



OCT 19 2000

Leanne Walker-Grant, Tribal Chairperson
Table Mountain Rancheria
23736 Sky Harbour Road
P.O. Box 410
Friant, CA 93626

Dear Chairperson Walker-Grant:

This letter is in response to the submission of the Table Mountain Rancheria (Rancheria) Gaming Ordinance, received by the National Indian Gaming Commission (NIGC) on July 28, 2000. Under the Indian Gaming Regulatory Act (IGRA), and the regulations promulgated by the NIGC, the Chairman has 90 days to review a new ordinance and either approve or disapprove the ordinance. 25 C.F.R. § 522.4. This letter constitutes an approval under the IGRA. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

With approval of the Rancheria's Ordinance, the Tribal Gaming Commission is 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, pursuant to 25 C.F.R. § 556.5(b), before the Tribal Gaming Commission issues a license to a key employee or primary management official.

Thank you for submitting the Tribal Gaming Ordinance of the Table Mountain Rancheria. The NIGC staff and I continue to look forward to working with you and the Community in implementing the IGRA.

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Sincerely yours,

Montie R. Deer

Montie R. Deer
Chairman

cc: Melissa Schlichting, Attorney for Tribal Gaming Commission



TABLE MOUNTAIN RANCHERIA

TRIBAL GOVERNMENT OFFICE

TABLE MOUNTAIN RANCHERIA TRIBAL COUNCIL RESOLUTION NO. 2000-27

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

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

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

WHEREAS, the Table Mountain Rancheria Tribal council desires to adopt a Tribal Gaming Ordinance to govern tribal gaming;

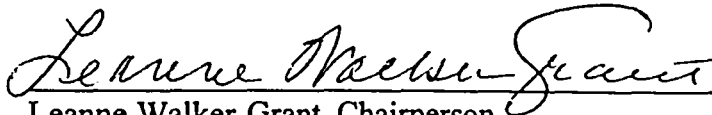
WHEREAS, the National Indian Gaming Commission has required additions to the original draft as approved under Resolutions 2000-13 and 2000-24.

NOW, THEREFORE BE IT RESOLVED that the Tribal Council of the Table Mountain Rancheria hereby adopts the attached revised ordinance entitled "Table Mountain Rancheria Tribal Gaming Ordinance" to become effective and implemented upon the approval by the National Indian Gaming Commission.

BE IT FURTHER RESOLVED that Resolutions 2000-13 and 2000-24 are hereby rescinded and replaced by this Resolution.

CERTIFICATION

The foregoing resolution was adopted by a vote of 4 for and 0 against, at a duly called meeting of the Tribal council, at which a quorum consisting of 4 Tribal Council members were present, on this 17th day of October, 2000.



Leanne Walker-Grant, Chairperson
Table Mountain Rancheria

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ORDINANCE NO.
TRIBAL CLASS II AND CLASS III GAMING ORDINANCE

CHAPTER 1. DEFINITIONS

- 1.1 "Applicant" means an individual or entity that applies for a Tribal License or State Certification.
- 1.2 "Association" means an association of California tribal and state gaming regulators, the membership of which comprises up to two representatives from each tribal gaming commission of those tribes with whom the State has a gaming compact under the Indian Gaming Regulatory Act, and up to two delegates each from the State of California Division of Gambling Control and the State of California Gambling Control Commission.
- 1.3 "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 National Indian Gaming Commission.
- 1.4 "Enrolled Member" means any person who is enrolled as a member in accordance with the requirements under the Tribe's Constitution, By-Laws and Ordinances and who can be certified by the Tribe as having been an enrolled member for at least five (5) years or is a holder of confirmation of membership issued by the Bureau of Indian Affairs.
- 1.5 "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 evidenced by bonds issued by the Tribe.
- 1.6 "Gaming Activities" means the Class III gaming activities authorized under the Tribal-State Gaming Compact.
- 1.7 "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.
- 1.8 "Gaming Employee" means any person who (1) operates, maintains, repairs, assists in any Class III gaming activity, or is in any way responsible for supervising such gaming activities or persons who conduct, operate, account for, or supervise any such gaming activity, (2) is in a category under federal or tribal

law requiring licensing, (3) is an employee of the Tribal Gaming Commission with access to confidential information, or (4) is a person whose employment duties require or authorize access to areas of the Gaming Facility that are not open to the public.

- 1.9 "Gaming Facility" or "Facility" means any building in which 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, provided that nothing herein prevents the conduct of Class II gaming (as defined under the IGRA) therein.
- 1.10 "Gaming Facility Operator" means any person or entity who has management responsibility for the gaming operation, including but not limited to the President and General Managers of the Gaming Operation, and a Management Contractor as defined in Section 1.16 below.
- 1.11 "Gaming License" means a license issued by the Tribal Gaming Commission authorizing the licensee to engage in gaming activities within the Gaming Operation. All Gaming Licenses must be renewed every two (2) years and are subject to revocation in accordance with this ordinance and any regulations of the Tribal Gaming Commission.
- 1.10 "Gaming Operation" means the business enterprise that offers and operates Class III Gaming Activities, whether exclusively or otherwise.
- 1.11 "Gaming Ordinance" means a tribal ordinance or resolution duly authorizing the conduct of Class III Gaming Activities on the Tribe's Indian lands and approved under the IGRA.
- 1.12 "Gaming Resources" means any goods or services provided or used in connection with 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 III gaming activities, maintenance or security equipment and services, and Class III gaming consulting services. "Gaming Resources" does not include professional accounting and legal services.
- 1.13 "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.

- 1.14 "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 thereunder.
- 1.15 "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;
 - (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; or
 - (k) Any employee engaged in finance or accounting functions;
 - (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 is designated as a key employee under the Tribal-State compact.
- 1.16 "Management Contractor" means any Gaming Resource Supplier with whom the Tribe has contracted for the management of any Gaming Activity or Gaming Facility, including, but not limited to, any person who would be regarded as a management contractor under IGRA.
- 1.17 "Net Win" means "net win" as defined by the American Institute of Certified Public Accountants.
- 1.18 "NIGC" means the National Indian Gaming Commission.
- 1.19 "Non-Gaming Employee" means any employee of the Tribal Gaming Operation who does not otherwise fall into the definition of Gaming Employee, Key Employee or Primary Management Official.
- 1.20 "Permanent License" means a gaming license issued by the Tribal Gaming Commission with no conditions or restrictions, but is subject to revocation under this ordinance and any regulations promulgated by the Tribal Gaming Commission.
- 1.19 "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.
- 1.20 "State" means the State of California or an authorized official or agency thereof.
- 1.21 "State Gaming Agency" means the entities authorized to investigate, approve, and regulate gaming licenses pursuant to the Gambling Control Act (Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code).
- 1.22 "Temporary License" means a gaming license issued by the Tribal Gaming Commission for a limited term, which may be made conditional and is subject to revocation in accordance with this ordinance or any regulations of the Tribal Gaming Commission.
- 1.22 "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.
- 1.23 "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 National Indian Gaming Commission, as primarily responsible for carrying out the Tribe's regulatory responsibilities under IGRA and the Tribal Gaming Ordinance. No person employed in, or in connection with, the management, supervision, or conduct of any gaming activity may be a member or employee of the Tribal Gaming Commission.
- 1.24 "Tribal-State Compact" means the compact between the State of California and the Table Mountain Rancheria, as enacted on September 10, 1999.
- 1.25 "Tribe" means the Table Mountain Rancheria, a federally recognized Indian tribe, or an authorized official or agency thereof.

CHAPTER 2 ORDINANCE

2.1 Purpose.

The Tribal Council of the Table Mountain Rancheria (hereinafter "Tribe"), empowered by the Tribe's constitution to enact ordinances, hereby rescinds Ordinance 98-03 and replaces it with this Ordinance to provide for Class II and Class III gaming.

2.2 Gaming Authorized.

All forms of Class II and Class III gaming activities as defined herein and by the IGRA, the regulations of the National Indian Gaming Commission, and the Tribal-State Compact are hereby authorized.

2.3 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.

2.4 Use of Gaming Revenues.

- A. Net revenues from the Tribe's share of Class II and Class III gaming activities authorized herein shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies; and for other purposes as required under the Tribal-State Gaming Compact.
- B. If the Tribe elects to make per capita payments, it shall authorize such payments only pursuant to its Plan for the Allocation of Gaming Revenue, approved by the Secretary of the Interior under § 2710(b)(3) of IGRA.

2.5 Audit.

- A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission (hereinafter, "Commission").
- B. All gaming related contract that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except for contract for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection (A) above.

2.6 Environmental Protection.

The construction, maintenance and operation of Class II and Class III gaming facilities and Class II and Class III games shall be conducted in a manner which adequately protects the environment and the public health and safety.

2.7 Gaming License Required.

A Tribal Gaming License, either temporary or permanent shall be required for the following:

- A. Gaming Employees;
- B. Key Employees;
- C. Primary Management Officials;
- D. Gaming Facilities;
- E. Gaming Resource Suppliers who, directly or indirectly, provides, has provided, or is likely to provide at least twenty-five thousand dollars (\$25,000) in Gaming Resources in any consecutive 12-month period, or who has received at least twenty-five thousand dollars (\$25,000) in any consecutive 12 month period within the 24-month period immediately preceding the license application.
- F. Financial Sources.

2.8 License for Class II and Class III Key Employees and Primary Management Officials, and Gaming Employees.

All gaming employees, key employees and primary management officials shall apply for and be granted a Tribal gaming license prior to employment in the gaming operation. The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to anyone employed at any Class II or Class III gaming enterprise operated on Indian lands.

A. Application forms

1. The following notice shall be placed on the application form for a gaming employee, 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 gaming employee, , 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 application."

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

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

3. Existing gaming employees, key employees and primary management officials who have not filled out applications with the privacy act notice or false

statement notice as described in section 2.8(A) 1 and 2 above shall be notified in writing that they shall either:

- (a) Complete a new application which contains the appropriate privacy act notice and/or false statement notice; or
- (b) Sign a statement that contains the privacy act and/or false statement notice.

B. Background Investigation: No license shall be granted to any person or entity who has been determined to be a person or entity whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or by the carrying on of the business and financial arrangements incidental thereto.

1. License Application Minimum Requirements:

(a) the Tribe shall request from each license applicant all of the following information:

- (i) Full name, other names used (oral or written), social security number (s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (ii) Currently and for the previous 10 years; business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (iii) The names and current address of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(2) of this section;
- (iv) Current business and residence telephone numbers;
- (v) A description of any existing and previous business relationships with Indian Tribes, including ownership interests in those business;
- (vi) A description of any existing and previous business relationships with the gaming industry generally, including ownership interest in those business;
- (vii) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (viii) 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;
- (ix) For each misdemeanor conviction or ongoing misdemeanor

prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;

(x) For each criminal charge (excluding minor traffic charges), whether or not there is conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (A)(viii) or (A)(ix) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

(xi) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(xii) A current photograph;

(xiii) Any other information the Tribe deems relevant; and

(xiv) Fingerprints consistent with procedures adopted by the Tribe according to 25 C.F.R. §522.2(h). Fingerprints shall be required for employees defined as key employees and primary management officials only unless otherwise requested by the Tribal gaming commission.

C. Application of California Penal Code Regarding Confidential Information:

The Tribe hereby adopts Article 6 (commencing with section 11140) of Chapter 1 of Title 1 of Part 4 of the California Penal Code and confirms its applicability to its members, investigators, and staff of the Tribal Gaming Commission in regards to the use and/or release of confidential information.

2.9 Background Investigation of License Applicants Pursuant to Section 522.2(b) of the Rules and Regulations of the National Indian Gaming Commission.

The Tribe shall conduct an investigation sufficient to make a determination under Section 2.11 below. In conducting a background investigation, the Tribe or its agent shall promise to keep confidential the identity of each person interviewed in the course of the investigation.

A. Pursuant to any approved compact between the Tribe and the State of California any applicable procedures for Tribal licensing and/or State licensing or certification of all gaming employees for the conduct of Class III gaming are hereby adopted and incorporated by reference.

B. The minimum procedures for conducting background investigations on license applicants are:

1. Criminal history check, including a finger print check and check of criminal history records information maintained by the Federal Bureau of Investigation;
2. Civil history check;
3. Financial and credit check;

4. Reference check;
 5. Previous business and employment check;
 6. Relative check;
 7. Business and personal associates check;
 8. Educational verification;
 9. Document the disposition of all potential problem areas noted and disqualifying information needed.
 10. Any other investigation deemed necessary or appropriate by the Tribal Gaming Office.
- C. The Tribal Gaming Commission is primarily responsible for the conduct of the background investigations and suitability determinations in consultation with the National Indian Gaming Commission;
- D. The Tribal Gaming Commission shall be responsible for conducting, reviewing and either approving or disapproving the investigative work;
- E. The Tribal Gaming Commissioner is responsible for reporting the results of the background investigations to the National Indian Gaming Commission for key employees and primary management officials only.
- F. For the purposes of obtaining necessary fingerprints for processing, the Tribal Gaming Commission and designated agents shall have Tribal law enforcement authority.
- G. Suitability determination and selection of the Tribal Gaming Commission is more specifically set forth later in this ordinance.
- H. The investigative reports shall set forth, in detail, the:
1. Steps taken in conducting the background investigation;
 2. Results obtained;
 3. Conclusions reached;
 4. The basis for those conclusions.

2.10 Application Fee.

The Tribal Gaming Commission shall set a fee for applications, background investigations and licenses. All such fees shall be made payable to the Tribe and delivered to the Tribal Treasurer.

2.11 Licensing Standard and Eligibility Determination.

In reviewing an application for a gaming license the Tribal Gaming Commission shall consider whether issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the license will undermine public trust that the Tribe's Gaming Operations, or tribal government gaming generally, are free from criminal and dishonest elements and would be conducted honestly.

A license may not be issued unless, based on all information and documents submitted, the Tribal Gaming Commission is satisfied that the applicant meets the following suitability standard and is:

- A. A person of good character, honesty and integrity; and
- B. A person whose prior activities, criminal record (if any), reputation, habits, and

associations do not pose a threat to the public interest or to the effective regulation and control of gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of gambling, or in the carrying on of the business and financial arrangements incidental thereto; and

C. A person who is in all other respects qualified to be licensed as provided in the Tribal-State Gaming Compact, and the IGRA.

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

A. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for a gaming license and conduct the background investigation and make the determination referred to in Section 2.10.

B. The Tribal Gaming Commission shall forward the report referred to in Section 2.12 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.

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

2.13 Report to the National Indian Gaming Commission.

A. Pursuant to the procedures set out in Section 2.8, the Tribal Gaming Commission 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:

1. Steps taken in conducting a background investigation;
2. Results obtained;
3. Conclusions reached; and
4. The bases for those conclusions.

B. The Tribal Gaming Commission shall submit, with the report, a copy of the eligibility determination made under Section 2.10.

C. If a license is not issued to an applicant, the Tribal Gaming Commission:

1. Shall notify the National Indian Gaming Commission;
2. 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.

D. With respect to license applicants, the Tribal Gaming Commission shall retain applications for licensing and 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 denial or revocation of a license, or termination of employment, whichever is later.

2.14 Procedures for Forwarding Gaming License Applications to the State Gaming Agency.

- A. The Tribal Gaming Commission shall forward all applications for a gaming license to the State Gaming Agency for a determination of suitability within sixty (60) days of the date of the application or within sixty (60) days of the approval of this ordinance by the Chairman of the National Indian Gaming Commission.
- B. The Tribe will not employ or continue to employ, any person whose application to the State Gaming Agency for a determination of suitability, or for a renewal of such a determination, has been denied or has expired without renewal. However, the Tribe may continue to employ a person whose application has been denied by the State Gaming Agency if:
 - 1. The person holds a valid and current license issued by the Tribal Gaming Commission that must be renewed at least biennially;
 - 2. The denial of the application by the State Gaming Agency is based solely on activities, conduct, or associations that antedate the filing of the person's initial application to the State Gaming Agency for a determination of suitability;
 - 3. The person is not an employee or agent of any other gaming operation; and
 - 4. The person has been in the continuous employ of the Tribe for at least three years prior to the effective date of the Tribal-State Compact; or
 - 5. The person is an Enrolled Member of the Tribe.

2.15 Granting a Gaming License.

- A. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license to such applicant.
- B. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph A of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
- C. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribe shall make the final

decision whether to issue a license to such applicant.

2.16 Denial, Suspension and Revocation of Gaming License.

- A. If, after the issuance of a gaming license, the Tribe receives from the National Indian Gaming Commission or other source, reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection C above, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- B. If, after the issuance of a gaming license, the Tribe receives from the State Gaming Agency notice that an application for a determination of suitability or for a renewal of such a determination, by the State has been denied, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- C. The Tribal Gaming Commission shall notify the licensee of a time and place for a hearing on the proposed revocation of a license.
- D. After a revocation hearing, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The Tribal Gaming Commission shall notify the National Indian Gaming Commission and the State Gaming Agency of its decision.

CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

3.1 Establishment and Authority of the Tribal Gaming Commission.

The Tribal Gaming Commission is hereby established. The Tribal Gaming Commission shall exercise all powers necessary to effectuate the purposes of this Ordinance. The Tribal Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by this Ordinance, and is not 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 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.

3.2 Relationship to Tribal Government.

The authority to establish a Tribal Gaming Commission comes from the sovereign powers of the Tribal Government. An effective regulatory scheme should work to ensure that all gaming within the Tribe's jurisdiction is operated in accordance with tribal laws and regulations. The Tribal Gaming Commission shall be deemed to be an agency of the Tribal Government, established for the exclusive purpose of regulating and monitoring gaming on behalf of the Tribe. As an arm of the Tribal Government, the Tribal Gaming Commission shall be subject to personnel and other Tribal governmental administrative policies. The administration of all such policies shall be under the supervision of the Tribal Council. In the absence of applicable Tribal personnel or other administrative policies, the Tribal Gaming Commission shall promulgate its

own policies, subject to approval of the Tribal Council.

3.3 Relationship to Gaming Facilities.

This Ordinance provides for the Tribal Gaming Commission's autonomous authority. This authority includes, among other things, unrestricted access to any area of the Gaming Operation, including the books and records of the operation. 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 Ordinance or by the Tribal Gaming Commission's regulations.

3.4 Method of Funding.

All funding of the Tribal Gaming Commission shall be pursuant to an annual budget to be proposed to the Tribal Council ninety (90) days prior to the close of the Tribe's fiscal year and modified, if necessary, and approved and funded in accordance with the Tribe's procedures. 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.

3.5 Responsibilities and Duties.

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

- (a) Develop licensing procedure for all employees of the gaming operation pursuant to 25 C.F.R. § 558.1(b).
- (2) Issue, suspend, revoke, and renew licenses of primary management officials and key employees upon completion of background investigations and after following the procedures contained in 25 C.F.R. parts 556 and 558.
- (3) Conduct background investigations on primary management officials and key employees according to requirements that are at least as stringent as those in 25 C.F.R. parts 556 and 558 pursuant to C.F.R. § 556.2 and 556.3.
- (4) Forward completed employment applications for primary management and key employees to the NIGC pursuant to 25 C.F.R. § 558.3. These applications must include the Privacy Act notice and the notice regarding false statements contained in 25 C.F.R. § 556.2 and 556.3.
- (5) Forward completed investigative reports on each background investigation for each primary management official or key employee to the NIGC prior to issuing a license pursuant to 25 C.F.R. § 556.3.
- (6) Review a person's prior activities, criminal record, if any, 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 pursuant to 25 C.F.R. § 558.2.

- (7) Notify the NIGC if, after conducting a background investigation on a primary management official or key employee the Tribe does not license the individual pursuant to 25 C.F.R. § 556.5(d)(1).
- (8) Retain applications and reports of background investigations of primary management officials and key employees for no less than three (3) years from termination of employment pursuant to 25 C.F.R. § 558.1(c).
- (9) Issue separate licenses to each place, facility, or location on Indian lands where a Tribe elects to allow gaming pursuant to 25 C.F.R. § 522.4(b)(6).
- (10) Ensure that gaming facilities are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety pursuant to 25 C.F.R. § 522.4(b)(7).
- (11) Obtain annual independent outside audits and submit these audits to the NIGC pursuant to 25 C.F.R. § 522.4(h)(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 pursuant to 25 C.F.R. § 522.4(b)(4).
- (12) Ensure that net revenues from any gaming activities are used for the limited purposes set forth in this Ordinance pursuant to 25 C.F.R. 522.4(b)(2).
- (13) If the Tribe authorizes individually owned gaming, issue licenses according to the requirements contained in this Ordinance pursuant to 25 C.F.R. § 522.10 and 522.11.
- (14) Promulgate Tribal Gaming Regulations pursuant to tribal law.
- (15) Monitor gaming activities to ensure compliance with tribal law and regulations.
- (16) Interact with other regulatory and law enforcement agencies regarding the regulation of gaming.
- (17) Conduct investigations of possible violations and take appropriate enforcement action with respect to tribal law and regulations.
- (18) Provide independent information to the Tribe on the status of the Tribe's gaming activities.
- (19) Take testimony and conduct hearings on regulatory matters, including matters related to the revocation of primary management officials and key employee licenses.
- (20) Establish and approve minimum internal control standards or procedures for the gaming operation, including the operation's credit policies and procedures for acquiring supplies and equipment.
- (21) Establish any supplementary criteria for the licensing of primary management officials, key employees and other employees that the Tribe deems necessary.
- (22) Establish standards for and issue licenses or permits to persons and entities who deal with the gaming operation such as manufacturers and suppliers of machines, equipment and supplies.

- (23) Maintain records on licenses and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the Tribe's jurisdiction.
- (24) Perform audits of business transactions to ensure compliance with regulations and/or policy.
- (25) Establish or approve rules of various games, and inspect games, tables, equipment, machines, cards, dice, and chips or tokens used in the gaming operation. Establish or approve video surveillance standards. Establish standards/criteria for gaming machines and facilitate the testing of machines for compliance.

3.6 Reporting. On or before the last day of the month following the end of the first three fiscal quarters, the Tribal Gaming Commission shall provide to the Tribal Council a Quarterly Report summarizing its activities during the prior quarter and accounting for all receipts and disbursements. On or 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, and accounting for all receipts and disbursements.

3.7 Powers and Enforcement Authority: The Tribal Gaming Commission shall exercise all powers necessary to effectuate the purposes of the Tribal Gaming Ordinance. The Tribal Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by the Tribal Gaming Ordinance and/or the Tribal Council, and is not limited by the enumeration of powers in this Ordinance.

The Tribal Gaming Commission may suspend, revoke, limit or condition the license or finding of suitability of any person or enterprise, or may order the suspension or termination of any gaming employee, vendor, or any other business relationship found to have violated the provisions of the Tribal Gaming Ordinance or tribal gaming regulations. The Commission may impose a civil fine of not more than \$10,000 for each separate violation. All fines must be paid to the Tribe within fifteen (15) days after the decision is issued imposing the fine unless otherwise ordered by the Tribal Gaming Commission.

3.8 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 Gaming Ordinance.

3.9 Number of Commissioners and Selection: The Tribal Gaming Commission shall be composed of three (3) persons, all of whom shall be appointed by the majority vote of Tribal Council.

3.10 Officers and Duties: The Tribal Council shall appoint, by majority vote, which of the Tribal Gaming Commissioners shall serve as Chairman, Vice-Chairman and Secretary/Treasurer. The Chairman shall preside over meeting of the Tribal Gaming Commission and the Vice-Chairman shall preside in absence of the Chairman. 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.

3.11 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.

3.12 Disqualifications:

The following persons may not serve as Commissioners:

- (a) Employees of any gaming enterprise on the Rancheria;
- (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 any gaming enterprise on the Rancheria.

3.13 Restrictions 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.

3.14 Terms of Office:

The Commissioners shall serve four (4) year terms, except that immediately after the enactment of this Ordinance, one (1) of the Commissioners shall serve for two (2) years, one for three (3) years, and one of the Commissioners shall serve for four (4) years. The respective term for each Commissioner shall be designated in their appointment. Commissioners may serve for more than one term.

3.15 Compensation, Fringe Benefits, Reimbursement of Expenses:

Commissioners shall be compensated for serving on the Commission at rates to be set by the Tribal Council. Commissioners shall be paid equally. Increases may be allowed based on length of service. Commissioners shall be eligible for fringe benefits which 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.

3.16 Method of Removal:

Commissioners may only be removed from office before the expiration of their terms 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.

3.17 Procedures for Conducting Business:

- A. Quorum. Two (2) members of the Tribal Gaming Commission shall constitute a quorum.
- B. Voting. All actions of the Tribal Gaming Commission shall be taken by majority vote. The Commission Chairman may vote on any issue.
- C. Meetings. Commissioners shall meet together on a regular basis.

3.18 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.

3.19 Dispute Resolution:

Patrons who have complaints against the gaming establishment, the Gaming Facility Operator, or a gaming employee shall have as their sole remedy the right to file a petition for relief with the Tribal Gaming Commission. Complaints shall be submitted in writing, and at the discretion of the Commission, the petitioner may be allowed to present evidence. The Tribal Gaming Commission shall hold a hearing within 30 days of receipt of petitioner's complaint. Petitioner may have counsel present at such hearing. The Commission shall render a decision in a timely fashion and all such decisions will be final when issued. Any patron complaint must be submitted to the Tribal Gaming Commission within thirty (30) days of the incident giving rise to the complaint. All claims by patrons shall be limited to a maximum recovery of five million dollars (\$5,000,000.00) per occurrence, and a cumulative limit of five million dollars (\$5,000,000.00) per patron in any twelve (12) month period.

3.20 Designation of Registered Agent:

The designated agent for notice of any official determination, order, or notice of violation by the NIGC as required by 25 C.F.R. § 519.1 is the Chairperson of the Table Mountain Rancheria.