

NATIONAL
INDIAN
GAMING
COMMISSION

NOV - 8 1994

Daniel Tucker, Chairman
Sycuan Band of Mission Indians
5459 Dehesa Road
El Cajon, California 92019

Dear Chairman Tucker:

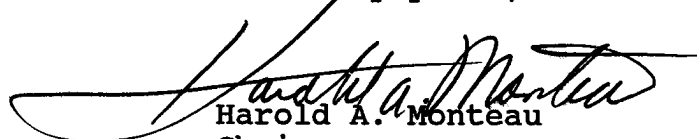
This letter responds to your request to review and approve the tribal gaming ordinance adopted on October 7, 1994, by the Sycuan Band of Mission Indians (Band). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

Thank you for submitting the ordinance of the Sycuan Band of Mission Indians for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

cc: Commissioner Bernice Hyde
Sycuan Band of Mission Indians Gaming Commission

DCD

Sycuan Band of Mission Indians

RESOLUTION

9946C

RESOLUTION DELEGATING CONTRACTING AUTHORITY TO BUSINESS COMMITTEE.

TRIBAL COUNCIL

ANNA SANDOVAL
Chairwoman

DANIEL TUCKER
Vice Chairman

EVELYN LaBRAKE
Secretary

HENRY MURPHY
Treasurer

RICCI LaBRAKE
Member

RAYMOND SANDOVAL
Member

GEORGIA TUCKER
Member

WHEREAS,

the Sycuan Band of Mission INdians is organized under Articles of Association approved by the Secretary of Interior on August 18, 1972;

WHEREAS,

under Article 6.A(1) of said Articles of Associatic the General Council possesses the power to manage and lease, contract or otherwise deal with Tribal assets; and

WHEREAS,

Under Article 6.C of said Articles, the Business Committee is empowered to represent the Band in all negotiations between the Band and local, State, and Federal Governments, their agencies and officers but the Business Committee lacks the authority to commit the Band to any contract, lease, or other arrangement unless it is so empowered by a duly-enacted ordinance or resolution of the General Council; and

WHEREAS,

the Band now is engaged in gaming enterprises and other Tribal economic development activities which often require that decisions and commitments be made within time frames and under circumstances in which seeking and obtaining the prior approval of the General Council is impracticable, if not impossible; and

WHEREAS,

the General Council has determined that the Band's business enterprises would be more likely to succeed if the Business Committee were given a general and continuing grant of limited authority to enter into contracts, leases and/or such other arrangements as may be conducive to the advancement and/or protection of the Band's interests;

NOW THEREFORE BE IT RESOLVED, that unless and until specifically revoked by a subsequent Resolution of the General Council, the Business Committee is hereby granted the following authority;

1. The business committee shall have the authority to approve and authorize the execution of any lease, contract or other agreement pertaining to any of the Band's gaming enterp: provided that the sole source of funds with which to satisfy Band's obligations thereunder shall be the revenue and personal property of said gaming enterprise, and provide further that the maximum amount of said obligation shall not exceed \$100,000.00, or \$50,000.00 in payments in any single

2. The Business Committee shall have the authority to approve and authorize the execution of any lease, contract or other agreement pertaining to all transactions involving or pertaining to Tribal assets or property other than the Band's gaming enterprises, provided that the maximum amount of said obligation shall not exceed the principal sum of \$75,000.00, or \$37,000.00 in payments in any single calendar year;

3. The business committee shall have the authority to agree to such terms and conditions it may determine to be in the Band's best interests, except that the Business Committee shall not be authorized to alienate, encumber or subject to levy and execution the lands of the Sycuan Indian Reservation the Band's interest in the trust or allotted lands of said Reservation and the Band's non-gaming assets;

4. The Business Committee shall have the authority to enact or adopt such ordinances as it may deem necessary or appropriate in the exercise of the Band's police, taxing and other sovereign powers over the Sycuan Indian Reservation, and persons present and transactions occurring on said Reservation, and to ratify compacts or other agreements between the Band and the State of California and the United States of America.

CERTIFICATION

The above resolution was approved at a meeting of the General Council of the Sycuan Band of Mission Indians at which a quorum was present by a vote of 15 IN FAVOR, 0 OPPOSED, 0 ABSTAINING.

DATE: 12.22.89

Anna Sandoval
ANNA SANDOVAL, CHAIRWOMAN

Evelyn La Brake
EVELYN LA BRAKE, SECRETARY

Sycuan Band of Mission Indians

5441 Dchesa Road
El Cajon, California 92019
(619) 445-2618

R E S O L U T I O N

RES#, 89-03CC

- Whereas, the Sycuan Band of Mission Indians (hereinafter "Sycuan Band") is a federally recognized Indian Tribe, as established by its Articles of Association, and approved by the Secretary of Interior on August 18, 1972; and
- Whereas, the Sycuan Band previously has established Tribal Bingo and Cardroom enterprises in order to develop the economy of the Sycuan Reservation and thereby improve the quality of life of the Band's members and enhance the ability of the Band to fulfill its governmental functions; and
- Whereas, the revenues from said enterprises have been used to improve the health, education, welfare and safety of the Band's members; and
- Whereas, the fulfillment of the Band's long-range development plans require more revenues than the Band's existing enterprises can provide; and
- Whereas, the recent enactment of the federal Indian Gaming Regulatory Act has clarified the circumstances under which the Band might engage in other forms of gaming in order to raise revenue for Tribal governmental purposes; and
- Whereas, one form of gaming which would be available to the Band under a compact with the State of California is what is known as satellite wagering on horse races, i.e., wagering on races as they are run at other locations within and without the State of California; and
- Whereas, such a gaming enterprise would productively complement and enhance the Band's existing gaming enterprises.

NOW THEREFORE BE IT RESOLVED, that the Band requests the State of California to negotiate with the Band, pursuant to §11 (d) (3) (A) of the Indian Gaming Regulatory Act for the purpose of entering into a compact under which the Band would operate a satellite wagering facility;

BE IT FURTHER RESOLVED, that the Band delegates the Business committee full authority to negotiate and execute such a compact and any agreements in connection therewith, to enact and enforce such Ordinances as may be necessary to obtain and/or implement such a compact, and to appropriate and expend such funds as may be necessary to accomplish any of the foregoing purposes.

DATE: 2-17-89

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RESOLUTION 88-03GC

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

The above resolution was approved at a duly called meeting of the General Council of the Sycuan Band of Mission Indians at which a quorum was present by a vote of 15 IN FAVOR, 0 OPPOSED, AND 0 ABSTAINING, on 2-17-89.

Anna Sandoval
ANNA SANDOVAL, CHAIRWOMAN

2-17-89
DATE

Evelyn La Brake
EVELYN LA BRAKE, SECRETARY

2-17-89
DATE

SYCUAN BAND OF MISSION INDIANS

GAMING ORDINANCE

I. Purpose

The Sycuan Band of Mission Indians, as the beneficial owner of the Sycuan Indian Reservation, and acting through its General Council in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Sycuan Indian Reservation and the members of the Band, hereby ordains and establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which Class II and Class III gaming may be conducted within the boundaries of the Sycuan Indian Reservation.

II. Gaming Authorized

A. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(7) (A) ("IGRA") and by 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 9, 1992) is hereby authorized.

B. Class III gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. Section 2703(8) ("IGRA") and by the regulations promulgated by the National Indian Gaming Commission ("NIGC") at 25 C.F.R. § 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) is hereby authorized, provided such gaming is also authorized by and consistent with a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

III. Ownership of Gaming Facilities and/or Enterprises

The Band shall have the sole proprietary interest in and responsibility for the conduct of any gaming facilities and/or enterprise(s) authorized by this ordinance.

IV. Use of Gaming Revenue

A. Except as specifically authorized pursuant to Subsection B of this Section, net revenues from Class II and Class III gaming on the Sycuan Indian Reservation shall be used only for the following purposes:

- 1) to fund Tribal government operations and programs;
- 2) provide for the general welfare of the Band and its members;
- 3) promote Tribal economic development;
- 4) donate to charitable organizations; or

5) help fund operations of local government agencies.

B. If the Band elects to make per capita payments to Tribal members, it shall authorize such payments only in conformity with a plan submitted to and approved by the Secretary of the Interior pursuant to 25 U.S.C. § 2710(b)(3).

V. Audit

A. The Band shall cause to be conducted at least annually an independent audit of all gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission, and to such other agencies as may be required by the terms and conditions of any Class III compact or other document authorizing Class III gaming on the Sycuan Indian Reservation.

B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A above.

VI. Protection of the Environment and Public Health and Safety

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

VII. Licenses for Key Employees and Primary Management Officials

The Band shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any class II and/or Class III gaming enterprise operated on Indian lands within the boundaries of the Sycuan Indian Reservation. The Band may also implement these same policies and procedures with regard to Vendors and Suppliers:

A. Definitions

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

1. Key employee means

- (a) A person who performs one or more of the following functions:
- (1) Bingo Caller;
 - (2) Counting Room Supervisor
 - (3) All Security and Surveillance Personnel
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor Manager

- (6) Pit Boss
- (7) Dealer
- (8) Croupier
- (9) Approver of Credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

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

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

(d) Any other person designated by the tribe.

2. Primary management official means

(a) The person having management responsibility for a management contract;

(b) Any person who has authority:

(1) To hire and fire employees; or

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

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

3. Vendors and Suppliers means

(a) The establishment(s) requested by the Band to supply gaming supplies or provide gaming related services.

(b) Includes all key management personnel with the Vendor or Supplier establishment, any person or establishment with interest in the Vendor or Supplier establishment, or any other employees deemed as key employees by the Band.

B. Application Forms

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

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

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

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

- a. Complete a new application form that contains a Privacy Act notice; or
- b. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

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

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

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

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

C. Background Investigations

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

- a. Full name, other names used (oral or written), Social Security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
- b. Currently and for the previous five years: all business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this Subsection;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of every licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;

- i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten years of the date of the application, the name and address of the court involved and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this Subsection, the criminal charge, the name and address of the court involved and the date and disposition;
- k. The name and address of each licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Band may deem relevant under the circumstances; and
- n. Fingerprints consistent with procedures adopted by the Band in accordance with 25 C.F.R. §522.2(h).

2. The Band shall conduct an investigation sufficient to make a determination under Subsection D. below. In conducting a background investigation, the Band or its agent(s) shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination

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

E. Granting a Provisional License

If after conducting a background investigation, the band determines that an applicant meets the eligibility requirements under subsection D of this section, the Band shall issue a provisional gaming license to the applicant. No person shall be employed at the gaming operation without a valid provisional license. A provisional license shall be effective for a period of 90 days, after which the Band may grant a permanent license pursuant to subsection H of this section.

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

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

2. The Band shall forward the report referred to in Subsection F of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

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

G. Report to the National Indian Gaming Commission

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

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

2. The Band shall submit, with the report, a copy of the eligibility determination made under Subsection D of this Section.

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

a. Shall notify the National Indian Gaming Commission; and

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

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

H. Granting a Permanent Gaming License

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

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

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Band with a statement itemizing its objection(s) to the issuance of a permanent license to a key employee or to a primary management official for whom the Band has provided an application and investigative report to the National Indian Gaming Commission, the

Band shall reconsider the application, taking into account the objection(s) itemized by the National Indian Gaming Commission. The Band shall make the final decision whether to issue a permanent license to such applicant.

I. License Suspension

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

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

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

VIII. Licensing of Gaming Places, Facilities and Locations

A separate license shall be required for each place, facility, or location on Indian lands where Class II and/or Class III gaming is to be conducted on the Sycuan Indian Reservation.

IX. Creation of Tribal Gaming Commission

A. There is hereby created the Sycuan Tribal Gaming Commission, which shall consist of three persons who would themselves qualify for licensing under this Ordinance. Business Committee Resolution No. 93-10 hereby is ratified to the extent not inconsistent herewith.

B. The members of the Tribal Gaming Commission shall be appointed by the Sycuan Business Committee, and shall not be removed during their terms of office except for misconduct, neglect of duties or other acts that would render such persons unqualified for licensure hereunder. An affirmative vote of at least four members of the Business Committee, taken in an open meeting after a duly-noticed hearing at which the member charged with misconduct shall have the right to hear and present evidence concerning his/her removal, shall be required to remove a member of the Commission. At the request of the member whose removal is at issue, the hearing may be held in executive session. The Business Committee also may elect to receive in executive session any evidence public disclosure of which might compromise any on-going law-enforcement investigation.

C. There shall be a Chairperson of the Tribal Gaming Commission, who shall be appointed by the Business Committee for a term of three years. One of the remaining members of the Commission shall be appointed by the Business Committee for a term of two years and the other to a term of one year. All subsequent appointments for a term of three years. There will not be a limit to the number of times a member of the Commission can be reappointed. The Business Committee shall determine and authorize the compensation to be paid to members of the Tribal Gaming Commission based upon the Business Committee's determination of the time required to be expended upon Commission duties.

D. The Tribal Gaming Commission shall be authorized and hereby is directed to promulgate, subject to review and approval by the Business Committee, detailed and comprehensive regulations for the implementation and enforcement of this Ordinance. Said regulations shall describe and establish the rules for each specific Class II and Class III gaming activity to be authorized to be conducted on the Sycuan Indian Reservation, and no form of such gaming may be conducted on the Sycuan Indian Reservation without prior approval by the Tribal Gaming Commission.

E. The Tribal Gaming Commission, independent of the Business Committee, shall have full authority to monitor compliance with this Ordinance and its Regulations, and to investigate and act to prevent any violation(s) thereof.

F. Subject to the approval of the Business Committee and the appropriation of funds therefor, the Tribal Gaming Commission shall be authorized to employ such staff as reasonably may be required to fulfill its responsibilities under this Ordinance. Compensation of Commission employees shall be limited to that which is comparable to compensation paid to persons performing similar duties in other governmental gaming regulatory agencies.

G. The Business Committee hereby is authorized to establish and impose upon gaming facilities, permittees, applicants and licensees such application, permit and license fees as may be necessary to fully reimburse the Band for its actual costs of operating the Tribal Gaming Commission, enforcing this Ordinance and Tribal Gaming Commission regulations, processing of licensing and permit applications, and otherwise fulfilling its regulatory responsibilities under IGRA. All such fees shall be collected by the Tribal Gaming Commission and hereby are continuously appropriated solely for the purposes enumerated in this Subsection.

H. Failure to timely pay any gaming-related fee imposed by the Business Committee or the Tribal Gaming Commission, or to comply with any Commission regulation or order, or any other violation of this Ordinance or the terms of any Class III gaming compact authorizing and regulating gaming on the Sycuan Indian Reservation, shall be grounds for suspension or revocation of any

license or permit issued pursuant to this Ordinance, exclusion of any non-member of the Sycuan Band from the Sycuan Indian Reservation, and imposition of such other sanctions as may be lawful and appropriate.

X. Amendments.

The Sycuan Business Committee can amend this Ordinance in any manner deemed appropriate to protect what the Business Committee determines to be the best interests of the Band; provided that such amendments would not constitute a violation of federal law or would be inconsistent with the terms of an approved Tribal-State Class III compact that is in effect.

XI. Repeal

To the extent that they are inconsistent with this ordinance, all gaming ordinances previously enacted or amended by the Sycuan Band or the Business Committee hereby are repealed.

CERTIFICATION

The above Ordinance # 94-113 was passed at a duly called meeting of the Business Committee of the Sycuan Band of Mission Indians at a duly held meeting on 10/7, 1994, at which a quorum was present.

The Vote was 6 FOR, 0 OPPOSED AND 0 ABSTAINED.

Danny Tucker
DANNY TUCKER, CHAIRPERSON

Oct 7, 1994
DATE

Georgia Tucker
GEORGIA TUCKER, SECRETARY

10-7-94
DATE