



November 17, 2005

Via Facsimile and U.S. Mail
(360) 651-3438

Tim Brewer, Esq.
Reservation Attorney
Office of the Tulalip Tribes Reservation Attorney
6700 Totem Beach Road
Tulalip, WA 98271

RE: Approval of Class II and Class III Tribal Gaming Ordinance

Dear Mr. Brewer:

This is in response to your letter dated November 7, 2005, requesting review and approval of the Tulalip Tribes' Amended and Restated Gaming Ordinance 55 and Gaming Regulations, as adopted by Resolution No. 05-366 (Nov. 4, 2005) of the Board of Directors of the Tulalip Tribes of Washington.

The tribal gaming ordinance and gaming regulations are consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and the National Indian Gaming Commission's regulations. Therefore, the tribal gaming ordinance and regulations are hereby approved.

Thank you for your submission. If you have any questions or require assistance, please contact Staff Attorney Jeffrey Nelson at (202) 632-7003.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Philip N. Hogen".

Philip N. Hogen
Chairman

Cc: Lena Hammons, TGA Director

THE TULALIP TRIBES
Resolution No. 05-366

NOV 1 2005

***Re-Adopting Revised Gaming Ordinance 55, Regulations & Internal Control Standards
with minor modifications to conform to NIGC requirements***

WHEREAS the Board of Directors is the governing body of the Tulalip Tribes under the Constitution and Bylaws of the Tribe approved by the United States Commissioner of Indian Affairs and the Secretary of the Interior on January 24, 1936, pursuant to the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. §476); and

WHEREAS the Board of Directors is empowered by Article VI, Section 1 of the Tulalip Constitution to enact laws governing gaming activities on Tulalip lands, and

WHEREAS, the Tribes previously Adopted Resolution 05-292 enacting a Revised Gaming Ordinance 55, Regulations & Internal Control Standards, and

WHEREAS, the revised Gaming Ordinance requires NIGC approval pursuant to the Indian Gaming Regulatory Act, 25 USC Sec. 2701 et. seq., and

WHEREAS, to comply with NIGC requirements, the previously adopted Ordinance 55 and regulations require minor modifications to the definitions of "Key Employee" *Ord.55, Sec. 2(r), Reg. 2.010(l)*; "Net Revenues" *Ord.55 Sec.2(t)*; and "Primary Management Official" *Reg. 2.010(q)*:

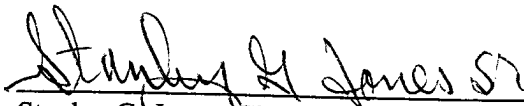
NOW THEREFORE BE IT ENACTED by the Board of Directors of the Tulalip Tribes that the attached: (1) Amended and Restated Gaming Ordinance 55, and (2) the Amended Gaming Regulations & Tribal Minimum Internal Control Standards Appendix, which were previously adopted by Resolution 05-292 are hereby re-adopted with modifications to conform to NIGC requirements, and

These Amended Ordinances and Regulations shall completely supersede and replace the existing Gaming Ordinances 55 & 55A and all existing Gaming regulations and internal control standards, upon the effective date of adoption, which shall be the date of approval by the National Indian Gaming Commission in accordance with the Indian Gaming Regulatory Act, and

Prior to the effective date, all Gaming Laws and Regulations existing as of the date of this Resolution shall continue to govern gaming activities on the Tulalip lands.

ADOPTED by the Board of Directors of the Tulalip Tribes of Washington at a regular meeting assembled on the 4th of November, 2005, with a quorum present, by a vote of 6 for and 0 against.

THE TULALIP TRIBES OF WASHINGTON


Stanley G. Jones, Chairman

ATTEST:


Marie Zackuse, Secretary

TULALIP GAMING ORDINANCE 55 (Amended and Restated)

Section 1	Purpose & Policy	2
Section 2	Definitions	2
Section 3	Regulatory Commission, Agency and Functions	6
	a) Tribal Gaming Commission	6
	1. Establishment/Duties	6
	2. Qualifications	7
	3. Chairman, Quorum, Meetings, Compensation & Expenses, Removal	7
	4. TGC Budgets	9
	b) TGA	9
	1. Duties	9
	2. Director	10
	3. TGA Inspectors	10
	4. Reporting of Violations	10
	5. Investigation/Enforcement	10
	c) Commissioners and Employees – Activities Prohibited	12
	d) Environment and Public Health and Safety	12
Section 4	Regulation of Gaming	13
	a) Operation of Gaming Establishment	13
	b) Licensing	13
	1. Licenses	13
	2. Application Forms/Privacy	20
	3. Confidentiality	20
	c) Audit	21
	d) Gaming Activities, Regulations and Controls	21
	1. Permitted Gaming Activities	21
	2. Prohibited Acts Related to All Gaming Activity	23
	3. Internal Control Standards	24
	4. Patron Dispute Resolution	24
	e) Appeals	25
Section 5	Gaming Revenues	28
Section 6	General Provisions	28
	a) Independence from Tribal Security Agencies	28
	b) Sovereign Immunity	29
	c) Privilege	29
	d) Compliance with Federal Law	29
	e) Compact	29
	f) Severability and Construction	29
	g) Effective Date	30

**TULALIP GAMING ORDINANCE 55 (Amended and Restated)
2005**

Be and it is hereby enacted by the Board of Directors of the Tulalip Tribes, a federally recognized Indian tribe, pursuant to the powers vested in it by Article VI, Section 1(k) and (l) of the Constitution and Bylaws of the Tulalip Tribes and the Indian Gaming Regulatory Act effective the date as provided below hereby amending, superseding and replacing prior Tulalip Ordinances 55 and 55A as follows:

Section 1. Purpose & Policy

This Ordinance is adopted by the Board of Directors of the Tulalip Tribes, pursuant to its authority granted by the Tribe's Constitution, for the purpose of establishing the terms for gaming on Tulalip Tribal Lands. Gaming shall be conducted for Tribal governmental and charitable purposes, and the Tribe shall develop and operate such gaming consistent with the Indian Gaming Regulatory Act (25 U.S.C. § 2701, et. seq.), regulations promulgated thereunder, and the Tribal-State Compact for Class III Gaming between the Tulalip Tribes of Washington and the State of Washington, as amended.

The Tulalip Tribes finds that:

Gaming on its Tulalip Tribal Lands is a valuable means of generating revenues that are needed to promote Tulalip Tribal self-sufficiency, economic development, employment, job training, and a strong Tulalip Tribal government, and to fund and provide essential social programs and services;

The Tulalip Tribes desires to conduct certain forms of gaming to provide needed revenues to the Tulalip Tribes, and to regulate and control such gaming;

The Tulalip Tribes desires to own all gaming on Tulalip Tribal Lands, and to manage and regulate such gaming in a manner that will adequately address the interests and needs of the Tulalip Tribes.

It is the intent of this Ordinance to exert Tribal sovereignty and jurisdiction within the Tulalip Indian Reservation and to preempt any civil-regulatory power or law, if any, of the State of Washington, within said boundaries concerning the subject matter of this Ordinance, except as otherwise expressly provided in the Compact or in this Ordinance.

Section 2. Definitions

For purposes of this Ordinance:

- a) "Applicant" means any person or Entity who has applied for a license under this Ordinance or TGC regulations or who has applied for permission to engage in any act or activity which is regulated by this Ordinance.
- b) "Board of Directors" or "Board" means the governing body of the Tulalip Tribes as defined in the Constitution of the Tulalip Tribes of Washington.
- c) "Cheat" or "Cheating" means to: employ or attempt to employ any device, scheme, or artifice to defraud any other participant or the operator; engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; engage in any act, practice, or course of operation while participating in a Gaming Activity with the intent of defrauding or deceiving any other participant or the operator to gain an advantage in the game over the other participant or operator; altering the selection of criteria which determine the result of a game or the amount or frequency of payment in a game; Aid abet or conspire to commit any of the forgoing prohibited conduct.
- d) "Cheating Device" means any machine, mechanism, equipment, card, die, or other device used, or attempted to be used, to Cheat.
- e) "Class I Gaming" means all forms of gaming as defined in 25 U.S.C. Section 2703(6).
- f) "Class II Gaming" means all forms of gaming as defined in 25 U.S.C. Section 2703(7).
- g) "Class III Gaming" means all forms of gaming as defined in 25 U.S.C. Section 2703(8).
- h) "Compact" means the Tribal-State Compact for Class III Gaming between the Tulalip Tribes of Washington and the State of Washington, as amended
- i) "Director" means the director of the Tribal Gaming Agency
- j) "Entity" means 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, and any one of or more of the foregoing, or consortium of the foregoing.
- k) "Gaming" or "Gaming Activities" means all activities falling within the scope of Class I, II or III gaming.
- l) "Gaming Employee" means any person employed in the operation or management of the any Class II or Class III Gaming Operation, whether employed by or contracted to the Tribe or by any person or enterprise providing off-site services to the Tribe within or

without the Gaming Facilities, including, but not limited to, Gaming Operation managers and assistant managers; accounting personnel; surveillance personnel; cashier supervisors; dealers or croupiers; box men; floormen; pit bosses; shift bosses; cage personnel; collection personnel; Gaming consultants; management companies and their Principals; and any other person whose employment duties require or authorize access to restricted areas of the Gaming Facilities not otherwise opened to the public.

m) "Gaming Facility" means the room or rooms, building or buildings or portions thereof in which Class II or Class III Gaming as authorized by this Ordinance is conducted on Tulalip Tribal Lands.

n) "Gaming Operation" means a person or entity, or subdivision thereof, conducting Gaming Activities.

o) "Gaming Services" means the providing of any goods or services to the Tribe directly in connection with the operation of Class II or III Gaming in a Gaming Facility, including equipment, maintenance, or security services for the Gaming Facility.

p) "Goods and Related Services" means tangible non-Gaming items of inventory, equipment, and fixtures, used in connection with any Gaming Operation (such as soda or liquor and soda or liquor dispensing equipment), and service or such inventory, equipment and fixtures (such as service for soda dispensing equipment).

q) "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. 2701, et. seq.

r) "Key Employee" means a person who performs one or more of the following functions:

1. Cage Manager,
2. Cage Shift Supervisor,
3. Vault Cashier,
4. Main Bank Cashier,
5. Line Cashier,
6. Count Team Member,
7. Count Team Supervisor
8. Director of Security Operations,
9. Security Personnel
10. Chief Operations Officer
11. Shift Manager,
12. Pit Manager,
13. Floor Supervisor,
14. Dealer,
15. Bingo Caller;
16. Bingo Supervisor
17. Bingo Cashier
18. Custodian of Gaming Supplies or Cash

19. Croupier
 20. Approver of Credit
 21. Custodian of Gambling Devices, including persons with access to cash and accounting records within such devices.
 22. Any employee engaged in Gaming Finance or Gaming Accounting Functions.
 23. If not otherwise included, any other TGO Employee whose total cash compensation is in excess of \$50,000 per year; or
 24. If not otherwise included, the four most highly compensated Persons in the TGO.
- s) “NIGC” means the National Indian Gaming Commission.
- t) “Net Revenue” means gross gaming revenues of the Tribal Gaming Operations less amounts paid out as, or paid for, prizes and total gaming related operating expenses, excluding any management fees.
- u) “Ordinance” means Tulalip Gaming Ordinance 55.
- v) “Primary Management Official” means (i) the person having management responsibility for a management contract; (ii) any person who has authority: 1) to hire and fire employees; or 2) to set up working policy for the Gaming Operation or (iii) the chief financial officer or other person who has financial management responsibilities.
- w) “Principal” means, with respect to any enterprise: (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 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 enterprise constituting more than ten percent of the total financing of the enterprise.
- x) “State” means the State of Washington, its authorized officials, agents and representatives.
- y) “State Certification” means the licensing process utilized by the State Gaming Agency to ensure all persons required to be licensed/certified are qualified to hold such license.
- z) “State Gaming Agency” means the Washington State Gambling Commission.
- aa) “Tribal Gaming Agency” or “TGA” means the Tulalip Tribal Gaming Agency.
- bb) “Tribal Gaming Commission” or “TGC” means the Tulalip Tribal Gaming Commission.

cc) "Tribal Gaming Operation" or "TGO" means any Class II or Class III Gaming in any Gaming Facility operated by the Tribe on Tulalip Tribal Lands. The Tribal Gaming Operation shall be an instrumentality of the Tulalip Tribal government operated to generate Tulalip government revenue.

dd) "Tribal Law Enforcement Agency" means the police force of the Tulalip Tribes established and maintained by the Tribe pursuant to the Tribe's powers of self-governance to carry out law enforcement within the Tulalip Tribal Lands.

ee) "Tribe" or "Tribal(ly)" means the Tulalip Tribes.

ff) "Tulalip Tribal Lands" means (1) all lands within the limits of the Tulalip Indian Reservation, and (2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual member of the Tribe or held by the Tribe or individual member of the Tribe subject to restriction by the United States against alienation over which the Tribe exercises governmental power.

Section 3. Regulatory Commission, Agency and Functions

a) Tribal Gaming Commission

1. Establishment/Duties

- (i) There shall be and hereby is created the Tribal Gaming Commission whose purpose is to be the Tribal agency primarily responsible for regulatory oversight of Class II and III Gaming.
- (ii) The sole purpose of the TGC is to perform a Gaming regulatory function. The TGC shall not perform Gaming management or non-Gaming regulatory functions. To the extent and in the manner provided for in this Ordinance, the TGC will conduct oversight to ensure compliance with Tribal, federal, and if applicable, State Gaming laws and regulations. The TGC will serve as the licensing authority for Gaming authorized under this Ordinance. The TGC shall have the authority to: (1) adopt and enforce regulations, which regulations are subject to the prior review and approval of the Board of Directors, *provided* that the Board of Directors retains the authority to independently adopt ordinances and regulations related to Gaming, *provided furthermore*, following the adoption of any regulations promulgated hereunder, the TGC shall promptly and forthwith submit the same to the NIGC and State Gaming Agency in a manner required by IGRA and the Compact, (2) supervise the Director and oversee the TGA operations and duties, (3) review, affirm, modify, or rescind decisions or actions of the TGA or Director, except decisions appealable to the Tribal Gaming Court, (4) Participate in the Patron Dispute Resolution

Review Committee, (5) perform all such other duties as specifically provided for the TGC in this Ordinance or the Compact, and (6) subject to the prior review and approval of the Board of Directors, adopt rules of procedure and protocols to perform its functions.

- (iii) The TGC shall consist of seven (7) members elected by the membership of the Tulalip Tribes. Members of the TGC shall be known as “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; provided however, persons who are Commissioners under prior Ordinance 55A whose terms have not expired as of the effective date of this Ordinance shall otherwise be entitled to remain in office until the expiration of their then current term.
- (iv) In case of a vacancy on the TGC, the Board shall appoint a Commissioner to fill such vacancy for the remainder of the term.

2. Qualifications

- (i) No employee of:
 - (A) the TGO;
 - (B) any tribally licensed Class II or III Gaming Operation; or
 - (C) any non-tribally licensed Gaming Operation, may be a Commissioner.
- (ii) 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 a felony, or a misdemeanor involving dishonesty.
- (iii) 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 Category A Tribal Gaming license. Such proposed candidate shall pay the fees and costs for such background investigation. The Director shall establish the amount of such fees and costs.

3. Chairman, Quorum, Meetings, Compensation and Expenses, Removal.
- (i) Annually, upon the election of Commissioners by members of the Tribe, the TGC shall designate a Chairman, Vice-Chairman and Secretary:
 - (A) The Chairman shall:
 - (1) preside over all meetings of the TGC;
 - (2) perform all duties of a Chairman;
 - (3) exercise any authority delegated to him by the TGC;
 - (B) The Vice-Chairman shall:
 - (1) assist the Chairman when called upon to do so; and
 - (2) in the absence of the Chairman, preside and, while so presiding, have all the rights, privileges, duties, and responsibilities of the Chairman;
 - (C) The Secretary shall:
 - (1) conduct all TGC correspondence;
 - (2) keep accurate records of all matters transacted at TGC meetings; and
 - (3) promptly submit to the Secretary of the Board all minutes of regular and special meetings of the TGC.
 - (ii) A quorum shall be shall be four (4) Commissioners.
 - (iii) All actions of the TGC shall be taken by majority vote. The Chairman shall be entitled to vote.
 - (iv) The principal office of the TGC shall be at such place as designated by the Board.
 - (v) The TGC shall hold meetings at least monthly and at such other times:
 - (A) as may be called by the Chairman;
 - (B) upon written request to the Chairman by any other Commissioner;
 - (C) upon written request to the Chairman by the Director; or
 - (D) at the direction of the Board.
 - (vi) Before entering the duties of office, each Commissioner shall take and subscribe to an oath of office. The Commissioner shall be subject to and governed by the code of ethics adopted by the Board for Tribal commissions.
 - (vii) Any Commissioner may be removed for:

- (A) arrest and/or conviction of any crime;
- (B) malfeasance, nonfeasance, or misfeasance in office,
- (C) acts or omissions contrary to the best interests of the Tribe, or
- (D) finding that the Commissioner does not meet the eligibility qualifications for the TGC;

all upon specific written charges filed with the TGC. The TGC shall forward such charges to the Board of Directors. The Board shall hear the matter at a 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.

- (viii) Compensation for Serving and Reimbursement of Expenses. Commissioners may be compensated for serving on the TGC and reimbursed for their expenses at rates to be set by the Board. Such rates shall be approved by the Board of Directors and shall be identical for all Commissioners.

4. TGC Budgets

- (i) General Operations Budget. The TGC shall cause to be prepared an annual budget for the TGC, including the TGA; whereupon such annual budget shall be submitted to the Board for review, modification, and/or adoption as part of its regular annual budget process. At the end of the budget year, any surplus funds in the budget shall be considered in the next year's funding request.
- (ii) Capital Budget. This budget shall be prepared, submitted and approved as in Section 4(i) of this Section and specify requirements for equipment to assure effective and efficient operations. The funding for such regulatory equipment and systems and capital improvements shall be provided through a separate budget.

b) TGA.

- 1. Duties. The TGA shall exercise the TGC responsibilities for the on-site regulation, control and security of the Gaming Operation authorized by this Ordinance, and for the enforcement of this Ordinance within Tulalip Tribal Lands subject to the control and oversight of the TGC. The role of the TGA is Gaming regulation; and the TGA shall not have authority to engage in internal TGO management or personnel matters. As part of its structure, the TGA shall perform the following TGC functions:

- (i) the enforcement in the Gaming Operations, including the facilities, of all applicable Gaming regulatory laws;
 - (ii) the physical safeguarding of assets transported to and from the Gaming Facility and cashier's cage department;
 - (iii) the protection of the patrons and the Gaming Facility from illegal activity; the detention of persons who may be involved in illegal acts for the purpose of notifying the law enforcement authorities;
 - (iv) the recording of any and all unusual occurrences within the Gaming Facility.
2. Director. The Director shall be the chief administrator and lead enforcement official for the TGC in carrying out its powers and duties. The Director may propose rules and regulations governing Gaming Activities and operations licensed by the Tribe for review, revision, and/or preliminary approval by the TGC, which, in turn, the TGC, shall submit to the Board of Directors for its review, revision as appropriate, and adoption, before such rules and regulation become effective. The Director shall supervise other TGA employees in carrying out the purposes and provisions of this Ordinance. Any authority expressly reserved to the Director may be delegated by the Director to TGA personnel under the Director's authority. The Director shall be supervised by the TGC in accordance with a TGA organizational chart as approved by the TGC and the Board, and shall, in addition to the specific requirements of this Ordinance, be subject to the requirements of the Tulalip Tribes Human Resources Ordinance 84.
3. TGA Inspectors. The TGA shall employ qualified inspectors under the authority of the TGC. Said inspectors shall be independent of the TGO, and shall be supervised by the Director.
4. Reporting of Violations. A TGA inspector shall be present in the Gaming Facility during all hours of Gaming Operation, and shall have immediate access to any and all areas of the Gaming Operation for the purpose of (1) physically safeguarding the assets of the Gaming Operation, and (2) ensuring compliance with the Gaming regulatory provisions of this Ordinance. Any violation(s) of the provisions of this Ordinance, by the TGO, a Gaming Employee, Entity, or any person on the premises whether or not associated with the TGO shall be reported immediately to the TGA except for non-Gaming regulatory violations such as environmental, health, safety, food, beverage and other non-Gaming matters, which shall be reported to the appropriate TGO or Tribal government officials regulating these areas.

5. Investigation/Enforcement.

(i) The TGA shall investigate any observed or reported Gaming regulatory violations of this Ordinance or Gaming Regulations promulgated hereunder and diligently, efficiently, and reasonably enforce the same as provided for herein in a professional manner.

(ii) If a Gaming regulation violation by the TGO is found, the Director is authorized to issue a Corrective Action Order requiring the TGO to correct the violation. Except in cases where immediate enforcement action is deemed necessary by the Director, the TGA shall first seek informal, voluntary correction by the TGO. Where a TGO violation is not remedied informally after a documented compliance meeting, or immediate enforcement action is deemed necessary by the Director, the TGA may proceed with formal enforcement through issuance of a Corrective Action Order.

(iii) Corrective Action Order. A Corrective Action Order shall be in writing and directed at the highest level management official in the TGO Facility or TGO Facility Department to which it applies. The Corrective Action Order shall clearly state the nature of the Gaming regulatory violations, and the specific actions required to correct the Gaming regulatory violations. The Order shall specify a reasonable time for compliance, taking into account all relevant facts and the nature of the actions required.

(iv) Responsibility for Compliance. The highest level management official in the TGO Facility or Facility Department to which the Order was directed shall be responsible for either complying with, or appealing the Corrective Action Order.

(v) TGO Sanctions. No adverse licensing action shall be taken against any TGO management official or employee where the TGO Facility or Department has, in a timely manner, (1) taken the specific compliance actions required by the Order, (2) demonstrated substantial good faith efforts toward compliance, or (3) files a timely appeal of the Order. In cases where the TGO has failed to either comply or appeal the Order within the required timeframes, the department or facility management official responsible for compliance may be sanctioned through license suspension not exceeding 30 days.

(vi) Non-TGO Sanctions. For violations by others than the TGO deemed by the TGA to be not serious in nature, the TGA shall first seek informal, voluntary corrections by the alleged violator. Where such

violation is not remedied informally after a documented compliance meeting, or in the event immediate enforcement action is deemed necessary by the Director, the TGA may proceed with formal enforcement as provided for elsewhere in this Ordinance.

(vii) Criminal Law Enforcement. All matters involving suspected criminal activity shall be referred by the TGO and/or TGA to the appropriate Tribal Law Enforcement Agency, federal or local law enforcement agencies. The TGO and TGA shall cooperate and coordinate with the Tribal Law Enforcement Agency, federal or local law enforcement agencies in all matters involving suspected criminal activities occurring within or in relation to Tribal Gaming Facilities or Gaming licensed under this Ordinance.

c) **Commissioners and Employees – Activities Prohibited.**

Commissioners, TGC employees, the Director, and TGA employees shall not:

1. serve as an officer, employee or manager of the TGO, or any tribal Gaming or non-tribally owned Gaming or gambling operation, or any Tribally licensed Gaming vendor;
2. receive or share in, directly or indirectly, profits of any Gaming Activity, other than authorized per capita payments;
3. 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 licensed by the Tribe;
4. participate in any Gaming Activity regulated by the TGC under this Ordinance, except as required in the lawful discharge of their duties.
5. solicit, receive, or accept anything of value from any person or Entity, or person in control of an Entity, that is required to obtain a license from the TGA or 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 TGA; provided, however, that the prohibitions of this Subsection 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 TGA.

d) **Environment and Public Health and Safety**

All Gaming Facilities shall be constructed, maintained and operated in a manner that adequately protects the environment and public health and safety. The TGO shall be subject to all applicable Tribal regulatory laws and policies covering, environmental protection, occupational health and safety, building codes, food

safety and land use. Enforcement in these non-Gaming areas shall not be by the TGC, but shall be the responsibility of Tribal officials and departments with regulatory authority over these non-Gaming areas.

Section 4. Regulation of Gaming

a) Operation of Gaming Establishments

1. Gaming Permitted as Licensed. Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law and this Ordinance, Class II and III Gaming Operations shall only be conducted in Tribally owned, operated and licensed facilities pursuant to the provisions of this Ordinance and, for Class III Gaming, the Compact. Such activities shall be conducted in accordance with the terms and conditions of the license issued to the Gaming Facility by the TGA prior to the conduct of any Gaming therein.

2. Facility License. A separate facility license shall be required for each separate place, facility or location in which a Gaming Operation is authorized by the Tribe. The Gaming Facility license shall identify: the name and address of the facility; type of Gaming allowed; effective date of the license; name and telephone number of the TGO; and such other matters as the TGA may deem necessary to the conduct of Gaming Activities therein, or as may be required under the Compact or other applicable law.

b) Licensing

1. Licenses

(i) Licensing Program Overview. The Tribe's Gaming licensing program shall be administered through the TGA. The program shall be an investigative licensing process under which all Applicants for Class II and Class III Gaming licenses are evaluated against the standards set forth in, and subject to the requirements of this Ordinance, all Gaming Regulations promulgated hereunder, IGRA, NIGC regulations, Compact requirements, and any other applicable Tribal, federal, or State laws.

(ii) Licensing Requirements. An annual Tribal Gaming license is required for:

(A) Each Class III Gaming Facility and Gaming Operation located on Tulalip Tribal Lands;

(B) Each Class II Gaming Facility and Gaming Operation located on Tulalip Tribal Lands;

- (C) Each State lottery retailer located on Tulalip Tribal Lands;
- (D) Each employee of a Class II or Class III Gaming Operation, the Director and all TGA employees;
- (E) Each Gaming vendor;
- (F) Each non-exempt, non-Gaming vendor;
- (G) Each non-exempt Gaming financier.

(iii) **Burden on Applicant.** The burden of proving an Applicant's qualifications to receive a license hereunder is at all times on the Applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action that may result from the application process and expressly waive any claim for damages as a result thereof.

(iv) **Applicant Claim of Privileges.** An Applicant may claim any privilege afforded by law in connection with a Gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

(v) **Release of Information.** Any persons applying for a license shall agree to release all information necessary in order for the TGA, NIGC and the State Gaming Agency to complete their suitability determination. Applicants must update all such information promptly on an on-going basis.

(vi) **Gaming license confers no property right.** A Tribal Gaming license is a revocable privilege, and no licensee shall have any vested or property right in a Tribal Gaming license. A Tribal Gaming license is personal to the licensee, and may not be assigned or transferred.

(vii) **Types of Licenses.**

(A) **Gaming Facility and Gaming Operation License.** A single license for each Class II or Class III Gaming Facility operating on Tulalip Tribal Lands.

(B) **Category A License.** Any Primary Management Official, Key Employee, or closely associated independent contractor with influence over the management of the Gaming Operation shall obtain a Category A license. The TGA shall conduct or cause to be conducted a background investigation to determine if such person

has:

- 1) Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of Gaming.
- 2) Anything else in his/her background that might create or enhance the dangers of unsuitable, unfair, or illegal practices, methods and activities in the conduct of Gaming.

Additional procedures for Category A licensing application and background investigations shall be set forth by regulation. Those who do not meet the required qualifications shall be denied a Category A license, or the license if issued, may be revoked

(C) Category B License. Persons who are not among those identified in subsection (B) above, but are to be employed at a Gaming Facility on Tulalip Tribal Lands in another capacity, shall be required to obtain a Category B license from the TGA. Such persons shall complete a short form Category B application. A Category B license may be denied if the TGA finds that the Applicant has been convicted of a felony or crimes involving dishonesty, or is engaged in any activity which the TGA deems would render such person a danger to the safety and security of the Tribe, property of the Tribe, any Gaming employee or patron, or the public.

Those who do not meet the required qualifications shall be denied a Category B license, or the license if issued, may be revoked

(D) Gaming Vendor License. Vendors of goods and services directly related to Class II & III Gaming and non-exempt Gaming financiers must meet all Tribal licensing and State Certification and suitability requirements. Gaming vendor licensing requirements may be more fully set forth in TGC regulations. The Gaming vendor license must be renewed annually. The Tribe shall not enter into, or continue to make payments pursuant to, any contract or agreement that would require licensing if the Gaming vendor has been denied a license or is deemed unsuitable, or the license or suitability determination has expired without renewal.

(E) Gaming Vendor License Exemptions for Gaming Financiers. Third party financing extended or guaranteed for the Class II or Class III operation and facility by an agency of the United States, a member institution of the FDIC, or an institution

regulated by the Comptroller of the Currency are exempt from licensing requirements.

(F) Non-Gaming Vendor License. Vendors who are deemed not to be Gaming vendors and who provide only non-Gaming Goods and Related Services to the TGO shall, unless exempt, complete a short form application.

(G) Non-Gaming Vendors Licensing Exemptions. The following categories of vendors are exempt from licensing requirements: (1) non-Gaming vendors supplying less than \$25,000 in goods or services annually, (2) vendors supplying only accounting or legal services, and (3) non-Gaming vendors supplying only food, beverage, gift shop, advertising, promotional, entertainment or marketing goods and services.

(H) State Lottery Retailers. All State lottery retailers shall complete a short form application.

(I) Temporary Licenses. Pending completion of an investigation for a license, the Tribal Gaming Agency may issue a temporary license.

(J) Conditional Licenses. Licenses that contain conditions that are necessary for an individual to qualify for a license.

(viii) License Renewal. All licenses, other than temporary licenses, shall be subject to renewal annually. Licenses may be suspended or revoked upon the occurrence of any act which, if known during the application process, would have disqualified such person or Entity for such a license.

(ix) License Investigations. The TGA may employ all reasonable means, including engaging outside services and investigators to acquire the information necessary to determine whether or not a license should be issued. Applicants shall agree to release all information necessary in order for the TGA to achieve its goals under this section and to furnish such information to the NIGC, the State Gaming Agency, or other agencies as may be required by Tribal, federal or State law or the Compact.

(A) License fees and costs. All license Applicants shall pay to the TGA a non-refundable fee, in the amount set forth in Gaming Regulations, or fee schedule approved by the TGC and Board pursuant to the Gaming Regulations. Unless specifically waived by the TGA, all persons applying for a license shall be required to pay all applicable license fees and costs when due, including a reasonable deposit for costs that may be incurred in connection

with the license application. Estimates of licensing costs will be provided to Applicants upon reasonable request. All fees and costs must be received by the TGA prior to issuance of the license, unless the Tribe or the Gaming Operation has agreed to reimburse the TGA directly for all or part of such fees and costs.

(x) Background Investigations.

(A) The TGA shall request from each Primary Management Official, Key Employee, and any other Applicant for a Category A license, all information required by NIGC regulations and the TGC, as more fully set forth in TGC regulations.

(B) The TGA shall conduct or cause to be conducted, an investigation sufficient to make a determination of eligibility as required under this Ordinance and NIGC regulations.

(C) The TGA inspector conducting the background investigation on behalf of the TGA shall create an investigative report noting the steps taken, information gained, potential problem areas, and disqualifying information, conclusions reached and basis thereof. The report shall be reviewed by the Director or the Director's designee. The TGA, TGC and TGA inspectors shall keep confidential the identity of each person interviewed in the course of an investigation, other than disclosure as required under Tribal, federal or State law.

(D) Fingerprints shall be taken by the trained personnel of the TGA. Fingerprints will then be forwarded by the Director to the NIGC and to the State Gaming Agency, if applicable, consistent with all applicable laws and the Compact. Fingerprints shall be processed through the FBI and/or other available State sources as applicable to determine the Applicant's criminal history, if any.

(xi) Eligibility Determination. The TGA shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of any person for employment as a Key Employee or Primary Management Official. If the Director determines that employment of said person poses a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, the TGO shall not employ that person.

(xii) Forwarding Licensing Applications and Reports to NIGC.

(A) Unless otherwise provided by the NIGC, on or before the

date any Key Employee or Primary Management Official is employed by a Gaming Operation authorized under this Ordinance, the TGA shall forward to the NIGC the person's completed license application containing the information required under this Ordinance.

(B) Prior to issuing a license to a Primary Management Official or Key Employee, the TGA shall forward to the NIGC, together with a copy of the eligibility determination made under, the investigative report on each background investigation, which shall contain the steps taken in conducting the investigation, results obtained, conclusions reached and the basis thereof. The investigative report on each background investigation shall be forwarded to the NIGC within sixty (60) days after the employee begins work or within sixty (60) days of the approval of this Ordinance by the NIGC. The Gaming Operation shall not employ or continue to employ any person as a Key Employee or Primary Management Official who does not have a license within ninety (90) days of beginning work.

(C) The TGA shall provide to the NIGC or other applicable agency, any other reports and information required by IGRA and regulations promulgated thereunder. Further, with respect to Key Employees and Primary Management Officials, the TGA shall retain applications for employment and reports (if any) of background investigations for inspection by the NIGC for no less than three (3) years from the date of termination of employment.

(D) If a license is not issued to an Applicant, or the license is granted and later revoked, the TGA shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

(xiii) Granting a License.

(A) If, within a thirty (30) day period after the NIGC receives a report as required under this Ordinance, the NIGC notifies the TGA that it has no objection to the issuance of a license pursuant to the license application filed for a Key Employee or Primary Management Official for whom the TGA has provided an application and investigative report, the TGA may issue the license. For Category B licenses that are not required to be forwarded to the NIGC, the TGA may issue the license after it determines that the Applicant is eligible for a Category B License.

(B) The TGA shall provide any additional information requested by the NIGC concerning a Key Employee or Primary Management Official who is the subject of a report as required under this subsection. An NIGC request for additional information shall suspend the thirty (30) day period until the NIGC receives the additional information.

(C) If, within the thirty (30) day period established under this Ordinance, the NIGC provides a Statement itemizing objections to issuance of a license to a Key Employee or Primary Management Official, the TGA may reconsider the application, taking into account such objections. The TGA retains the right to make the final determination whether to issue the license to such Applicant.

(xiv) License Revocation/Suspension.

(A) Summary License Suspensions Pending Revocation. If after issuing a Gaming license, the Director finds evidence or receives reliable information from the NIGC, or other reliable source, indicating that a licensed person or Entity was not or would not then be eligible for licensing under the eligibility criteria established in the section above, the Director shall summarily suspend such license pending license revocation and shall notify in writing the licensee of the suspension, the basis for the suspension and the proposed revocation. The grounds for summary suspension pending revocation of a license shall be the same as the grounds for denying a license as provided for in this Ordinance and the Gaming Regulations, and in the case of a Conditional License a violation of any conditions as well.

(B) Initial Review Hearing If a TGO employee license is summarily suspended under the above subsection, the affected employee shall be entitled to an initial review hearing before the Tribal Gaming Court within 5 business days of suspension. The date and time of the review hearing shall be stated on the notice of the suspension and proposed revocation. At the review hearing, the TGA shall present the information on which the suspension is based, and the affected employee shall be given an opportunity to respond. If the Tribal Gaming Court determines the summary suspension was based on evidence or reliable information that that the licensed person was not or would not then be eligible for licensing under the applicable eligibility criteria, it shall uphold the summary suspension pending a full appeal hearing on the license revocation, if an appeal is timely filed by the aggrieved licensee.

If the Tribal Gaming Court finds at the initial review hearing the

TGA information was unreliable or the evidence insufficient to establish grounds for summary license suspension pending revocation, the individual's license shall be reinstated.

(C) License Revocation. If the Gaming Court upholds a summary suspension pending revocation at the initial review hearing, the aggrieved licensee shall have the right to a license revocation appeal hearing. Within 14 days of the initial review hearing, the Director shall issue a final notice of revocation setting forth in detail the basis for the license revocation. Appeals must be filed in writing with the Tribal Gaming Court no later than 16 days of the date of certified mailing, or 14 days of personal service of the revocation notice, or the license revocation shall become final and not subject to further appeal.

(D) Temporary Suspension as a Sanction. The TGA may issue a license suspension notice of up to 30 days to responsible TGO management officials who fail to either comply with or appeal a Corrective Action Order. Such suspensions shall not be imposed summarily. Licensee's receiving a license suspension notice as a sanction under this section shall have the right to appeal in writing to the Tribal Gaming Court within 5 days of receipt of notice of the suspension. If appealed, the suspension shall not be effective until after the licensee is afforded a hearing before the Tribal Gaming Court. If not appealed, the suspension shall be effective the day after the appeal period has run.

(xv) Gaming Facilities Licenses. Each separate Gaming place, location or facility shall require a separate license that must be renewed annually. Before Gaming Operations can be conducted therein, the TGA shall inspect and license each Gaming Facility in accordance with this Ordinance, the Compact, and any requirements of IGRA.

(xvi) Effect of the Compact. Notwithstanding anything in this section or any other part of this Ordinance to the contrary, any licensing procedures required under the Compact for Class III Gaming activities shall be implemented as provided therein.

2. Application Forms/Privacy.

Each application form for a Key Employee or a Primary Management Official, as well as for all other license Applicants, unless otherwise specifically exempted by the TGA consistent with applicable law, shall contain the Privacy Act and False Statement Notices required by NIGC and Tulalip Gaming regulations.

3. Confidentiality

(i) All applications for Tribal Gaming licenses and license renewals, and supporting data and information, shall be treated as confidential by Commissioners, employees of the TGC, the Director, TGA employees and inspectors, and shall not be divulged under any circumstances, either during service on the TGC as a TGC employee, as the Director, as an TGA employee or inspector, 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 NIGC authorized or required by its regulations or federal law;

(D) Review and discussion of such information in closed TGC proceedings, and in camera Tribal Gaming Court proceedings; or

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

(ii) Violations of Confidentiality. Each willful violation of any of the provisions of this Section shall constitute grounds for:

(A) Removal as a Commissioner for cause;

(B) Discharge as an employee of the TGC or TGA pursuant to applicable personnel procedures.

c) **Audit**

1. The Tribe shall cause an annual outside independent audit of Gaming Operations to be conducted, and shall submit the resulting audit reports to the NIGC and the TGC.

2. All Gaming related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit.

d) **Gaming Activities, Regulations and Controls**

1. Permitted Gaming Activities.

(i) **Unauthorized Gaming Prohibited.** All Gaming Activities on Tulalip Tribal Lands (whether Class I, II or III) are prohibited except as expressly authorized under this Ordinance.

(ii) **Class I Gaming.** Class I Gaming Activities are hereby permitted to the extent consistent with Tribal custom and practice. Class I Gaming shall not require a license and is not regulated under this Ordinance. The Board of Directors may prohibit or prevent any conduct that is claimed to be Class I Gaming if it finds that such conduct is not in accordance with Tribal customs or practices or violates IGRA or any other applicable law.

(iii) **Class II and Class III Gaming.** Class II and Class III Gaming conducted on Tribal Lands are hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any Gaming Operation. The Tribe also reserves the right to contract with and license a person or Entity to operate or manage a Gaming Operation pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from engaging the services of non-Tribal persons as employees or engaging any person or Entity to assist the Tribe in the management of a Gaming Operation or Service pursuant to a management agreement entered into under the provisions of IGRA. Class III Gaming shall be conducted in accordance with the Compact or any alternative thereto as provided by IGRA. In addition to any other remedies which may be available, the TGA shall have authority to order immediate cessation of any Class II or III Gaming Activity on Tulalip Tribal Lands that is not owned or authorized by the Tribe.

(iv) Any Class II or III gaming establishment or activity operating on Tulalip Tribal Lands which is not owned or expressly authorized by the Tribe is prohibited and declared to be unlawful and a public nuisance, the remedy for which shall be an injunction and/or abatement and/or a civil fine(s) not to exceed \$5,000 per day, per violation. Fines may be issued by the Director and established as liens upon specifically described property involved in a violation of this Ordinance, by order of the Tribal Gaming Court. All liens shall be recorded with the appropriate government offices. Upon twenty (20) days' written notice served, or fifty (50) days' notice by publication, with opportunity to request a hearing no later than ten days after expiration of the notice period, the Tribal Gaming Court may order the property sold at public auction, or forfeited to the Tribe.

(v) The foregoing prohibitions or assertions of Tribal authority are not intended to apply to the State or State lottery retailers, authorized pursuant to RCW 67.70, implementing State regulations and procedures and this Ordinance. Accordingly, the Tribe will not then object to the following assertions of concurrent State authority in regard to the State lottery:

(A) The issuance and revocation of lottery retailer licenses and the regulation of the manner of lottery ticket sales within the boundaries of the Tulalip Tribal Lands, pursuant to State law;

(B) State court jurisdiction over State lottery licenses issues, including issuance or revocation, the conduct of a lottery retailer, the financial relationship between any licensee and the State lottery and other matters regarding State lottery operation;

(C) Jurisdiction of the State, or any lawfully appointed designee thereof, over State lottery administrative disputes, in accordance with State law;

(D) The entry upon Tulalip Tribal Lands and property where State lottery operations are conducted, including investigators or enforcement officers, solely for the purpose of conducting investigations and enforcing the provisions of RCW 67.70.

2. Prohibited Acts Related To All Gaming Activity.

(i) No person or Entity, or person in control of an Entity, required to obtain a license from the TGA shall give, or attempt to give, anything of value to:

- (A) TGC Commissioners,
- (B) TGC Employees,
- (C) the Director,
- (D) TGA Employees, or
- (E) the Board of Directors;

Provided, however, these the prohibitions shall not apply to items of insignificant value that are distributed without charge to the general public by such person or Entity.

(ii) No person or Entity participating in Gaming Activity at the TGO or any other Tribally-licensed Gaming Operation shall:

- (A) Cheat in any such Gaming Activity;
- (B) Possess any Cheating Device within the TGO or other Tribally-licensed Gaming Operation; or
- (C) Use any Cheating Device during the conduct of any such Gaming Activity.

In the event a TGA employee suspects that Cheating is taking place, the TGA 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 Director may impose fines of not more than Five Thousand Dollars (\$5,000) upon each person or Entity found to be Cheating or determined to be in possession of a Cheating Device. The Director may also order restitution of any funds unlawfully obtained through Cheating. The Director is authorized to seek recovery of any such fines or restitution, including reasonable attorneys fees and all costs, in the Tulalip Gaming Court.

3. Internal Control Standards

(i) The initial Gaming Regulations for this Ordinance shall be adopted concurrently by Board Resolution with this Ordinance. The Gaming Regulations shall include the Minimum Internal Control Standards as stated in 25 CFR Part 542 which are hereby adopted as the Tribal Internal Control Standards and designated as the TICS Appendix to the Gaming Regulations. Should the NIGC amend 25 CFR Part 542, those amendments shall be deemed automatically adopted by the TGC and the Board of Directors, and incorporated into the TICS Appendix. Where there is a direct conflict between a Compact internal control standard and the TICS Appendix, or where a Compact internal control standard provides a level of control that equals or exceeds the level of control under the TICS Appendix, the Compact internal control standard shall prevail. In all other cases, the TICS Appendix requirements shall prevail. The TICS Appendix shall not be construed to expand the scope of gaming activities authorized under the Compact.

(ii) The TGO shall be required to institute and maintain internal controls that are not less stringent than the minimum internal control standards required under the TICS Appendix. The TGC shall not regulate compliance of TGO internal controls or standard operating procedures that are more stringent than, or that are not specifically required by, the TICS Appendix or the Compact. Accordingly, TGC/TGA enforcement for violations of the TICS Appendix shall only be pursuant to the Corrective Action Order procedures as provided for elsewhere in this Ordinance.

(iii) The Tribes shall require an independent TICS Appendix compliance audit of the TGO to be conducted on an annual basis. This compliance audit may be combined with the annual audit required under this Ordinance. The internal audit department function required by the TICS Appendix will be performed by auditors separate from the TGO and TGC. The internal auditors shall report directly to the Board. All audit reports shall be submitted to the Board and the TGC.

4. Patron Dispute Resolution

(i) Procedure.

(A) Whenever a TGO employee and such TGO employee's supervisors are unable to resolve a Gaming dispute with a patron, such TGO Employee shall refer the customer to the Director. The Director shall review the complaint for compliance with regulatory requirements and provide a written determination to the patron, TGO and the TGC.

(B) Patrons disputing TGA's decision may appeal in writing to the Dispute Resolution Review Committee at the official TGA address within ten (10) days of receiving decision.

(C) TGO may also appeal the final determination to the Dispute Resolution Review Committee using the same guidelines available to the customer.

(ii) Dispute Resolution Review Committee

(A) The Dispute Review Committee shall consist of two (2) TGA employees or Commissioners and one (1) uninvolved operational employee from the affected TGO department in the Gaming dispute.

(B) Upon receiving notice from the patron the Dispute Review Committee shall schedule a hearing within ten (10) calendar days of receipt of the request.

(C) The Dispute Review Committee shall take into consideration any of its prior decisions and other documentation provided by the patron, TGA, and TGO.

(D) The Dispute Review Committee shall issue a written decision within ten (10) days of the hearing via certified mail with return receipt to the patron, the TGA and the TGO.

(E) The decision of the Dispute Review Committee shall be final and binding upon the patron and the TGO and shall not be subject to judicial review, dispute resolution, administrative or other legal action.

e) **Appeals**

1. Right of Appeal

(i) Any person or Entity against whom the Director imposes a fine for Cheating, or for conducting Class II or III Gaming Activities which are not owned or authorized by the Tribe, may appeal such action to the Tribal Gaming Court.

(ii) Any person or Entity subject to a Tribal Gaming license denial, suspension or revocation authorized by this Ordinance or Gaming Regulation may appeal such action to the Tribal Gaming Court.

(iii) The TGO may appeal Corrective Action Orders to the Tribal Gaming Court.

2. Tribal Gaming Court. An administrative tribunal, the Tribal Gaming Court is hereby established with jurisdiction to decide appeals under this Ordinance. The judge of the Tribal Gaming Court shall be a trial judge of the Tulalip Tribal Court.

3. Initial Review Hearings for Summary Suspensions. The Tribal Gaming Court shall conduct initial review hearings for summary suspensions in accordance with the procedures contained in this Ordinance.

4. Subpoenas. The Tribal Gaming Court shall have jurisdiction to issue and enforce subpoenas at the request of the TGC or the Director for investigation and hearing, and at the request of appellant for the purpose of requiring the attendance of relevant witnesses at hearing.

5. Manner and Time for Appeal. Appeals shall be commenced by written notice of appeal filed with the Clerk of the Tribal Gaming Court and served on the Director within fourteen (14) calendar days of the delivery of written notice of the action or Corrective Action Order appealed, or within sixteen (16) calendar days of the mailing thereof by certified mail, return receipt requested, to their last address of the person or Entity on file with the TGC or TGA. The Tribal Gaming Court shall dismiss any such appeal not timely filed.

6. 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.

7. Scheduling of Hearing. The Tribal Gaming Court shall schedule a hearing to occur 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 TGC or Director

8. Representation at Hearing. Any person admitted to practice before the Tulalip Tribal Court may represent the appellant at the hearing. The TGC or TGA shall be represented at the hearing by the Director, or the Director's designee. The Board may authorize the Tulalip Prosecuting Attorney's Office or outside attorney to provide legal services and representation to the TGC and TGA. With approval of the TGC, the Director may utilize an outside attorney-at-law to represent the TGC at a hearing.

9. Rules of Procedure. The Tribal Gaming Court shall establish rules of procedures for the administrative hearing. Pre-hearing discovery by the appellant shall be limited to examining and obtaining copies of the licensing and enforcement files of the TGC, the Director, or the TGA which directly relate to the licensing action being appealed. Both parties shall be entitled to pre-hearing disclosure of witnesses and exhibits each party intends to introduce at hearing.

10. Hearing. The hearing shall be to provide an opportunity for the appellant to be heard on the action being appealed. The appellant shall have the burden of proof under the applicable standard of review. Testimony shall be under oath and oral testimony shall be subject to cross-examination. The administrative hearing shall be less formal than a general civil proceeding under Ordinance 49. Technical rules of evidence shall not apply at hearings. The Tribal Gaming Court may consider hearsay evidence and may limit or exclude irrelevant or unduly repetitious evidence.

11. Personnel Issues. Rights that a Tribal employee may have under the Tribe's personnel policy or ordinance:

(i) are entirely separate from, and have no bearing upon, the issue of entitlement to a Tribal Gaming license, or the propriety of the denial, suspension or revocation of a Tribal Gaming license; and

(ii) shall not be considered by the Tribal Gaming Court in deciding any appeal of the denial, suspension or revocation of a Tribal Gaming license, and the Tribal Gaming Court shall have no authority to issue remedies related to employment, including back pay or reinstatement of employment.

12. Applicable Law. The applicable law at the hearing shall be this Ordinance and any Gaming Regulations adopted under authority of this Ordinance.

13. Decision. (a) The decision of the Tribal 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. The remedies available to the appellant shall be limited to: (1) issuance or reinstatement of Gaming license, (2) reversal of any license suspension, ((3) vacating or mitigating fine, and (4) reversal or modification of any Corrective

Action Order.

14. **Standard of Review.** In rendering its decision on appeals on the issues of the issuance or reinstatement of a Gaming license, or vacating or mitigating a fine, if the court finds that the appellant has failed to prove that the TGA action was either an abuse of discretion or clearly erroneous, the Tribal Gaming Court shall uphold the action of the TGA. In all other appeals, the action of the TGA shall be upheld if the Tribal Gaming Court finds it to be reasonable under the facts and circumstances present. The Tribal Gaming Court shall not have jurisdiction to order any relief or sanction which is in addition to, or in excess of that, ordered by the TGA.

15. **NIGC Notification.** The TGA shall notify the NIGC of all decisions that relate to the revocation or reinstatement of a Gaming license.

Section 5 Gaming Revenues.

a) Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all Net Revenues generated from any Gaming Activity are the property of the Tribe. The Tribe shall ensure that all Net Revenues from Class II and Class III Gaming Activities shall only be used for the following purposes:

1. to fund Tribal government operations or programs;
2. to provide for the general welfare of the Tribe and its members;
3. to promote economic development for the Tribe;
4. to donate to charitable organizations;
5. to help fund operations of local governmental agencies.
6. to make per capita payments from Net Revenues to the membership in accordance with the Tulalip Gaming Revenue Allocation Plan approved by the Secretary of Interior pursuant to IGRA.

b) Compliance with this Section shall be governed exclusively by the terms of the approved Tulalip Gaming Revenue Allocation Plan.

Section 6 General Provisions

a) **Independence from Tribal Security Agencies.** All Tribal Security Agencies, are, and shall remain, separate from and independent of the TGC and TGA. 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 TGC or TGA all Gaming regulatory violations of the Compact, this Ordinance, TGC regulations and other Gaming law or regulation applicable to the TGO, upon detection of the violation, and to assist the TGC, the Director, TGA employees and inspectors.

b) **Sovereign Immunity.** Nothing in this Ordinance shall be deemed to constitute a waiver of immunity on the part of the Tulalip Tribal government, corporation, or any Entity created by either as to any assets or property of any nature whatsoever, or the adjudication of any federal rights or immunities. The sovereign immunity of the Tribe is hereby extended to, and shall protect, the TGC, Commissioners, TGC Employees, the Director, and TGA employees and inspectors 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 or any Gaming Regulations adopted pursuant thereto; provided that such immunity shall not protect any person from procedures and sanctions expressly authorized and imposed under this Ordinance.

c) **Privilege.** Any written or oral statement made in the course of any official investigation, proceeding or process by any Commissioner, and TGC employee, the Director, or any TGA employee shall be absolutely privileged and shall not constitute a basis for civil liability of any Commissioner, the Director, or any TGA or TGC employee for defamation, or otherwise. Moreover, the listing of any person on the list of excluded persons required by the Compact, or the provisions 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 TGC employee, the Director, or any TGA employee for defamation or otherwise.

d) **Compliance with Federal Law.** The TGO will comply with all applicable federal law, including the Bank Secrecy Act, 31 U.S.C. 5311 et. seq.

e) **Compact.** Nothing in this Ordinance is intended to modify or rescind any mandatory requirements or duties set forth in the Compact between the Tulalip Tribes and the State of Washington. Issues related to the Compact negotiation, interpretation, amendment, and dispute resolution are specifically reserved to the Board of Directors, unless the Compact expressly provides otherwise.

f) **Severability and Construction**

1. All factors incident to the activities authorized in this Ordinance shall be closely controlled by the Tribes and the provisions of this Ordinance shall be liberally construed to achieve such end.

2. If any clause, part or section of this Ordinance be adjudged invalid, such judgment shall not affect or invalidate the remainder of the Ordinance, but shall be confined in its operation to the clause, part or section directly involved in the

controversy in which such judgment is rendered. If the operation of any clause, part or section of this Ordinance shall be held to be unconstitutional or otherwise invalid, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this Ordinance, the remainder of the Ordinance would nevertheless have been adopted without such invalid clauses, parts or sections.

g) **Effective Date.**

This Ordinance shall become effective the date of the latter occurrence of the review(s) and approval(s) required by: the Constitution of the Tribe; the Compact; IGRA and the NIGC.

Adopted by the Board of Directors of the Tulalip Tribes of Washington at a regular/special meeting assembled on the 4 day of November, 2005 with a quorum present by a vote of 4 for and 0 against with 0 abstaining.

TULALIP TRIBES OF WASHINGTON

By: Stanley G. Jones Sr.
Stanley G. Jones, Sr.
Chairman

ATTEST:

Marie M. Zackuse
Marie M. Zackuse
Secretary

GAMING REGULATIONS	2
REGULATION 1 AUTHORITY AND PURPOSES	2
1.010 Authority.....	2
REGULATION 2 DEFINITIONS	2
2.010 Definitions.....	2
REGULATION 3 TGA ADMINISTRATION	5
3.010 Employment of TGA Inspectors and Other TGA Employees.....	5
3.020 TGA Policies and Procedures.....	5
REGULATION 4 GAMING FACILITY EXCLUSIONS	5
4.010 Excluded Persons.....	5
REGULATION 5 INVESTIGATIONS	7
5.010 Investigatory Authority.....	7
5.020 Recording Incidents.....	7
5.030 Conduct of Investigations.....	7
5.040 Issuance of Investigatory Subpoenas.....	8
5.050 Confidentiality.....	8
REGULATION 6 LICENSING	9
6.010 Required Licenses.....	9
6.020 Prohibition of Unlicensed Activities.....	9
6.030 Applications for Licenses and Renewals.....	9
6.040 Application Forms/Privacy.....	11
6.050 Issuance or Denial of Gaming Licenses or License Renewals.....	12
6.060 Issuance of Temporary Licenses.....	12
6.070 Licensing of Persons under Age of 21 Years.....	13
6.080 Conditional License.....	14
6.090 Surrender, Loss or Destruction of Licenses.....	14
6.100 License Renewal.....	15
6.110 Revocation or Expiration of License - Notice.....	15
6.120 Identification Badges.....	15
REGULATION 7 ADDITIONAL REQUIREMENTS APPLICABLE TO CATEGORY A LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS	16
7.010 Additional Requirements.....	16
7.020 Background Investigations.....	16
7.030 Retention of Applications and Background Investigation Reports.....	18
7.040 Eligibility Determination.....	18
7.050 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the NIGC.....	20
7.060 Granting a License.....	21
REGULATION 8 ADDITIONAL REQUIREMENTS APPLICABLE TO GAMING VENDORS AND NON-GAMING VENDORS	21
8.010 Additional Requirements.....	21
8.020 Non-Exempt Gaming Vendors and Non-Gaming Vendors License application.....	21
8.030 State Certification.....	22
8.040 Annual Licenses Required.....	22
REGULATION 9 ADDITIONAL REQUIREMENTS APPLICABLE TO GAMING DEVICES, NEW GAMES AND ASSOCIATED EQUIPMENT	22
9.010 Rules for Class II and Class III Gaming Departments.....	22
REGULATION 10 ACCEPTANCE OF GRATUITIES FROM PATRONS	23
REGULATION 11 INTERNAL CONTROL STANDARDS	23
11.010 Internal Control Standards.....	23

GAMING REGULATIONS

REGULATION 1

AUTHORITY AND PURPOSES

1.010 Authority

These Gaming Regulations are promulgated pursuant to the authority conferred by Tulalip Gaming Ordinance 55 (Amended and Restated).

REGULATION 2

DEFINITIONS

2.010 Definitions

Unless a different meaning is clearly indicated, the terms used in these Gaming Regulations shall have the same meaning as defined in the Tulalip Gaming Ordinance 55, the Compact and the Indian Gaming Regulatory Act. The singular shall mean the plural and the plural shall mean the singular.

- a. "Applicant" means any person or Entity that has applied to the TGA for a License or a Tribal Gaming License renewal as herein defined.
- b. "Career Offender" means any person who pursues or who has pursued activities in an occupational manner deemed to be criminal violations in violation of the criminal code and/or of the public policy of the Tulalip Tribes. For purposes of this section, "occupational manner" shall mean the systematic planning, administration, management or execution of an activity for financial gain.
- c. "Career Offender Cartel" means any group of persons who operate together as Career Offenders.
- d. "Cheat" means to:
 1. Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;
 2. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;
 3. Engage in any act, practice, or course of operation while participating in a gaming activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or any operator;
 4. Alter the selection of criteria which determine the result of a game or the amount or frequency of payment in a game;
 5. Aid, abet or conspire to commit any of the forgoing prohibited conduct.

- e. "Cheating Device" means any machine, mechanism, equipment, card, die, or other device used, or attempted to be used, to Cheat.
- f. "Compact" means the Tribal-State Compact for Class III Gaming between the Tulalip Tribes and the State of Washington, as the same may be amended from time to time.
- g. "Director" means the Director of the TGA.
- h. "Entity" means 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.
- i. "Gaming Facility" means the room or rooms, building or portions thereof in which Class II and/ or Class III Gaming as authorized by this Ordinance is conducted on Tulalip Tribal Lands.
- j. "Gaming Vendor" means any person or Entity providing of any goods or services to the Tribe directly in connection with the operation of the Class III gaming, including equipment, maintenance or security services for a Gaming Facility.
- k. "Non-Gaming Vendor" means any person or entity providing tangible non-gaming items of inventory, equipment, and fixtures, used in connection with any gaming operation (such as office furniture, office supplies, soda or liquor and soda or liquor dispensing equipment), and service or such inventory, equipment and fixtures (such as service for soda dispensing equipment).
- l. "Key Employee" means a TGO employee who performs one or more of the following functions:
 1. Cage Manager;
 2. Cage Shift Supervisor;
 3. Vault Cashier;
 4. Main Bank Cashier;
 5. Line Cashier;
 6. Count Team Member;
 7. Count Team Supervisor;
 8. Director of Security Operations;
 9. Security Personnel;
 10. Chief Operations Officer;
 11. Shift Manager;
 12. Pit Manager;
 13. Floor Supervisor;
 14. Dealer;
 15. Bingo Caller;
 16. Bingo Supervisor;
 17. Bingo Cashier;
 18. Custodian of Gaming Supplies or Cash;

- 19. Croupier
 - 20. Approver of Credit
 - 21. Custodian of Gambling Devices, including persons with access to cash and accounting records within such devices;
 - 22. Any employee engaged in Finance or Accounting Functions;
 - 23. If not otherwise included, any other TGO Employee whose total cash compensation is in excess of \$50,000 per year; or
 - 24. If not otherwise included, the four most highly compensated persons in the TGO.
- m. "License" means a Tribal Gaming License issued by the TGA including Gaming Facility Licenses, Category A Licenses, Category B Licenses, Gaming Vendor Licenses, and Non-Gaming Vendor Licenses, as these Licenses are defined in Tulalip Gaming Ordinance 55.
 - n. "Licensee" means any person or Entity to whom the TGA has issued a License, or Temporary License.
 - o. "NIGC" means the National Indian Gaming Commission established pursuant to the Indian Gaming Regulatory Act.
 - p. "Person in Control" means each person determined by the Director to have the ability to exercise significant influence or control over the actions of an Entity.
 - q. "Primary Management Official" means any person
 - 1. who has responsibility for a management contract; or
 - 2. who has authority:
 - i. To hire and fire employees, or
 - ii. To set up a working policy for the TGO; or
 - 3. The chief financial officer or other person who has financial management responsibility of the TGO.
 - r. "RCW" means the Revised Code of Washington.
 - s. "State Gaming Agency" means the Washington State Gambling Commission.
 - t. "Temporary License" means a License issued by the TGA prior to the completion of all necessary investigation pursuant to these Gaming Regulations.
 - u. "TGA" means the Tulalip Gaming Agency established by the TGC as its gaming enforcement and investigative branch.
 - v. "TGA Employee" mean those persons employed by the TGA.
 - w. "TGA Inspector" means those TGA Employees authorized by the Director to participate in the investigatory duties of the TGA.
 - x. "TGC" means the Tulalip Gaming Commission.

- y. "TGO" means any TGA licensed Class II or Class III gaming in any Gaming Facility operated by the Tribe on Tulalip Tribal Lands.
- z. "Tribe" and "Tribal(ly)" means the Tulalip Tribes of Washington.
- aa. "Tulalip Tribal Lands" means (1) all lands within the limits of the Tulalip Indian Reservation boundaries, and (2) any lands title to which is either held in trust by the United States for the benefit of the Tribe or individual or held by the Tribe or individual subject to restriction by the United States against alienation over which the Tribe exercises governmental power.

REGULATION 3 TGA ADMINISTRATION

3.010 Employment of TGA Inspectors and Other TGA Employees

The Director shall, in accordance with the procedure of Ordinance 84, employ TGA Inspectors and TGA Employees as the Director deems necessary or appropriate to carry out all of the duties of the Director, subject to approved budgetary funding; provided that in no event shall the Director employ any person as a TGA Employee, or continue to employ an existing TGA Employee, if such person is or becomes an employee of the TGO, any other Licensee, or any other Gaming Operation (whether or not Tribally-licensed). TGA employees shall meet gaming licensing requirements. The TGA Director and the TGA inspectors shall require a Category A License. All other TGA employees shall require a Category B License.

3.020 TGA Policies and Procedures

The Director may develop policies and procedures governing TGA Employee matters, in addition to those contained in Ordinance 84, which policies and procedures shall be submitted first to the TGC for its review and approval, and upon such approval, submitted by the TGC to the Board of Directors for adoption. The Director may also develop internal TGA operating policies and procedures, which shall require approval of the TGC and the Board of Directors prior to implementation.

REGULATION 4 GAMING FACILITY EXCLUSIONS

4.010 Excluded Persons

- a. The Director shall establish a list of persons barred from all Gaming Facility premises of the TGO which shall be known as and hereinafter referred to as the List of Excluded Persons. The Director may include the name of any person on such list the presence of whom in any TGO establishment is determined by the Director, in his sole discretion, to be contrary to the best interests of the Tribe. Without limiting the generality of the foregoing, persons who may be included on the List of Excluded Persons include:
 1. Persons with a criminal history, or history of association with Career Offenders or Career Offender Cartels, of a nature that poses a threat to the integrity of the TGO;

2. Persons who have engaged in conduct, or who have a reputation for engaging in conduct, that could adversely affect public confidence or trust in the integrity or safety of the TGO; and
 3. Persons who engage in conduct which adversely affects the health, security and welfare of the TGO, patrons or employees, including but not limited to cheating, assault, theft, panhandling or misrepresentation, fraud, threatening or intimidating behavior, use and/or possession of a controlled substance or drug paraphernalia, intoxication and disorderly conduct.
- b. Problem Gambling exclusions:
1. Voluntary exclusions -- upon notification to the TGA and written agreement by the person seeking assistance with a gambling problem, the TGA shall be authorized to serve exclusion notices from any and all TGO establishments on Tulalip Tribal Lands.
 2. Involuntary exclusions – upon written notification to the TGA of a person with a gambling problem, a review of the totality of circumstance shall be conducted and forwarded to the Director for a final determination of whether to exclude the person based on problem gambling.
- c. The Director shall send a copy of the List of Excluded Persons to the State Gaming Agency and the TGO on a quarterly basis.
- d. The reason(s) for including any person on the List of Excluded Persons shall be maintained in separate TGA files and shall not be set forth on the List of Excluded Persons. Such separate files shall be maintained on a confidential basis, and shall not be available for examination or provided to any person other than the Director, TGA Inspectors and TGA Employees specifically authorized by the Director, and the TGC.
- e. The TGA and the TGO shall employ their best efforts to preclude persons named on the List of Excluded Persons from entering any TGO establishment premises. All persons on the List of Excluded Persons who have received notice of such exclusion shall be subject to prosecution for trespass if they enter any TGO premises.
- f. No licensed employee of the TGO shall be excluded unless prior to such exclusion, the person's license is suspended or revoked. If the person's license is later reinstated and the person becomes re-employed by the TGO, such exclusion shall be rescinded.
- g. Any person excluded shall have the right to petition the Director for an order removing them from the list of Excluded Persons; provide that a person excluded for problem gambling may not petition to have their exclusion overturned until after a period of one year from the date of exclusion. The Director shall establish procedures for hearing petitions from excluded persons.

REGULATION 5 INVESTIGATIONS

5.010 Investigatory Authority

The TGA, the Director, TGA Inspectors, and TGA Employees specifically authorized to do so by the Director, shall have authority to:

- a. Investigate the conduct of any Licensee to enforce and to assist in the enforcement of Tulalip Gaming Ordinance 55 and these Gaming Regulations;
- b. Investigate whether grounds exist for the granting, denial, suspension, or revocation of a License; and
- c. Investigate allegations related to unlicensed or unauthorized Class II or III gaming activity occurring on Tulalip Tribal Lands.

5.020 Recording Incidents

The TGA shall have the responsibility to record any and all unusual occurrences within the TGO establishments. Each incident, without regard to materiality, shall be assigned a sequential number and, at a minimum, the following information shall be recorded in indelible ink in a bound notebook from which pages cannot be removed and each side of each page of which is sequentially numbered:

- a. The assigned number;
 - b. The date;
 - c. The time;
 - d. The nature of the incident;
 - e. The person involved in the incident; and
 - f. The security department employee assigned, if any.
- Alternative computer documentation and/or procedures may be utilized which provide at least the level of control described by the standards in this section.

5.030 Conduct of Investigations

- a. At any time during the conduct of an investigation authorized by these Gaming Regulations, the TGC, the Director, TGA Inspectors, and TGA Employees specifically authorized to do so by the Director, shall have the right to:
 1. Conduct interviews of witnesses;

2. Take written statements from witnesses;
 3. Free and immediate access to all Gaming Facilities, gaming areas, premises, facilities, offices, employees, books and records (including computer records), and any and all off-site storage (whether located on or off Tulalip Tribal Lands) of the Licensee;
 4. Free and immediate access to, and use of, all surveillance equipment and surveillance records;
 5. Inspect, examine and photocopy all papers, books, and records of the TGO;
 6. Examine or inspect any gaming devices, equipment or supplies of the TGO;
 7. Seize, remove, and/or impound, any Cheating Devices;
- b. The TGA shall conduct investigations in a professional manner which will not unnecessarily disrupt the legitimate operations of the TGO.

5.040 Issuance of Investigatory Subpoenas

During the course of any investigation, the Chairman of the TGC, the Director, any TGA Inspector, and/or a TGA Employee specifically authorized to do so by the Director, may request the Gaming Court to issue and to enforce any investigatory subpoena authorized by Tulalip Gaming Ordinance 55.

5.050 Confidentiality

- a. Except to the extent required by applicable law, and except as provided in subsection (b), all information gathered during an investigation by the TGC, the Director, the TGA, or TGA Inspectors, is designated as confidential and shall not be divulged to persons or Entities other than the TGC, the Director, the TGA, and TGA Inspectors and other TGA Employees specifically authorized by the Director, and, where required by the Federal law or the Compact, the NIGC or the State Gaming Agency.
- b. Except to the extent that non-disclosure or privacy of such confidential information is prohibited by applicable Tribal or other law, all information collected in an investigation:
 1. May be admitted into evidence and discussed during the course of any hearings or other proceedings before the TGC or the Gaming Court; and
 2. In the case of information supporting a License denial, suspension, revocation or fine, shall be divulged to the Applicant or Licensee.
- c. This Section shall not confer any rights upon any person or Entity and shall not be construed as providing a basis for a claim by any person or Entity for damages by way of defamation or otherwise due to release of any information designated as confidential by this Gaming Regulation.

REGULATION 6 LICENSING

6.010 Required Licenses

An annual License is required in every instance specified by the Compact, Tulalip Gaming Ordinance 55, and applicable federal law.

6.020 Prohibition of Unlicensed Activities

- a. A person may not be employed at any Class II or Class III Gaming Facility unless they have been issued a License or Temporary License. In addition to the required License, each employee of a Class III Gaming Facility must also meet all State Certification requirements, if any, contained in the Compact.
- b. No person or Entity may engage in conduct or activity for which a License is required without first obtaining such License. In addition to the required License, each person or Entity manufacturing, supplying, selling, or otherwise providing gaming related services to Class III Gaming Facilities shall also meet all State Certification requirements, if any, contained in the Compact.
- c. Any non-exempt person or Entity extending financing, either directly or indirectly, to the TGO shall first be required to obtain a License. In addition, financing Entities shall be required to meet all State Certification requirements, if any, contained in the Compact.

6.030 Applications for Licenses and Renewals

- a. Each Applicant shall apply on forms provided by the TGA, and shall submit the completed application form under penalty of perjury.
- b. The application form for an initial License may include questions concerning:
 1. Personal background information;
 2. Past employment history;
 3. Participation in legal or illegal activities in the State of Washington or other jurisdictions including foreign countries;
 4. Criminal arrest record information; and
 5. Other information deemed appropriate by the Director for evaluation of the application.

The application for a renewal form may, in the discretion of the Director, include significantly fewer questions.

- c. The Director may require an Applicant to submit, under penalty of perjury, such additional information and documents as the Director deems relevant to evaluate the application for initial License or License renewal.
- d. Key Employees and Primary Management Officials shall be required to submit additional information as provided for in these Gaming Regulations for Category A Licenses. All other employees shall submit a short form licensing application for Category B Licenses.
- e. In the case of an Entity which applies for an initial License or License renewal, the Director may require the Applicant to submit such information as the Director deems appropriate to allow the Director to identify each Person in Control of such Entity, and evaluate each such Person in Control as if they were the Applicant.
- f. Applicants for the following Licenses shall pay to the TGA a non-refundable fee, in the amount initially set forth below, at the time such Applicant submits its application for initial License, License renewal, or License replacement to the TGA: (the following license fee schedule may be adjusted annually by the TGC, with approval of the Board of Directors. Annual fee schedule adjustments, shall become effective upon approval by the Board of Directors and shall thereafter be publicly posted,)
 - 1. Initial or Renewal TGO Class II Facility Application - \$10,000.00
 - 2. Initial or Renewal TGO Class III Facility Application - \$20,000.00
 - 3. Initial or Renewal Gaming Vendor Application/headquarters in Washington State - \$ 100.00
 - 4. Initial or Renewal Gaming Vendor Application/headquarters not in Washington State - \$200.00
 - 5. Initial or Renewal Non-Gaming Vendor Application/headquarters in Washington State - \$50.00
 - 6. Initial and Renewal Non-Gaming Vendor Application/headquarters not in Washington State - \$100.00
 - 7. Initial Employee Application for Class II gaming activity/residing in Washington State, Category A - \$50.00; Category B- \$25.00
 - 8. Initial Employee Application for Class III gaming activity/residing in Washington State – Category A - \$50.00 plus the then-current State Gaming Agency fee for certification; Category B - \$25.00
 - 9. Renewal Employee Application for Class II or Class III gaming activity/residing in Washington State – Category A \$25.00; Category B - \$15.00
 - 10. Initial Employee Application for Class II gaming activity/residing outside Washington State – Category A & B - \$50.00

11. Initial Employee Application for Class III gaming activity/residing outside Washington State – Category A & B - \$50.00 plus the then-current State Gaming Agency fee for certification
 12. Renewal Employee Application for Class II gaming activity or Class III gaming activity/residing outside Washington State – Category A & B \$25.00
 13. Initial and Renewal State Lottery Retailer Application - \$50.00.
 14. Replacement of License I.D. Badge: \$15.00
- g. In addition to the fee described in subsection (f) above, Applicants shall pay for all costs and expenses (including, without limitation, applicable State Certification fees, transportation, lodging, meals, document reproduction, law enforcement records searches, and an hourly rate for each TGA Inspector and TGA Employee participating in such investigation) incurred by the TGA in conducting investigations into their backgrounds, suitability, and qualifications for receiving a License or License renewal. The Director shall establish an hourly rate for each hour spent by TGA Inspectors and other TGA Employees in conducting such investigations. Estimates of licensing costs will be provided to applicants upon reasonable request. All fees and costs must be received by the TGA prior to issuance of the License, unless the Tribe or the TGO has agreed to reimburse the TGA directly for all or part of such fees and costs. With respect to employee Applications residing in Washington State, the Director may waive the requirement to pay for costs and expenses.

6.040 Application Forms/Privacy

- a. Each application form for a Key Employee or a Primary Management Official, as well as for all other license Applicants, unless otherwise specifically exempted by the TGA consistent with applicable law, shall contain the following notices:
 1. Privacy Act Notice. In compliance with the Privacy Act of 1974, the following information is provided:

Solicitation of the information on this form is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a Gaming Operation. The information will be used by the Tribe and the NIGC members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Tribal, Federal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by the Tribe or the NIGC in connection with the hiring or firing of an employee, the issuance or revocation of a Gaming License, or investigations of activities while associated with the Tribe or a Gaming Operation. Failure to consent to the disclosures indicated in this notice will result in the Tribe being unable to hire you in a Primary Management Official or Key Employee position.

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

2. Notice Regarding False Statements.

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

- b. Any existing Key Employee or Primary Management Official, , unless otherwise specifically exempted by the TGA, shall be notified that they shall either:
 - 1. Complete a new application form that contains the Privacy Act Notice and the Notice Regarding False Statements; or
 - 2. Sign a Statement that contains the Privacy Act Notice and consent to the routine uses described in that Notice, and sign a Statement that contains the Notice Regarding False Statements.

6.050 Issuance or Denial of Gaming Licenses or License Renewals

- a. The burden of establishing entitlement to a License or License renewal under this Section shall be upon the Applicant and the Applicant shall have the burden to establish such entitlement.
- b. The Director may deny an application for a License or License renewal to any Applicant who does not satisfy all applicable requirements for licensure of Tulalip Gaming Ordinance 55, these Gaming Regulations, the Compact, and Tribal, or Federal law.

6.060 Issuance of Temporary Licenses

- a. Unless the initial screening or the background investigation discloses, within twenty (20) days of the receipt of a completed application, that the Applicant has a criminal history or is otherwise deemed unsuitable for licensure pursuant to these Gaming Regulations, the Compact, Tribal or Federal law, the Director may issue a Temporary License to the Applicant. Any Applicant who was licensed by another tribe's gaming operation immediately prior to applying for a License, and who has a current State certification, may be immediately issued a Temporary License by the Director pending completion of the License investigation. The Temporary License shall be valid for the period fixed by the Director, not to exceed six (6) months.
- b. A Temporary License shall only be issued when the Director is satisfied that the investigation of the person or Entity Applicant conducted thus far, and the application in its entirety indicates at least one of the following:
 - 1. The Applicant meets all the requirements of these Gaming Regulations, Tribal law, Federal law, and the Compact, and the Applicant does not present any danger to the public or to the reputation or integrity of the Tribe, or the TGO; or

2. Issuance of a Temporary License is of economic necessity to the TGO and is just under the circumstances.
- c. The Temporary License shall become void and be of no effect upon either the issuance or denial of a License.
- d. No person or Entity issued a Temporary License pursuant to these Gaming Regulations shall be entitled to receive any refund of the annual License fee submitted in connection with such person's or Entity's initial License application.
- e. The Director may change a Temporary License into a License when:
 1. All investigations into the License application are complete; and
 2. The Director is satisfied the holder of a Temporary License qualifies to hold a License. When the TGA changes a Temporary License into a License, the date of issuance of the License shall be deemed that of the first Temporary License.
- f. A Temporary License may expire of its own accord, or it may be suspended, revoked, or summarily suspended under the same terms and conditions as a License.
- g. The Director may issue consecutive Temporary Licenses in his or her discretion.
- h. The Director may, if an emergency of temporary nature occurs and short term specialized skills are needed to correct the problem, grant a License for the period of time necessary to fix, repair, or correct the emergency problem. At all times it shall be the Director who decides, based upon the circumstances surrounding the problem, if there is sufficient cause for issuance of such a temporary emergency License.

6.070 Licensing of Persons under Age of 21 Years

- a. The Director shall not ordinarily grant a License to a person less than twenty-one (21) years of age, and in no event grant a License to any person less than eighteen (18) years of age to work in gaming areas or where otherwise prohibited by applicable law..
- b. Should the Director grant a License to a prospective TGO Employee under the age of twenty-one (21) years of age, the following conditions shall be reduced to writing and signed by the Applicant and forwarded to the Chairman of the TGC for approval:
 1. The Applicant agrees to enter or leave the TGO establishment through an entrance reserved for employees only and not use the common entrances of patrons or other visitors;
 2. The Applicant agrees to proceed from the employee's lounge of the TGO establishment directly to and from the pit or other employment area of without loitering in any area in which gaming activity occurs;

3. The Applicant agrees, during lunch breaks, to proceed directly to and from the pit or other employment area to the fast foods deli or restaurant of the TGO establishment without loitering in any area in which gaming activity occurs. All other breaks shall be in the deli area or in the TGO establishment's employee lounge;
4. The Applicant agrees to use only the restrooms that have been installed by the TGO establishment's employee lounge and not those that are located throughout the TGO establishment; and
5. If the Applicant is working in the TGO's Maintenance Department, the Applicant agrees to perform the functions of the job and refrain from loitering and talking with the patrons or other TGO Employees in any area in which gaming activity occurs.

6.080 Conditional License. The Director may issue a conditional license to tribal member applicants or licensees who do not strictly meet the licensing criteria required under these gaming regulations. The Director shall only issue a conditional license upon a finding that (1) the applicant or licensee is a tribal member who does not satisfy all required licensing criteria, (2) the applicant or licensee is not disqualified due to a felony criminal conviction within the last ten years that is of the type specifically listed in these regulations as disqualifying, (3) the Director has determined that imposing conditions on a licensee will sufficiently ameliorate licensing concerns and that the applicant or licensee who strictly adheres to such conditions will not pose an appreciable risk to the public or to the lawful operation of a Gaming Facility. Conditional licenses shall not be issued to applicants or licensees who satisfy all licensing criteria.

Upon a determination that an applicant or current licensee qualifies for a conditional license, the Director may impose all reasonable conditions necessary to address the deficiencies in the applicant's licensing qualifications and to protect the lawful operation of the Gaming Facility. The satisfying of conditions by the licensee shall be necessary to maintaining their license eligibility. The conditions shall be reviewed periodically for compliance and at each renewal cycle to determine if it is necessary for the conditions to continue in force. The issuance of a conditional license is within the discretion of the Director, and the conditions contained in a conditional license shall not be subject to appeal. Failure to adhere to specific conditions imposed by a conditional license shall be grounds for license suspension or revocation, which may be appealed through the license appeal procedure.

The issuance of a conditional license does not alter any NIGC licensing requirements, or State certification license requirements, and holders of conditional licenses must satisfy all requirements imposed by the NIGC or the State Gaming Agency, where applicable. The TGC is authorized to enter into cooperative arrangements with the NIGC and State Gaming Agency regarding Conditional licensees. All conditional licenses in effect at the time of enactment of this subsection shall remain in effect under the criteria applicable at the time the conditional license was issued, until the license expiration date.

6.090 Surrender, Loss or Destruction of License Identification Badge

- a. Upon the loss, mutilation or destruction of any License Identification Badge, the Licensee shall immediately notify the TGA and submit an application for a replacement License Identification Badge, on a form approved by the Director.

- b. Such application shall be accompanied by a written statement signed by the Licensee which details the circumstances under which the License Identification Badge was lost, mutilated, or destroyed, and which certifies that such License was, in fact, lost mutilated, or destroyed.
- c. A mutilated License Identification Badge shall be surrendered to the TGA upon issuance or denial of a replacement License Identification Badge.
- d. A lost License Identification Badge, when found, must be immediately surrendered to the TGA.

6.100 License Renewal

- a. Every Licensee intending to continue engaging in Tribal gaming employment during the next year or applicable License period shall apply for renewal of the License at least 30 days prior to the end of the previous License period, unless the TGA prescribes a different time period.
- b. Subject of the power of the TGA to deny, revoke or suspend Licenses, in any case in which a Licensee has made a timely and sufficient application for the renewal of a License for the conduct of a previously licensed activity of a continuing nature, and paid all required licensing fees, the existing License shall not expire until such application has been finally acted upon by the TGA.
- c. Renewal of a License may be denied by the TGA for any reason which would, or could, have prevented its original issuance.

6.110 Revocation or Expiration of License – Notice

It is the responsibility of the TGA to provide written notice to the TGO of all License suspensions, revocations and expirations. Licensees who receive a License expiration notice shall not be permitted to return to work as licensed TGO employees until their license renewal forms and fees have been submitted to the TGA. Upon submission of an application and required fees, a TGO employee may return to work under the previously expired license until the TGA takes action on the renewal application, or the license is suspended or revoked. A Licensee who has received a license suspension, revocation or expiration notice from the TGA shall notify their supervisor within 24 hours after receipt of such notice. When any Licensee changes employment, is terminated or resigns, the TGO shall notify the Director within 7 days.

6.120 Identification Badges

The TGA shall require all gaming employees to wear, in plain view, license identification badges issued by the TGA which include photo, first name and a four digit identification number unique to the License, the License Class and/or State certification, if required, which shall include a Tribal seal or signature, and a date of expiration. The function of License identification badges is to identify gaming license holders who are employed by the TGO. Only current employees of the TGO may possess a gaming employee license identification badge, and must immediately return their identification badge upon separation from TGO employment. Lack of employment in the TGO, however, will not effect a person's gaming license status and a person may be reissued an

identification badge if their license remains in good standing and they are subsequently re-employed by the TGO.

**REGULATION 7 ADDITIONAL REQUIREMENTS APPLICABLE TO CATEGORY A
LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT
OFFICIALS**

7.010 Additional Requirements

The provisions of this Gaming Regulation Section 7 shall apply, in addition to the licensing requirements above, in the case of Category A License.

7.020 Background Investigations

In accordance with NIGC regulations, a background investigation shall be performed by the Director for each Key Employee and Primary Management Official of the TGO.

- a. All of the following information shall be requested from each Key Employee and Primary Management Official License Applicant:
1. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, and all languages (spoken or written);
 2. Current and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
 3. 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 (a)(2) of this Section;
 4. Current business and residence telephone numbers;
 5. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
 7. 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;
 8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;

9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved, and the date and disposition;
 10. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to paragraph (a)(8) or (a)(9) of this Section, the criminal charge, the name and address of the court involved and the date and disposition;
 11. 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;
 12. A photograph;
 13. Any other information the TGA deems relevant; and
 14. Fingerprints.
- b. The background investigation conducted shall be sufficient to allow the eligibility determination required under NIGC regulations and these Gaming Regulations. Background investigations shall include the following:
1. Verify applicants identity through items such as social security card, drivers License, birth certificate, or passport;
 2. Contact personal and business references;
 3. Obtain a personal credit check for all Key Employees engaged in Gaming Finance or Gaming Accounting functions, and all Primary Management Officials;
 4. Conduct a criminal history check via submission of fingerprints to the NIGC, and obtain further information from the appropriate court regarding past felony and/or misdemeanor convictions and criminal charges within the past ten (10) years;
 5. Inquire into any previous or existing business relationships with the gaming industry and Indian tribes by contacting the entities or tribes;
 6. Verify the Applicant's history and status with any licensing agency by contacting the agency; and
 7. Take other appropriate steps to verify the accuracy of the information submitted by the Applicant.
- c. In conducting a background investigation, the TGA shall keep confidential the identity of each person interviewed in the course of the investigation.

- d. When the Director forwards his/her report the NIGC, it shall include a copy of the eligibility determination.

7.030 Retention of Applications and Background Investigation Reports

In accordance with NIGC regulations, for Primary Management Officials or Key Employees, the Director shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the NIGC or his or her designee for no less than three (3) years from the date of termination of employment.

7.040 Eligibility Determination

- a. The Director shall review a person's prior activities, criminal record, if any, reputation, habits and associations to make a finding concerning the eligibility of a Key Employee or a Primary Management Official for employment with the TGO. If the Director determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the TGO shall not employ that person in a Key Employee or Primary Management Official position.
- b. The following individually and collectively are reasons for which the TGA deems it to be in the Tribal or public interest to deny a License or License renewal for a person or entity:
 - 1. The Applicant is not at least 21 years of age, unless the Director determines to License such person under the provisions of these Gaming Regulations.
 - 2. The Applicant has made a material misrepresentation or omission of fact on the application for License or renewal, or has otherwise made a misrepresentation of, or failed to disclose, a material fact to the TGC, the Director, any TGA Inspector, the State Gaming Agency, or any agent of the State Gaming Agency.
 - 3. The Applicant obtained a License or License renewal, state certification, or State License, by fraud, misrepresentation, or concealment.
 - 4. The Applicant, or any Person in Control of an Entity Applicant, has engaged in any conduct involving deceit, dishonesty, theft, assault or other physical violence.
 - 5. The Applicant, or any Person in Control of an Entity Applicant, has been convicted of, forfeited bond upon a charge of, pleaded guilty to, is subject to current prosecution or pending charges or a conviction which is under appeal for, or has committed acts which constitute, any of the following offenses:
 - (a) Forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to any Tribal, state, or federal agency, or of filing false reports with any Tribal, state or federal agency, or of any similar offense or offenses.

- (b) Bribing or otherwise unlawfully influencing a public official or employee of the Tribe, any state or the United States.
 - (c) Any crime, whether a felony or misdemeanor; involving any gambling activity, dishonesty or theft.
 - (d) Within the past ten (10) years, any felony involving assault, physical harm to individuals, physical violence or moral turpitude; provided however, crimes, other than gambling, of a Tribal member relating to the exercise or defense of Tribal treaty rights shall not be grounds for denial of a License.
6. The Applicant, or any Person in Control of an Entity Applicant, has, within the past five (5) years, been convicted of any misdemeanor involving physical harm to individuals, or non-violent felony not covered by (5) above.
 7. The Applicant, or any Person in Control of an Entity Applicant, is on the List of Excluded Persons or qualifies to be on such list.
 8. There is probable cause to believe the Applicant, or any Person in Control of an Entity Applicant, is involved in the manufacture, sale or distribution of illegal substances.
 9. The Applicant, or any Person in Control of an Entity Applicant, has abstracted, purloined, willfully misapplied, taken or carried away with intent to steal, any money, funds, or other property of the TGO or of any person or Entity.
 10. The Applicant, or any Person in Control of an Entity Applicant, has engaged in conduct to defraud the TGO or any person or Entity, or to otherwise wrongfully deprive the TGO or any person or Entity, of money, property or other thing of value.
 11. The Applicant, or any Person in Control of an Entity Applicant, has engaged in Cheating as a gaming employee or as a patron.
 12. The Applicant, or any Person in Control of an Entity Applicant, has had a gaming License suspended, revoked, or forfeited by any other jurisdiction.
 13. The Applicant, or any Person in Control of an Entity Applicant, has pursued, or is pursuing, economic gain in an occupational manner or context which is in violation of the criminal laws of the Tribes, the State of Washington, or the United States, if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this Section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.
 14. The Applicant, or any Person in Control of an Entity Applicant, is a Career Offender or a member of a Career Offender Cartel or an associate of a Career Offender cartel in such a manner which

creates probable cause to believe that the association is of such a nature as to be inimical to the proper operation of the authorized gambling or related activities in this state.

15. The Applicant, or any Person in Control of an Entity Applicant, has, without good cause, failed to appear and testify fully and truthfully, and produce any records, at the time and place designated in an investigatory subpoena or subpoena duces tecum issued under these Gaming Regulations.
16. The Applicant, or any Person in Control of an Entity Applicant, has failed to immediately notify the TGA of any criminal charge filed against the Applicant, or any Person In Control of an Entity Applicant, and of any criminal conviction, whether such charge or conviction arise under any tribal, state or federal law.
17. The Applicant, or any Person in Control of an Entity Applicant, has knowingly caused, aided, abetted, or conspired with another to engage in conduct that constitutes grounds for denying a License under any the provisions of this Section.

The above guidelines are not intended to be an exhaustive list of reasons justifying license denial or revocation, but if the Director relies on reasons for license denial or revocation that are not expressly stated above, the reasons shall be of a similar character or type to those stated above, and shall relate directly to the underlying standard for licensing found in 7.040(a).

7.050 Procedures for Forwarding Applications and Reports for Key Employees and Primary Management Officials to the NIGC

- a. When a Key Employee or a Primary Management Official begins works at the TGO, the Director shall:
 1. Forward to the NIGC a completed application for employment that contains the notices and information required by NIGC regulations and these Gaming Regulations; and
 2. Conduct a background investigation under 25 C.F.R. Part 556, and these Gaming Regulations, to determine the eligibility of the Key Employee or Primary Management Official for continued employment with the TGO.
- b. In accordance with NIGC regulations, upon completion of a background investigation and a determination of eligibility for employment in a gaming operation, the Director shall forward a report to the NIGC within 60 days after an employee begins work. An investigative report shall include all of the following:
 1. Steps taken in conducting a background investigation;
 2. Results obtained;
 3. Conclusions reached; and
 4. The basis for those conclusions.

- c. The TGO shall not employ a Key Employee or Primary Management Official who does not have a License after 90 days.
- d. During a thirty (30) day period beginning when the NIGC receives a report submitted under paragraph (b) of this Section, the NIGC Chairman may request additional information from the Tribe concerning a Key Employee or a Primary Management Official who is the subject of a report. Such a request shall suspend the thirty (30) day period until the NIGC Chairman receives the additional information.
- e. If a determination is made by the Director to not issue a License or License renewal to an Applicant:
 - 1. The Director shall notify the NIGC; and
 - 2. May forward copies of his/her eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Record System.

7.060 Granting a License

- a. If, within the thirty (30) day period described in 25 C.F.R. 558.3(c), the NIGC notifies the Tribe that it has no objection to the issuance of a License pursuant to a License application filed by a Key Employee or a Primary Management Official for whom the Director has provided an application and investigative report to the NIGC pursuant to 25 C.F.R. 558.3(a) and (b), and these Gaming Regulations, the Director may issue a License to such Applicant. For Category B Licenses that are not required to be forwarded to the NIGC, the TGA shall issue the License after it determines that the applicant is eligible for a Category B License.
- b. If, within the thirty (30) day period described in 25 C.F.R. 558.3(c), the NIGC provides the Tribe with a statement itemizing objections to the issuance of a License to a Key Employee or to a Primary Management Official for whom the Director has provided an application and investigative report, the Director shall reconsider the application, taking into account the objections itemized by the NIGC, and shall determine to issue or to deny a License to such Applicant.

REGULATION 8 ADDITIONAL REQUIREMENTS APPLICABLE TO GAMING VENDORS AND NON-GAMING VENDORS

8.010 Additional Requirements

The licensing provisions in these Gaming Regulations shall apply in the case of licensing of any non-exempt Gaming Vendors and Non-Gaming Vendors, in addition to the other relevant licensing provisions contained in these Gaming Regulations.

8.020 Non-Exempt Gaming Vendors and Non-Gaming Vendors License application.

- a. All non-exempt Gaming and Non-Gaming Vendors with contracts of a value of \$25,000 or more annually shall be required to submit License application on the appropriate Gaming Vendor and

Non-Gaming Vendor forms provided by the TGA. Such applications shall request information that include federal tax ID number, legal structure of business (corporation, L.L.C., partnership, sole proprietorship, etc.), and list of principals of the business.

- b. In addition, for Gaming Vendors the TGA shall conduct additional investigation as deemed necessary by the TGA, including, but not limited to, background investigation of the principals of the business, including a criminal history check, reference checks, government regulatory checks, previous business relationships with gaming industry or Indian tribes, and any other information the TGA deems relevant.

8.030 State Certification

Each non-exempt Gaming Vendor and Non-Gaming Vendor shall be licensed by the TGA and meet applicable State certification requirements contained in the Compact (certification may not be applicable to non-gaming vendors). The TGA, at its discretion, may rely on State certification determinations, or information obtained in the State certification process in processing Gaming Vendor and Non-Gaming Services Vendor Licenses.

8.040 Annual Licenses Required

Gaming Vendor and Non-Gaming Vendor Licenses shall be subject to renewal annually thereafter.

REGULATION 9 ADDITIONAL REQUIREMENTS APPLICABLE TO GAMING DEVICES, NEW GAMES AND ASSOCIATED EQUIPMENT

9.010 Rules for Class II and Class III Gaming Departments

- a. No unlicensed gambling games shall be operated upon the premises of the TGO.
- b. The TGO shall obtain TGA approval of the specific rules for Class II & III games. Summaries of the rules of each game relevant to the method of play and odds paid to winning bets shall be visibly displayed, or a written copy of such rules shall be kept in pamphlet form at all Gaming Facilities and made available to any person upon request.
- c. Whenever the TGO desires to temporarily remove or suspend a game from a licensed play status, the TGO shall provide advanced written notice to the TGA.
- d. Before any gaming device is deployed to the gaming floor and placed into play or reactivated, the TGO shall advise the Director in writing of its intention and date to activate or reactivate such game. Upon the TGA's inspection of any gaming device previously sealed the game may be exposed to play.
- e. Written requests to add new games, or modify existing licensed games, shall be presented to the Director no later than 5 days prior to the requested date of modifications or additions.

REGULATION 10 ACCEPTANCE OF GRATUITIES FROM PATRONS

- a. No TGO employee directly concerned with management, accounting, security and surveillance shall solicit or accept any tip or gratuity from any player or patron.
- b. The TGO shall establish a procedure for receiving and accounting for all tips received by other gaming employees.

REGULATION 11 INTERNAL CONTROL STANDARDS

11.010 Internal Control Standards

- a. The TGO shall institute written internal controls which meet or exceed the Internal Control Standards set forth in the TICS Appendix (25 CFR Part 542, as it now exists or may hereafter be amended), which is hereby incorporated as part of these Gaming Regulations. Where the TICS Appendix indicates procedures are required to be established by either the Tribal regulatory authority or the gaming operation, the TGO shall establish the required procedures and submit them to the Director for approval.
- b. The TGA shall monitor TGO's internal controls for compliance with the TICS Appendix, but shall not regulate compliance of TGO internal controls or standard operating procedures that are more stringent than, or that are not specifically required by, the TICS Appendix or the Compact.
- c. The TGO shall submit its existing internal controls, and any subsequent internal control amendments, to the TGA for compliance review. If the review indicates TGO's internal controls do not meet the requirements of the TICS Appendix, or that the TGO is not implementing procedures required by the TICS Appendix, the Director shall meet with TGO management officials to facilitate compliance. If TICS compliance issues remain unresolved after a documented compliance meeting, the Director may issue a Corrective Action Order to the TGO. The order shall state specifically which TICS Appendix requirements are not being satisfied by the TGO's internal controls, and require the TGO to submit amended internal controls and/or implement TICS Appendix required procedures. Violation of TICS shall not be a basis for adverse licensing actions against licensed employees or entities, except through the Corrective Action Order process.