



OCT 31 2006

Ms. Leanne Walker Grant
Tribal Chairperson
Table Mountain Rancheria
Post Office Box 410
Friant, CA 93626

Re: Revised Tribal Gaming Ordinance

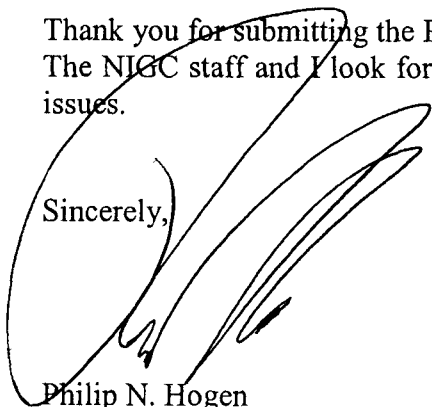
Dear Ms. Walker Grant:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Revised Table Mountain Rancheria Tribal Gaming Ordinance, resolution No. 2006-11, enacted by the Tribal Council on August 22, 2006.

This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note, however, that approval is granted for gaming only on Indian lands, as defined in IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Revised Tribal Gaming Ordinance for review and approval. The NIGC staff and I look forward to working with you and the Tribe on future gaming issues.

Sincerely,



Philip N. Hogen
Chairman

cc: Loretta Tuell, Legal Counsel



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

SEP - 7 2006

TABLE MOUNTAIN RANCHERIA TRIBAL COUNCIL RESOLUTION NO. 2006-11

A RESOLUTION TO ADOPT THE TABLE MOUNTAIN RANCHERIA GAMING ORDINANCE WHICH SHALL SUPERCEDE AND REPLACE THE CURRENT GAMING ORDINANCE ADOPTED ON OCTOBER 17, 2000 AND TO AUTHORIZE ITS SUBMISSION TO THE NATIONAL INDIAN GAMING COMMISSION

Leanne Walker-Grant
Tribal Chairperson

WHEREAS, the Table Mountain Rancheria is a federally recognized Indian Tribe with the inherent sovereignty to make its own laws and be governed by them; and

Rob Castro
Tribal Vice-Chairperson

WHEREAS, the Table Mountain Rancheria adopted a Constitution and Bylaws in 1980, as amended; and

Craig Martinez
Secretary/Treasurer

WHEREAS, the Table Mountain Rancheria Constitution and Bylaws authorizes the Table Mountain Rancheria Tribal Council to adopt ordinances as needed; and

Ray Barnes
Member at Large

WHEREAS, the Table Mountain Rancheria Tribal Council adopted the "Table Mountain Rancheria Gaming Ordinance" on October 17, 2000 to govern tribal gaming activities on the Rancheria; and

Aaron Jones
Member at Large

WHEREAS, the Table Mountain Rancheria Tribal Council desires to replace the enacted Gaming Ordinance adopted in 2000 with a new Gaming Ordinance to better serve the gaming interests of the Tribe, attached as Exhibit A; and

23736
Sky Harbour Road
Post Office
Box 410
Friant

WHEREAS, the Table Mountain Rancheria Tribal Council further desires to submit the new enacted Gaming Ordinance to the National Indian Gaming Commission ("NIGC") for final approval in compliance with federal regulatory requirements; and

California
93626
(559) 822-2587


WHEREAS, the Table Mountain Rancheria Tribal Council finally desires to authorize the effective date of the new Gaming Ordinance to coincide with the NIGC's final regulatory approval or by operation of law; and

Fax
(559) 822-2693

NOW, THEREFORE BE IT RESOLVED that the Table Mountain Tribal Council hereby adopts the attached Table Mountain Rancheria Gaming Ordinance which shall supercede and replace the current Gaming Ordinance adopted on October 17, 2000 to be effective and implemented upon the final approval of the new Gaming Ordinance by the NIGC or by operation of law. The Tribal Council further authorizes the submission of Resolution and the attached Gaming Ordinance to the NIGC in accordance with 25 CFR Part 522.

CERTIFICATION

The forgoing resolution was adopted by a vote of 3 for and 0 against 0 abstentions, at a duly called meeting of the Tribal Council, at which a quorum consisting of 3 Tribal members were present, on this 22nd day of August 2006.


Leanne Walker-Grant, Tribal Chairperson
Table Mountain Rancheria

**TABLE MOUNTAIN RANCHERIA
TRIBAL GAMING ORDINANCE**

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CHAPTER 1 FINDINGS AND INTENT

1.1 Findings:

The Table Mountain Rancheria Tribal Council on behalf of the General Council finds that:

- 1.1.1 Tribal regulation and control of all Gaming and its supportive activities and components within the jurisdiction of the Tribe is essential for the protection of public health and welfare of the Tribe and visitors to the Tribal community.
- 1.1.2 The Tribe has the legal authority to license, regulate, and oversee any Gaming Activity and its supportive activities and components within the jurisdiction of the Tribe.
- 1.1.3 Properly licensed and regulated Gaming is in conformance with announced Federal policy promoting Indian self-government and Indian Tribal economic self-sufficiency.
- 1.1.4 It is essential that the Tribal Council ensure that Gaming Activities are regulated in a manner commensurate with applicable Tribal, Federal and State law and policy.
- 1.1.5 The present needs of the Tribe are not adequately addressed by State and Federal programs including the need for increased employment, training, housing, health care, nutrition, educational opportunities, Table Mountain Rancheria preservation of culture, social services and community and economic development.
- 1.1.6 Tribal operation and licensing of Gaming is a legitimate means of generating revenue to address the aforementioned needs and pursuing the Tribe's goal of self-sufficiency and self-determination.
- 1.1.7 The State, in recognition of the Tribe's sovereign right and need for Gaming, has entered into a Tribal/State Compact ("Compact") pursuant to the terms and conditions of the Indian Gaming Regulatory Act.
- 1.1.8 As a result of the foregoing, the adoption of a new and expanded Gaming Ordinance is in the best interest of the Tribe and State.

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1.2 Intent:

The Tribal Council, on behalf of the Tribe, declares that the intent of this Gaming Ordinance is to:

- 1.2.1 Regulate, control, and oversee Gaming within the jurisdiction of the Tribe.
- 1.2.2 State, declare and otherwise clarify that a License related to Gaming is a revocable privilege, not a right.
- 1.2.3 Ensure that the operation of tribally regulated Gaming can continue as a means of generating Tribal revenue.
- 1.2.4 Ensure that Gaming is conducted fairly and honestly by both Licensees and players, and that it remains free from corrupt, incompetent, unconscionable and dishonest practices.
- 1.2.5 Encourage Tribal economic development and employment opportunities.
- 1.2.6 Ensure that all Gaming revenue is used for the benefit of the Tribe and its community.
- 1.2.7 Ensure that the Tribe provides a fair and impartial forum for the resolution of Gaming disputes.
- 1.2.8 Ensure that Tribal Gaming laws, regulations, policies and procedures are strictly and fairly enforced upon Persons involved in Gaming Activity within the jurisdiction of the Tribe.

CHAPTER 2 DEFINITIONS

Unless a different meaning is clearly indicated in this Tribal Gaming Ordinance, the terms used herein shall have the same meaning as defined in the Indian Gaming Regulatory Act (IGRA), 26 U.S.C. § 2701 *et. seq.*, and its regulations, 25 C.F.R. § 500 *et seq.*

“**Applicant**” means an individual or entity that applies for a License.

“**Associated Gaming Device**” means any integral part, as deemed by the sole discretion of the Gaming Commission, to a slot machine, including any electronic, electromechanical, electrical, or video device that, for consideration, permits individual play with or against that device or the participation in any electronic, electromechanical, electrical, or video system to which that device is connected;

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and any component or machine used remotely or directly in connection with Gaming that would not otherwise be classified as a Gaming Device but that may affect or play a role in the determination of wins or the size of a prize or jackpot. This also includes Class II and Class III supportive or component equipment including bingo paper, dice, playing cards, links that connect to progressive Gaming Devices, equipment that affects or assists the reporting of gross revenues, computerized systems for monitoring Gaming Devices and devices for weighing or counting money.

“Business Day” means any day of the week excluding Saturday, Sunday or any Holiday as designated by the Tribal Council.

“Cheating” means a Person’s operating or playing in any game in a manner in violation of the approved Gaming Facility rules, regulations, and policies and procedures of the game, with the intent to create for himself or someone in privity with him an advantage over and above the chance of the game, including anyone who aids, abets, assists, or encourages such activity.

“Class I Gaming” means the forms of Class I gaming defined as such in 25 U.S.C. Sec. 2703(6) and by regulations of the NIGC.

“Class II Gaming” means the forms of Class II gaming defined as such in 25 U.S.C. Sec. 2703(7) and by regulations of the NIGC.

“Class III Gaming” means the forms of Class III gaming defined as such in 25 U.S.C. Sec. 2703(8) and by regulations of the NIGC.

“Determination of Suitability” means a formal finding by the Tribal Gaming Commission or State Gaming Agency that the Applicant or Licensee is suitable to obtain and/or maintain a Tribal License.

“Employee” means any person who is employed by the Table Mountain Casino or the Table Mountain Rancheria Gaming Commission.

“Financial Sources” means any person extending financing, directly or indirectly, to the Tribe’s Gaming Facility or Gaming Operation, with the exception of any federally regulated or State regulated bank, savings and loan, or other federally or State regulated lending institution; or any agency of the federal, State, or local government; or any investor who, alone or in conjunction with others, holds less than 10% of any outstanding indebtedness.

“Gaming Activities” means the Class I, Class II and Class III gaming activities authorized under Tribal Law or under the Indian Gaming Regulatory Act.

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“Gaming Device” means a slot machine, including an electronic, electromechanical, electrical, or video device that, for consideration, permits individual play with or against that device or the participation in any electronic, electromechanical, electrical, or video system to which that device is connected; the playing of games thereon or therewith, including, but not limited to, the playing of facsimiles of games of chance or skill; the possible delivery of, or entitlement by the player to, a prize or something of value as a result of the application of an element of chance; and a method for viewing the outcome, prize won, and other information regarding the playing of games thereon or therewith; including any other Game or Device authorized by Tribal Law, IGRA, the National Indian Gaming Commission (NIGC), or Tribal/State Compact.

“Gaming Employee” means any person who (1) operates, maintains, repairs, assists in any Class II or Class III gaming activity, or is in any way responsible for supervising such gaming activities or persons who conduct, operate, accounts for, or supervise any such gaming activity, (2) is in a category under federal or tribal law requiring licensing, or (3) is a person whose employment duties require access to areas of the Gaming Facility or to information that are not open/accessible to the public.

“Gaming Facility” means any building in which Class II or Class III gaming activities or gaming operations occur, or in which the business records, receipts, or other funds of the gaming operation are maintained (but excluding offsite facilities primarily dedicated to storage of those record, and financial institutions), and all rooms, buildings, and areas, including parking lots and walkways, a principal purpose of which is to serve the activities of the gaming operation.

“Gaming License” means a revocable license issued by the Tribal Gaming Commission to any employee, person or entity authorizing the licensee to engage in gaming activities within the Gaming Operation. All Gaming Licenses must be renewed every two (2) years.

“Gaming Operation” means the business entity that is licensed by the Tribal Gaming Commission to offer and operate gaming as authorized by Tribal Law, IGRA, NIGC, or the Tribal-State Compact.

“Gaming Ordinance” means a tribal ordinance or resolution duly adopted by the Tribe authorizing or permitting Class I gaming, if applicable, and any Class II or Class III Gaming Activities on the Tribe’s Indian lands and approved under the NIGC.

“Gaming Resources” means any goods or services provided or used in connection with Class II or Class III Gaming Activities, whether exclusively or otherwise, including, but not limited to, equipment, furniture, gambling devices and ancillary equipment, implements of gaming activities such as playing cards and dice, furniture designed primarily for Class II or Class III gaming activities,

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maintenance or security equipment and services, and Class II or Class III gaming consulting services. Gaming Resources does not include professional accounting and legal services.

“Gaming Resource Supplier” means any person or entity who, directly or indirectly, manufactures, distributes, supplies, vends, leases, or otherwise purveys Gaming Resources to the Gaming Operation or Gaming Facility, provided that the Tribal Gaming Commission may exclude a purveyor of equipment or furniture that is not specifically designed for, and is distributed generally for use other than in connection with Gaming Activities, if the purveyor is not otherwise a Gaming Resource Supplier and the compensation received by the purveyor is not grossly disproportionate to the value of the goods or services provided, and the purveyor is not otherwise a person who exercises a significant influence over the Gambling Operation. This also includes all persons, entities, or organizations that offer any consulting services related to Gaming.

“General Manager” means the Casino President, CEO, Manager, or any other entity or person designated by the Tribal Council and/or Casino Board of Directors authorized to oversee and handle the day-to-day operations and management of the Gaming Operation and/or Gaming Facility.

“Indian Gaming Regulatory Act (“IGRA”)” means the Indian Gaming Regulatory Act of 1988 (P.L. 100-497, 18 U.S.C. Section 1166 et seq. and 25 U.S.C. Section 2701 et seq.) any amendments thereto, and all regulations promulgated there under.

“Indian Lands” means:

Lands within the limits of the Tribe’s exterior boundaries, whereby it exercises sovereign jurisdiction over such lands, notwithstanding the issuance of any patent and including rights-of-way running through such lands; and

Land title to which is either held in trust by the United States for the benefit of the Tribe or individual Indian or held by the Tribe subject to restriction by the United States against alienation and over which the Tribe exercises governmental powers; and

Lands that may be acquired by the Tribe that meet the requirements of 25 U.S.C. Section 2719 et. seq.

“Key Employee” means:

(1) a person who performs one or more of the following functions:

- (a) Bingo caller, supervisor, cashier;
- (b) Counting room supervisor, personnel, and drop team personnel;

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- (c) Chief of security, and all security personnel;
 - (d) Custodian of gaming supplies or cash;
 - (e) Floor manager;
 - (f) Pit boss;
 - (g) Dealer;
 - (h) Croupier;
 - (i) Any cashier;
 - (j) Approver of credit;
 - (k) Any employee engaged in finance or accounting functions; or
 - (l) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (3) If not otherwise included, the four most highly compensated persons in the gaming operation; or
- (4) If not otherwise included, any other Person who supervises or directs other employees engaged in the control of Gaming assets and revenues and record keeping, including the recording of cash and evidences in indebtedness, and the maintenance, review, or control of the records, accounts, and reports of transactions; or
- (5) If not otherwise included, any other person who is designated as a key employee under the Tribal-State compact.

"License" means any revocable tribal license, permit, certification, registration, or other document issued by the Tribal Gaming Commission.

"Licensee" means any employee, enterprise, entity, facility, key employee, person, primary management official, union or union organizers, financial source or vendor that has obtained a valid License from the Tribal Gaming Commission.

"Net Win" means gross gaming revenues of the Gaming Operation less amounts paid out for prizes; and total gaming-related operating expenses, excluding management fees, as well as the term "net win" as defined by the American Institute of Certified Public Accountants.

"NIGC" means the National Indian Gaming Commission as established by the IGRA.

"Non-Gaming Employee" means any employee of the Gaming Operation who does not otherwise fall into the definition of Gaming Employee, Key Employee or Primary Management Official.

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"Renewable License" means all Licenses issued by the Tribal Gaming Commission that are required to be renewed on a periodic basis and are subject to revocation in accordance with this Gaming Ordinance or any regulations of the Tribal Gaming Commission.

"Person" means any individual, entity, partnership, joint venture, corporation, enterprise, organization, affiliations, financial sources or institution, union or union organizers, joint stock company, company, firm, association, trust, estate, club, business trust, municipal corporation, society, receiver, assignee, trustee in bankruptcy, political entity and any owner, director, officer or employee of any such entity or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and other business of any type, the government of the Tribe, any governmental entity of the Tribe or any of the above listed forms of business entities that are wholly owned or operated by the Tribe; provided, however, that the term does not include the Federal Government and any agency thereof.

"Player" means a Person participating in any Gaming Activity at the Gaming Facility or Gaming Operation.

"Primary Management Official" means:

- (1) The person having management responsibility for a management contract;
- (2) Any person who has authority to:
 - (a) hire and fire employees; or
 - (b) set up working policy for the gaming operation; or
- (3) The Chief Financial Officer or other person who has financial management responsibility.

"State" means the State of California or an authorized official or agency thereof.

"State Gaming Agency" means the entities authorized to investigate, approve, and regulate gaming licenses pursuant to the Gambling Control Act (California Business and Professions Code Sections 19800 through 19984, Division 8, Chapter 5, Articles 1-15).

"Temporary License" means any License issued by the Tribal Gaming Commission for a limited purpose or term, which may be made conditional and is subject to revocation in accordance with this Gaming Ordinance or any regulations of the Tribal Gaming Commission.

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“Tribal Chairperson” means the person duly elected or selected under the Tribe’s organic documents, customs, or traditions to serve as the primary spokesperson for the Tribe.

“Tribal Gaming Commission” means the person, agency, board, committee, commission, or council designated under tribal law, including, but not limited to, an intertribal gaming regulatory agency approved to fulfill those functions by the NIGC, established to perform regulatory oversight and to monitor compliance with Tribal, Federal, and applicable State regulations.

“Tribal-State Compact” means the gaming compact between the Table Mountain Rancheria and the State of California including all approved memorandums of understanding or agreement, amendments, revisions and modifications.

“Tribe” means the Table Mountain Rancheria, a federally recognized Indian tribe, or an authorized official or agency thereof.

CHAPTER 3 GENERAL PROVISIONS

3.1 Gaming Authorized

All forms of Class II and Class III gaming activities are hereby authorized. Class I gaming shall only come under the purview of this Gaming Ordinance’s jurisdiction if it is being offered within the Gaming Facility or operated under the guise or sponsorship of the Gaming Operation.

3.2 Ownership of Gaming

The Tribe shall maintain the sole propriety interest in and responsibility for the conduct of all Class II and Class III gaming activities authorized by this Ordinance, with the exception of gaming machines leased or on contract for lease-purchase from a Gaming Resource Supplier.

3.3 Use of Gaming Revenue

3.3.1 Net revenue from the tribal gaming shall be used for the following purposes:

- (1) To fund Tribal government operations or programs.
- (2) To provide for the general welfare of the Tribe and its members.
- (3) To promote Tribal economic development.

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- (4) To donate to charitable organizations.
- (5) To help to fund operations of local government agencies.

3.3.2 If the Tribe elects to make per capita payments to tribal members, it shall authorize and issue such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of Interior under 25 U.S.C. § 2710(b)(3).

3.4 Designation of Registered Agent

The Tribe hereby designates its Tribal Chairperson as the agent for service of process.

3.5 Title, Repeal of Prior Laws, and Effect of Repeal

This Gaming Ordinance may be cited as the Table Mountain Rancheria Gaming Ordinance or "Gaming Ordinance". The Gaming Ordinance shall be appropriately inserted in the Tribe's governing documents.

- 3.5.1 All titles, chapters and sections of the Tribal Gaming Ordinance which pertain to gaming and are in effect as of the date that this Gaming Ordinance becomes operative, are hereby repealed, and all other laws, or parts thereof, inconsistent with the provisions of this Gaming Ordinance are hereby repealed.
- 3.5.2 Repeal of this Gaming Ordinance, or any portion thereof, shall not have the effect of reviving any prior Law, Ordinance, or Resolution theretofore repealed or suspended.

3.6 Construction

In construing the provisions of this Gaming Ordinance, unless the context otherwise requires, the following shall apply:

- 3.6.1 This Gaming Ordinance shall be liberally construed by the Tribal Gaming Commission to affect its purpose and to promote substantial justice.
- 3.6.2 Words in the present tense include the future and past tenses.
- 3.6.3 Words in the singular number include the plural, and words in the plural number include the singular.
- 3.6.4 Words of the masculine gender or neuter include masculine and feminine genders and the neuter.

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3.7 Severability

If a court of competent jurisdiction invalidates any section of this Gaming Ordinance, the remaining sections shall not be affected thereby. Nothing in this Gaming Ordinance shall be deemed, construed, or interpreted as waiver of the Tribe's sovereign immunity; or as consent to the jurisdiction of any Federal, State or other Court or Tribunal.

3.8 Effective Date

The Gaming Ordinance shall become effective upon the date enacted by the Tribal Council and approval by NIGC.

CHAPTER 4 TRIBAL GAMING COMMISSION

4.1 Establishment, Purpose and Autonomous Authority of the Tribal Gaming Commission

4.1.1 Establishment The Tribal Gaming Commission is hereby established. The Tribal Gaming Commission's duty is to regulate the Gaming Operation and shall exercise all powers and authority necessary to effectuate and perform the purposes and duties assigned pursuant to this Gaming Ordinance, and shall not be limited by the enumeration of powers in this chapter. The Tribal Gaming Commission shall promulgate rules and regulations for the operation of any Gaming Facility and shall hear and resolve all disputes regarding any provision of the Gaming Ordinance. In all decisions, the Tribal Gaming Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the Gaming Operation.

4.1.2 Purpose The purpose of the Tribal Gaming Commission is regulatory, not managerial. The Tribal Gaming Commission will conduct oversight to ensure compliance with Tribal, Federal and, if applicable, State laws and regulations. The Tribal Gaming Commission will serve as the licensing authority for individuals employed in the Gaming Operation as well as any other person or entity required to be licensed under this Gaming Ordinance or Tribal, Federal or applicable State Law. The Tribal Gaming Commission will conduct and administer background investigations as part of the licensing process. The Tribal Gaming Commission will also have a role in monitoring compliance with the internal control standards for the Gaming Operation and in tracking revenue. In order to carry out its regulatory duties, the Tribal Gaming Commission shall have unrestricted access to all areas of the Gaming Operation and to all records. The Tribal Gaming Commission shall have authority to take enforcement actions, including suspension or revocation of an individual's license when appropriate.

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4.1.3 Autonomy This Gaming Ordinance provides for the Tribal Gaming Commission's autonomous authority. Notwithstanding the fact that the Tribal Gaming Commission is an agency of Tribal Government, the decisions of the Tribal Gaming Commission regarding licensing, suitability, compliance with applicable law and other regulatory matters shall be within the exclusive province of the Tribal Gaming Commission and shall be subject to appeal only to the Tribal Council or as set forth in this Gaming Ordinance or by the Tribal Gaming Commission's regulations.

4.2 Duties, Powers, and Responsibilities

The Tribal Gaming Commission shall have the responsibility and duty to:

- (1) Develop licensing procedures for all employees, vendors, and other persons or entities that provide services to or are employed by the Gaming Operation or Facility.
- (2) Issue, suspend, revoke, and/or renew any License issued by the Tribal Gaming Commission.
- (3) Conduct background investigations on any and all Applicants for a License.
- (4) Review a person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of any and all Applicants for a License.
- (5) Forward to NIGC completed employment applications for key employees and primary management officials that contain the notices and information listed in 25 C.F.R. Sections 556.2, 556.3 and 556.4 which includes the Privacy Act notice and the notice regarding false statements pursuant to 25 C.F.R. Sec. 558.3.
- (6) Forward a completed background investigation report for each key employee and primary management official to the NIGC prior to issuing a License. Pursuant to 25 C.F.R. 556.4.
- (7) Notify the NIGC if, after conducting a background investigation on a key employee or primary management official, the Tribe does not issue a License to the Applicant pursuant to 25 C.F.R. Sec. 522.4(b)(6).
- (8) Retain applications and reports of background investigations of key employees and primary management officials for no less than three (3)

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years from the date of termination of employment pursuant to 25 C.F.R. Sec. 558.1(c).

- (9) Issue separate Licenses to each place, facility, or location on Indian lands where the Tribe elects to allow Class II and/or Class III gaming pursuant to 25 C.F.R. Sec. 522.4(b)(6).
- (10) Ensure that the Gaming Facility is constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety pursuant to include 25 C.F.R. 522.4(b)(7).
- (11) Conduct or have independent audits performed on the Gaming Operation.
- (12) Obtain annual independent outside audits and submit these audits to the NIGC pursuant to 25 C.F.R. Sec. 522.4(b)(3). The scope of these audits should include all gaming related contracts that result in purchases of supplies, services or concessions for more than \$25,000 in any year or any consecutive twelve month period, except contracts for professional legal or accounting services
- (13) Ensure that net revenues of the Gaming Operation or Facility are used in accordance with Tribal Law
- (14) If the Tribe authorizes individually owned gaming, issue licenses according to the requirements contained in this Gaming Ordinance and 25 C.F.R. Sec. 522.10 and 522.11.
- (15) Promulgate Tribal Gaming Regulations pursuant to Tribal, Federal, and applicable State law.
- (16) Monitor the Gaming Operation or Facility activities to ensure compliance with all applicable Tribal, Federal, and State Laws, as wells as all applicable rules, regulations, policies and procedures.
- (17) Inspect, review, audit and copy documents from any Department of the Gaming Operation or Facility including but not limited to the Marketing, Shipping & Receiving, and Food & Beverage Departments, and any other Department that the Gaming Commission deems necessary or as directed by the Tribal Council.
- (18) Interact with other regulatory and law enforcement agencies regarding the regulation and enforcement of the Gaming Operation
- (19) Conduct investigations of possible gaming violations and take appropriate enforcement action with respect to Tribal law and regulations consistent

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with the Games Authorized in Section 3.1.

- (20) Provide independent reports and information to the Tribal Council on the regulatory status of the Tribe's Gaming Operation.
- (21) Take testimony and conduct hearings on regulatory and other matters, including matters related to the suspension or revocation of any Tribal License.
- (22) Establish and approve minimum internal control standards, policies, and/or procedures for the Gaming Operation, including the policies and procedures for acquiring supplies and equipment.
- (23) Establish any supplementary criteria for the issuance of any License.
- (24) Maintain records on licenses and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the Tribe's jurisdiction.
- (25) Perform audits of the Gaming Operation or Facility to ensure compliance with rules, regulations, policies and/or procedures.
- (26) Establish or approve rules of all Games Authorized pursuant to Section 3.1 herein, and inspect games, tables, equipment, machines, cards, dice, and chips or tokens used in the Gaming Operation.
- (27) Manage and operate a fully functional surveillance room pursuant to NIGC standards. As the Tribal Gaming Commission deems appropriate, the surveillance system may exceed NIGC standards.
- (28) Establish standards/criteria for gaming machines and facilitate the testing of machines for compliance.
- (29) Establish and assess fees for the purpose of covering administrative costs incurred in the issuance of a License or the investigation of a License application.
- (30) Adopt a schedule of fees for services rendered relating to transcripts and the furnishing or certifying of copies of proceedings, files, and records.
- (31) Issue orders of temporary, full or partial closure of a Gaming Facility upon the determination of the Tribal Gaming Commission that immediate closure is necessary to protect the health, safety, assets, or interests of the Tribe or the employees or patrons.

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- (32) Seek to become self-regulating and upon eligibility apply for a certificate of self-regulation from the NIGC pursuant to 25 C.F.R. Part 518.
- (33) Exercise any other duty, power, or responsibility authorized, assigned or required by the Tribal Council or delegated to the Tribal Gaming Commission by Tribal, Federal or applicable State Law.

4.3 Number of Commissioners and Selection

The Tribal Gaming Commission shall be composed of three (3) persons, or as many persons as may be designated by the Tribal Council, all of who shall be appointed by the majority vote of Tribal Council.

4.4 Officers and Duties

The Tribal Council shall appoint, by majority vote, which of the Tribal Gaming Commissioners shall serve as Chairperson, Vice-Chairperson and Secretary/Treasurer. The Chairperson shall preside over meeting of the Tribal Gaming Commission and the Vice-Chairperson shall preside in absence of the Chairperson. The Secretary/Treasurer shall monitor all funds designated to the Tribal Gaming Commission by way of appropriations, fee, and/or fines, etc., and shall be responsible for administration of the Annual Budget.

4.5 Qualifications

The Tribal Gaming Commissioners shall be a member of the Tribe or a person with adequate experience in gaming operations, the practice of gaming law, gaming control or regulation, law enforcement, business administration, or accounting.

4.6 Disqualifications

The following persons may not serve as Commissioners:

- (a) Employees of the Tribe's Gaming Operation;
- (b) Persons related to any gaming contractor (including any principal thereof or closely associated independent contractor);
- (c) Persons having any interest in or responsibility for, either directly or indirectly, any gaming related contract with Tribe or the Gaming Operation.

4.7 Restriction on Commissioners

Commissioners may not gamble in the Gaming Facility nor may they have any personal financial interest in any gambling by any patron of the Gaming Facility.

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4.8 Terms of Office

The Commissioners shall serve at the discretion of Tribal Council.

4.9 Compensation, Fringe Benefits, Reimbursement of Expenses

Commissioners shall be compensated for serving on the Commission at rates to be set by the Tribal Council. Increases may be allowed based on length of service. Commissioners shall be eligible for fringe benefits that are available to other employees of the Tribal Government in accordance with current policy. Commissioners shall be reimbursed for expenses incurred in connection with the performance of their Commission duties including necessary and reasonable travel expenses.

4.10 Method of Removal

Commissioners may only be removed from office by the Tribal Council for neglect of duty, malfeasance or other good cause shown, as determined by the Tribal Council on a case by case basis. The Commissioner should be afforded an opportunity to be heard on the proposed removal; however, the decision of the Tribal Council shall be final and not subject to appeal.

4.11 Vacancies

If any Commissioner shall die, resign, be removed, or for any reason be unable to serve as a Commissioner, the Tribal Council shall declare his/her position vacant and shall hire another Person to fill the position as soon as practicable.

4.12 Procedures for Conducting Business

A. Meetings.

Commissioners shall meet on a regular basis either in person or by telephone.

B. Voting.

Actions, votes or business may be conducted by any number of the Commissioners or Gaming representatives as designated by the Chairperson of the Tribal Gaming Commission.

4.13 Regulations

The Tribal Gaming Commission is empowered to adopt, amend, and repeal regulations, subject to final approval by the Tribal Council, to effectuate the provisions of the Tribal Gaming Ordinance and the Tribe's gaming policy, which shall include, but shall not be

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limited to, the following:

- (1) The Minimum Internal Control Standards ("MICS") as issued by the NIGC;
- (2) Interpretation and application of this Gaming Ordinance, as may be necessary to enforce the Tribal Gaming Commission's duties and exercise its powers;
- (3) A regulatory system to oversee and ensure the integrity of the Gaming Operation.
- (4) The findings of any reports or other information required by or necessary to implement this Gaming Ordinance; and
- (5) The conduct of inspections, investigations, hearings, enforcement actions and other powers of the Tribal Gaming Commission authorized by this Gaming Ordinance.

4.14 Due Process; Notice; Hearings; Examiner:

The Tribal Gaming Commission shall provide due process and an opportunity to be heard in connection with the enforcement of the gaming ordinance, rules, regulations, policies and procedures.

- 4.14.1 No Hearing, Voluntary Resolution: Whenever it appears to the satisfaction of the Tribal Gaming Commission that all of the parties involved in any proposed hearing have agreed concerning the matter at hand, the Tribal Gaming Commission may dispose of or resolve the issue without a hearing.
- 4.14.2 Notice of Hearing: The Tribal Gaming Commission will, within a reasonable time period, issue a written notice of hearing setting forth the issue to be resolved and the date and time of the hearing. The Commission reserves the right to continue the hearing beyond the original date and time.
- 4.14.3 Hearing: The Tribal Gaming Commission will provide the affected parties the right to present oral or written testimony at the hearing.
- 4.14.4 Examiner: The Tribal Gaming Commission shall act as the examiner at the hearing and may appoint a person knowledgeable in the subject matter to assist the Commission at the hearing.
- 4.14.5 Final Decision: The Tribal Gaming Commission shall render a written

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opinion within a reasonable time following the conclusion of the hearing and investigation thereof. The Tribal Gaming Commission's determination, findings, or decision shall be final.

4.15 Reporting

On before the last day of the third month after the close of the Tribe's fiscal year, the Tribal Gaming Commission shall provide to the Tribal Council an Annual report summarizing its activities during the prior fiscal year.

4.16 Personnel

The Tribal Gaming Commission shall hire personnel necessary to ensure the proper enforcement of the provisions of the Tribal Gaming Ordinance or any other applicable law.

4.17 Method of Funding

All funding of the Tribal Gaming Commission shall be pursuant to an annual budget to be proposed to the Tribal Council in accordance with Tribal Policy. In preparing the annual budget, all actual and anticipated surplus funds of the Tribal Gaming Commission shall be taken into account. Expenditures by the Tribal Gaming Commission shall be in accordance with the approved annual budget. Changes in the approved annual budget and requests for additional funds shall be by petition to the Tribal Council

4.18 Sovereign Immunity of the Tribal Gaming Commission

4.18.1 Authority The Tribal Gaming Commission is an Agency of the Tribal Government with all privileges and immunities of the Tribe, including immunity from suit in any Federal, State or other Court or Tribunal.

4.18.2 No Waiver Nothing in this Gaming Ordinance shall be deemed or construed as a waiver of sovereign immunity of the Tribal Gaming Commission, or consent to the jurisdiction of any Federal, State or other Court or Tribunal.

CHAPTER 5 LICENSES

5.1 Applicability:

5.1.1 Every person, entity, or organization that seeks access to a non-public area at the Gaming Facility shall be required to obtain a License.

(a) No person, entity, union or union organizer shall be allowed to access non-public areas or obtain confidential employee information without

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first obtaining a License from the Tribal Gaming Commission.

(b) No person, entity, union or union organizer shall solicit, or attempt to organize any eligible employee in violation of the policies, procedures, regulations, or rules promulgated by the Tribal Gaming Commission.

5.1.2 Every Vendor or Supplier (gaming resource or not) that provides or receives, or is likely to provide or receive at least Twenty-five Thousand Dollars in any twelve (12) consecutive month period from the Gaming Operation or Facility shall be required to obtain and maintain a valid License as issued by the Tribal Gaming Commission.

5.1.3 Every Financial Source shall be required to obtain and maintain a valid License as issued by the Tribal Gaming Commission.

5.2 Application Procedure:

5.2.1 Submission to Tribal Gaming Commission: An Applicant seeking a License shall submit an Application to the Tribal Gaming Commission on such forms as the Tribal Gaming Commission requires.

5.2.2. Privacy Act and False Statement The application form shall include the following notices:

5.2.2.1. Privacy Act:

“In compliance with the Privacy Act of 1974, the solicitation of 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 NIGC 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 NIGC in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigation of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice may result in the Tribal Gaming Commission’s inability to issue a License. The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.”

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5.2.2.2. False Statement

A false statement on any part of your application may result in the denial of a License by the Tribal Gaming Commission.

5.2.3 Application Contents: The application may request the following information or such other additional information that the Tribal Gaming Commission considers relevant to the issuance of a License or such other information that is required by 25 C.F.R. Section 558 for key employees and primary management officials:

- (1) The full name (and any other names used), address, telephone number, age, birth date and place, citizenship, gender, and social security number or business identification number of the Applicant.
- (2) If the Applicant has resided at his/her current address for less than two years, his/her previous address.
- (3) Key employees and primary management officials must provide all previous addresses and driver's license number used for the previous 5 years.
- (4) The names and addresses of the Applicant's Immediate Family.
- (5) The Applicant's criminal and civil record, if any, and an explanation of any crimes for which he has ever been arrested, convicted, been named or been a party to a civil suit.
- (6) The names, addresses and telephone numbers of three references who are not related to the Applicant including one personal reference who was acquainted with the Applicant during each period of residence for the previous 5 years.
- (7) A list of the Applicant's previous employment history during the past ten (10) years and current business telephone number.
- (8) Identify all current and past ownership interest in any business ventures for the last ten (10) year; including the business' address.
- (9) The disclosure of whether there is or has been a current or previous contractual relationship with any Indian tribe, casino or gaming related industry.

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- (10) The disclosure of whether the Applicant or any member of his/her Immediate Family has had a past or current financial interest in any gaming-related business, operation or enterprise.
- (11) A list of all gaming-related licenses the Applicant has ever applied for, whether or not they were granted such license.
- (12) A list of all professional, occupational, or business licenses the Applicant has ever applied for, whether or not they were granted such license.
- (13) A statement of all languages written or spoken.
- (14) Written permission giving the Tribal Gaming Commission or other authorized agencies or their designees the right to review the Applicant's background, including his criminal record.
- (15) A sworn statement that if the License applied for is issued, the Applicant will submit to the jurisdiction of the Tribe.
- (16) A sworn statement that the Applicant will abide by all applicable Tribal, Federal, and State laws, regulations and policies.
- (17) A photograph of the Applicant taken within the past year.
- (18) A signed affirmation or declaration stating that the information contained in the Application is true and correct.
- (19) Fingerprints consistent with procedures adopted by the Tribe.

5.2.4 Entities: In addition to the relevant information requested in 5.2.3, the Tribal Gaming Commission may request the following information or any other information it deems relevant. For the purposes of this section, the term entity or entities includes all businesses, corporations, organizations, unions, affiliations, associations, and other businesses of any type.

- (1) Each of its officers and directors;
- (2) Each of its principle management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager;
- (3) Each of its owners or partners, if an unincorporated business;

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- (4) Each of its shareholders who own more than 10 percent of the shares of the corporation;
- (5) Each person or entity that, alone or in combination with others, has provided financing in connection with Gaming authorized under this Compact; and
- (6) All on-site representatives or agents thereof.

5.3 Review of License Application:

The Tribal Gaming Commission shall thoroughly review and conduct a background investigation for each License Application sufficient to make a determination of suitability as required under this Gaming Ordinance. The Tribal Gaming Commission's review and background investigation shall include, but is not limited to the following:

- 5.3.1 The Tribal Gaming Commission shall require each Applicant to be fingerprinted.
- 5.3.2 The Tribal Gaming Commission shall review the information provided in the License Application, including, but not limited to investigating and verifying the information listed/provided in the License Application.
- 5.3.3 The Tribal Gaming Commission shall compile a written report as to findings and conclusions of the background investigation, that includes but is not limited to:
 - 5.3.3.1 Steps taken in conducting a background investigation;
 - 5.3.3.2 Results obtained;
 - 5.3.3.3 Conclusions reached; and
 - 5.3.3.4 The bases for those conclusions.
- 5.3.4 The Tribal Gaming Commission shall forward the required documents for each applicable Application to all authorized agencies.
- 5.3.5 The Tribal Gaming Commission shall maintain the Applicant's file, including applications, background investigation reports, and eligibility determination reports for inspection by the NIGC, for no less than three (3) years from the date of termination of employment.

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5.3.6 The Tribal Gaming Commission, when it does not license an Applicant, shall notify the NIGC, as required, and forward copies of the Tribal Gaming Commission's eligibility determination report.

5.4 License Application Submission to NIGC:

The Tribal Gaming Commission shall forward to the NIGC fingerprints taken as part of the License Application for each key employee or primary management official Applicant. The NIGC will process to determine the Applicant's criminal history, if any. The Tribal Gaming Commission may contract with any entity, with approval from the Tribal Council, and authorize such entity to receive and process fingerprint cards for background investigation purposes, so long as such background investigation shall, at a minimum, include a check of criminal history records maintained by the Federal Bureau of Investigation. The Tribal Gaming Commission, if it chooses not to contract with any other entity, may designate the NIGC as its authorized entity for receiving and processing fingerprint cards for background investigation purposes, so long as such background investigation shall, at a minimum, include a check of criminal history records information maintained by the Federal Bureau of Investigation.

5.5 Temporary Licensing:

Notwithstanding anything herein to the contrary, if the Applicant has completed a License Application, the Tribal Gaming Commission may immediately issue a temporary License if:

- 5.5.1 The Tribal Gaming Commission has conducted a preliminary, local, background investigation; and
- 5.5.2 Based on the preliminary investigation, the information does not indicate that the Applicant has a criminal history.
- 5.5.3 Licenses are valid only for the time period set by the Tribal Gaming Commission.

5.6 Conditional Licensing:

If the Tribal Gaming Commission finds that an Applicant should receive a Conditional License, the Tribal Gaming Commission shall:

- 5.6.1 Clearly identify the reasons for issuing a Conditional License;
- 5.6.2 Detail the specific provisions and conditions placed on the Conditional License;
- 5.6.3 Detail the specific time frame in which the Licensee shall accomplish or

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complete the Conditions;

- 5.6.4 Detail the provisions to review the completion of the conditions for a Renewable License to be issued.

5.7 Renewable License:

- 5.7.1 Issuance Upon completion of the necessary background investigation, and after the Tribe has complied, where applicable, with the 30 thirty-day NIGC review requirements found in 25 C.F.R. §558.3 and §558.4, the Tribal Gaming Commission may issue a License on a conditional or unconditional basis. If the NIGC objects to an Applicant, the Tribe shall reconsider the Application, taking into account the reasons for the objections noted by NIGC. However, the Tribe shall have the final word on whether to license an Applicant. Nothing herein creates a property right in the License.
- 5.7.2 Term Any License issued pursuant to this section shall be effective for a period of two (2) years from the date of issuance, subject to a periodic or random review of the Licensee's suitability determination.
- 5.7.3 License (Badge) Shall include such information as required by the Tribal Gaming Commission.

5.8 License Denial:

Any initial Application for a License shall be denied if the Tribal Gaming Commission, after an adequate review, determines the Application is incomplete or deficient, or upon review of the Applicant's prior activities, criminal record, if any, and reputation, habits and associations that the employment of the Applicant poses a threat to the public interest or the effective regulation of gaming, or creates or enhances the danger of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming. If an Applicant is denied a License the Gaming Operation shall not employ the Applicant.

5.9 Renewals:

A Licensee shall petition to have the License renewed by applying to the Tribal Gaming Commission for a renewal before the License expires. Applicants may be required to provide updated material as requested.

5.10 Licensee Responsibility:

It is the sole responsibility of the Licensee to renew their License before it expires, and accordingly, the Licensee shall be held accountable for working under an expired License.

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5.11 Gaming Management Responsibility:

Notwithstanding the foregoing, the employee's supervisor, including any relevant Manager will be held accountable by the Tribal Gaming Commission for any employee working without a current and valid License visually displayed.

5.12 Requirement to Produce License Upon Request:

Licensees must carry the License and visibly display the License during working hours and must produce the License upon request, provided, however, that certain Tribal Gaming Commission employees may be excluded from this requirement when it is necessary to preserve the health, safety or welfare of the Tribe.

5.13 License Suspension or Revocation of License:

5.13.1 Temporary Suspension or Revocation The Tribal Gaming Commission may suspend or revoke a License for any of the following reasons:

- (1) The Licensee withheld pertinent information on the Application;
- (2) The Licensee made false statements on the Application;
- (3) The Licensee participated in, promoted, encouraged, or facilitated any illegal Gaming;
- (4) The Licensee attempted to bribe a Tribal Council member, Commissioner or other Person, in an attempt to avoid or circumvent Tribal, Federal, or applicable State Law;
- (5) The Licensee offered something of value to a Tribal Gaming Commission member;
- (6) The Licensee knowingly promoted, played or participated in any Gaming operated in violation of Tribal, Federal, or applicable State Law;
- (7) The Licensee is knowingly involved in the falsification of books or records;
- (8) The Licensee violated this Gaming Ordinance or any rule, regulation, or law of the Tribe, Tribal Gaming Commission, Gaming Facility, or any other applicable government entity;
- (9) The Licensee has been convicted or has entered a plea of *nolo*

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contendere to any crime involving gaming, fraud, theft, embezzlement or moral turpitude;

- (10) The Licensee has refused to comply with any lawful order, inquiry or directive of the Tribal Gaming Commission, the Tribal Council, the Federal Government or any court of competent jurisdiction;
- (11) The Licensee has been convicted of or entered a plea of *nolo contendere* to a crime of moral turpitude;
- (12) The Licensee has been convicted or charged with a felony, so long as the temporary suspension is removed if the charges are subsequently dismissed;
- (13) The Licensee has had a civil action or judgment filed or entered against him for conversion, embezzlement, misappropriation, theft, forgery, or any other claim that may affect the licensee's suitability;
- (14) Failure to pay any fine or fee imposed by the Tribal Gaming Commission.
- (15) Failure to submit any documents or other items requested by the Tribal Gaming Commission for the issuance or renewal of a Tribal License.
- (16) Failure to follow or fulfill any conditions imposed or requests made by the Tribal Gaming Commission.

5.13.2 Procedure for Suspension

- (1) Upon receiving information that calls into question a Licensee's suitability, the Tribal Gaming Commission or its designee may undertake an investigation, temporarily suspend, or serve upon such Licensee an order to show cause why the Licensee's License should not be revoked.
- (2) Additionally, if the NIGC notifies the Tribe that it has received reliable information indicating that a key employee or primary management official is not eligible for employment under 25 C.F.R. §558.2, the Tribal Gaming Commission shall suspend such license and notify the Licensee in writing that his/her license has been suspended and may be revoked.

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- (3) Such notice shall state the reason for the suspension and/or order, and the time and place for the hearing before the Tribal Gaming Commission pursuant to Section 4.14 herein.
- (4) The Licensee shall have an opportunity to present testimony and to present any other evidence which he/she would like the Gaming Commission to consider in accordance with the policies, procedures, regulations, and rules promulgated by Tribal Gaming Commission
- (5) The hearing shall be governed in all respects in accordance with Tribal Law and the Tribal Gaming Commission's policies, procedures, regulations, and rules.

5.13.3 Revocation of License After Expiration or Termination There shall be no statute of limitations for determining a Licensee's suitability in accordance with Tribal, Federal, applicable State Law, or any other applicable rule or regulation. Accordingly, the Tribal Gaming Commission's authority to revoke or suspend a License or to institute any proceeding pursuant to Section 4.14 or Section 5.13 herein shall survive the expiration of the employee's License or the termination of employment of the employee, provided that the event giving rise to the investigation, suspension, or termination occurred while the License was in effect.

5.14 Enterprise License:

Any Gaming Operation authorized by the Tribal-State Compact and this Gaming Ordinance shall be licensed by the Tribal Gaming Commission. The Tribal Gaming Commission shall issue a License if the following threshold criteria are met:

- 5.14.1 The Gaming Operation is located on Indian land where the Tribe can lawfully engage in Gaming.
- 5.14.2 The Gaming activity is authorized pursuant to this Gaming Ordinance, the Tribal-State Compact and the IGRA.
- 5.14.3 The gaming activity is authorized by a Tribal Council Resolution.
- 5.14.4 The Tribe has the sole proprietary interest and any Management Contract is valid under with Tribal and Federal law and is properly approved by the Chairperson of the NIGC.

5.15 Facility License:

The Gaming Facility authorized by the Tribal-State Compact and this Gaming Ordinance

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shall be licensed by the Tribal Gaming Commission.

5.15.1 A Gaming Facility License shall be issued if the following criteria are met:

- (1) The construction, expansion or modification of the Gaming Facility shall comply with all Tribal and Federal applicable codes.
- (2) Upon the inspection of the health and safety of the building, and upon the inspection that all Gaming controls that are necessary to insure the integrity of the Gaming Operation, the Tribal Gaming Commission shall issue to the Facility, a Certificate of Occupancy, which shall be reissued upon similar inspections every two years.

5.15.2 Upon the issuance of a Gaming Facility License, the Tribal Gaming Commission shall forward the License as required to all applicable Federal or State Agencies.

5.15.3 The Gaming Facility License shall be posted in a conspicuous and public place inside the Gaming Facility at all times.

5.16 State Gaming Agency Licensing:

5.16.1 Except as provided in Sections 5.16.2 and 5.16.3 below, the Gaming Operation will not employ or affiliate with any Person whose application to the State Gaming Agency for a determination of suitability has been denied.

5.16.2 Notwithstanding Section 5.16.1, the Gaming Operation may employ a Person who has been denied for a determination of suitability by the State Gaming Agency if:

- (1) The person holds a valid and current Tribal License;
- (2) The denial by the State Gaming Agency is based on reasons that antedate the filing of the person's initial application to the State Gaming Agency;
- (3) The person is not an employee of another Gaming Operation;
- (4) The person has been in continuous employ for at least three years by the Tribe prior to the effective date of the Compact.

5.16.3 Notwithstanding Section 5.16.1, the Gaming Operation may employ a person who has been denied for a determination of suitability by the State Gaming Agency if:

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- (1) The person is an Enrolled Member of the Tribe;
- (2) The person holds a valid and current Tribal License;
- (3) The denial by the State Gaming Agency is based on reasons that antedate the filing of the person's initial application to the State Gaming Agency;
- (4) The person is not an employee of another Gaming Operation.

5.17 Miscellaneous Licensing Provisions:

- 5.17.1 No License shall be sold, lent, assigned or otherwise transferred.
- 5.17.2 A copy of the Gaming Ordinance and regulations shall be readily available for inspection as designated by the Tribal Gaming Commission.
- 5.17.3 No employee of the Gaming Operation shall be permitted to hold more than one Tribal, Gaming, or other gaming associated License.

CHAPTER 6 GAMING OPERATION AND FACILITY RESTRICTIONS

6.1 Number of Facilities:

- 6.1.1 The Tribe may establish and operate Gaming Facilities in accordance with the Tribal-State Compact.
- 6.1.2 The Tribe may combine and operate in each Gaming Facility any forms and kinds of gaming permitted under the IGRA, Tribal Gaming Ordinance, and the Tribal-State Compact.

6.2 Gaming Device Restrictions:

- 6.2.1 Number of Devices The Tribe will not offer any more gaming devices than what is authorized by law.
- 6.2.1 Transferability of Devices The Gaming Operation, or any Licensee, is prohibited from selling, renting or lending a Gaming Device or Associated Gaming Device, in whole or in part, to any person without prior written approval by the Tribal Gaming Commission.
- 6.2.2 Transportation of Devices Transportation of a Gaming Device to or from the Gaming Facility within California is permissible only if:

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- (1) The Tribal Gaming Commission has issued a permit to transport the Device; and
- (2) The Tribal Gaming Commission has provided at least ten (10) days notice to the local County Sheriff; and
- (3) The final destination of the Device is a gaming facility of any Indian tribe in California with a Tribal-State Compact; or
- (4) The final destination is in a state or country whereby the Device is otherwise legal; or
- (5) The final destination is located in California for the purpose of testing, repair or storage by a person that is licensed by the Gaming Agency.

6.3 Gaming Device Technical Standards: The technical standards for Gaming Devices shall adhere to the Gaming Laboratories International, Incorporated standards or such other standards as approved by the Tribal Gaming Commission and approved by Tribal Council.

6.4 Age Restrictions:

- 6.4.1 No person under the age of Eighteen (18) shall be employed by the Gaming Facility.
- 6.4.2 No person under Twenty-one (21) years of age shall be employed in the service of alcoholic beverages at the Gaming Facility.
- 6.4.3 No person under the age of Twenty-one (21) shall be permitted in any area where gaming is occurring and alcoholic beverages are being consumed.
- 6.4.4 No person under the age of eighteen (18) shall be permitted to place any wager, directly or indirectly.
- 6.4.5 No person under the age of eighteen (18) shall be permitted in any room in which gaming is being conducted unless the person is being escorted by an adult en-route to a non-gaming area of the Gaming Facility.
- 6.4.6 No person under the age of Twenty-one (21) shall be permitted in any area where alcoholic beverages are being served or consumed, unless the area is a restaurant or other venue where the consumption of alcoholic beverages is incidental to or in conjunction with the serving of a meal or other function authorized by Tribal Law.

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6.5 Methods of Payment:

- 6.5.1 Gaming chips and other tokens, as issued by this Gaming Facility, may be sold, issued, or redeemed by the Gaming Operation and only for face value, or as approved by the Tribal Gaming Commission.
- 6.5.2 Consideration to participate in Gaming shall be in accordance with applicable rules and regulations as adopted by the Tribal Gaming Commission.

6.6 Compliance requirements:

- 6.6.1 The Gaming Operation shall pay all fees and file all reports required by law within the time prescribed.
- 6.6.2 The Gaming Operation shall respond to all inquiries or orders of the Tribal Gaming Commission or the Tribal Council.
- 6.6.3 The Gaming Operation shall make its premises, books, data, and records available for inspection and copying, during normal business hours, to the Tribal Gaming Commission and the Tribal Council or their designee(s).

6.7 Miscellaneous:

- 6.7.1 The Gaming Operation shall provide adequate security to protect all visitors, patrons, and employees of the Gaming Facility.
- 6.7.2 The Gaming Operation may not discriminate on the basis of sex, race, color, or creed in its employment practices related to gaming, provided nothing herein shall preclude the Tribe from given a preference of employment to Native Americans.
- 6.7.3 Employees shall not discuss the right to self-organization, collective bargaining, or unions in violation of rules, regulations, policies, or procedures prescribed by the Tribal Gaming Commission.
- 6.7.4 Any union or union organizers who attempt or desire to organize any eligible Licensed employee must first obtain a Tribal License.

CHAPTER 7 ENFORCEMENT

7.1 Jurisdiction:

The Tribal Gaming Commission shall have jurisdiction over all Gaming Facility assets and the authority to enforce the provisions of IGRA, Tribal Gaming Ordinance, Tribal-

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State Compact, and all other applicable rules, regulations, or laws.

7.2 Prohibited Acts:

- 7.2.1 Participating in any form gaming not authorized by this Gaming Ordinance.
- 7.2.2 Knowingly making a false statement.
- 7.2.3 Attempting to bribe any person or entity associated or doing business with the Gaming Operation, the Tribal Gaming Commission, or the Tribe.
- 7.2.4 Offering or accepting a loan, financing or other thing not authorized by the Gaming Commission.
- 7.2.5 Promoting or participating in any illegal gaming.
- 7.2.6 Failing to keep any books, records, or other data required by the Tribal Gaming Commission or any other applicable rule, regulation, or law.
- 7.2.7 Falsifying any books, records or other data related to any transaction connected with gaming pursuant to this Gaming Ordinance.
- 7.2.8 Any person or entity that conducts or participates in any activity that result in cheating or who cheats, aids, abets, or encourages cheating in any form.
- 7.2.9 Allowing any person that is disorderly, intoxicated, or under the influence of an illegal substance to participate in any gaming.
- 7.2.10 Allowing or participating in the unauthorized sale or consumption of any alcoholic beverage when such sale or consumption is prohibited by Tribal law.
- 7.2.11 Accepting any consideration or thing of value from any person or entity other than money, tokens, chips, or other approved or authorized consideration
- 7.2.12 Using bogus or counterfeit chips, coins, tokens or gaming tickets, or substituting or using any cards, gaming tickets or gaming equipment that has been altered, marked or tampered with.
- 7.2.13 Employing or possessing any cheating device or facilitating cheating in any gaming activity.
- 7.2.14 Willfully using any fraudulent scheme or technique to change the odds of

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any game of chance.

- 7.2.15 Soliciting, disseminating or using, directly or indirectly, any inside or confidential information that relates to any form of gaming for the benefit of any individual or entity.
- 7.2.16 Tampering with a gaming device, attempting to conspire to manipulate the outcome or the payoff of a gaming device, or otherwise unlawfully tampering with or interfering with the proper functioning of the gaming device.
- 7.2.17 Altering or counterfeiting of a License.
- 7.2.18 Aiding, abetting, or conspiring with another person knowingly or knowingly to cause any person to violate any provision of this Gaming Ordinance or any rules and regulations adopted hereunder.
- 7.2.19 Operating, using or making available to the public any illegal gaming device, apparatus, material or equipment.
- 7.2.20 Selling, holding out for sale or transporting into or out of the jurisdiction of the Tribe any illegal gaming device, apparatus, material or equipment.
- 7.2.21 Assisting or allowing a person who is under the age of Eighteen (18) to participate in any form of gaming.
- 7.2.22 Possessing any illegal narcotics or controlled substances on any licensed gaming site.
- 7.2.23 Stealing or attempting to steal funds or other items of value from any Gaming Facility or from the Tribal Gaming Commission.
- 7.2.24 Failing to notify the Tribal Gaming Commission of any Licensee who has been charged or convicted of a felony, misdemeanor, or crime of moral turpitude.

7.3 Civil Violation:

Any Licensee who violates or fails to comply with any provision of this Gaming Ordinance or who fails or neglects to comply with any final order of the Tribal Gaming Commission shall be notified and given due process pursuant to Section 4.14 herein. If the Licensee is found to have violated any provision of the Gaming Ordinance, the Tribal Gaming Commission may impose fine of up to but not to exceed Ten Thousand Dollars (\$10,000) for each violation thereof. Each day during which any such violation or failure to comply continues shall constitute a separate violation of this Gaming Ordinance. The

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amount of any such fine may be recovered in a civil action in the any Court of competent jurisdiction. The Tribal Gaming Commission reserves the right to garnish an employee's wages to offset any fines imposed hereunder.

7.4 Cumulative Fines:

All fines assessed under this Gaming Ordinance shall be cumulative and a civil action for the recovery of one fine shall not bar or affect the recovery of any other fine against any Licensee. The Tribal Gaming Commission shall reserve the right to garnish an Employee's wages to offset any fines imposed hereunder.

7.5 Purpose of Fines:

The fines imposed under this Gaming Ordinance are intended to be remedial and not punitive, and are designed to reimburse the Tribe for costs incurred by the Tribe in enforcing this Gaming Ordinance. The fines under this Gaming Ordinance are intended to encourage all Licensees into complying with this Gaming Ordinance and all applicable rules, regulations, and laws.

7.6 Seizure and Forfeiture of Property:

Property utilized in violation of this Gaming Ordinance shall be subject to seizure and forfeiture by order of the Tribal Gaming Commission pursuant to such procedures and rules, as the Tribal Gaming Commission shall promulgate.

7.7 Exclusion or Ejection of Individuals

The Tribal Gaming Commission may, by regulation, policy or procedure, provide for the establishment of a list of person who are to be excluded or ejected from any duly licensed Gaming Facility. The list may include any person whose presence in the gaming establishment is determined by the Tribal Gaming Commission to pose a threat to the interest of the Tribe, the gaming public, or to licensed gaming.

7.7.1 It shall be a violation of this Gaming Ordinance for any licensed employee to knowingly fail to exclude or eject from the Gaming Facility any person(s) placed on the list referred to Section 7.7. It shall be a violation of this Gaming Ordinance for any person whose name appears on the list referred above to enter into or engage in any game activity at a duly licensed Gaming Facility; such person's presence shall be considered trespassing.

7.8 Reporting of Offenders:

The Tribal Gaming Commission, shall report the name of any Licensee who has been found to have violated this Gaming Ordinance to the Tribal Council, NIGC, or any other

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entity as required by law.

CHAPTER 8 GAMING OPERATION ENTERPRISE MANAGEMENT

8.1 Management Responsibility:

- 8.1.1 The Tribe shall identify in writing a person(s) who shall serve as General Manager of the Gaming Operation. The General Manager appointed shall undergo a background check by the Tribal Gaming Commission and shall obtain a License before commencing work.
- 8.1.2 The General Manager shall be responsible to ensure that all forms of Gaming Activity offered and operated at the Gaming Operation and Facility comply with Tribal, Federal and applicable State law.
- 8.1.3 The General Manager shall submit such reports as requested the Tribal Council or Tribal Gaming Commission.

8.2 Rules and Regulations for Management:

The Tribal Gaming Commission shall promulgate rules, regulations and specifications govern the Gaming Operation in the following areas, or in such other areas as the Tribal Gaming Commission may deem necessary:

- 8.2.1 The enforcement of all relevant laws and rules with respect to the Gaming Operation and the Facility;
- 8.2.2 Ensuring the physical safety of patrons and employees;
- 8.2.3 The physical safeguarding of assets transported to, within, and from the Gaming Facility;
- 8.2.4 The prevention of illegal activity from occurring within the Gaming Facility including employee procedures and surveillance;
- 8.2.5 The recording of occurrences that deviate from normal operating policies that include the following procedures for reporting such incidents:
 - (1) Specify that the appropriate personnel record all incidents, regardless of immateriality;
 - (2) Require the assignment of a sequential number to each report;

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- (3) Provide for the permanent reporting of such incident in indelible ink in a bound notebook;
- (4) Require that each report include the following:
 - (i) The record number.
 - (ii) The date.
 - (iii) The time.
 - (iv) The location of the incident.
 - (v) A detailed description of the incident.
 - (vi) The persons involved in the incident.
 - (vii) The security personnel assigned to the incident.

8.2.6 The establishment of employee procedures designed to permit detection of any irregularities, theft, cheating, fraud, or the like;

8.2.7 Maintenance of a list of persons or entities barred from the Gaming Facility;

8.2.8 In accordance with section 8.4.1 of the Tribal-State Compact, except as provided in subdivision 8.4.1(d) of such Compact, no State Gaming Agency regulation shall be effective with respect to the Tribe's Gaming Operation unless it has first been approved by the Association as defined in the Compact, and further, the Tribe has had an opportunity to review and comment on the proposed regulations.

8.3 Insurance Requirements

Pursuant to the Tribal-State Compact, the General Manager shall ensure that the Gaming Operation or Facility shall carry no less than the required minimum liability insurance set forth in the Tribal-State Compact to protect the public in the event of an accident.

8.4 Internal Revenue Service ("IRS") Requirements

The General Manager shall be responsible to ensure that the Gaming Operation complies with all IRS reporting requirements.

8.5 Audit Requirements:

8.5.1 Annual Gaming Operation and Facility Audit The Tribal Gaming Commission shall obtain an annual independent audit of the Gaming Operation and Facility by a certified public accountant using the accounting standards for audits of casinos of the American Institute of Certified Public Accountants.

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8.5.2 Contract Audits Any contract between the Gaming Operation or Facility and any person or entity (other than legal and accounting services) that results in an expenditure of Twenty-five Thousand Dollars (\$25,000) or more, in any consecutive twelve-month period, shall be subject to an independent audit.

8.5.3 Copies A copy of all audits shall be provided to the Tribal Gaming Commission and any other entity as required by Tribal Council or applicable law.

8.6 Annual Reports from Management Contractor:

A Management Company or Management Contractor retained by the Tribe to manage the Gaming Operation or Facility shall file an Annual Report with the Tribal Gaming Commission and the Tribal Council within 15 days of the conclusion of the fiscal year for the Gaming Operation and Facility. The Annual Report should include, at a minimum, the following information:

- 8.6.1 The name, address, and telephone number of the Licensee;
- 8.6.2 The names, addresses, and titles of all of its current managers of the Licensee;
- 8.6.3 A description of the types of Class II and III Gaming Activity operated and its Gross Revenue;
- 8.6.4 The names and addresses of the persons who will be designated as key employees or primary management officials over the next License Term;
- 8.6.5 Written proof that the Licensee has paid to the NIGC all fees as required by Tribal law, the Tribal-State Compact, and Federal law;
- 8.6.6 A sworn statement that the Licensee has complied with the IRS reporting requirements, including written notice of customer winnings;
- 8.6.7 The number of persons employed by the Management Company or Management Contractor operation during the past fiscal year, together with a projection of the number of employees who are expected to be employed during the next fiscal year;
- 8.6.8 A sworn statement that the Licensee will comply with all applicable Tribal, Federal, and State Gaming laws and rules and regulations;
- 8.6.9 The name, address and signature of the agent who will accept service of process on behalf of the Licensee; and

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- 8.6.10 If the Licensee is a corporation, a copy of all of its constitution, by-laws, articles of incorporation, shareholder reports, and all amendments and modifications thereto.

**CHAPTER 9 PROCEDURES FOR RESOLVING DISPUTES BETWEEN
PATRONS AND GAMING MANAGEMENT**

9.1 General Principles:

The Tribe values its customers and intends, at all times, to see that questions, concerns, issues, and/or disputes raised by the gaming public are addressed in a fair and orderly manner. However, nothing in the dispute resolution procedures set forth herein shall be deemed or construed as a waiver of the Tribe's sovereign immunity, or any of the rights and privileges attendant thereto.

9.2 Initial Dispute Resolution Procedure:

- 9.2.1 Members of the Gaming public who, in the course of their otherwise lawful and proper use of the Tribe's Gaming Facility, have questions or concerns about the condition or operation of any part of the Gaming Facilities, or who otherwise believe themselves to be aggrieved by some aspect of the condition or operation of any part of the Gaming Facility, shall direct their questions, concerns, or disputes (hereinafter collectively "disputes") in the first instance to gaming management at the Gaming Facility, either orally or in writing.
- 9.2.2 Disputes shall be raised with the gaming management as soon as reasonably possible after the occurrence of the events giving rise to the dispute; however, no dispute may be raised more than forty-eight hours (48) after said event take place.
- 9.2.3 Upon learning about a dispute, the gaming management shall expediently gather sufficient facts to make an initial determination about the dispute (i.e. whether the dispute has any merit, whether further investigation is required, whether to take any corrective action, etc.). The General Manager shall inform the complainant, either orally or in writing, about its initial determination as soon as is reasonably practicable. At that time, if the complainant indicates that he or she has additional concerns or is not satisfied, gaming management shall inform the complainant about how to initiate the formal dispute resolution procedure.

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9.3 Formal Dispute Resolution Procedure:

- 9.3.1 Complainants who have followed the initial dispute resolution procedure, and who are unsatisfied with gaming management's determination, may appeal that determination in writing to the Tribal Gaming Commission no later than five (5) days after being informed about the determination.
- 9.3.2 The Tribal Gaming Commission may investigate the dispute. The Tribal Gaming Commission may offer the complainant a fair opportunity to be heard about the dispute.
- 9.3.3 If the Tribal Gaming Commission decides to investigate, review and/or hold a hearing on the gaming management's determination or on the patron's dispute, the Tribal Gaming Commission shall issue a written decision on the matter and mail a copy of the decision to the patron or complainant at his or her last known address.
- 9.3.4 All decisions relating to a patron's dispute or complaint issued by the Tribal Gaming Commission are final and not subject to appeal.