

NATIONAL
INDIAN
GAMING
COMMISSION

JUN 21 1995

Stanley G. Jones, Sr., Chairman
Tulalip Tribe of Washington
6700 Totem Beach Road
Marysville, Washington 98271


Dear Chairman Jones:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Tulalip Tribe of Washington (Tribe). The amendment to the ordinance was adopted by the Tribe on May 16, 1995. 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 amendments to 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.

Thank you for submitting the amendment to the tribal gaming ordinance of the Tulalip Tribe of Washington. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

MAY 19 1995

MAY 18 1995
MAY 19 1995

ORDINANCE NO. 55A, as amended,
ESTABLISHING A TRIBAL GAMING COMMISSION,
DEFINING ITS POWERS, DUTIES AND PROCEDURES,
AND ADOPTING RULES AND REGULATIONS

BE IT ENACTED by the Board of Directors ("Board") of the Tulalip Tribes of Washington ("Tribe"), a federally recognized Indian tribe reorganized pursuant to Section 16 of the Indian Reorganization Act of 1934, as amended, and pursuant to Article VI, Sections 1(a), (k) and (l) of the Tribal Constitution, Tulalip Gaming Ordinance No. 55, as amended, 25 USC Section 2701, et seq., (PL 100-497) ("IGRA"), and the Tribal/State Compact for Class III Gaming between the Tulalip Tribes of Washington and the State of Washington of August 2, 1991, effective October 3, 1991 ("Compact"), that Ordinance No. 55A of the Tribe is amended to read as follows:

1. COMMISSION - MEMBERS - APPOINTMENT - VACANCIES, FILLING.

(a) There shall be and hereby is created a Tulalip Tribal Gaming Commission ("Commission"), whose purpose is to be the single Tribal agency primarily responsible for regulatory oversight of Class I, II and III gaming as defined in IGRA, Tribal ordinance and the Compact.

(b) The Commission shall consist of seven (7) members elected by the membership of the Tulalip Tribes of Washington. The members of the Commission shall be elected no later than ninety (90) days from the effective date of the amendment to this Ordinance. Members of the Commission shall be known as "Commissioners" who shall hold three (3) year terms; provided of the first elected Commissioners, three shall hold a three (3) year term, two shall hold a two (2) year term, and two shall hold a one (1) year term and hold office until their successors are duly elected and qualified, which successors shall all hold three (3) year terms. The costs of election shall be borne by The Tulalip Casino, a business division of the Tribe, to be licensed by the Commission to conduct Class II and Class III gaming on Tulalip Tribal Lands (the "TGO").

(c) No member of the Commission who has served two (2) full three (3) year terms shall be eligible for re-election. In case of a vacancy on the Commission, the Board shall appoint a Commissioner to fill such vacancy for the remainder of the term.

2. QUALIFICATIONS. No employee of: (i) the TGO; (ii) any other tribally-licensed Class I, II or III gaming operation as defined by IGRA; or (iii) any non-tribally-licensed gaming operation may be a Commissioner. No person may be a Commissioner unless such person: (a) is a duly enrolled member of the Tribe;

(b) is at least twenty-one (21) years of age; and (c) has never been convicted of (i) a felony, or (ii) a misdemeanor involving dishonesty. Any person seeking to become a candidate for the position of Commissioner shall submit to a background investigation and must be qualified to receive a State gaming certificate and a Tribal gaming license pursuant to the Compact. The fees and costs for such background investigation shall be paid by such proposed candidates before such person may become a candidate. The amount of such fees and costs shall be established by the Commission's Director.

3. CHAIRMAN, QUORUM, MEETINGS, COMPENSATION AND EXPENSES, BOND - REMOVAL.

(a) Annually, upon the election of Commissioners by members of the Tribe, the Commission shall designate one each of their number as Chairman, Vice-Chairman and Secretary:

(i) The Chairman shall: (A) vote; (B) preside over all meetings of the Commission; (C) perform all duties of a Chairman; and (D) exercise any authority delegated to him by the Commission;

(ii) The Vice-Chairman shall: (A) assist the Chairman when called upon to do so; and (B) in the absence of the Chairman, preside and, while so presiding, have all the rights, privileges, duties, and responsibilities of the Chairman;

(iii) The Secretary shall: (A) conduct all Commission correspondence; (B) keep accurate records of all matters transacted at Commission meetings; and (C) promptly submit to the Secretary of the Board all minutes of regular and special meetings of the Commission.

(b) A quorum shall be three (3) Commissioners until the election of a seven (7) member Commission, as provided in Section 1(b), after which a quorum shall be four (4) members of the Commission.

(c) The principal office of the Commission shall be at such place as designated by the Board.

(d) The Commission shall hold meetings at least quarterly and at such other times: (i) as may be called by the Chairman, (ii) upon written request to the Chairman by any other Commissioner; (iii) upon written request to the Chairman by the Director; or (iv) at the direction of the Board.

(e) Commissioners may be compensated, and receive reimbursement for their expenses, as determined annually by the Board.

(f) Before entering the duties of office, each Commissioner shall: (i) enter into a surety bond, paid for by the Commission and executed by a surety company authorized to do business in the State of Washington and acceptable to the Board, payable to the Tribe in the penal sum of \$100,000 conditioned upon the faithful performance of the Commissioner's duties; and (ii) take and subscribe to an oath of office as prescribed in Article IV of the Bylaws for the Tribe.

(g) Any Commissioner may be removed for: (i) arrest and/or conviction of any crime; (ii) inefficiency; (iii) malfeasance or misfeasance in office, or (iv) acts or omissions contrary to the best interests of the Tribe, all upon specific written charges filed by the Chief Executive Officer of the Tribe, or any member of the Board, with the Secretary of the Board. The Board shall hear the matter at a public or private hearing and adjudicate the charges at a time set in their discretion, as well prescribe the procedure for the hearing. The decision of a majority of the Board shall be final and non-appealable. Removal of any Commissioner by the Board shall disqualify such member for reappointment or re-election.

4. **POWERS AND DUTIES - CLASS I AND II.** The Commission shall have primary responsibility for the on-site regulation, auditing, control and security of all Class I and II gaming operations authorized by the Tribe, including, but not limited to, the areas set forth in IGRA, any Tribal gaming ordinance now existing or as hereinafter enacted, including this Ordinance, and for the following matters:

(a) Conduct annual outside audits of such gaming;

(b) Assure that the construction, operation, and maintenance of any facilities in which such gaming occurs, and the operation of such gaming, is conducted in a manner which adequately protects the environment and the public health and safety;

(c) Assure with such gaming that there is an adequate system that: (i) ensures background investigations are conducted on the primary management officials and key employees of the gaming enterprise (as those terms are defined in the NIGC Regulations or any Commission Regulations adopted pursuant to this Ordinance), (ii) provides oversight of such officials and their management on an ongoing basis, including the issuance of Tribal licensing for primary management officials and key employees of any gaming operation, and (iii) establishes standards whereby any 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 of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of such gaming;

(d) Notify the National Indian Gaming Commission ("NIGC") of the results of such background checks before the issuance of any such licenses;

(e) Seek, where appropriate, certificates of self regulation for Class II gaming activities under IGRA, monitor and assure enforcement of ordinance provisions, whether relating to regulations or law enforcement; and

(f) Propose rules and regulations governing Class I and Class II gaming for review, revision as appropriate, and final adoption by the Board.

5. POWERS AND DUTIES - CLASS III. The Commission shall have primary responsibility for the on-site regulation, auditing, control and security of the TGO and all other Class III gaming operations authorized by the Tribe and for the enforcement of the Compact, including, but not limited to, the following matters referenced in the Compact (which Compact provisions are incorporated herein by such reference):

(a) Nature, size and scope of Class III gaming--Compact, Section 3.

(b) Licensing and certification requirements--Compact, Section 4.

(c) Licensing and State certification procedures--Compact, Section 5.

(d) Tribal enforcement of Compact provisions--Compact, Section 6.

(e) Regulatory jurisdiction relating to the enforcement of the provisions of Compact--Compact, Section 8.

(f) Law enforcement jurisdiction relating to gaming--Compact, Section 9.

(g) Enactment of Compact provisions and regulations governing gambling--Compact, Section 10.

(h) Proposal of regulations for the operations and management of the TGO--Compact, Section 11, to be reviewed, revised as appropriate and finally adopted by the Tribe's Board.

(i) Enforcement of public health and safety provisions--Compact, Section 14.

6. DIRECTOR, TULALIP GAMING AGENCY, AGENCY EMPLOYEES, RULES AND REGULATIONS.

(a) The Commission shall employ a Director, either full or part-time, who shall be the chief administrator and lead enforcement official for the Commission in carrying out its powers and duties. The Commission may hire such other staff ("Commission Employees") as it deems appropriate to carry out its duties and functions.

(b) The Director shall propose rules and regulations governing gaming activities and operations licensed by the Tribe for review, revision, and/or preliminary approval by the Commission, which, in turn, the Commission, shall submit to the Board for its review, revision as appropriate, and adoption, before such rules and regulations become effective. The Director shall supervise other Commission Employees in carrying out the purposes and provisions of this Ordinance.

(b) The Commission shall establish the Tulalip Gaming Agency ("Agency") as the enforcement and investigative branch of the Commission. The Director, employed by the Commission pursuant to subsection (a) above, shall be the Director of such Agency.

(c) With the consent of the Commission, the Director shall employ such staff ("Agency Employees") as the Director deems appropriate to carry out the purposes and provisions of this Ordinance, including without limitation, inspectors ("Agency Inspectors"). The Director shall develop policies and procedures governing Agency Employee matters which policies and procedures shall, upon approval by the Commission and the Tribal Board, supersede all other tribal personnel policies and procedures, including, without limitation, tribal Ordinance No. 84.

(d) No employee of: (i) the TGO; (ii) any other tribally-licensed Class I, II or III gaming operation as defined by IGRA; or (iii) any non-Tribally-licensed gaming operation may be a Commission Employee, the Director, or an Agency Employee.

(d) The Regulations proposed by the Commission shall define the powers of the Commission delegated to the Director, and may authorize the Director to further delegate such powers to Agency Inspectors and other Agency Employees.

(e) The rules and regulations attached hereto as Regulations 1-25, are adopted as part of this Tribal Ordinance No. 55A and are incorporated herein by reference. The Commission and the Director shall have the authority provided for therein in addition to any other authority conferred by tribal ordinance.

(f) The Director may propose, and the Commission may review, revise, and preliminarily approve, additional rules and regulations on all subjects addressed in the attached Regulations 1-25, for submission to, and review, revision as appropriate and final adoption by, the Board.

(g) The Commission shall not repeal or modify any Regulation adopted by the Board; provided that the Commission may suspend or modify internal control provisions of Regulations 13-25, where necessary to assure the operational integrity of the TGO. The Commission shall immediately provide written notice to the Board of any such suspension or modification, and may, on its own motion, sustain, modify or reverse such action.

7. COMMISSIONERS AND EMPLOYEES - ACTIVITIES PROHIBITED.

Except as required in the lawful discharge of their duties, Commissioners, Commission Employees, the Director, and Agency Employees shall not:

(a) serve as an officer, employee or manager of any natural person ("Person") or any sole proprietorship, corporation, not-for-profit corporation, limited liability company, joint venture, partnership (general or limited), trust, association, organization, government, tribe, political subdivision, municipal corporation, governmental agency, consortium of Persons, consortium of Persons and any one or more of the foregoing, or consortium of any of the foregoing ("Entity") which conducts gaming activities;

(b) receive or share in, directly or indirectly, profits of any gaming activity, other than authorized per capita payments;

(c) be beneficially interested in any contract for the manufacture, supply, sale or other provision of goods or services to, or connected with, any gaming activity subject to the Tribe's jurisdiction;

(d) participate in any gaming activity subject to the Tribe's jurisdiction; or

(e) solicit, receive, or accept anything of value from (i) any Person or Entity, or Person in control of an Entity, that is required to obtain a license from the Agency; or (ii) any employee, agent, or representative of a Person or Entity, or Person in control of an Entity that is required to obtain a license from the Agency; provided, however, that the prohibitions of this Subsection 7(e) shall not apply to items of insignificant value that are distributed without charge to the general public by a Person or Entity that is required to obtain a license from the Agency.

8. **REPORTS.** Not less than quarterly, the Commission shall make reports to the Board covering such matters in connection with this Ordinance or as the Board may otherwise more frequently require.

9. **ENFORCEMENT, INVESTIGATION AND SANCTIONS.** In order to assure the compliance of the TGO, and any other Tribally-licensed gaming operations, with the provisions of applicable compacts, laws, codes, ordinances, rules and/or regulations, and/or for any other reason(s) it deems to be in the Tribal or public interest, the Commission:

(a) shall have free access to all gaming premises, employees, books and records at any time and for any purpose related to performance of its functions hereunder;

(b) except for licenses subject to the provisions of Sections 10(a) through (c), may deny an application for or suspend or revoke any tribal gaming license or permit; and

(c) may impose fines not to exceed Five Thousand Dollars (\$5,000.00) per violation for any violation of any Tribal gaming ordinance, IGRA, NIGC regulations, the Compact, including appendices thereto, or Regulations adopted by the Board.

(d) shall reduce to writing any action taken by the Commission under this Section, or by the Director pursuant to delegated authority and shall forward a copy thereof to the affected Person or Entity.

10. **LICENSING OF TGO AND OF PERSONS OR ENTITIES EXTENDING FINANCING TO THE TGO.**

(a) The license for the TGO shall be issued by the Director in conformity with the requirements of the Compact prior to commencement of operation, and annually thereafter, as provided in Section 4(a) of the Compact. Verification of this requirement shall be made by the State Gaming Agency and the Agency through a joint pre-operation inspection and letter of compliance, as provided in said Section 4(a). If a dispute arises during the inspection, it shall be resolved pursuant to Section 12(c) of the Compact. Upon such verification, or upon resolution of the dispute, the Director shall initially issue, and thereafter renew, the TGO's annual license.

(b) Upon receipt of a license application or renewal from any Person or Entity extending financing, either directly or indirectly, to the TGO and required by Section 3(m) of the Compact to have a tribal license and state certification, the Director shall verify (i) that the provision of financing by such Person or Entity has been approved by the Board, and (ii) that such Person or

Entity has obtained the required state certification, whereupon the Director shall issue the requested license or license renewal.

(c) The Director shall not suspend or revoke a license or renewal thereof issued under Subsections 10(a) or 10(b) of this Section without the written concurrence of the Board, unless such licensee's required state certification has been suspended or revoked.

(d) Any action taken by the Commission under this Section, shall be reduced to writing with a copy delivered or mailed to the TGO and any other affected Person or Entity.

11. PROHIBITED ACTS RELATED TO ALL GAMING ACTIVITY

(a) No Person or Entity, or Person in control of an Entity, required to obtain a license from the Agency shall give, or attempt to give, anything of value to: (i) Commissioners, (ii) Commission Employees, (iii) the Director, (iv) Agency Employees, or (v) the Board; provided, however, that the prohibitions of this Subsection 11(a) shall not apply to items of insignificant value that are distributed without charge to the general public by such Person or Entity.

(b) No Person or Entity participating in gaming activity at the TGO or any other tribally-licensed gaming operation shall: (i) cheat in any such gaming activity; (ii) possess any cheating device within the TGO or other tribally-licensed gaming operation; or (iii) use any cheating device during the conduct of any such gaming activity. For the purposes of this Ordinance, "cheat" means to undertake, or attempt to undertake any act prohibited by RCW 9.46.196, as the same may be amended from time-to-time, and "cheating device" means any machine, mechanism, piece or pieces of equipment, cards, dice, or other device used, or attempted to be used, to cheat. In the event an Agency Employee suspects that cheating is taking place, the Agency is hereby granted the authority to seize any article of property reasonably believed to be a cheating device. Upon the Director's finding that cheating has occurred or that an article of property is a cheating device, the Agency may impose fines of not more than Five Thousand Dollars (\$5,000.00) upon each Person or Entity found to be cheating or determined to be in possession of a cheating device.

12. TULALIP GAMING COURT.

(a) Establishment of Tulalip Gaming Court. The Tulalip Gaming Court ("Gaming Court") is hereby established as a division of the Tulalip Tribal Court. The judge of the Gaming Court shall be a trial judge of the Tulalip Tribal Court. Provided, however, that in no event shall a judge sit with respect to any matter in which a grandparent, grandparent-in-law, parent, parent-in-law,

sibling, sibling-in-law, aunt, aunt-in-law, uncle, uncle-in-law, first cousins and first cousins-in-law, child, child-in-law, grandchild, grandchild-in-law is involved. In such circumstances a judge must recuse himself, and another judge without such conflicts, shall be assigned to sit with respect to such matter.

(b) Jurisdiction.

(1) Appeals. The Gaming Court shall have jurisdiction over appeals authorized by Section 13.

(2) Subpoenas. The Gaming Court shall have jurisdiction to issue and enforce subpoenas, as follows:

(i) Hearing Subpoenas. At the request of the appellant in any appeal, or the Director or his designee, the Gaming Court may issue subpoenas requiring any Person or Entity to appear and fully testify under oath and/or produce documents related to any issue within the scope of the appeal.

(ii) Investigatory Subpoenas. During the course of any investigation, the Gaming Court may, at the request of the Chairman or Acting Chairman of the Commission, or the Director or Agency Inspector specifically authorized by the Director to make such requests, issue:

(A) A subpoena requiring any Person or Entity to appear before the Commission, the Director, or any Agency Inspector authorized by the Director, and give testimony under oath concerning any subject which is directly or indirectly related to any matter within the investigatory authority is conferred by this Ordinance or Regulations adopted by the Board.

(B) A subpoena duces tecum requiring any Person or Entity to appear before the Commission or the Director and produce records concerning any subject which is directly or indirectly related to any matter within the investigatory authority is conferred by this Ordinance or Regulations adopted by the Board.

(3) Enforcement of Subpoenas.

(i) In the event any Person or Entity fails to comply with a subpoena or subpoena duces tecum issued by the Gaming Court, fails to fully answer questions propounded, or fails to produce all documents subpoenaed, the Gaming Court, upon its own motion or the motion of the party who sought the subpoena, may:

(A) Issue an order requiring the Person or Entity to whom the subpoena was directed to comply with the subpoena;

(B) Impose a fine of not to exceed five thousand dollars (\$5,000) for each day of non-compliance with the subpoena; and

(C) If the interests of justice so require, continue any hearing to allow time for compliance with the subpoena.

(ii) The relief authorized by subsection (b) (3) of this Section may be summarily imposed by the Gaming Court in the event of non-compliance with any hearing subpoena, and may be imposed upon not less than five (5) days notice to the party to whom the subpoena was directed in the case of any investigatory subpoena.

(iii) Fines imposed pursuant to subsection (b)(3) of this Section shall constitute a judgment of the Tulalip Tribal Court against the Person or Entity upon whom the fine is imposed.

13. APPEALS.

(a) Right of Appeal.

(1) Any Person or Entity against whom the Commission, or the Director pursuant to delegated authority, imposes a fine authorized by this Ordinance or Regulations adopted by the Board may appeal such action to the Gaming Court.

(2) Any Person or Entity subject to a tribal gaming license denial, suspension or revocation authorized by this Ordinance or Regulations adopted by the Board, may appeal such action to the Gaming Court.

(3) Any Person or Entity entitled to issuance of a tribal gaming license under Sections 10(a) or (b) which has not been issued within ten (10) days of entitlement thereto, may appeal such omission to the Gaming Court.

(4) A claimant to an article of property seized and retained by the Agency after a determination by the Director that the article of property is a cheating device may appeal such determination to the Gaming Court.

(b) Manner and Time for Appeal.

(1) Appeals authorized by Sections 13(a) (1) and (2) shall be commenced by written notice of appeal filed with the Clerk of the Gaming Court within ten (10) days of the delivery of written notice of the action appealed to the Person or Entity, or within thirteen (13) days of the mailing thereof by certified mail, return

receipt requested, to their last address of the Person or Entity on file with the Commission or the Agency. The Gaming Court shall dismiss any such appeal not timely filed.

(2) Appeals authorized by Section 13(a)(3) may be commenced at any time after the ten (10) day period described therein by written notice of appeal filed with the Clerk of the Gaming Court.

(c) Content of Notice of Appeal. The notice of appeal shall identify: (i) the action appealed; (ii) the date of the action; (iii) each ground for the appeal; and (iv) the appellant's name, mailing address, and if applicable, the number of the appellant's tribal gaming license .

(d) Scheduling of Hearing. The Gaming Court shall schedule a hearing within thirty (30) days after the filing of the notice of appeal, and may continue the hearing for good cause. Failure to hold a hearing within such thirty day period shall not constitute grounds for reversal or modification of the action of the Commission or the Director.

(e) Representation at Hearing. The appellant may be represented at the hearing by any Person admitted to practice before the Tulalip Tribal Court. The Commission shall be represented at the hearing by the Director, or the Director's designee. With approval of the Commission, the Director may utilize an attorney-at-law to represent the Commission at the hearing.

(f) Rules of Procedure. The Gaming Court shall establish rules of procedure for the hearing. Prior to the hearing, the appellant shall be entitled to examine and obtain copies of information in the files of the Commission, the Director, or the Agency which supports the action being appealed, except information designated as confidential by this Ordinance, Regulations adopted by the Board, or other applicable law.

(g) Hearing. The hearing shall be adversarial in nature and may include written and oral testimony from the appellant, the Director or his designee, and such witnesses as either may call. Testimony shall be under oath and oral testimony shall be subject to cross-examination. Technical rules of evidence shall not apply at hearings. The Gaming Court may consider hearsay evidence and may limit or exclude irrelevant or unduly repetitious evidence.

(h) Personnel Issues. Rights that a tribal employee may have under the Tribe's personnel policy or ordinance:

(1) Are entirely separate from, and have no bearing upon, the issue of entitlement to a tribal gaming license, or the

propriety of the suspension or revocation of a tribal gaming license; and

(2) Shall not be considered by the Gaming Court in deciding any appeal of the denial, suspension or revocation of a tribal gaming license, or the imposition of a fine upon a tribal gaming licensee.

(i) Applicable Law. The applicable law at the hearing shall be this Ordinance No. 55A, Ordinance No. 55, the Compact, and Commission Regulations adopted by the Board, as the same now exist, and as any of the same may be hereinafter amended.

(j) Decision.

(1) The decision of the Gaming Court shall be in writing, shall state the reasons for the decision, and shall be final and not subject to further appeal to the Tulalip Tribal Court of Appeals or otherwise.

(2) In the event of failure to issue a license required to be issued pursuant to Sections 10(a) or (b), the Gaming Court shall order the issuance of the license by the Director.

(3) The Clerk of the Gaming Court shall mail a copy of the decision to the Agency and to the appellant at the address identified in the notice of appeal.

14. CONFIDENTIALITY. All applications for tribal gaming licenses and license renewals, and supporting data and information, shall be treated as confidential by Commissioners, employees of the Commission, the Director, Agency Inspectors and employees, and shall not be divulged under any circumstances, either during service on the Commission, as a Commission employee, as the Director, as an Agency Inspector or employee, or thereafter, except:

(a) As ordered by a Court of competent jurisdiction;

(b) Disclosures to the State Gaming Agency or its agents authorized or required by the Compact;

(c) Disclosures to the National Indian Gaming Commission authorized or required by its regulations or federal law;

(d) Review and discussion of such information in closed Commission proceedings, and in camera Gaming Court proceedings; or

(e) Provision of such information to the Board at its request for its in camera review.

15. VIOLATIONS OF CONFIDENTIALITY. Each violation of any of the provisions of Section 14 shall constitute grounds for:

(a) Immediate removal as a Commissioner pursuant to Section 3(g);

(b) Immediate discharge as an employee of the Commission or the Agency; and

(c) Imposition of a fine by the Board of not to exceed Five Thousand Dollars (\$5,000.00) per violation.

16. COMMISSION AND AGENCY BUDGET. The Director shall prepare an annual budget for the Commission and the Agency, and submit the same for the review and modification by the Commission, whereupon the such annual budget shall be submitted to the Board for review, modification, and/or adoption as part of its regular annual budget process. Such annual budget shall describe, at a minimum, a description of the expected revenue to be received from license fees, charges, and penalties.

17. INDEPENDENCE FROM TRIBAL SECURITY AGENCIES. All Tulalip tribal security agencies or departments, are, and shall remain, separate from and independent of the Commission and Agency. Without limiting the foregoing, the TGO's Security Operations and Surveillance Operations divisions are without police authority or power and it shall be the responsibility of such Security Operations and Surveillance Operations divisions to observe and immediately report to the Commission or the Agency all violations of the Compact, tribal Ordinance Nos. 55 and 55A, these Regulations, and other law or regulation applicable to the TGO, upon detection of the violation, and to assist the Commission, the Director, the Agency, and Agency Employees.

18. ASSISTANCE FROM OTHER TRIBAL DEPARTMENTS, AGENCIES AND EMPLOYEES. All tribal departments, agencies, officials and employees shall cooperate with the Commission, the Director, and Agency Employees in any investigation, and, unless prohibited by specific tribal law, disclose information and documents sought by the Commission, the Director, or any Agency Employee, during the course of any investigation.

19. EXTENSION OF SOVEREIGN IMMUNITY TO COMMISSION AND AGENCY. The sovereign immunity of the Tribe is hereby extended to, and shall protect, the Commission, Commissioners, Commission Employees, the Director, and Agency Employees from civil liability of any nature for any act, omission or statement taken or made in the lawful performance of their duties under this Ordinance 55A or any Regulations adopted pursuant thereto; provided that such immunity shall not protect any Person from a fine or other sanctions imposed pursuant to the provisions hereof.

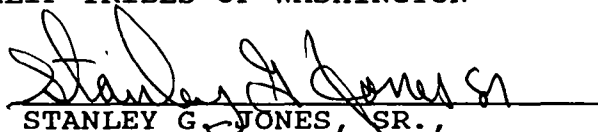
20. PRIVILEGE. Any written or oral statement made in the course of any official investigation, proceeding or process by any Commissioner, any Commission Employee, the Director, or any Agency Employee shall be absolutely privileged and shall not constitute a basis for civil liability of any Commissioner, the Director, or any Agency Employee for defamation, or otherwise. Moreover, the listing of any Person on the list of excluded persons required by the Compact, or the provision of such list to the State Gaming Agency, shall also be absolutely privileged and shall not constitute a basis for civil liability of any Commissioner, any Commission Employee, the Director, or any Agency Employee for defamation or otherwise.

21. SEVERABILITY. If any provision of this Ordinance, or the application to anyone or circumstance is held invalid, the remainder of the Ordinance or application thereof shall not be affected.

Adopted at a regular/special meeting of the Tulalip Tribes Board of Directors on the 16th day of May, 1995, with a quorum present by a vote of 5 for and 0 against.

TULALIP TRIBES OF WASHINGTON

BY:


STANLEY G. JONES, SR.,
Chairman

ATTEST:


MARIE M. ZACKUSE, Secretary

5/16/95
Amend55A.F