ineligible to hold a license under this Ordinance, the Commission shall immediately suspend such license, and after notice and hearing, may revoke such license.

3. Upon suspending a license, the Tribal Gaming Commission shall promptly set a date, time and place for a revocation hearing and give written notice to any licensee whose license has been suspended and include in the notice the following information:

- a. The effective date of the suspension;
- b. The reason(s) for the suspension and potential revocation; and
- c. The date, time and place of the revocation hearing.

4. At least five (5) days prior to a revocation hearing, the Tribal Gaming Commission shall forward to the State Gaming Agency a copy of any notice of hearing to be held.
5. After conducting the revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate the gaming license.
6. The Tribal Gaming Commission shall notify the licensee in writing as to its decision and send a copy of the decision to the National Indian Gaming Commission and, in the case of a Class III gaming license, to the State Gaming Agency. The revocation notice shall include the following information:
 - a. The effective date of the revocation;
 - b. The reason(s) for the revocation;
 - c. The right of the licensee to appeal the revocation decision to the Tribal Court within ten (10) days of the Licensee's receipt of the revocation decision.

11.5.57 Appeal of Revocation Decision

1. A Licensee may appeal the revocation of his or her license to the Tribal Court by sending a written notice of appeal of the revocation to the Tribal Court and the Tribal Gaming Commission no later than ten (10) days after the licensee receives notice that the license has been revoked. The notice of appeal shall state all reasons why the licensee believes the license should not be revoked.
2. Upon receipt of the notice of appeal of the license revocation, the Tribal Court shall schedule an appeal hearing to be conducted within twenty (20) days of receipt of the licensee's notice of appeal. Written notice of the time, date and place of the hearing shall be delivered to the licensee no later than five (5) days before the scheduled date of the hearing.
3. The licensee and the Tribal Gaming Commission may be represented by legal counsel at the appeal hearing. The licensee and the Tribal Gaming Commission may present witnesses and evidence in support of their respective positions and may cross examine witnesses and examine evidence submitted by the opposing party.
4. The Tribal Court shall issue its decision on the appeal no later than ten (10) working days following the appeal hearing. The decision of the Tribal Court shall be final and conclusive and no appeal to a higher court shall be allowed.
5. The Tribal Gaming Commission shall forward to the NIGC of a copy of the Tribal Court's decision concerning the license revocation.

11.5.58 Application for Re-licensing

1. No person, entity, or contractor whose gaming license has been revoked shall be eligible to apply for a new license until twelve (12) months after the effective date of his or her license revocation.

11.5.59 Facility License

1. The Tribal Gaming Commission shall issue a separate license to each place, facility, or location on Suquamish Indian Lands where Class II or Class III gaming is conducted under this Ordinance.

11.5.60 Facility Inspection

1. The Tribal Gaming Commission shall inspect each Gaming Operation prior to commencement of operation and annually thereafter to verify its conformance to the licensing and other requirements of this Ordinance and, as to Class III Gaming Activities, the Tribal/State Gaming Compact. If the Gaming Operation fails to meet any licensing requirement or other requirement of this Ordinance or, as to Class III Gaming Activities, the Tribal/State Gaming Compact, the Tribal Gaming Commission shall send a non-compliance letter to the Gaming Operator within seven (7) working days after completion of the inspection.

2. Prior to commencement of any gaming operation, the Tribal Gaming Commission shall, in a joint pre-operation review with the State Gaming Agency, make an initial verification that all licenses have been issued and that requirements for such licensing have been met. The joint pre-operation review shall be conducted no later than ten (10) days prior to the scheduled opening of the Gaming Facility to the public.

11.5.61 Financier License

1. Any party who extends or intends to extend financing directly to the Gaming Facility or Gaming Operation shall be subject to the annual licensing requirements of this Ordinance, I.G.R.A. and/or the Tribal/State Gaming Compact. Such party shall obtain a Tribal license prior to completing the financing agreement and annually thereafter so long as the financing agreement is in effect. This section shall not apply to financing provided by a federally regulated commercial lending institution, the Suquamish Tribal government or its agencies, or the Federal government.

2. An applicant for a Financier license shall fully disclose to the Tribal Gaming Commission the source of all funds to be used in any financing agreement, and other information as may be required to be disclosed under and in accordance with I.G.R.A. and/or the Tribal/State Gaming Compact. As to Class III Gaming

Financier license applications, the Tribal Gaming Commission shall provide a copy of disclosures made under this subsection to the State Gaming Agency in accordance with the Tribal/State Gaming Compact.

11.5.62 Key Personnel List

1. Prior to commencement of operations and annually thereafter, the Gaming Operator shall provide the Tribal Gaming Commission with information identifying all key employees in its Gaming Operation. The Tribal Gaming Commission shall provide a copy of the submitted information to the State Gaming Agency in accordance with the Tribal/State Gaming Compact.

11.5.63 Background Investigation During Employment

1. The Tribal Gaming Commission may request the State to conduct additional background investigations of any gaming employee at any time during the term of employment. The Commission shall request the State to advise the Commission of any facts which would cause the revocation of a license and dismissal of any employee under the criteria established in 11.5.49 above, and to furnish the Commission with copies of all relevant information supporting such facts. The Tribal Gaming Commission shall review the State's report and supporting materials and dismiss the employee if the report presents facts establishing that, had the information been known, the Tribal Gaming Commission would have been required to deny a license and employment to that employee under the provisions of 11.5.49.

11.5.64 Procedural Manual

1. The Tribal Gaming Commission shall insure that the Primary Management Officials maintain a procedural manual for employees which includes rules and regulations of conduct, provides disciplinary standards for breach of procedures and prohibits violation of this Ordinance, I.G.R.A., the Tribal/State Compact and/or other applicable Federal or Tribal law.

11.5.65 Contracts with Manufacturers and Suppliers

1. The Primary Management Officials shall contract in writing with any manufacturers and suppliers of goods and services related to the play of any Class II or Class III game before offering such game to the public for play.

2. The Tribal Gaming Commission may require that Class II Gaming Contractors be subject to a background investigation by the Tribal Gaming Commission before any contract for goods and services are executed.

3. The Tribal Gaming Commission may require that Class III Gaming Contractors be subject to a background investigation by the Tribal Gaming Commission before any contract for goods and services are executed. The Tribal Gaming Commission shall submit any proposed Class III Gaming Contract to the State for a background investigation of the contract licensee applicant in accordance with the terms of the Tribal/State Compact.

4. All Class II and Class III Gaming Contract applicants and any Principal, Owner or Key Employee of a Gaming Contract applicant, shall provide all personal and business information required by the Tribal Gaming Commission and/or the State to conduct the background investigation.

5. Primary Management Officials shall not enter into any Class II Gaming Contract if the license applicant does not provide the Tribal Gaming Commission or the NIGC with access to the its business and financial records.

6. Primary Management Officials shall not enter into any Class III Gaming Contract if the license applicant does not provide the Tribal Gaming Commission, the State or the NIGC access to the contractor's business and financial records.

7. If a Class III Gaming Contract license applicant is currently licensed or certified by the State Gaming Agency to supply goods or services to any other tribe in the State, the Tribal Gaming Commission may immediately issue a Contract license to supply the same services or goods to the Tribal Gaming Operation

8. In the event a Class III Gaming Contractor provides or intends to provide less than twenty five thousand dollars (\$25,000.00) worth of gaming services annually, the Tribal Gaming Commission, upon mutual agreement with the State Gaming Agency, the certification and licensing requirement may be waived.

11.5.66 Criteria for Denial of Class II or Class III Gaming Contract License Application

1. The Tribal Gaming Commission shall deny a Class II or Class III Gaming Contract License application:

a. If the applicant fails to disclose any material fact to the Tribal Gaming Commission or the State or their authorized agents during a background or security investigation;

b. If the applicant misstates or falsifies a material fact to the Tribal Gaming Commission or the State or their authorized agents during a background or security investigation; or

c. If a person who is unqualified or disqualified to be a Class II or Class III Gaming Contractor owns, is an agent of or has any other interest in the applicant, regardless of the qualifications of the person who seeks approval as a contractor;

d. If the applicant demonstrates inadequate financing for the business proposed under the type of contract for which application is made. In determining whether financing is adequate, the Tribal Gaming Commission shall consider whether financing is from a source that meets the qualifications of 11.5.49 and whether the financing is in an amount to ensure the likelihood of success in the performance of the contractor's duties and responsibilities; or

e. If the applicant or its employees fail to demonstrate business ability and experience to establish, operate, and maintain the business for the type of contract for which application is made.

f. For any other reason the Tribal Gaming Commission deems sufficient.

11.5.67 No Interest in Electronic Gaming Devices

1. No person applying for a Class II or Class III gaming contract license shall own, manufacture, possess, operate, own an interest in, or gain income or reimbursement in any manner from video gaming devices in any jurisdiction unless the devices are approved and certified by another state Lottery, gambling, or gaming control agency, Indian Tribe, National Indian Gaming Commission, or foreign country which has jurisdiction to approve that activity, and such ownership, manufacture, possession, operation, or income is disclosed to the Tribal Gaming Commission.

11.5.68 Rejection of License Application

1. The Tribal Gaming Commission may reject an application for either a Class II or Class III Gaming Contract License if the applicant has not provided all the information requested in the application.

11.5.69 Criteria for Denial of Major or Sensitive Procurement Contract Application

1. The Tribal Gaming Commission shall deny a Class II or Class III Gaming Contract application for a Major or Sensitive Procurement if the applicant, or any Owner, Principal or Key Employee of the applicant:

a. Has been convicted of a crime, or is the subject of a civil judgment based upon facts which constitute the elements of a crime described in 11.5. 49 subparagraphs (a) through (z).

b. Has associated in a business relationship, whether as a partner, joint venturer or employer, with any other person who has been convicted of one of the crimes listed in 11.5.49 subparagraphs (a) through (z).

c. Was employed by any other person who has been convicted of one of the crimes listed in 11.5.49 subparagraphs (a) through (z), if the applicant, Owner, Principal or Key Employee was in any way involved in or aware of the criminal activity as it occurred.

11.5.70 Criteria for Denial of Minor Procurement Application

1. The Tribal Gaming Commission shall deny a Class II or Class III Gaming Contract application for a Minor Procurement if the applicant, or any Owner, Principal or Key Employee of the applicant:

a. has been convicted of a crime listed in 11.5.49(7) subparagraphs (a) through (e); or

b. is the subject of a civil judgment based upon facts which constitute the elements of a crime listed in 11.5.49(7) subparagraphs (a) through (e).

11.5.71 Contractor Report Requirements

1. All licensed Class II Gaming Contractors shall submit to the Tribal Gaming Commission or the NIGC any financial and operating data requested by the Commission.

2. All licensed Class III Gaming Contractors shall submit to the Tribal Gaming Commission and the State any financial and operating data requested by the Tribal Gaming Commission or the State or their authorized agents.

3. The Tribal Gaming Commission may specify the frequency and a uniform format for the submission of such data.

4. The Tribal Gaming Commission reserves the right to examine Class II gaming contractor tax records and the detailed records from which the tax reports are compiled.

5. The Tribal Gaming Commission, the State or their authorized agents reserve the right to examine Class III gaming contractor tax records and the detailed records from which the tax reports are compiled.

11.5.72 Duration of Contractor License and Renewal

1. Any Gaming Contractor license shall be effective for not more than three (3) years from the date of issue. Applicants for renewal shall provide a renewal fee and updated information to the Tribal Gaming Commission but will not be required to resubmit historical data already provided.
2. Class II Gaming Contractors shall comply with all I.G.R.A. requirements for license renewals.
3. Class II Gaming Contractors shall comply with all Tribal/State Gaming Compact requirements for license renewals.

11.5.73 Revocation of Contractor License

1. The Tribal Gaming Commission may revoke the license of any contractor pursuant to regulations promulgated by the Tribal Gaming Commission. The Tribal Gaming Commission shall revoke the license of any contractor upon determination that an event has occurred that would have prohibited the Tribal Gaming Commission from licensing the contractor under the criteria established in this Ordinance.

11.5.74 Fee for Approval of Employment License and Contracts

1. The Tribal Gaming Commission shall set fees for the conduct of its background investigations and for its review of employee and contractor license applications.
2. The Tribal Gaming Commission shall additionally collect fees from license applicants equivalent to the amount charged by the State for approval of employee and contractor licenses, in accordance with the terms of the Tribal/State Compact.
3. Should actual costs incurred by the State exceed the fees set forth in the State's fee schedule, pursuant to Section V.I of the Tribal/State Compact, and assesses those additional costs to the Tribal Gaming Commission during or after the investigation, the Tribal Gaming Commission shall collect such costs from the license applicant.
4. The applicant shall be required to pay all license fees in full prior to the issuance of the contract or license. License fees are non-refundable.

11.5.75 Management Contract

- 1. At all times, the Primary Management Official shall provide the Tribal Gaming Commission and the State Gaming Agency with a current copy of any management agreement with the Tribal Gaming Operator which allows it to conduct Class III Gaming on Suquamish Indian Lands.**
- 2. The Primary Management Official shall furnish to the Tribal Council, the Tribal Gaming Commission, and the State complete information pertaining to any transfer of controlling interest in the management company at least thirty (30) days before such change, or if the Primary Management Official is not a party to the transaction effecting such change of ownership or interests, immediately upon acquiring knowledge of such change or any contemplated change.**

11.5.76 Complaint Procedure

- 1. The Tribal Gaming Commission may receive a complaint from a customer who claims to be adversely affected by an act or omission of the enterprise which is asserted to violate this Ordinance, the Tribal/State Compact, or the standards of management and operation adopted pursuant to this Ordinance, provided that prior to lodging a complaint with the Commission, the customer has exhausted the internal complaint remedy procedures of the Gaming Operation.**
- 2. The Gaming Operation shall post a notice in the Gaming Facility advising customers of its dispute resolution procedure and shall have claim forms easily accessible to its customers.**
- 3. A customer with a complaint shall complete a written claim form stating the facts or circumstances of the complaint with the Tribal Gaming Operator and submit it to the Tribal Gaming Operator within four (4) days of the incident giving rise to the complaint. The Tribal Gaming Operator shall have three (3) days to prepare and deliver its written response to the customer. The Tribal Gaming Operator shall provide a copy of the customer's statement and its response to the Tribal Gaming Commission.**
- 4. In the event the customer is dissatisfied with the Tribal Gaming Operator's response, the customer may request a review of the complaint by the Tribal Gaming Commission. The customer must make this request to the Commission within seven (7) days of receiving the Tribal Gaming Operator's response.**
- 5. The Commission, through a Commission Inspector, shall review the complaint and the Tribal Gaming Operator's response. The Inspector shall conduct whatever investigation it deems necessary and shall report its findings and make a recommendation to the Commission. The Commission may set a hearing on the matter or may make a decision based solely on the Commission Inspector's**

recommendation and the documentation provided by the parties. The Commission, upon consideration of the matter, shall issue a written decision and mail it to the parties by registered mail or certified mail, return receipt requested. The Commission shall fully consider and complete its final review of the dispute within twenty (20) days of receiving the customer's request.

6. Should the Commission decide to hold a hearing, it shall provide written notification of the date, time and place for the hearing to the customer and the Tribal Gaming Operator at least five (5) days prior to the hearing conduct a hearing and receive evidence. At the hearing, the customer shall have the opportunity to submit written evidence and present oral testimony in support of his or her complaint. The Tribal Gaming Operator shall have the opportunity to respond to the customer's complaint with evidence or testimony.

7. The liability of the Tribal Gaming Operator in any dispute under this Section shall be limited to the amount of the alleged winnings. No complainant shall be entitled to any other award, including but limited to special or punitive damages, or damages for mental distress.

8. The decision of the Commission shall be final and not subject to judicial review.

11.5.77 Recording and Reporting of Incidents

1. The Tribal Gaming Operation shall record, in a permanent and detailed manner, any and all occurrences at any Gaming Facility which require further investigation under the terms of the Tribal/State Gaming Compact.

2. Each incident entered of record shall be assigned a sequential number and, at a minimum, the following information shall be recorded in indelible ink in a bound notebook from which pages cannot be removed and in which each side of each page is sequentially numbered:

- a. the assigned number;
- b. the date;
- c. the time;
- d. the nature of the incident;
- e. the name, address and telephone number of all persons involved in the incident;
- f. the name and identification number of the Tribal Gaming Inspector or Commission employee assigned responsibility for recording the occurrence.

11.5.78 Crimes: Penalties

1. It shall be unlawful for any person to operate, perform, supervise, hold, conduct or participate in gaming on Suquamish Indian Lands in violation of the provisions of this Ordinance or in violation of rules or regulations promulgated pursuant to this Ordinance;
2. It shall be unlawful for any person to conduct any gaming activity for which a license is required by this Ordinance, by I.G.R.A, or, in the case of Class III gaming activities, the Tribal/State Gaming Compact, without the required license or licenses;
3. It shall be unlawful for any person to knowingly make a false statement in an application for an employment or a license application required in this Ordinance, by I.G.R.A. or, in the case of Class III gaming activities, the Tribal/State Gaming Compact;
4. It shall be unlawful for any person to make any false or misleading entry, willfully fail to maintain or make any entry required to be maintained or made or willfully refuse to produce for inspection by the Suquamish Gaming Commission, or, in the case of Class III gaming activities, by any person authorized to inspect pursuant to Tribal law, I.G.R.A. or the Tribal/State Gaming Compact, any book, record, or document required to be maintained or made by Tribal law, or Federal law or the Tribal/State Gaming Compact;
5. It shall be unlawful for any person to bribe or attempt to bribe, or unduly influence or attempt to unduly influence, any person who licenses, operates, conducts, assists, or is otherwise employed in a gaming activity or enterprise located on Suquamish Indian Lands.
6. It shall be unlawful for any person operating any gaming activity on Suquamish Indian Lands, directly or indirectly, to employ any device, scheme, or artifice to defraud, to make any untrue statement of a material fact or to mislead by omitting a material fact, or to engage in any act practice or course of operation which would operate as a fraud or deceit upon any person.
7. It shall be unlawful for any person participating in any gaming activity on Suquamish Indian Lands, directly or indirectly, to employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; to engage in any act, practice or operation which would operate as a fraud or deceit upon any other participant or any operator;
8. It shall be unlawful for any person 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.

9. It shall be unlawful for any person 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 which 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.

10. It shall be unlawful for any person to claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

11. It shall be unlawful for any person to knowingly entice or induce another to go to any place where a gambling game is being conducted or operated in violation of the provisions of this Ordinance or the Tribal/State Gaming Compact with the intent that the other person play or participate in that gambling game.

12. It shall be unlawful for any person 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.

13. It shall be unlawful for any person 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.

14. It shall be unlawful for any person to knowingly to use other than coins or tokens approved by the Tribal Gaming Commission or other lawful coin or legal tender of the United States of America, or to use coin not of the same denomination as the coin intended to be used in the gambling game.

15. It shall be unlawful for any person to engage in any act, practice or operation or possess any device while participating in a gaming activity with the intent of cheating any other participant or any operator in order to gain an advantage in the game over any other participant or any operator. For the purposes of this Ordinance, the word "Cheat" means to alter the selection of criteria which determines the result of a gaming activity or the amount or frequency of payment in such gaming activities.

16. It shall be unlawful for any person to any person having a direct or indirect financial interest in a management contract, a person having management responsibility for a management contract, or their agents to significantly and unduly influence the adoption of an ordinance or resolution regarding Class II or Class III gaming.

17. It shall be unlawful for any person to give or provide, or offer to give or provide, directly or indirectly to any Tribal Council member, Tribal Gaming Commission member, Primary Management Official, Key Employee, High Security Employee or Low Security Employee, Contractor or any person with a direct or indirect interest in the operation of Class II or Class III gaming or any person who licenses, regulates, or enforces laws related to gaming activities on Suquamish Indian Lands, any compensation or reward, or share of money or property paid or received through gambling activities, in consideration for obtaining any license, authorization, permission, or privilege to participate in any gaming operations except as authorized by this Ordinance, the rules and regulations adopted pursuant to this Ordinance, the I.G.R.A. and, in the case of Class III gaming activities, the Tribal/State Gaming Compact.

18. It shall be unlawful for any person to knowingly cause, aid, abet, or conspire with another to cause any person to violate any provision of the Ordinance, any rules or regulations adopted by the Tribal Gaming Commission, or, in the case of Class III Gaming, any provision of the Tribal/State Gaming Compact.

19. It shall be unlawful for any person to engage in, be employed in, manage or operate any professional gambling activities in concert with any number of persons, or any wager amounts.

20. For the purposes of this Ordinance, the word "Professional Gambling" means engaging in conduct which materially aids any other form of gaming activity, knowingly accepting or receiving money or other property pursuant to an agreement or understanding with any other person whereby he or she participates in or is to participate in the proceeds of the gaming activity; or engages in bookmaking, conducts a lottery, or acts in any manner to create or establish a particular game, contest, scheme, device, or engages in any activity to acquire or maintain premises, paraphernalia, equipment or apparatus for the purpose of soliciting or inducing persons to participate in the playing of a game, contest, scheme or device, or arranges any of the financial or recording phases of the operation of such game, contest, scheme or device. This definition includes any person who has substantial proprietary or other authoritative control over any premises and knowingly permits the premises to be used for the purpose of conducting gambling activities not authorized by this Ordinance and makes no effort to prevent its occurrence or continuation.

11.5.79 Criminal Fines and Penalties

1. Any non- Indian person who willfully or knowingly violates any provision of this Ordinance or any rule or regulation promulgated thereunder, shall be guilty of a criminal offense punishable by a fine not to exceed five hundred dollars (\$500) for each violation or for each day the violation continues or by imprisonment for not more than six (6) months or both.

2. Any Indian who violates a provision of this Ordinance or of other Tribal law relating to gaming activities may be fined not more than \$5,000 and/or imprisoned for up to one year for each violation.
3. Any non-Indian who violates a provision of this Ordinance may be excluded from Indian Lands within the jurisdiction of the Suquamish Indian Tribe.
4. Any property, equipment, material or supplies used in the commission of a violation of a provision of this Ordinance may be seized by the Tribal Gaming Commission or its agents. The owner of the property shall be afforded an opportunity to object and be heard in accordance with the principles of due process. If no objection is raised, or the objection is not sustained, the seized property shall be forfeited to the Suquamish Tribe.
5. A separate violation occurs on each day that a violation arises or continues.

11.5.80 Civil Fines and Penalties

1. Every activity relating to the subject matter of this Ordinance, held and/or conducted or engaged in within the Port Madison Reservation or Suquamish Indian Lands which is contrary to the provisions of this Ordinance is hereby prohibited and declared unlawful and a public nuisance, the remedy to which shall be an injunction, abatement and/or civil fines not to exceed \$5,000.00 per day, per violation, and/or the cancellation of any license or permit issued to or relating thereto, or all, except where authorized by the Commission.
2. Any person or entity who violates any term or condition of any license issued pursuant to this Ordinance or any provision of a management contract issued pursuant to this Ordinance may be assessed a civil penalty by the Tribal Gaming Commission. Such penalty may be assessed only after the person or entity has been given notice and an opportunity to be heard before the Tribal Court. Each violation shall be treated separately and may be assessed as a separate violation.
3. The penalty assessed pursuant to Subsection 1 above, shall not exceed \$5,000 per violation or twice the amount of any grand prize awarded in a gaming activity which is directly associated with the violation, whichever is greater.
4. Civil penalties provided for in this Section may be imposed in addition to the criminal penalties provided for in section 11.5.79 above.

11.5.81 Jurisdiction

1. The Suquamish Tribal Court shall have exclusive civil and criminal jurisdiction with respect to Class II gaming violations of this Ordinance perpetrated by Native Americans.
2. The Suquamish Tribal Court shall have civil jurisdiction with respect to Class II gaming violations of this Ordinance perpetrated by non-Indians.
3. With respect to Class III gaming violations, the Tribal Gaming Commission may establish enforcement protocols with the State of Washington and other law enforcement agencies in accordance with the Tribal/State Compact. Nothing in this Ordinance shall be construed to authorize or require the criminal trial and punishment by the Tribe of non-Indians except to the extent allowed or required by any applicable present or future act of Congress or any applicable federal court decision.

11.5.82 Enforcement

1. Enforcement Through Court Action After a person or entity fails or refuses to pay a final assessment levied pursuant to 11.5.79 and/or 11.5.80 above, the Tribal Gaming Commission may proceed to collect the assessment by initiating a civil action against the person or entity in the Tribal Court or in any other court of competent jurisdiction. In such civil action, validity and amount of the assessment shall not be subject to judicial review. The Tribal Gaming Commission shall be entitled to all remedies in law or equity that are available to civil litigants generally.
2. Fines as Liens Fines may be established as liens upon specifically described property involved in a violation of this Ordinance, by order of the Suquamish Tribal Court. In the case of real property, such order shall be filed for record notice with the Kitsap County or other County Auditor where the real property is located. Liens on personal property shall be filed with the Secretary of State for the State of Washington. Upon twenty (20) days' written notice served by U.S. Registered or Certified Mail, or fifty (50) days' notice by publication, with opportunity to request a hearing on the matter no later than ten (10) days after expiration of the notice period, the Tribal Court may order the property sold at public auction, or forfeited to the Suquamish Tribe.

11.5.83 Cooperation with Law Enforcement

1. Tribal Gaming Inspectors and Tribal Police Officials may cooperate with law enforcement officials of the State of Washington, the Bureau of Indian Affairs, the Federal Bureau of Investigation and other law enforcement agencies when it is deemed to be in the best interest of the Tribe to assure that fair, honest and

honest gaming activities are conducted by the Tribe. As to law enforcement activities related to Class III Gaming, such activities and responsibilities shall be consistent with and in accordance with the provisions of the Tribal/State Compact or any amendments thereto.

11.5.84 Removal of Persons from A Gaming Facility

1. Tribal Gaming Inspectors shall have the power and authority to remove or exclude or cause the removal or exclusion of any person from any Gaming Facility or surrounding parking area for a period of twenty-four (24) hours, if the person, in the sole determination of the Gaming Inspector, is causing a disturbance, acting inappropriately, or is, in any other way, interfering with the orderly conduct of ordinary business within the Gaming Facility or surrounding parking areas.

11.5.85 Permanent Exclusion of Persons from a Gaming Facility

1. The Tribal Gaming Commission shall establish a list of persons permanently excluded from the Gaming Facility who, because of their criminal history or association with one or more career offenders or career offender organizations, pose a threat to the integrity of Tribal Gaming Activities.

2. The Tribal Gaming Commission shall have the power and authority to permanently exclude any person from a Gaming Facility, if such person causes or has caused a serious or repeated disturbance, acts or has acted inappropriately, or in any other way, interferes with or has interfered with the orderly conduct of ordinary business within the Gaming Facility.

3. The request for permanent exclusion of a person may be brought only by a Tribal Gaming Commissioner before a properly convened en banc meeting of the Commissioners. The Commissioners may consider the exclusion request in an open or a closed meeting, and may or may not, at their complete discretion, allow the person sought to be excluded, to attend the meeting. Except as otherwise provided in this Ordinance, the decision of the Commissioners is final and not subject to review.

4. When the Commission has determined that a person is permanently excluded from the Gaming Facility, that person's name shall be reported to the Tribal Gaming Inspectors. The Tribal Gaming Commission shall send a copy of its list of excluded persons to the Washington State Gambling Commission and its enforcement agency, as well as any other enforcement agency deemed appropriate by the Commission to receive such information on, at least, a quarterly basis.

5. The Commission, or any of its Gaming Inspectors, shall notify the person permanently excluded of the Commission's decision in writing, either by personally delivering the notice to the person or by mailing it by U.S. certified mail, to the person's last known address.

6. Should the person who has been permanently excluded from the Gaming Facility be a member of the Suquamish Indian Tribe, that person may request that the Suquamish Tribal Council review the decision of the Commission, and make its own independent determination as to the exclusion. The Suquamish Tribal Council's decision is final and not subject to further review.

7. The Tribal Gaming Commission shall employ its best efforts to keep excluded persons from entering into its Gaming Facilities.

11.5.86 Tribal Sovereignty and Jurisdiction

1. The Suquamish Indian Tribe, by enactment of this Ordinance, intends to exert Tribal Sovereignty and jurisdiction on the Port Madison Indian Reservation and over all lands subject to its jurisdiction and to pre-empt any civil regulatory power or law, if any, of the State of Washington, subject to Public Law 100-497, except as authorized under the Tribal/State Compact.

11.5.87 No Waiver of Sovereign Immunity

1. Nothing in this Ordinance shall be deemed to constitute a waiver of sovereign immunity on the part of the Suquamish Tribal government, its agencies, or any entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any federal rights or immunities.

11.5.88 Non-preemption of Federal Laws

1. Nothing herein shall be construed to supersede or pre-empt the criminal laws of the United States of America, insofar as said laws are found applicable to Indian gaming activities.

11.5.89 Exclusive Jurisdiction

1. The Suquamish Tribal Court shall have exclusive jurisdiction over the enforcement of this Ordinance, except to the extent federal law or the Tribal/State Compact provides otherwise.

11.5.90 Appeals

1. Any person or entity may appeal a final order of the Suquamish Tribal Court, as provided in the Suquamish Tribal Code.

11.5.91 Severability -- Construction

1. If any phrase, clause, part, sentence, provision or section of this Ordinance is found to be invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected and shall remain in full force and effect and continue in effect as if the invalid provision(s) were not a part hereof. If the operation of any clause, part or section of this Ordinance shall be held to impair the obligation of a contract or to deny any person any right secured to him or her by the Constitution of the Suquamish Indian Tribe or of the United States, it is hereby declared that the remainder of this Ordinance would have nevertheless been enacted without such invalid clause, part or section.

11.5.92 Contractual Obligations

1. Nothing in this Ordinance shall impair or affect the authority of the Commission or the Tribal Council in any manner whatsoever to fulfill its complete contractual obligations related to any subject matter herein.

11.5.93 Incorporation of Tribal/State Compact by Reference

1. The provisions of the Tribal/State Compact is, by this reference, incorporated into this Ordinance as though fully set forth herein.

11.5.94 Designation of an Agent for Service of Process

1. Consistent with 25 CFR 522.2(g) and 519.1, the Tribal Gaming Commission shall designate an agent for service of any official determination, order, or notice of violation and advise the Tribal Council in writing of the designation.

11.5.95 Amendment

1. All provisions of this Ordinance are subject or amendment by the Suquamish Tribal Council. All regulations promulgated by the Commission are subject to revision, repeal or amendment by the Commission.

11.5.96 Effective Date

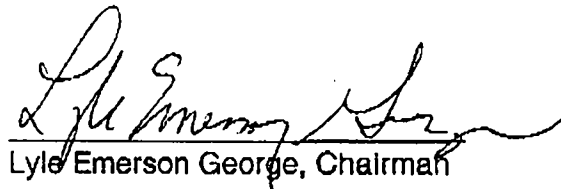
1. This Ordinance shall become effective upon adoption by the Suquamish Tribal Council in accordance with the provisions of the Constitution and Bylaws of the Suquamish Indian Tribe.

11.5.97 Repeal of Inconsistent Tribal Law

1. To the extent they are inconsistent with this Ordinance, all prior gaming codes or ordinances, or other provisions of Tribal Law relevant to gaming, are hereby repealed and are of no further force and effect and is replaced by this Ordinance.

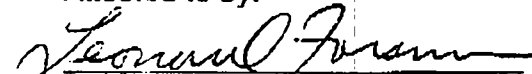
CERTIFICATION

The foregoing Ordinance was on October 23, 1995, duly adopted by a vote of 5 for and 0 against, by the Suquamish Tribal Council pursuant to the authority vested in it by the Constitution and Bylaws of the Suquamish Indian Tribe as indicated in the body hereof.



Lyle Emerson George, Chairman

Attested to by:



Leonard Forsman, Secretary