

NATIONAL
INDIAN
GAMING
COMMISSION

OCT 15 1993

Andrew Lorentine
Executive Director
Tohono O'odham Gaming Office
P.O. Box 837
Sells, Arizona 85634

Dear Mr. Lorentine:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on September 27, 1993, for the Tohono O'odham Nation. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

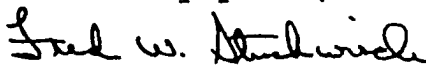
Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the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

It is important to note that the gaming ordinance is approved for gaming only on Indian lands as defined in the IGRA.

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

Thank you for submitting the ordinance of the Tohono O'odham Nation for review and approval. The NIGC staff and I look forward to working with you and the Nation in implementing the IGRA.

Sincerely yours,

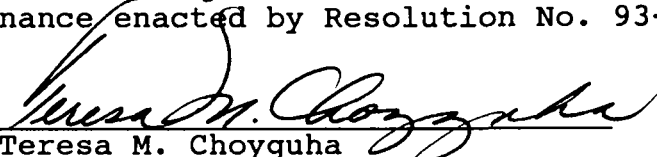

for Anthony J. Hope
Chairman

cc: Mark E. Curry, Esq.

ORDINANCE FOR THE REGULATION
OF GAMING ACTIVITIES WITHIN THE
TOHONO O'ODHAM NATION

CERTIFICATE OF CUSTODIAN OF RECORDS

1. I, Teresa M. Choyguha, am the Secretary of the Tohono O'odham Legislative Council.
2. I am the custodian of the Tohono O'odham Legislative Council Resolutions and Ordinances which are kept as part of the normal, everyday business procedures of the Legislative Council.
3. The attached Resolution Number 93-296 is a true and accurate copy of the Tohono O'odham Legislative Council's Resolution enacting the Ordinance for the Regulation of Gaming Activities Within the Tohono O'odham Nation ("Gaming Ordinance"), passed by the Tohono O'odham Legislative Council on August 16, 1993 and approved by the Chairman of the Tohono O'odham Nation on August 17, 1993. The attached Gaming Ordinance is a true and accurate copy of the ordinance enacted by Resolution No. 93-296.


Teresa M. Choyguha
Legislative Secretary
Tohono O'odham Legislative Council

Sworn to and subscribed before me this 27 day of September 1993.


Notary Public
My commission expires

MY COMMISSION EXPIRES 4/3/95

RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting an Ordinance for the Regulation of
Gaming Activities Within the Tohono O'Odham Nation)

RESOLUTION NO. 93-296

WHEREAS, Article VI, Section 1(c) of the Nation's Constitution authorizes the Legislative Council to enact ordinances as an exercise of the inherent sovereign powers of the Nation; and

WHEREAS, it is in the Nation's best interests to adopt a comprehensive ordinance for the regulation and operation of gaming activities conducted within the Nation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Ordinance for the Regulation of Gaming Activities Within the Tohono O'Odham Nation (the "Gaming Ordinance"), in the form attached hereto, is hereby enacted as an ordinance of the Tohono O'Odham Nation.
2. Ordinance 12-82 (commonly referred to as the "Bingo Ordinance"), as amended by Resolutions 06-85 and 92-006, and any other Resolutions or Ordinances of the Nation which are inconsistent with the terms and provisions of the Gaming Ordinance, are hereby repealed.
3. The Nation's Chairman is authorized and directed to submit the Gaming Ordinance to the National Indian Gaming Commission for approval, and to take all other reasonable and necessary steps for implementation of this Resolution

RESOLUTION NO. 93-296

(Enacting an Ordinance for the Regulation of
Gaming Activities Within the Tohono O'Odham Nation)
Page 2 of 3

The foregoing Resolution was passed by the Tohono O'Odham Legislative Council on the 11TH day of AUGUST, 1993 at a meeting at which a quorum was present with a vote of 1,628.0 FOR; 135.0 AGAINST; -0- NOT VOTING; and 05 ABSENT, pursuant to the powers vested in the Council by Section 1(c) of Article VI of the Constitution of the Tohono O'Odham Nation, adopted by the Tohono O'Odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman

16th day of August, 1993

ATTEST:



Teresa M. Choyguha, Legislative Secretary

16th day of August, 1993.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'Odham Nation on the 16th day of August, 1993 at 3:42 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.


TOHONO O'ODHAM LEGISLATIVE COUNCIL



Alex J. Ramon, Legislative Chairman


RESOLUTION NO. 93-296
(Enacting an Ordinance for the Regulation of
Gaming Activities Within the Tohono O'Odham Nation)
Page 3 of 3

APPROVED on the 17 day of August, 1993
 DISAPPROVED) at 8:36 o'clock, A..M.



SYLVESTER LISTO, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 17th day of August,
1993, at 8:50 o'clock, A..M.



Teresa M. Choyguha, Legislative Secretary

**ORDINANCE FOR THE REGULATION OF
GAMING ACTIVITIES WITHIN THE TOHONO O'ODHAM NATION**

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ORDINANCE FOR THE REGULATION OF GAMING ACTIVITIES
WITHIN THE TOHONO O'ODHAM NATION

Chapter 1. Findings and Purposes.

Section 101. Legislative Findings. The Legislative Council of the Tohono O'odham Nation hereby finds:

(a) that the orderly and honest conduct of gaming activities within the Tohono O'odham Nation has been and will continue to be of vital importance to the economy of the Nation, and to the general welfare of its members;

(b) that the continued growth and success of gaming within the Tohono O'odham Nation is dependent upon public confidence and trust that such activities are conducted honestly and that they are free from criminal and corrupt elements, and that the facilities in which such activities are conducted are designed and maintained to assure the safety and comfort of patrons of the gaming activities;

(c) that such public confidence and trust can only be maintained by the comprehensive regulation of all persons, practices, and activities related to the operation of the Nation's gaming facilities; and

(d) all of the Nation's establishments where gaming is conducted, and all persons holding positions of responsibility with respect to any such activity, must therefore be licensed, and their activities monitored, to assure that the public health, safety and general welfare of the inhabitants of the Nation and the patrons of its gaming facilities are fully protected, and so as to assure the economic success of gaming activities within the Nation.

Section 102. Purposes. This Ordinance is therefore enacted, and shall be interpreted, so as to accomplish the following purposes:

(a) the maintenance of the highest standards of honesty and integrity in the operation of any and all gaming activities within the Tohono O'odham Nation;

(b) the maintenance of public confidence and trust in the honesty and integrity of such gaming activities, and in the persons engaged in such activities;

(c) the maximum reasonable economic return to the Tohono O'odham Nation as the owner of gaming facilities within the Nation consistent with the fair and reasonable expectations of patrons of such activities and the assurance of their safety and comfort in participating in gaming activities; and

(d) compliance with all applicable laws of the Tohono O'odham Nation and the United States of America, including but not limited to the Indian Gaming Regulatory Act of 1988.

Chapter 2. Definitions.

Section 201. Definitions. For purposes of this Ordinance:

(a) "Act" means the Indian Gaming Regulatory Act of 1988, Public Law 100-497, 25 U.S.C. §§2701-2721 and 18 U.S.C. §§1166-1168, and all regulations promulgated pursuant thereto.

(b) "Class I Gaming" means all forms of gaming defined as Class I in section 4(6) of the Act, 25 U.S.C. §2703(6).

(c) "Class II Gaming" means all forms of gaming defined as Class II in section 4(7) of the Act, 25 U.S.C. §2703(7).

(d) "Class III Gaming" means all forms of gaming as defined in section 4(8) of the Act, 25 U.S.C. § 2703(8).

(e) "Commission" means the National Indian Gaming Commission established pursuant to 25 U.S.C. §2704.

(f) "Compact" means the Tribal-State Compact entered into between the Tohono O'odham Nation and the State of Arizona pursuant to section 11(d) of the Act, 25 U.S.C. §2710(d), as approved by the Secretary of Interior on July 30, 1993, for purposes of regulating Class III gaming activities conducted within the Nation, and all amendments and modifications thereto.

(g) "Constitution" means the Constitution of the Nation adopted by the O'odham people and approved by the Secretary of Interior on March 6, 1986 pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 987, 25 U.S.C. § 476).

(h) "Distributor" means a person who distributes Class III Gaming Devices and/or component parts thereof.

(i) "District" means any of the eleven Districts of the Tohono O'odham Nation established under in Article IX of the Constitution of the Tohono O'odham Nation.

(j) "Gaming Activity" means all forms of Class II and Class III Gaming owned and operated by the Nation and conducted within the territorial jurisdiction of the Nation.

(k) "Gaming Device" or "Electronic Game of Chance" means a microprocessor-controlled electronic device which allows a

player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens or by the use of a credit, and which awards game credits, cash, tokens, or replays, or a receipt that can be redeemed by the player for any of the foregoing. Game play may be displayed by:

- (i) Video facsimile; or
- (ii) Mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

(l) "Gaming Employee" means any person employed as a Primary Management Official or Key Employee of a Gaming Operation of the Nation and any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to restricted areas of a Gaming Facility not otherwise open to the public.

(m) "Gaming Facility" means the buildings or structures licensed and approved by the Nation in which Gaming Activities are conducted.

(n) "Gaming Facility Operator" means the Nation, a wholly owned Tribal Enterprise, or such other entity of the Nation as the Nation may from time to time designate as the wholly-owned tribal entity having full authority and responsibility for the operation and management of Class II or Class III Gaming Activities.

(o) "Gaming Operation" means any Gaming Activity conducted within a Gaming Facility.

(p) "Gaming Ordinance" means this Ordinance which governs the conduct of Gaming Activities within the Tohono O'odham Nation, all amendments thereto, and all regulations promulgated thereunder.

(q) "Gaming Services" means the providing of any goods or services, except for legal services, to a Gaming Facility Operator in connection with the operation of Class II or Class III gaming in a Gaming Facility, including but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of \$10,000 in any single month.

(r) "Indian Lands" means land as defined in 25 U.S.C. §2703(4)(A) and (B), subject to the provisions of 25 U.S.C. §2719.

(s) "Key Employee" means a Gaming Employee who performs one or more of the following functions:

1. Bingo caller;
2. Counting room supervisor;
3. Chief of security;
4. Custodian of gaming supplies or cash;
5. Floor manager; or
6. Custodian of Gaming Devices including persons with access to cash and accounting records within such devices; or

if not otherwise included, any other person whose total cash compensation from the Gaming Operation is in excess of \$50,000 per year; or, if not otherwise included, the four most highly compensated persons in the Gaming Operation.

(t) "Legislative Council" means the Legislative Council of the Tohono O'odham Nation as established and empowered under Articles IV, V and VI of the Constitution of the Tohono O'odham Nation.

(u) "Management Contract" means a management contract within the meaning of 25 U.S.C. §§2710(d)(9) and 2711.

(v) "Management Contractor" means a natural person or entity that has entered into a Management Contract with the Nation or a Gaming Facility Operator which has been approved pursuant to 25 U.S.C. §§ 2710(d)(9) and 2711.

(w) "Manufacturer" means a natural person or entity that manufactures Gaming Devices and/or component parts thereof as defined by this Ordinance for use or play in the Gaming Facilities.

(x) "Nation" means the Tohono O'odham Nation organized under the Constitution.

(y) "Net Revenue" means the gross revenues of any gaming activity less amounts paid out as, or paid for, prizes and total operating expenses.

(z) "Office of Attorney General" means the Office of the Attorney General of the Tohono O'odham Nation.

(aa) "Person" includes a corporation, company, partnership, firm, association or society as well as a natural person. When "person" is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of persons.

(bb) "Primary Management Official" means the person having management responsibilities under a Management Contract; or any person who has authority to hire and fire employees or to set up working policy for a Gaming Operation; or the chief financial officer or other person who has financial management responsibility for a Gaming Operation.

(cc) "Principal" means with respect to any entity:

- (i) Each of its officers and directors;
- (ii) Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer, or general manager;
- (iii) Each of its owners or partners, if an unincorporated business;
- (iv) Each of its shareholders who own more than ten (10) percent of the shares of the corporation, if a corporation; and
- (v) Each person other than a banking institution who has provided financing for the entity constituting more than ten (10) percent of the total financing of the entity; and
- (vi) Each of the beneficiaries, or trustees of a trust.

(dd) "Privacy Act" means the Privacy Act of 1974, as amended (P.L. 93-579, as amended; 5 U.S.C. § 552a), and the obligations and responsibilities placed on the United States government under the Privacy Act as applied to the Commission pursuant to the Indian Gaming Regulatory Act.

(ee) "State" means the State of Arizona, and its authorized officials, agents and representatives.

(ff) "Tribal Enterprise" means the Nation, an enterprise of the Nation authorized and chartered pursuant to Article VI, Section 1(e) of the Nation's Constitution, or such other entity of the Nation designated by the Legislative Council to conduct a Gaming Operation.

Chapter 3. Tribal Ownership and Use of Net Revenues.

Section 301. Tribal Ownership of Gaming Activities. All Gaming Activities within the Nation shall be owned entirely by the Nation and conducted and operated by a Tribal Enterprise, with the following exceptions:

- (a) Class I Gaming; and
- (b) small bingo games and raffles as provided in Section 1310 of this Ordinance.

Section 302. Use of Net Revenues. The net revenues received by the Nation from all Gaming Activities shall be utilized exclusively for one or more of the following purposes:

- (a) to fund government operations or programs of the Nation or Districts;
- (b) to provide for the general welfare of the Nation and its members;
- (c) to promote the Nation's economic development;
- (d) to benefit charitable organizations providing services within the Nation.

Chapter 4. Tohono O'odham Gaming Office.

Section 401. Establishment of the Gaming Office. There is hereby established the Tohono O'odham Gaming Office, as a department within the Executive Branch of the Nation, which shall have overall civil regulatory authority over Gaming Activities within the Nation as specifically provided herein.

Section 402. Personnel.

(a) The Tohono O'odham Gaming Office (hereinafter "the Gaming Office"), shall consist of an Executive Director, Inspectors and such assistants and other staff as the Executive Director shall determine are required from time to time, subject to funding provided by the Legislative Council. No employee of the Gaming Office shall be employed by a Gaming Facility Operator. No employee of the Gaming Office shall be employed by or hold, directly or indirectly, a financial interest in an organization or entity which (i) has entered into a Management Contract with the Nation or a Gaming Facility Operator; (ii) is a Distributor; (iii) provides Gaming Services; or (iv) provides financing to the Nation or a Gaming Facility Operator for purposes of conducting Gaming Operations within the Nation.

(b) The Executive Director of the Gaming Office shall be appointed by the Chairperson of the Nation and shall serve at the pleasure of the Chairperson. The appointment shall be subject to approval by a majority vote of the Legislative Council. The job performance of the Executive Director shall be reviewed periodically by the Nation's Chairperson who shall submit a written report of each such review to the Chairperson of the Legislative Council.

(c) The Executive Director shall be a person of the utmost honesty and integrity, shall not have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, whose prior activities, reputation, habits and associations shall not pose a threat to the public interest or to the effective regulation of gaming.

(d) The Executive Director shall be the Nation's designated agent for service of any official determination, order or notice of the Commission.

(e) Inspectors shall act under the authority and supervision of the Executive Director. Inspectors shall have the right to inspect any Gaming Facility at any time and shall have immediate and unrestricted access to any and all areas of a Gaming Facility. An Inspector shall be present in each Gaming Facility during all hours of Gaming Operation.

(f) Every employee, every Inspector, and the Executive Director of the Gaming Office shall be licensed by the Nation's Personnel Department. The Nation's Personnel Department shall conduct the necessary background investigations required by the Act and the Compact to ensure qualification for a license. Any employee, Inspector or Executive Director of the Gaming Office who is a non-member of the Nation shall also be certified by the State Gaming Agency

pursuant to the Compact and prior to commencement of employment. No person shall be employed by the Gaming Office if the Nation's Personnel Department determines that such person:

1. has been convicted of any felony or gaming offense;
2. has knowingly and willfully provided materially important false statements or information on his or her license application;
or
3. has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits or 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 the carrying on of the business and financial arrangements incidental thereto.

Section 403. Powers and Duties of the Gaming Office. Subject to all of the provisions of this Ordinance, the Gaming Office shall

have the following powers and duties, which it may exercise directly or through such agents or employees as it deems appropriate:

(a) to have and to exercise full responsibility for the regulation of Gaming Activities within the Nation, as provided in this Ordinance, the Act, and the provisions of any Compact under which the Nation has regulatory authority;

(b) to enter at any time any Gaming Facility within the Nation for the purpose of inspecting the facility, its employees and operations, its equipment and supplies, and its business records, books of account, and any and all other financial records or documents pertaining to the business operations of the facility, and to make such summaries or copies of any and all such documents or other records for the purpose of ensuring compliance with the provisions of this Ordinance, the Compact or the Act;

(c) to issue subpoenas and compel the attendance of witnesses at any place within the Nation, to administer oaths and to require testimony under oath;

(d) to summarily seize and remove from any Gaming Facility and impound any equipment, supplies, documents or records for the purpose of examination;

(e) to review for compliance with all applicable laws and regulations and to make recommendations thereon to the Nation's Chairperson the terms of any and all proposed contracts between the Nation or a Tribal Enterprise and any person or entity which provide for the management or operation of any Gaming Facility within the Nation, as well as the terms of any lease of land which is the site or proposed site of such Gaming Facility;

(f) to investigate any aspect of Gaming Activities within the Nation in order to protect the public interest in the integrity of such Gaming Activities and to prevent improper or unlawful conduct in the course of such Gaming Activities, and to investigate any report of a failure of any Gaming Operation within the Nation to comply with the provisions of this Ordinance, the Compact or the Act and to require such Gaming Operation to take any corrective action deemed necessary by the Gaming Office upon such terms and conditions as the Gaming Office may determine appropriate;

(g) to establish a list of persons who, because of their criminal history or association with career offenders or career offender organizations pose a threat to the integrity of the Gaming Activities of the Nation, or are barred from any Gaming Operation within the Nation pursuant to Section 1401(f) of this Ordinance;

(h) to approve the rules of each game of chance operated by the Nation pursuant to Section 301 of this Ordinance;

(i) to require that all contracts for supplies, services, or concessions in an amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to such gaming be subject to annual audits by an independent certified public accountant licensed in the State of Arizona;

(j) to perform background investigations on every applicant for a Gaming Facility Operator's License, a Gaming Manager's License, a Manufacturers/Suppliers License, a Gaming Employee's License and every applicant for a position of employment with a Gaming Facility Operator;

(k) to approve or deny applications for licenses or to limit, condition, restrict, revoke or suspend any license which it has granted;

(l) to issue licenses and employee identification cards on such forms as may be designated by the Gaming Office;

(m) to issue a notice of violation to, or impose a civil penalty upon, any person or entity for violation(s) of any provision(s) of this Ordinance, the Compact or the Act;

(n) to detain persons who may be involved in illegal activities, for purposes of notifying and summoning appropriate law enforcement authorities; and

(o) to do all other things reasonably necessary for the proper and efficient fulfillment of the powers and responsibilities of the Gaming Office under this Ordinance, the Compact or the Act.

Section 404. Issuance of Regulations.

(a) The Gaming Office shall from time to time promulgate and issue regulations governing any aspect of its responsibilities under this Ordinance, which, so long as they are in furtherance of and not in conflict with any provision of this Ordinance, shall have the force of law. Without limitation, the matters to be addressed by such regulations may include the following:

1. the time and manner for applying for a Gaming Operator's License under this Ordinance, and the specific information to be provided in connection with such application, including information necessary for adequate assessment of the applicant's background, and the manner in which such applications will be processed;

2. the procedure by which applicants for licenses under this Ordinance shall apply for such licenses, including the information to be provided by the applicant necessary for adequate assessment of the applicant's background, and the manner in which such applications will be processed; and
3. the specific types of accounting, security, recordkeeping and reporting measures required by this Ordinance, the Compact or the Act to be in place and functioning at any Gaming Facility licensed under this Ordinance.

(b) Except in emergency situations addressed in subsection (c) below, prior to promulgating a final regulation the Gaming Office shall publish the regulation in proposed form. The proposed regulation shall be provided directly to the Chairperson of the Nation, the Chairperson of the Legislative Council, the Chairperson and each member of the Commerce Committee of the Legislative Council, the Office of the Attorney General, the office of each District Chairperson, and to any other interested person or interested office or agency of the Nation. The proposed regulation shall be accompanied by a notice stating that the Gaming Office will accept written comments for no less than thirty (30) days

following the date of publication. As provided in this section, "publish" shall mean publication in newspaper(s) of general circulation within the Nation and posting in each of the Nation's District offices. In the event of significant public interest with respect to any regulation, the Gaming Office may hold a public hearing prior to issuing a final regulation. Notice of such hearing shall be given as set forth above, and in addition shall be mailed directly to any person submitting comments on the proposed regulation. Except as provided in subsection (c) of this section, no final regulation shall be issued until the Gaming Office has reviewed all comments received by the close of the comment period, as well as all presentations made at any hearing held pursuant to this subsection.

(c) In the event the Gaming Office determines that an immediate rule-making is necessary to avoid serious jeopardy to the integrity of any Gaming Activity within the Nation, or otherwise to deal with an emergency situation affecting the responsibilities of the Gaming Office, the Gaming Office may, upon making an express written finding as to such emergency, issue a final regulation to take effect immediately; provided, that the Gaming Office shall publish notice and request comments on such regulation in the same manner as is provided above, and upon consideration of any comments received, shall

make such amendments to such final regulation as the Gaming Office deems appropriate.

(d) All final regulations adopted by the Gaming Office shall be officially filed with the Secretary of the Legislative Council, the Office of the Chairperson, and the Office of the Attorney General.

(e) The following regulations are adopted as final regulations of the Gaming Office and are exempt from the provisions of subsections (b) and (c) of this Section:

1. Minimum Internal Control Standards - Electronic Games of Chance. Attached hereto as Appendix 1.
2. Minimum Internal Control Standards - Keno (Computerized). Attached hereto as Appendix 2.
3. Minimum Internal Control Standards - Cage. Attached hereto as Appendix 3.
4. Minimum Internal Control Standards - Internal Audit. Attached hereto as Appendix 4.

Section 405. Petition for Self-Regulation. As soon as the Gaming Office determines that the Nation is eligible therefor, the Gaming Office shall submit to the Commission an application for a

Certificate of Self-Regulation, under the provisions of 25 U.S.C. §2710(c)(4). The Gaming Office shall do everything necessary and appropriate to obtain such Certificate and to maintain the Certificate in good standing.

Chapter 5. Gaming Facility Operator's License.

Section 501. Requirement of License. Each Tribal Enterprise established by the Legislative Council to conduct a Gaming Operation within the territorial jurisdiction of the Nation shall obtain a Gaming Facility Operator's License from the Gaming Office before the Tribal Enterprise may commence operation of a Gaming Activity. Each appointee for the position of member of the Board of Directors of such Tribal Enterprise shall also obtain a Gaming Facility Operator's License from the Gaming Office before submission of the appointment to the Legislative Council for approval.

Section 502. Standards of Suitability.

(a) Tribal Enterprise. No Tribal Enterprise shall be issued a Gaming Facility Operator's License by the Gaming Office unless the Gaming Office is satisfied that the Tribal Enterprise is established and organized pursuant to a plan of operation adopted by the Legislative Council.

(b) Board of Directors. No member of the Board of Directors of a Tribal Enterprise established by the Legislative Council to conduct a Gaming Operation shall be issued a Gaming Facility Operator's License by the Gaming Office if the Gaming Office determines that such person:

1. has been convicted of any felony or gaming offense;
2. has knowingly and willfully provided materially important false statements or information on his license application; or
3. has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits or 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 the carrying on of the business and financial arrangements incidental thereto.

Chapter 6. Gaming Manager's License.

Section 601. Requirement of License. No person, corporation, partnership, or other entity shall manage any Gaming Operation as the general manager of a Tribal Enterprise without first obtaining a Gaming Manager's License from the Gaming Office. In the case of a corporation, partnership or other entity, each Principal of the corporation, partnership or other entity must also obtain a Gaming Manager's License from the Gaming Office.

Section 602. Standards of Suitability.

(a) Individuals. No person shall be issued a Gaming Manager's License under this Chapter if the Gaming Office determines that such person:

1. has been convicted of any felony or gaming offense;
2. has knowingly and willfully provided materially important false statements or information on his license application; or
3. has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a

threat to the public interest or to the effective regulation 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 the carrying on of the business and financial arrangements incidental thereto.

(b) Corporations, Partnerships, and Other Entities.

1. No corporation, partnership, or other entity shall be issued a Gaming Manager's License by the Gaming Office unless the Gaming Office is satisfied that such corporation, partnership or other entity:

(A) is organized and in good standing under the laws of the jurisdiction where it was established, and is qualified to do business within the Nation and the State of Arizona;

(B) is in sound financial condition, as shown by a financial statement certified by a certified public accountant to be a

current, complete and accurate depiction of the organization's financial status;

(C) is not now and has not been in the past five years the subject of any criminal investigation by any federal or state law enforcement authority, as shown by an affidavit of Principals of the organization having personal knowledge thereof;

(D) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons supplying financing, are persons qualified to be licensed individually under the terms of this Chapter; and

(E) in all other respects will be reliable and trustworthy, and whose involvement in Gaming Activities within the Nation will be in the best interests of the Nation.

2. As a condition of any such license, the Gaming Office shall require that any licensed corporation, partnership or other entity:

(A) maintain an office within the Nation; and

(B) give notice to the Gaming Office within 10 days of any material change in any information disclosed in the application for which prior notice was not feasible, including but not limited to, any change in its principals.

Chapter 7. Manufacturers/Suppliers License.

Section 701. Requirement of License. Each Manufacturer and each Distributor of Gaming Devices, and each supplier of Gaming Services shall be licensed by the Gaming Office prior to the sale or lease of any Gaming Devices or Gaming Services to a Gaming Facility Operator licensed under this Ordinance. In addition, any person, corporation, partnership or other entity extending or guarantying financing for the Gaming Operation or the Gaming Facilities shall be licensed by the Gaming Office, unless such person, corporation, partnership or entity is an agency of the

United States or a lending institution licensed and regulated by the State or the United States.

Section 702. Standards of Suitability.

(a) Individuals. No person shall be issued a license under this Chapter if the Gaming Office determines that such person:

1. has been convicted of any felony or gaming offense;
2. has knowingly and willfully provided materially important false statements or information on his license application; or
3. has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation 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 the carrying on of the business and financial arrangements incidental thereto.

(b) Corporations, Partnerships, and Other Entities.

1. No corporation, partnership, or other entity shall be issued a license under this Chapter unless the Gaming Office is satisfied that such corporation, partnership or other entity:

(A) is organized and in good standing under the laws of the jurisdiction where it was established, and is qualified to do business within the Nation and the State of Arizona;

(B) is in sound financial condition, as shown by a financial statement certified by a certified public accountant to be a current, complete and accurate depiction of the organization's financial status;

(C) is not now and has not been in the past five years the subject of any criminal investigation by any federal or state law enforcement authorities, as shown by an affidavit of Principals of the

organization having personal knowledge thereof;

(D) has established a reputation for financial integrity and sound business practices, or, if the organization was recently formed, that all persons having any role in its formation, including persons supplying financing, are persons qualified to be licensed individually under the terms of this Chapter; and

(E) is in all other respects reliable and trustworthy, and whose involvement in Gaming Activities within the Nation will be in the best interests of the Nation as set forth in this Ordinance.

2. As a condition of any such license, the Gaming Office shall require that any licensed corporation, partnership or other entity give notice to the Gaming Office within 10 days of any material change in any information disclosed in the application for which prior notice was not feasible, including but not limited to, any change in its Principals.

Chapter 8. Gaming Employee's License.

Section 801. Requirement of License. Every Gaming Employee of a Gaming Facility Operator shall be licensed by the Gaming Office prior to commencement of employment.

Section 802. Standards of Suitability. No person shall be issued a Gaming Employee's License under this Chapter if the Gaming Office determines that such person:

(a) has been convicted of any felony or gaming offense;

(b) has knowingly and willfully provided materially important false statements or information on his or her license or employment application; or

(c) has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation 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 the carrying on of the business and financial arrangements incidental thereto.

Chapter 9. License Application Procedure.

Section 901. Application Requirements; Processing.

(a) Each application for a license under Chapters 5, 6, 7 or 8 of this Ordinance must be submitted to the Gaming Office on forms prescribed by the Gaming Office, and must be accompanied by the required fee and such supporting information as the Gaming Office prescribes by regulation which shall include:

1. In the case of individual persons:

- (A) Full name, including any aliases by which applicant has ever been known;
- (B) Social security number;
- (C) Date and place of birth, gender, current citizenship, and all languages spoken or written;
- (D) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (E) The names and current addresses of at least three personal references,

including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph 1(D) of this subsection (a);

- (F) Education history;
- (G) Current business and residence telephone numbers;
- (H) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (I) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (J) 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;
- (K) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;

(L) All criminal proceedings, except for minor traffic offenses, to which the applicant has been a party including description of the charge, the name and address of the court involved and the date and disposition;

(M) A set of fingerprints;

(N) A current photograph; and

(O) A complete and current financial disclosure statement.

2. In the case of corporations, partnerships or other entities applying for a license under Chapters 5, 6, 7 or 8 of this Ordinance:

(A) The name, address, and other additional pertinent background information on each of its Principals;

(B) The name, address, and other additional pertinent background information on each of its related, associated, affiliated, parent or subsidiary corporations, partnerships, entities or individuals;

(C) A description of any previous experience that each Principal has had with other Indian tribes involving gaming, any management contract, or with the gaming industry generally, including specifically the name and address of any licensing or regulatory agency with which such person has had contact relating to gaming; and

(D) A complete financial statement of each Principal.

(b) The Gaming Office and its staff may assist any applicant in assembling all information required for processing of the application, but no application will be processed until it is complete. The Gaming Office staff may at any time after an application is submitted request the applicant in writing to supply additional information to enable the Gaming Office to complete the processing of the application, which request must be complied with forthwith.

(c) The application forms utilized by the Gaming Office shall contain the Privacy Act notice under the Privacy Act and the notice regarding false statements, and in the form required by the Commission, pursuant to 25 C.F.R. Part 556,

and each applicant shall consent in writing to the release of any information that may be relevant to the Gaming Office's inquiry into the applicant's background from any person or entity. Any and all information obtained by the Gaming Office in the course of reviewing an application will remain confidential, and will not be released by the Gaming Office to any other person or agency (other than the State Gaming Agency of the State of Arizona if disclosure is required under the Compact and the Commission if disclosure is required under the Act) without the applicant's consent, or pursuant to an order of court or other body of competent jurisdiction.

(d) The Gaming Office shall issue a decision on the application in writing. The written decision of the Gaming office shall constitute final action of the Gaming Office on such application. In the event any application for a license is denied, the decision shall specify the reason for such denial.

Section 902. Fees. The Gaming Office shall collect the following fees in connection with the processing of applications and the issuance of licenses:

(a) Gaming Facility Operator's License:

1. Initial application fee:

(A) Tribal Enterprise: \$50,000.

(B) Member, Board of Directors: \$200.00.

2. Annual renewal fee:

(A) Tribal Enterprise: \$10,000.

(B) Member, Board of Directors: \$100.00.

(b) Gaming Manager's License:

1. Initial application fee of \$1,000.00.

2. Annual renewal fee of \$500.00.

(c) Manufacturers/Suppliers License:

1. Initial application fee:

(A) Manufacturer/Distributor of Gaming
Devices: \$1,000.00.

(B) Supplier of Gaming
Services: \$100.00.

(C) Third Party Financer: \$1,000.00.

2. Annual renewal fee:

(A) Manufacturer/Distributor of Gaming
Devices: \$500.00.

(B) Supplier of Gaming
Services: \$50.00.

(C) Third Party Financer: \$500.00.

(d) Gaming Employee's License:

1. Initial application fee of \$25.00.

2. Annual renewal fee of \$10.00.

(e) Other Fees. The Gaming Office may by regulation prescribe such other fees as it deems appropriate.

Section 903. License Terms; Renewal.

(a) Each Gaming Facility Operator's License, Gaming Manager's License, Manufacturers/ Suppliers License and Gaming Employee's License issued by the Gaming Office hereunder shall have a primary term of one year. Such license may be renewed for subsequent one-year periods upon proper application therefor, on forms specified by the Gaming Office, but no licensee shall have any vested right to renewal of any license issued hereunder.

(b) The Gaming Office shall issue a temporary license within 20 days of the receipt of a completed application for licensing pursuant to Chapters 5, 6, 7 or 8 of this Ordinance unless the background investigation undertaken by the Gaming Office discloses that the applicant has a criminal history, or unless other grounds sufficient to disqualify the applicant pursuant to this Ordinance are apparent on the face of the application. The temporary license shall become void and be of no effect upon either the issuance of a license or upon the issuance of notice of denial of the license in accordance with the provisions of this Ordinance.

Section 904. State Certification. Every person or entity required to be licensed under this Ordinance shall also comply with the state certification requirements of the Compact. Within the time requirements established by the Compact, the Gaming Office shall forward to the State Gaming Agency a report of final disposition of the licensing actions of the Gaming Office. The Gaming Office shall afford the State an opportunity for a hearing, pursuant to Sections 5(q)(2) and 5(q)(3) of the Compact, to contest a licensing decision of the Gaming Office or to recommend suspension or revocation of a license issued by the Gaming Office, provided that, following the hearing, the decision of the Gaming Office shall be the final action of the Gaming Office.

Chapter 10. Background Investigations; Notifications.

Section 1001. Background Investigations.

(a) The Gaming Office shall at all times have in place, and shall regularly update and improve, a system for conducting background investigations of every applicant for licensing under this Ordinance. Such system shall comply with the requirements of this Ordinance, the Compact and the Act, and shall include, at a minimum, utilization of records of all available, tribal, state and federal law enforcement agencies, resources of the Commission, communications with other Indian tribes engaged in gaming activities, and any and all other sources of information accessible to the Gaming Office for this purpose. Such system shall ensure that all applicants are notified of their rights under the Privacy Act as specified in 25 C.F.R. Part 556.

(b) Every applicant for licensing under this Ordinance shall be subjected to a thorough background investigation, and such investigations shall be updated upon application for renewal of a license, and at such other times as the Gaming Office may determine appropriate.

(c) The Gaming Office shall prepare a background investigation report on every applicant for licensing under this Ordinance which 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.

(d) The cost of performing the background investigations on Gaming Employees shall be an expense of the Gaming Facility Operator who has hired or proposes to hire the employee.

(e) The Gaming Office shall at all times maintain files containing the results of any background investigations conducted by it. Such files shall be retained for no less than three years from the date of termination of employment or expiration of the license. Such files shall contain systems designed to safeguard the identities of confidential informants from inadvertent disclosure.

Section 1002. Notification to the National Indian
Gaming Commission.

(a) Within the time requirements established by the Commission the Gaming Office shall transmit to the Commission a complete copy of license applications or such other information as may be required by the Commission. After completion of the background check of the applicant, and within the time requirements established by the Commission, the Gaming Office shall provide to the Commission a complete report on the results of the background investigation. In the event the Gaming Office receives any information from the Commission concerning the applicant, such information shall be taken into account by the Gaming Office in its action on the application. The Gaming Office shall notify the Commission if the Gaming Office does not license an applicant.

(b) Upon issuance of a license under this Ordinance, the Gaming Office shall give notice thereof to the Commission. Should the Gaming Office receive information from the Commission indicating that a Primary Management Official or Key Employee does not meet the standards established in this Ordinance or in the Act for issuance of such a license, the Gaming Office shall immediately suspend such license and give written notice thereof to the licensee. The Gaming Office shall also notify the licensee that the licensee has 15 days

following receipt of the notice of suspension to request that the Gaming Office reconsider the notice of suspension. Upon such request for reconsideration, the Gaming Office shall consider such oral statement(s) or written documentation as the licensee may present to the Gaming Office at the time and place designated by the Gaming Office. Within 15 days of receipt of such statement(s) or documentation, or the licensee's request for reconsideration, whichever is latter, the Gaming Office shall issue a written decision. The written decision of the Gaming Office shall constitute final action of the Gaming Office. The Gaming Office shall notify the Commission of its decision.

Chapter 11. Gaming Facility License.

Section 1101. Requirement of License. No person or entity may commence any Gaming Activities subject to regulation hereunder at any facility or location within the Nation until such facility or location has received a Gaming Facility License under the provisions of this Chapter, nor shall any person or entity offer any new or different Gaming Activities, as defined by regulations to be issued by the Gaming Office, at any facility or location that is already licensed, without first obtaining an amended license for such new and different Gaming Activities from the Gaming Office.

Section 1102. Standards for Issuance of License. The Gaming Office shall not issue a Gaming Facility license for any facility or location at which Gaming Activities are to be offered within the Nation unless the Gaming Facility meets the following requirements:

(a) the physical facility within which the Gaming Activities are to be conducted is designed and constructed in compliance with the laws of the Nation, the requirements of the Compact and the requirements of the Act, so as to ensure the health and safety of all employees and patrons of such activities, and the protection of the natural environment from any contamination due to discharge of waste or unreasonable disturbance of the land surface;

(b) the Gaming Activities to be conducted within the facility will lawfully be carried on by the Nation within the State under the Act, and that the facilities are appropriate to the carrying on of such activities;

(c) the Gaming Facility Operator will adequately staff and equip the facility to ensure the safety, comfort and convenience of the patrons thereof, and that the Gaming Facility Operator has taken adequate measures to provide for traffic, emergency service accessibility, food, drink and sanitary needs for patrons and employees, security, law enforcement and other concerns raised by the type of Gaming

Activities proposed to be undertaken in compliance with this Ordinance, the Compact and the Act;

(d) the Nation or Tribal Enterprise has agreed to a Management Contract or has made provision for management of the facility under terms and provisions that ensure that the activities will be carried out in a manner consistent with the requirements of this Ordinance, that the contracting party or parties have received appropriate licenses issued under the provisions of this Ordinance, and that all employees hold Gaming Employee's Licenses issued under the provisions of this Ordinance; and

(e) in all other relevant respects, the facility will be operated in a way that is fully consistent with the provisions of this Ordinance, and that its operation will further the interests of the Nation with respect to its operation of Gaming Activities.

Section 1103. Application for a New or Amended Gaming Facility License; Procedure.

(a) An application for a new or amended Gaming Facility License shall be submitted by the Tribal Enterprise prior to the commencement of operations at the facility or the

commencement of the new activity at the facility for which an amended license is required.

(b) The Gaming Office shall prescribe the information required to be submitted with such applications, but at a minimum, such application for licensing a new facility shall include the following:

1. the name, specific position and job description of all persons to be employed as Primary Management Officials or Key Employees at the facility;
2. job descriptions for every other position in which persons will be employed at the facility;
3. a detailed description of each Gaming Activity to be engaged in at the facility, together with expected payouts to winners;
4. a description of the internal controls, plan of organization and all coordinate methods and measures for the safeguarding of assets, ensuring the accuracy and

reliability of its accounting data, promoting operational efficiency and encouraging adherence to prescribed managerial policies;

5. detailed plans for the facility, including landscaping, traffic controls, parking, food and drink services, and other physical aspects of the building;
6. a detailed description of how security will be maintained at the facility, identifying the persons, agencies or entities that will provide such security;
7. a detailed description of how gaming proceeds will be accounted for and disposed of on a daily basis;
8. a copy of any proposed Management Contract or other contractual arrangement by which the activities at the facility are to be managed;

9. a description of provisions for dealing with fire or other potential emergencies at the facility;
10. a detailed description of how sewage and other waste products from the facility will be handled and disposed of; and
11. any other information relevant to the proposed operation of the facility or requested by the Gaming Office as part of the application.

(c) An application for an amended license to conduct new or different Gaming Activities at a licensed location or to otherwise alter the terms or conditions of an existing license, shall, at a minimum, include the following information:

1. any change in information previously provided in the original license application or any previous application for an amended license for the facility;
2. a detailed description of the changes in the facility or in the activities to be

carried on therein for which the amended license is required, together with a statement of the reasons for such change;

3. if a proposed change will require any change in the existing Management Contract with respect to the facility, a copy of the proposed amendment to such contract or new contract; and
4. any other information relevant to the changes or new activities requiring the amendment.

(d) In its decision to license any facility, or to amend any existing license to permit the conduct of new or different Gaming Activities at a licensed facility, the Gaming Office may specify, consistent with the provisions of this Ordinance, terms or conditions it believes necessary or appropriate to ensure the health and safety of patrons and employees of any such facility, the integrity of the Gaming Activities carried on at such facility, and the security of gaming proceeds. If dissatisfied with any such condition, the applicant may request that the Gaming Office reconsider its determination. Upon such request for reconsideration, the Gaming Office shall issue a written decision within 15 days of its receipt of the

request for reconsideration. The written decision of the Gaming Office shall constitute final action of the Gaming Office.

Section 1104. Fees.

The Gaming Office shall collect the following fees in connection with the processing of applications and the issuance of licenses:

(a) Gaming Facility License:

1. Annual fee of \$300,000.00.
2. Application for amendment of an existing Gaming Facility License: \$150,000.00.

(b) The annual fee shall be payable in equal quarterly installments, the first of which shall be payable within 15 days of receipt of notice of approval of the Gaming Facility License. The remaining installments shall be paid on the first day of each succeeding calendar quarter.

(c) The Gaming Office may by regulation prescribe such other fees as it deems appropriate.

Section 1105. License Terms; Renewal.

Each Gaming Facility License issued by the Gaming Office shall be for a term of one year. Such license may be renewed for subsequent one-year terms upon proper application on forms specified by the Gaming Office.

**Chapter 12: Facility Inspection; Notice of Violation;
Complaints; Judicial Review.**

Section 1201. Facility Inspection.

The Gaming Office shall, no less than monthly and at such other times as it believes are warranted, cause detailed inspections to be made of each Gaming Facility licensed under the provisions of this Ordinance, to assure that such facility is being operated in accordance with the terms of the license and of the provisions of this Ordinance, the Compact and the Act.

Section 1202. Notice of Violation.

(a) The Executive Director of the Gaming Office shall issue a notice of violation to any person or entity determined by the Gaming Office to be in violation of any provision of this Ordinance, the Compact or the Act.

(b) A notice of violation shall contain:

1. a citation to the Ordinance, regulation, Compact provision or federal law that has been or is being violated;
2. a description of the circumstances surrounding the violation, set forth in common and concise language;
3. the action which must be taken to correct the violation;
4. notice that the violation must be corrected within 15 days from receipt of the notice of violation;
5. notice of a civil fine or other enforcement action that will or may be imposed if the violation is not corrected;
6. notice that a written response to the notice of violation must be submitted to, and received by, the Gaming Office within 15 days of the receipt of the notice of violation; and

7. notice that the cited violation shall be the written decision of the Gaming Office if no written response to the notice of violation is submitted to the Gaming Office within the time prescribed in Section 1202(b)(6).

(c) In the event the violation is not corrected, or a written response to the notice of violation is not made within 15 days following receipt of the notice of violation, the Gaming Office may take one or more of the following actions:

1. suspend or revoke the license of the person or entity to whom the notice of violation was directed;
2. assess a civil penalty in accordance with the provisions of this Ordinance;
3. forcibly eject the violator from the premises of the Gaming Facility;
4. seize the Gaming Facility and all equipment, records, and proceeds of Gaming Activities located within the Gaming Facility; or

5. upon consultation with the Nation's Attorney General, initiate in the Judicial Court of the Tohono O'odham Nation a civil action or criminal complaint to enforce the Ordinance, regulations of the Gaming Office, the Compact or the Act.

(d) Each person or entity to whom a notice of violation is issued shall submit a written response to the Gaming Office together with any additional written information the person believes the Gaming Office should consider. Such response and supporting documentation must be received by the Gaming Office within 15 days of the receipt of the notice of violation. Upon receipt of the written response, the Gaming Office shall issue a written decision within 15 days. Such written decision shall constitute final action of the Gaming Office with respect to such notice of violation. No action to enforce the notice of violation shall be taken by the Gaming Office until the Gaming Office issues its written decision; provided that, the Gaming Office may summarily suspend any license issued under this Ordinance or take such other immediate action if the continued licensing of, or conduct by, a person or entity constitutes an immediate threat to the public health, safety or welfare. The notice of violation is the final action of the Gaming Office if no written response

to the notice of violation is submitted to the Gaming Office within the time prescribed in Section 1202(b)(6).

Section 1203. Investigation of Complaints.

(a) The Gaming Office shall investigate all sworn complaints that are filed with the Gaming Office alleging that a licensee is acting in violation of the terms of any license, or a Gaming Facility is not being maintained in accordance with the terms of any license or does not adequately protect the health, safety and welfare of the employees or patrons.

(b) The Gaming Office shall give written notice of and provide a copy of the sworn complaint to the licensee. The licensee shall file with the Gaming Office a written reply to the complaint within 15 days of receipt of the notice and complaint.

(c) Following receipt of the licensee's response to the complaint, the Gaming Office shall cause a full investigation to be made of the allegations. If the Gaming Office determines that a violation of the Ordinance, the Compact or the Act has occurred or is occurring, the Executive Director shall issue a notice of violation in accordance with the provisions of this Chapter.

Section 1204. Judicial Review.

(a) Any person or entity who has been issued a notice of violation by the Executive Director of the Gaming Office and who has submitted a written response to the Gaming Office in compliance with the provisions of Section 1202(d) of this Chapter, may apply to the Judicial Court of the Tohono O'odham Nation for review of such notice of violation. Any applicant for a license under this Ordinance, any person or entity licensed pursuant to this Ordinance, and any patron of a Gaming Operation may apply to the Judicial Court of the Tohono O'odham Nation for review of a final action of the Gaming Office.

(b) Any such application for court review must be made within 15 days of receipt of notice of the final action of the Gaming Office. The person or entity requesting judicial review shall be the moving party and shall have the burden of proof by clear and convincing evidence.

(c) The reviewing court shall decide all relevant questions of law presented, interpret constitutional and statutory provisions, and determine the basis for the action of the Gaming Office. The reviewing court shall uphold the action of the Gaming Office unless the court determines that such action was:

1. arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
2. contrary to constitutional right, power, privilege, or immunity;
3. in excess of statutory jurisdiction, authority, or limitations, or in violation of statutory right;
4. without observance of procedure required by law; or
5. unsupported by substantial evidence.

Chapter 13: Gaming Operation.

Section 1301. Scope of Permissible Gaming. The Gaming Activities permitted to be conducted in a licensed Gaming Facility are those which may lawfully be carried on by the Nation within the State under applicable provisions of federal law including, but not limited to, the Act, subject to any limitations which may be imposed by the Compact and this Ordinance.

Section 1302. Hours, Days, Other Standards. Consistent with the provisions of the Compact, the Gaming Office may by regulation establish the permissible hours and days of operation of Gaming Activities. The regulations may authorize a licensed Gaming Facility to remain open and conduct Gaming Activities twenty-four hours a day, seven days a week. The Gaming Office may also, by regulation, establish other standards of operation for such facilities, as the Gaming Office deems appropriate.

Section 1303. Employee and Player Age Limit. No person under 18 years of age shall be permitted to place any wager, directly or indirectly, in any Gaming Activity. No person under 18 years of age shall be employed by a Gaming Facility Operator or by the Gaming Office. No person under 21 years of age shall be employed in the service of alcoholic beverages at any Gaming Facility, unless otherwise permitted under State law. The Gaming Office shall by regulation establish measures by which licensees shall enforce the provisions of this section.

Section 1304. Management; Security.

(a) The Gaming Facility Operator shall have the responsibility for the on-site operation, management and security of the Gaming Facility, and shall comply with all requirements of this Ordinance, the Compact and the Act. The Gaming Facility Operator shall adopt reasonable procedures,

consistent with this Ordinance, the Compact and the Act, designed to provide for the following: the physical safety of its employees; the physical safety of patrons in the Gaming Facility; the physical safeguarding of assets transported to and from the Gaming Facility and cashier's cage department; and the protection of the patrons' and the Gaming Operation's property from illegal activity.

(b) The Gaming Facility Operator shall pay to the State Gaming Agency the Gaming Device assessment required under the Compact.

(c) The Gaming Facility Operator shall designate an agent for service of any official determination, order or notice of the Commission.

Section 1305. Internal Controls.

(a) The Gaming Office shall by regulation establish minimum standards of internal controls to be in place at each licensed Gaming Facility, which shall include systems of accounting and administrative controls. Internal controls include the plan of organization and all of the coordinate methods and measures adopted within a Gaming Operation to safeguard its assets, check the accuracy and reliability of

its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies.

(b) The system of accounting controls shall provide a plan of organization and a description of procedures and records that will permit reasonable assurance that the following objectives will be maintained:

1. safeguarding of assets;
2. reliability of financial records;
3. execution of transactions in accordance with management's general or specific authorization;
4. recording of transactions as necessary to permit recording of gaming revenue and to maintain accountability for assets;
5. access to assets only in accordance with management's authorization;
6. comparison of records of assets with existing assets at reasonable intervals

with provision for appropriate action
with respect to any differences.

(c) The system of administrative controls shall include a complete plan of organization that will provide appropriate segregation of functional responsibilities and sound practices to be followed in the performance of those duties by competent and qualified personnel. The plan of organization shall be diagrammatic and narrative describing the interrelationship of functions and the division of responsibilities upon which the system of internal control relative to gaming operations is based.

(d) Upon written notice to the Gaming Office, the licensee may effectuate any material change in the internal control system it determines appropriate, but if the Gaming Office notifies the licensee in writing that such change is rejected, within thirty days of receiving such notice of rejection, the licensee shall return to the previous system. The written decision of the Gaming Office shall constitute final action of the Gaming Office.

(e) The system of accounting controls shall include a detailed system for counting cash receipts at least daily, and shall be appropriate to the types of Gaming Activities carried

on at the facility and the physical characteristics of the system utilized for collecting cash.

(f) The Gaming Office shall require that all bank accounts maintained by the operators of the Gaming Facility shall be identified by bank and account number and that all signatories to such accounts be identified by name.

Section 1306. Annual Independent Audit.

(a) Each licensed Gaming Facility Operator shall provide at its own expense an audited financial statement for its licensed Gaming Facilities to the Gaming Office at least annually, on a date to be established by the Gaming Office, and at such other times as the Gaming Office may require.

(b) The audit shall be conducted by an independent certified public accountant licensed in the State of Arizona, who shall submit an audit report expressing an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statement taken as a whole in accordance with generally accepted auditing standards of the accounting profession. The examination and audit shall disclose whether the accounts, records, and internal controls and accounting procedures maintained by the licensed Gaming Facility are in compliance with this Ordinance, the Compact, and the Act. To facilitate

the completion of such audits, each licensed Gaming Facility Operator shall make and maintain complete, accurate and legible records of all transactions pertaining to any Gaming Activities and any other revenue producing activities conducted by the licensee at or in conjunction with any licensed Gaming Facility. Such records as well as all original entry transaction records shall be maintained for at least five years from the date on which they are made, and throughout the term of the Compact, during the pendency of any litigation arising under the Compact, and for one year following the termination of the Compact. Such records shall be maintained on the licensed premises or at a location approved by the Gaming Office.

(c) Each licensed Gaming Facility Operator shall maintain general accounting records on a double entry system of accounting with detailed, supporting subsidiary records sufficient to furnish the information required for the standard financial reports to adequately reflect gross income and expenses related to gaming and subsidiary operations.

(d) The Gaming Office shall from time to time prescribe a uniform chart of accounts and accounting classifications in order to assure consistent and effective disclosure of financial information.

(e) The Gaming Office, when it deems necessary, may request additional information from either the licensee, or its independent accountant through the licensee, regarding either the financial statements, the audit or both. The licensee shall provide to the Gaming Office copies of all letters from the independent accountant to the licensee regarding internal control matters within thirty days after receipt by the licensee.

(f) The Gaming Office shall provide copies of all annual audits of Gaming Activities and licensees to the Commission as required under the Act, within the time requirements established by the Commission, and shall cooperate with the Commission with respect to any additional information required.

Section 1307. Public Disclosure of Payoffs. A schedule of payoff information as to all Gaming Activities carried on within a licensed Gaming Facility shall be displayed at all times within the facility at a location clearly visible to patrons, and shall be updated regularly.

Section 1308. Patron Disputes.

(a) Refusal to Pay Winnings. Whenever the Gaming Facility Operator refuses payment of alleged winnings to a

patron, and the Gaming Facility Operator and the patron are unable to resolve the dispute to the satisfaction of the patron and if the dispute involves:

1. At least five hundred dollars (\$500), the Gaming Facility Operator shall immediately notify the Gaming Office; or
2. Less than five hundred dollars (\$500), the Gaming Facility Operator shall inform the patron of his or her right to request that the Gaming Office conduct an investigation.

The Gaming Office shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

(b) Notice to Patrons. The Gaming Office shall mail written notice by certified mail, return receipt requested, to the Gaming Facility Operator and the patron of its decision resolving the dispute within 30 days after the date that the Gaming Office first receives notification from the Gaming Facility Operator or a request to conduct an investigation from the patron.

(c) Effective Date of Decision. The decision of the Gaming Office is effective on the date it is received by the aggrieved party as reflected on the return receipt.

(d) Review of Decision. Within 30 days after the date of receipt of the written decision, the aggrieved party may file a petition with the Gaming Office requesting a review of the decision. The Gaming Office may set a hearing on the matter or may make a decision based solely upon the prior decision and other documentation provided to it by the patron and the Gaming Facility Operator. The Gaming Office shall then issue a written decision and mail it to the parties pursuant to the procedures set forth in Section 1308(b). The written decision of the Gaming Office shall be the final decision of the Gaming Office.

Section 1309. Play by Employees. No Primary Management Official, Key Employee, member or staff of the board of directors of a Tribal Enterprise, Management Contractor, and no employee of the Gaming Office shall play or be permitted to play either in person or through an agent in any Gaming Activity carried on in any licensed Gaming Facility.

Section 1310. Small Bingo Games and Raffles. Any non-profit organization, upon proper application to the Gaming Office, may conduct or operate a small bingo game or raffle within the

territorial jurisdiction of the Nation, in accordance with regulations issued by the Gaming Office specifying the manner in which such games may be conducted, provided that such games shall at a minimum comply with the following:

(a) the organization conducting the game shall provide satisfactory evidence to the Gaming Office of its non-profit status, and no member, director, officer, employee or agent of the organization shall receive any direct or indirect pecuniary benefit from the small bingo games or raffles, other than being able to participate in the games on a basis equal to that of all other participants;

(b) the organization shall have been in existence continuously and conducting activities within the Nation for a period of no less than two years immediately prior to conducting the games;

(c) the gross receipts from the small bingo game or raffle shall not exceed \$5,000.00 in the aggregate on any single occasion.

Chapter 14. Violations and Remedies.

Section 1401. Violations. It shall be a violation of this Ordinance for any person to:

(a) conduct or operate any Gaming Activities within the Nation except as provided in this Ordinance;

(b) receive, distribute, apply or direct any property, funds, proceeds or other asset of any Gaming Activity to the benefit of any individual or other person except as authorized by this Ordinance or by any duly enacted Resolution of the Legislative Council;

(c) tamper with any equipment used in the conduct of Gaming Activities with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of such Gaming Activities;

(d) do any other act in connection with the conduct of any Gaming Activities with the intent to affect the outcome of any wager other than in accordance with the publicly announced rules of such Gaming Activities;

(e) participate as a player in any Gaming Activities if such person is prohibited under Section 1309 from participating in such Gaming Activities; or

(f) participate as a player in any Gaming Activities while such person is listed as a person barred from the Nation's Gaming Facilities as provided in Section 403(g).

Section 1402. Civil Penalties. Any person who violates any provision of this Ordinance, the Compact, or the Act shall be subject to civil penalties including exclusion from employment by a Gaming Facility Operator, exclusion from attendance at any Gaming Facility, exclusion from the Nation if the person is a non-member of the Nation, or a civil fine of not more than \$10,000.00 for each such violation.

Section 1403. Civil Remedies. The Gaming Office may in the name of the Nation bring any civil action in the courts of the Nation to enforce the provisions of this Ordinance, the Compact, or the Act or to enjoin or otherwise prevent any violation of this Ordinance, the Compact, or the Act occurring within the territorial jurisdiction of the Nation.

Chapter 15: Transition Provisions.

Section 1501. Existing Games Lawful. Subject to the provisions of the Compact and notwithstanding any other provision of this Ordinance, any Gaming Facilities otherwise legally situated within the Nation, and Gaming Activities carried on at such facilities as of the date on which this Ordinance becomes effective, shall be lawful until the day that is 120 days after the date on which applications for licenses of such facilities and personnel are due to be submitted to the Gaming Office established hereunder; provided, that the Gaming Office may, upon application by a Gaming Facility Operator, extend such period to permit proper processing of any duly filed application.

Section 1502. Repeal of Prior Ordinances and Resolutions. Upon enactment of this Ordinance, Ordinance 12-82 (referred to as the Bingo Ordinance), as amended by Resolutions 06-85 and 92-006, and any other Resolutions or Ordinances of the Nation which are inconsistent with this Ordinance, are hereby repealed. Resolution 92-007 (Amending Chapter 15 of the Nation's Criminal Code) shall be amended consistent with the provisions of this Ordinance.

Chapter 16. Amendments.

Section 1601. Amendments. This Ordinance may be amended by action of the Legislative Council.

Chapter 17. Compliance with the Compact and the Act.

Section 1701. Compliance with the Compact and the Act. All Gaming Activities conducted pursuant to this Ordinance shall comply with the terms and conditions of the Compact and the Act.