

**NATIONAL  
INDIAN  
GAMING  
COMMISSION**

MAR - 3 1995

Judy Knight-Frank, Tribal Chairman  
Ute Mountain Ute Tribe  
Towaoc, Colorado 81334

Dear Tribal Chairman Knight-Frank:


This letter responds to your request to review and approve the tribal gaming ordinance adopted on November 26, 1991, and amended on August 5, 1993, and February 9, 1995 by resolutions 3827, 4026, and 4148, respectively, by the Ute Mountain Ute Tribe (Tribe). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

Thank you for submitting the ordinance of the Ute Mountain Ute Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,

  
Harold A. Monteau  
Chairman

cc: Eric J. Stein, Esq.  
Jeanne M. Rubin, Esq.

DATE November 26, 1991

RESOLUTION NO. 3827

RESOLUTION  
UTE MOUNTAIN UTE TRIBAL COUNCIL  
REFERENCE: GAMING ORDINANCE

WHEREAS, the Constitution and By-Laws of the Ute Mountain Tribe, approved June 6, 1940 and subsequently amended provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council exercised in this Resolution; and

WHEREAS, the Ute Mountain Ute Tribal Council is responsible for programs that benefit the Ute Mountain Ute Tribal Members; and

WHEREAS, the Ute Mountain Ute Tribal Council feels that gaming activities on the reservation will be of economic benefit to Ute Mountain Ute Tribal Members; and

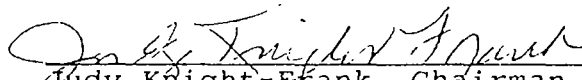
WHEREAS, the Ute Mountain Ute Tribal Council has read the attached Gaming Ordinance that will govern gaming on the reservation and feel that it will of benefit and govern the gaming activities adopted on the reservation in a way that will be of benefit to the Ute Mountain Ute Tribe; and

WHEREAS, revenues derived from gaming activities on the Ute Mountain Ute Reservation will be distributed with 50% in the operating reserve, 20% for educational purposes, 15% social/family plan and 15% for economic development; and

BE IT RESOLVED, that the Ute Mountain Ute Tribal Council approves the Gaming Ordinance for the purpose of governing gaming activities and the distribution of funds on the Ute Mountain Ute Reservation as presented.

BE IT FINALLY RESOLVED, that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign the Resolution and further authorized to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 26th day of November, 1991.

  
\_\_\_\_\_  
Judy Knight-Frank, Chairman  
Ute Mountain Ute Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 6 Tribal Council Members present at the official meeting of the Ute Mountain Tribal Council held on the above mentioned date, that 4 voted for 0 opposed the above Resolution, and 1 abstained that the above Resolution was duly adopted.

Nora Behan  
Nora Behan, Secretary  
Ute Mountain Tribal Council

APPROVAL

John L. Blazer  
For Arthur L. Blazer, Superintendent  
Ute Mountain Agency

UTE MOUNTAIN UTE TRIBE  
UTE MOUNTAIN UTE RESERVATION  
GAMING ORDINANCE

TITLE I. GENERAL PROVISIONS

Section 100. Short Title

The Ute Mountain Ute Tribal Gaming Commission finds that:

- a) The Community was organized by the membership pursuant to federal law and enjoys a government to government relationship with the United States as a federally recognized Indian Tribe.
- b) The Ute Mountain Ute Tribe desires to be self-sufficient in its internal affairs, as reliance upon federal and other resources has been adverse to the quality of life within this community in both the present and the past.
- c) Public gaming operations have been introduced to Indian Country and it is of vital interest to the public health, safety and welfare of the Ute Mountain Ute Tribe and tribal members, instead of prohibiting public gaming operations, regulate public gaming in a manner commensurate with the interest of the Ute Mountain Tribal people.
- d) By virtue of the treaties between the United States of America and the Ute Mountain Ute Tribe and the statutes and court decisions of the United States, which together have established and maintained the doctrine of Indian sovereignty, there remains the federal guarantee of the perpetual integrity of the Ute Mountain Ute Tribe and reservation.
- e) The Ute Mountain Ute Tribe requires methods for establishing a base from which it can generate revenues for self-perpetuation and essential governmental services.
- f) The regulation of public gaming within the Ute Mountain Ute Tribe and reservation boundaries is in the best interest of the Ute Mountain Tribal Members. Further, the Ute Mountain Tribal Gaming Commission determines that the intent of this Ordinance is to:
  - i) Completely regulate and control gaming on all reservation lands located within the Ute Mountain Ute Reservation, in compliance with applicable law;

- ii) Provide, through the revenue generated by and taxes levied on, Commission licensed gaming operations and programs for the general welfare of the Ute Mountain Tribe and its members;
- iii) Protect gaming as a means of promoting tribal economic development; and
- iv) Ensure that tribal gaming is conducted fairly and honestly by both the operator and the players as genuine means of providing both recreation and entertainment, entirely free from organized crime and other corrupting influences.

Section 101. Definitions

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section.

- a) "Tribal Council" shall mean the governing board of the Ute Mountain Tribal Ute Tribe, duly elected in accordance with the terms of the Constitution and By-Laws for governing the Ute Mountain Ute Tribe adopted June 6, 1940 and subsequently amended.
- b) "Gaming Commission" shall mean the Ute Mountain Gaming Commission as provided for by the terms of this Ordinance.
- c) "Community" shall mean the Ute Mountain Ute Tribe; a federally recognized Indian tribe organized by the membership pursuant to federal authority and approval, located on the Ute Mountain Ute Reservation.
- d) "Compact" shall mean that agreement concerning the operation of games of chance, entered into on \_\_\_\_\_ with the State of Colorado, pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, between the Community and the State.
- e) "Gambling equipment" shall mean the bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, tipboards, tables, slot machines, etc.
- f) "Gaming" shall mean the act of paying for the opportunity and participation in a game or games of chance for money or something of value, where motor skills play no part and are of no consequence in determining the outcome of

the fame; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e., foodstuffs or games played in private homes or residences for prizes or games operated by charitable and educational organizations which are approved by the Commission.

- g) "Gaming Enterprise" shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of bingo, the sale of pull tabs, gaming in general and the conduct of other games of chance.
- h) "Gaming Operator" shall mean a person, organization or entity that conducts the management of gaming at a Community gaming enterprise; including an entity entering into a management contract with the Community or the Community itself or any subdivision thereof.
- i) "Gaming test laboratory" shall mean as contemplated by Section 8 of the Tribal/State Compact regarding video games of chance, a laboratory agreed to and designated in writing by the Commission and appointed State Board as competent and qualified to conduct scientific tests and evaluations of video games of chance and related equipment; a laboratory operated by or under contract with \_\_\_\_\_.
- j) "Indian Gaming Regulatory Act of 1988" shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. 2701 et seq.
- k) "Key Employees" shall mean persons who serve as the General Manager of a gaming enterprise, persons who have, alone or with others, the authority to sign checks or create or discharge financial obligations for a gaming enterprise, persons who have any contact with a money room of a gaming operation, management, maintenance or other substantial contract of or with games of chance or other gambling equipment.

- i) "License" shall mean the permission by authority of the Commission to do an act, which without such permission shall be illegal. License, with respect to real property of the Community, is a privilege to go on the premises for a certain purpose, but does not operate to confer on, vest in, or license any title, interest, or estate in such property.
- m) "Licensee" shall mean any person, entity or organization granted a license pursuant to the provisions of this Ordinance.
- n) "Management Officials" shall mean any persons who have a direct financial interest in, or management responsibility for, a gaming enterprise licensed pursuant to the provisions of this Ordinance, and in the case of a corporation, shall include those individuals who serve on the Board of Directors of such corporation and each of its stockholders who hold directly or indirectly, 10% or more of its issued and outstanding stock.
- o) "Other Compacts" shall mean such agreements as may in the future be entered into between the Community and the State governing Class III gaming as that term is defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2703 (8).
- p) "Other games of chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboards, tip jars, gaming tables, tokens, video games as defined in the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2703(7) (A). Any game of chance which is not prohibited by the criminal laws of the State, or is subject to permissive regulation pursuant to State law, Chapter 349 or successor legislation shall be included in this definition.
- q) "Shall" is used in this Ordinance as imposing an obligation to act.
- r) "Traditional bingo" shall mean that game in which each player is supplied a card or board containing five adjoining horizontal and vertical rows with five spaces in each row each containing a number

or figure therein and the word "free" marked in the center space thereof, or in which such a card or board is represented on a video screen. Upon announcement by the person conducting the game or the appearance on the video screen of any number or figure appearing on the player's card or board, the space containing said figure or number is covered by the player. When the player has covered all five spaces in any horizontal and vertical row, or has covered four spaces and the "free" space in a five space diagonal row, or shall have covered the required combination of spaces in some other preannounced pattern or arrangement, such combination of spaces covered shall constitute "bingo". The player or players to first announce "bingo" are awarded money, merchandise, or some other consideration by the person persons conducting the game.

- s) "Game of chance" shall mean electronic or electromechanical devices that simulate games commonly referred to as poker, black jack, craps, hi-lo, roulette, line up symbols and numbers or other common gambling forms, which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens or replays, and contain a meter or device to record unplayed credits or replays; or otherwise shall have the same meaning as the term Class III gaming as defined by Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2703(8)

#### Section 102. Effect of Headings.

Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent or the provisions of any article or section of the Ordinance.

#### Section 103. Penalty Provisions.

It shall be a violation of the laws of the Ute Mountain Ute Tribe to violate the provisions of this Ordinance, any regulations promulgated by the Commission or any proper order issued under the authority of their Ordinance. Any person or licensee so violating shall be punished by a fine of not more than One Thousand dollars (\$1,000.00) or by suspension of their license for a period not to exceed one year or by both such fine and suspension or other penalty alternative under Community law, including revocation.



Section 104. Liberal Interpretation.

The provisions of this Ordinance, being necessary for the welfare of the Community and its members, shall be construed liberally to effect the purpose and objective hereof.

Section 105. Severability.

The provisions of this Ordinance are severable; and if any part or provision hereof shall be held void by tribal or federal court or federal agency, the decision of the court or agency so holding shall not affect or impair any of the remaining provisions of the Ordinance.

Section 106. Implementation.

It being immediately necessary for the preservation of the public peace, health, and safety of the Tribe and its members, this Ordinance shall take effect and be in full force from and after its approval and passage.

Section 107. Amendment

This Ordinance may be amended only by majority of the Commission.

TITLE II. DEVELOPMENT, ADMINISTRATION AND ENFORCEMENT

Section 200. Office of Community Gaming Commission Established.

In order to provide for the orderly development, administration, and regulation of tribal gaming, there is established the Ute Mountain Gaming Commission (hereinafter referred to as Gaming Commission). The Ute Mountain Tribal Council shall nominate and upon majority agreement appoint five persons to serve as the Gaming Commission. Said Commissioners shall be seated for a term of three (3) years, on staggered terms such that the term of the Commissioner shall expire each year thereafter.

Section 201. Conflict of Interest.

Any Commission Member, or employee of the Commission or any member of his/her family living with him/her may not have a financial interest in any going business or in any gaming operation, or accept any gift or thing of value from a gaming operator. However, nothing in this section shall prohibit a Commission Member or other person subject to this section from having a financial interest in any gaming

enterprise operating pursuant to the provisions of their Ordinance as would any member of the Tribe if entitled to such interest as tribal member, including any per capita payments derived from profits made by any gaming enterprise operating pursuant to the provisions of this Ordinance.

Section 202. Removal of Commission Members/Vacancies.

The Tribal Council may suspend Commission members for cause. "Cause" for the purpose of this section shall mean any conduct on the part of the members, including, but not limited to, dereliction of duty, misappropriation of funds, fraud, falsification of reports, conviction of a felony, conviction of a gaming offense in any jurisdiction or violation of this Ordinance. Upon suspension, the Tribal Council must immediately notify the accused Commission Member in writing and hold a hearing on the charges not less than ten (10) days nor more than twenty (20) days from the receipt of such notification. At the hearing, evidence supporting the charges shall be heard and the accused Commission Member shall have the opportunity to examine witness and evidence and offer the same in defense.

Commission Members may be removed by the Tribal Council in accordance with procedures in the removal provision of the Revision for the Provisions for Governing the Ute Mountain Ute Tribe.

Should a Commission Member die, resign, or be removed, the Tribal Council may appoint any other qualified person to fill the unexpired term, provided that any proposed appointee shall be subject to the qualification requirements of this Ordinance.

Section 203. Prohibition of Tribal Council Members.

No Member of the Tribal Council may be a member of the Commission.

Section 204. Commission Duties.

- a) The Commission shall be charged with the sole responsibility of administering and enforcing the provisions of this Ordinance.
- b) It shall be the responsibility of the Commission to promulgate regulations necessary to administer the provisions of this Ordinance. The duties involved in the administration of this Ordinance shall include but not be limited to the following:

- (1) Printing and making available application forms for initial and renewal licenses, as well as any other necessary licenses;
- (2) Supervising the collection of all funds and all applicable taxes;
- (3) Processing all gaming license applications;
- (4) Issuing licenses and notifying the National Indian Gaming Commission of such issuance as required by the Indian Gaming Regulatory Act;
- (5) Determining applicable license fee;
- (6) Provide for outside independent audits of all gaming activity and present those audits to the National Indian Gaming Commission;
- (7) Review all gaming operation contracts, records, documents, and anything else necessary and pertinent to the financial accountability of licensees or enforcement of any provision of gaming operating contracts, or agreements to this related Ordinances;
- (8) The Commission shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, determine suitability or approval of or the imposition of a fine upon any person licensed for any cause deemed reasonable by the Commission;
- (9) The performance of any other duties required in the Ordinance or any amendments thereto or other duties which may hereafter be specified by the Commission.
- (10) Defend this Ordinance in any Court of Law;
- (11) Conduct background investigations on all primary management officials and key employees of the involved gaming enterprise, and maintain on-going oversight of such management and key employees;
- (12) The Commission shall propose an annual budget for operations to the Tribal Council.

Section 205. Power of Commission.

The Commission may have the authority and be empowered to perform the duties assigned by this Ordinance.

Section 206. Commission Meetings.

Regular and special meetings of the Commission may be held, at the discretion of the Commission, at such time and place as may be convenient and open to Tribal members with notice posted in a public place at least twenty-four (24) hours prior to the meeting.

Section 207. Plan of Organization.

The Commission may organize any functional divisions or committees as may be necessary for the implementation of the provisions of this Ordinance and may from time to time alter such plan of organization as may be expedient.

Section 208. Notice of Amendment.

- a) In adopting, amending, or repealing any provision under this Ordinance, the Tribal Council shall give prior notice of the proposed action to all licensees and other person(s) whom the Tribal Council have reason to believe have a legitimate and bonafide interest in such proposed action.
- b) In adopting, amending or repealing any regulation under this Ordinance, the Commission shall give prior notice of the proposed action to all licensees and other persons whom the Commissioners have reason to believe have a legitimate and bonafide interest in such proposed action.

Section 209. Hearing.

The Commission shall provide an applicant for a license an opportunity for a hearing prior to a final action denying such application and shall afford a licensee or any other person(s), subject to this Ordinance, the opportunity for a hearing prior to taking a final action resulting in terminating, revoking, suspending or limiting a license or any other adverse action the Commission deems appropriate, provided, that the Commission may summarily suspend temporarily or extend suspension of a license for thirty (3) days in those cases where such action is deemed appropriate by the Commission. In cases where a license is suspended prior to a hearing, an opportunity for a hearing shall be provided.

Section 210. Commission Findings.

Whenever upon specific factual finding, the Commission determines that any person has failed to comply with the provisions of this Ordinance or any regulation promulgated hereunder, the Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days notice and within ninety (90) days thereof the Commission shall hold a hearing, at which time the subject shall have an opportunity to be heard and present evidence.

Section 211. Show Cause Hearing.

At such hearing, it shall be the obligation of the subject to show cause why the determination is incorrect; why the application in question should not be denied; why the license or licenses in question should not be revoked or suspended; why the period of suspension should be extended; why special conditions or limitations upon a license should not be imposed; or to show cause why any other action regarding any other person or persons subject to any action should not be taken.

Section 212. Commission Determination.

Following such hearing the Commission shall, within seven (7) days, reach a determination concerning the accuracy of the preliminary certification of facts and whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited and whether or not any other action recommended to or by the Commission (including, but not limited to, forfeitures or fines) should be taken.

Section 213. Written Determination Provided.

Within three (3) days following this determination, the Commission shall inform the subject in writing of that determination.

Section 214. Right to Appeal.

The subject shall have the right to appeal the determination of the Commission to the Tribal Council for a de novo hearing. Such appeal must be filed with the Tribal Council in written form on or before the tenth (10th) day following the determination of the Commission. The determination of such appeal by the Tribal Council shall be final.

Section 215. Sanctions.

Any person who engages in activities on property subject to the provisions of this Ordinance without a license in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provisions of this Ordinance, regulations

promulgated hereunder, or amendments thereto shall be in violation of the Ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance. Separate violations shall be prosecuted as separate offenses. Each day of violation shall constitute a separate count or violation to this Ordinance. A violator shall also be required to pay court costs, storage fees, and auction or sales fees. All property used in each and every separate violation of this Ordinance may become the property of the Ute Mountain Ute Tribe. Persons may be prohibited from trespassing on premises licensed under this Ordinance; and licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Commission subject to the right of appeal to the Tribal Council. Winnings found to have been received in violation of this Ordinance are forfeited and become the property of the Ute Mountain Ute Tribe.

### TITLE III.        LICENSING

#### Section 300.        License Required.

Any person, organization or entity (including management officials and key employees), conducting a public gaming enterprise pursuant to the provisions of this Ordinance on lands within the exterior boundaries of the Ute Mountain Ute Tribe or on other lands which are subject to the jurisdiction of the Ute Mountain Tribe, and any person, organization or entity selling, leasing or otherwise distributing gambling equipment or games of chance to any public gaming enterprise on lands within the exterior boundaries of the Ute Mountain Reservation or on other lands which are subject to the jurisdiction of the Ute Mountain Tribe, shall be required to have and display prominently, or display upon request, an appropriate, valid and current Ute Mountain Tribal gaming license issued pursuant to the provisions of this Ordinance. Any other forms of public gaming operations being conducted within the jurisdiction of the Ute Mountain Tribe without the lawful written approval of the Gaming Commission are prohibited.

#### Section 301        Application for Gaming Enterprises Note Accepted; Automatic Licensing for Current Gaming Enterprise.

Except for the application for the gaming enterprise under construction on the Ute Mountain Reservation on the day this Ordinance is enacted [Is there a more specific identification of that particular enterprise? If so, use it.], no application for a gaming enterprise by a gaming operator shall be accepted, and no license for a gaming enterprise shall be issued, by the Gaming Commission until this Ordinance is amended to provide otherwise. The gaming enterprise under construction on the day this Ordinance is enacted [More specific identification of enterprise?] shall be issued Class A and Class B licenses with waivers of any application fees. Those licenses shall be renewed each year with waivers of application fees until this Ordinance is amended to provided otherwise.

Section 302      Application for Management Officials and Key Employees and Other Employees.

The application for management officials and key employees of any gaming operator or the Ute Mountain Tribe shall contain:

- a) The name and address of each proposed management official and proposed key employee;
- b) Explicit and detailed information of any criminal record of the applicant in order to determine whether the applicant:
  - (1) has committed a felony or gaming offense in any jurisdiction;
  - (2) has engaged in any prior activities, or maintains any habits or associations affecting his present conduct which would:
    - (i) pose a threat to the public and Ute Mountain Tribe's interest;
    - (ii) threaten the effective regulation and control of gaming;
    - (iii) enhance the dangers of unsuitable, unfair, or illegal methods, or activities in the conduct of gaming.
- c) The social security number of the applicant;
- d) A description of any previous experience which the applicant has had with the gaming industry generally, and Indian gaming in particular, including specifically the name and address of any licensing or regulatory agency with which such person has had contact relating to gaming;
- e) A financial statement from the applicant;
- f) The applicant's commitment to provide any additional information as may be required by the Commission;
- g) Any additional information, including the fingerprints of the applicant, as may be determined by the Gaming Commission.

Any other employee not holding a management position or a key employment position shall be required to fill out an employment application provided by the gaming operator or the Ute Mountain Tribe and shall be required to submit to a background check with local law enforcement authorities chosen by the gaming operator or the Ute Mountain Tribe and leave such on file with said authorities a set of fingerprints.

Section 303. Application for Distributors of Games of Chance and Gambling Equipment.

The application for any person, organization or entity wishing to sell, lease or otherwise distribute gambling equipment and/or video games of chance to the Ute Mountain Tribe shall contain the following information:

- a) The name(s) and mailing address of the person or entity making the application;
- b) The names and addresses of all interested parties (including those with direct or indirect financial interest) and their interest and connection to the applicant.
- c) The nature of the license applied for; the type of activity to be engaged in under the license;
- d) The explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the State by the applicant, any person involved in the organization, and any party of interest whose name appears on the application;
- e) Any additional information necessary to allow the Ute Mountain Ute Tribe or the State of Colorado to investigate the applicant or any person included on the application;
- f) Whether the applicant has been properly licensed by the State of Colorado and proof of being the holder of a current and valid distributor or manufacturer license from the State; or properly licensed and holding a current or valid license from any other state;
- g) Whether the applicant has ever had a distributor or manufacturer license revoked or suspended by the State that issued the license and, if so, the circumstances surrounding the State's action;
- h) A statement of waiver allowing the Ute Mountain Tribe and the State of Colorado to conduct a background investigation of the applicant and any person whose name is required to appear on the application;
- i) Whether the applicant or any person whose name is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages.



Section 304. Machine Licenses.

In addition to a distributor license, the person or entity with whom the Ute Mountain Tribe enters into a license or sales agreement regarding video games of chance must obtain from the Ute Mountain Tribe an annual non-transferable license for each game of chance to be placed in a gaming enterprise operating under the provisions of this Ordinance.

- a) An application for a license for a game of chance shall contain the following information:
  - (1) the name and address of the applicant with proof of a current and valid distributor or manufacturer license issued by a state and the Ute Mountain Tribe;
  - (2) identification numbers or codes for each game of chance placed in a tribal gaming enterprise, including the manufacturer, the serial and model number;
  - (3) proof of approval and certification of the machine by an approved gaming test laboratory or proof that the video game of chance conforms precisely to the exact specifications of the game of chance prototype tested and approved by the gaming test laboratory;
  - (4) all other information as required by the Compact on Games of Chance;
  - (5) proof of a current and valid game of chance license issued by the State of Colorado.
- b) Upon issuance, the Gaming Commission shall have attached to each game of chance licensed under the provisions of this Ordinance, a non-removable identification plate on the exterior cabinet which contains the information as required by the Compact on Games of Chances.

Section 305. Classes of Licenses.

Upon proper application and approval, the following classes of licenses may be issued by the Gaming Commission:

- a) Class A license for a gaming enterprise in which a gaming operator wishes to conduct traditional bingo and other games of chance at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee.

- b) Class B license for a gaming enterprise which a gaming operator wishes to conduct games of chance at a Tribal gaming enterprise; the license shall be site specific, valid for a period of one year and shall have an application fee.
- c) Class C license to any management official or key employee of either a gaming operator or the Tribe; the license shall be valid for a period of one year and shall have an application fee of \$30.00 and a Class C-1 license to any other employee, not licensed as a management official or a gaming enterprise licensed under the provisions of this Ordinance; the license shall be valid for a period of one year and shall have an application fee.
- d) Class D license to any distributor or manufacturer of gambling equipment and/or games of chance to be used in a Tribal gaming enterprise; the license shall have an application fee.
- e) Class E license for each game of chance to be used in a tribal gaming enterprise; the license shall be valid for a period of one year and shall have an application fee.

Section 306 Exemptions.

- a) The following activities are not public gaming operations under the terms of this ordinance and, therefore, do not require a license under this title:
  - (1) Gaming not for gain. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings or "places" for immediate competitive rankings, is not subject to the provisions of this Ordinance. However, gaming for gain which is conducted by a non-profit organization is subject to the requirements of this Ordinance if cash or valuable prizes are awarded. "Valuable prize" means an object or service worth One Hundred Dollars (\$100.00) or more in fair market value.
  - (2) Traditional Indian Gaming. Traditional Indian Gaming activity, in the nature of hand games, are not subject to the provisions of this ordinance when engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations. The Gaming Commission is hereby authorized to determine on a case-by-case basis, upon request, whether a particular gaming activity qualifies for the exemption.

Section 307. License Renewal.

Every licensee intending to continue engaging in public gaming activities within the Ute Mountain Reservation during the next calendar year shall apply for renewal of the license at least thirty (30) days prior to the end of the previous license period.

Section 308. License Display.

Every licensed gaming operator shall display in a prominent place a current and valid Ute Mountain Gaming Commission license for that location.

Section 309. Requirements to Maintain License.

- a) Change in Location. When a licensee changes a location of public gaming activities within the Ute Mountain Reservation, the Gaming Commission shall, after notification by the licensee of such changes, issue a corrected license for the balance of the current period reflecting the new address upon reasonable proof of change of address and without imposition of an additional license fee.
- b) It shall be unlawful for any Licensee to fail to notify the Gaming Commission of any new prospective key employee, new ancillary contractor, or new operator. The Gaming Commission shall investigate and provide approval or disapproval of the new key employee, contractor, or operator within thirty (30) days. Any information received by the Gaming Commission shall be confidential.
- c) It shall be unlawful for any licensee to begin the employment of a new person, begin the performance of any new contract or begin the control of a new operator without the approval of the Gaming Commission.
- d) It shall be unlawful for any person to possess a firearm or dangerous weapon on the premises where licensed gaming is allowed.
- e) It shall be unlawful for a licensee to engage in pawnbroking or to take goods or materials in hock or to lend money or engage in similar activity with indigent persons to gamble.
- f) A licensee is required to, during normal business hours, maintain his premises open for inspection by the Gaming Commission or its agents or any other authorized government agency and keep its books and financial records open for similar inspection.

- g) Licensed gaming operators and tribal gaming operators must produce at a player's request, losing tickets, copies of cancelled checks or other evidence of loss acceptable to the Internal Revenue Service if requested by the player or contestant at the time the play or when the contestant buys a ticket or chance or otherwise enters the game.
- h) The Gaming Commission shall impose the following additional requirements and regulations:
  - (1) A determination of whether and in what manner rules of play must be posted for each type of licensed gaming;
  - (2) The maximum prize, pot or bet limit, if any, that shall be offered for any type of gaming;
  - (3) Rules for the particular conduct of any type of licensed gaming should the Gaming Commission deem that such rules are necessary for the proper conduct of gaming;
  - (4) Any other regulation controlling licensed gaming which is deemed necessary by the Gaming Commission.

Section 310. Fees.

Each application for an initial or renewal license shall be accompanied by payment of the license fee. The Gaming Commission's determination of the license fee properly owed under this Ordinance shall be final. This fee is imposed for the revocable privilege of being licensed to engage in public gaming activities within the jurisdiction of the Ute Mountain Tribal Council.

Section 311. Non-transferability.

The license issued pursuant to the provisions of this Ordinance is valid only for the person(s) or organization(s) at the place of business shown on the face thereof. It is not assignable or otherwise transferable to any other person or organization or for any other location without the written approval of the Gaming Commission.

Section 312. Payment of License Fees.

All license fees for licensee issued under authority of the Gaming Commission shall be paid to \_\_\_\_\_.

Section 313. License as a Revocable Privilege.

The public gaming operations license is a revocable privilege, and no holder thereof shall be deemed to have a part in any vested rights therein or thereunder. The burden of proving qualification to hold any license rests at all times on the licensee. The Gaming Commission is charged by law with the duty of continually observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable person or persons whose operations are conducted in an unsuitable manner.

Section 314. Violations.

Violation of any provision of this Ordinance or any of the Commission's regulations by a licensee, his agent, or employee shall:

- a) be deemed contrary to the public health, safety, morals, good order, and general welfare of the Ute Mountain Tribe and its members;
- b) be grounds for refusing to grant or renew a license, or for suspension or revocation of a license;
- c) be grounds for the filing of criminal charges and/or a civil action in a court of competent jurisdiction on behalf of the Gaming Commission and the Ute Mountain Tribe; and
- d) be grounds for immediate revocation of a license in the case of a licensee being convicted of a felony.

Acceptance of a license or renewal thereof or condition imposed thereon by a licensee constitutes agreement on the part of the licensee to be bound by all the regulations and/or conditions of the Gaming Commission and by the provisions of this Ordinance as the same are now or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep him/herself informed of the contents of all such regulations.

TITLE IV. RULES OF GENERAL APPLICABILITY.

Section 400. Rules of Gaming Operation.

Each licensee operating a gaming enterprise under a license issued pursuant the provisions of this Ordinance shall prominently display in writing all rules and regulations pertaining to all gaming activity, including but not limited to traditional bingo, other games of chance and video games of chance, near the specific location where such gaming activity is conducted; or shall make available a written copy of all such rules and regulations to any person making a request for such.

Each gaming operator licensed under the provisions of this Ordinance shall utilize gaming rules and regulations that are in compliance with the laws of the Ute Mountain Tribe, the State of Colorado, and Federal; any compact on games of chance or other compacts and specifically the Indian Gaming Regulatory Act of 1988.

Section 401. Games of Chance.

- a) Licensing of Manufacturers. No gaming enterprise may own, lease, or operate video games of chance that have been manufactured by a manufacturer that has not received a license from the Gaming Commission pursuant to the provisions of Title III of this Ordinance. The Gaming Commission shall issue licenses only to manufacturers of games holding a valid license from pertinent states.
- b) Licensing of Distributors. No gaming enterprise may own, lease, or operate games of chance that have been distributed by a distributor that has not received a license from the Gaming Commission pursuant to the provisions in Title III of this Ordinance. The Gaming Commission shall issue license only to distributors of games of chance holding a valid license from \_\_\_\_\_.
- c) Suspension, Revocation, or Non-Renewal of Manufacturer or Distributor License. In the event that a license held by a manufacturer or distributor of games of chance has been suspended, revoked, or refused for renewal similarly licensed by the Gaming Commission, such action shall be grounds for similar action by the Gaming Commission, which shall suspend, revoke, or refuse to renew the license issued by the Commission to such manufacturer or distributor.
- d) Technical Standards: Testing and approval of games of chance. No game of chance may be purchased, leased or otherwise acquired by a gaming enterprise unless: (1) the game of chance is purchased, leased, or acquired from a manufacturer or distributor licensed to sell, lease or distribute games of chance by the Gaming Commission pursuant to the provisions of the Ordinance; and (2) the game of chance, or a prototype thereof, has been tested, approved or certified by a gaming test laboratory as meeting all requirements and standards of the compact on games of chance or other compacts.
- e) Compliance with the compact on games of chance and other compacts. Any gaming activity involving games of chance shall be conducted in strict compliance with the compact on games of chance and any other compacts.

Section 402. Minimum Standards of Inspection and Approval of Video Games of Chance, Slot Machines and Progressive Slot Machines.

Prior to the installation and use of a video game of chance, slot machine or progressive slot machine the Commission shall inspect, test and consider the gambling device for approval by the Commission. The Commission shall not approve a gambling device unless the tests conducted indicate that the device meets the following minimum standards or unless an identical gambling device is currently approved for use by \_\_\_\_\_ . If an identical gambling device is currently approved for use by \_\_\_\_\_ , the Commission may waive its inspection and testing requirement.

- a) Slot machine, progressive slot machine and video games of chance hardware and software requirements.
  - 1) Hardware specifications.
- b) Electrical and mechanical parts and design principles shall not subject a player to physical hazards.
- c) A surge protector shall be installed on the line that feeds power to the device. The battery backup or an equivalent for the electronic meters shall be capable of maintaining the accuracy of all information required for 180 days after electrical power is discontinued from the device. The backup shall be located in the locked logic board compartment.
- d) An on/off switch that controls the electrical current used in the operation of the device and any associated equipment shall be located in an accessible place within the interior of the device.
- e) The operation of the device shall not be readily adversely affected by static discharge or other electromagnetic interference.
- f) The device shall have a minimum of one electronic coin acceptor meeting the security requirements of the Commission.
- g) The internal space of the device shall not be readily accessible when the front door of the device is both closed and locked.
- h) Logic boards and software eproms shall be in a locked area within the device and shall be sealed with the evidence tape.
- i) The drop bucket compartment shall be in a locked area within or attached to the device.

- j) The device shall have no hardware switches capable of altering the pay tables or payout percentages of the device. Hardware switches may be installed in the device to control graphic routines, speed of play, and sound.
- k) An identification plate containing the following information shall be permanently affixed to the exterior of the device: Manufacturer; serial number; model number.
- l) The rules of play for the device shall be clearly displayed on the face or screen. The rules shall not be incomplete, confusing, or misleading. Each device shall also display the credits wagered and the credits awarded for the occurrence of each possible winning combination based on the number of credits wagered. All information required by this paragraph shall be kept under glass or other transparent material. Stickers or other removable items shall not be placed on the face of the device if they would make the required information unreadable.

Section 403. Software requirements-random number generator.

Each gambling device shall have a random number generator that will determine the occurrence of a specific card, number or stop. A selection process will be considered random if it meets the following requirements:

- a) Each card, number or stop shall satisfy the 99% confidence limit using the standard chi-squared analysis. "Chi-squared analysis" is the sum of the square of the difference between the expected result and the observed result.
- b) Each card, number or stop shall not produce a significant statistic with regard to producing patterns of occurrences. Each card number or stop will be considered random if it meets the 99% confidence level with regard to the "runs test" or any similar pattern testing statistic. The "runs test" is a mathematical statistic that determines the existence of recurring patterns within a set of data.
- c) Each card, number or stop position shall be independently chosen without regard to any other card, number or stop within that game play. This test is the "correlation test." Each pair of cards, number or stop positions shall be considered random if they meet the 99% confidence level using standard correlation analysis.
- d) Each card number or stop position shall be independently chosen without reference to the same card or number position in the previous game. This test is the "serial correlation test." Each card or number position shall be considered random if it meets 99% confidence level using standard serial correlation analysis.



Section 404. Continuation of Game After Malfunction is Cleared.

Each device shall be capable of continuing the current game with all current game features after a malfunction is cleared unless the malfunction renders the device totally inoperable. If the malfunction renders the device totally inoperable the current wager and all credit appearing on the screen prior to the malfunction shall be returned to the player.

Section 405. Software Requirements - Play Transaction Records.

Each device shall maintain electronic accounting meters at all times, regardless of whether the device is supplied with power. Each meter shall be capable of recording and maintaining totals, no less than six digits in length, for the following information:

- a) Total number of tokens inserted. The meter shall count the total number of tokens that are inserted by the player.
- b) Total number of tokens paid out.
- c) Total coins dropped to drop buckets.
- d) Total number of credits wagered.
- e) Total number of credits won.
- f) Total credits paid out.
- g) Number of times the logic area was accessed.
- h) Number of time the cash door of the device was accessed.
- i) Number of tokens or credits wagered in the current game.
- j) Total credits for games won but not collected, commonly referred to as the credit meter.

The meters described in "a", "b", and "c", above, shall be placed in a position so that the numbers can be read without opening the device.

No device shall have a mechanism which will cause the electronic accounting meters to automatically clear in the event of an error. Clearing of the electronic accounting meters may occur only after notification and approval by a Commission official.

Section 406. Software Requirements - Error Conditions - Automatic Clearing.

Devices shall be capable of detecting and displaying the "power reset" condition and the "door open" condition. These conditions shall be automatically cleared by the device upon initiation of a new play sequence at the start of the second game.

Section 407. Percentage Payout.

Percentage payout gaming devices shall meet the following maximum and minimum theoretical percentage payout during the expected lifetime of the device.

- a) The device must payout at least 80% and no more than 99% of the amount wagered. The theoretical payout percentage is determined using standard methods of probability theory.
- b) A device must have a probability of obtaining the maximum payout greater than 1 in 17,000,000.

Section 408. Error Conditions.

- a) Devices shall be capable of detecting and displaying the following error conditions which may be cleared by an attendant.
  - (1) Coin-in jam.
  - (2) Coin-out jam.
  - (3) Hopper empty or timed out.
  - (4) RAM error.
  - (5) Hopper runaway or extra coin or coins paid out.
  - (6) Low RAM battery, for batteries external to the RAM itself. A battery approved by the Commission that is replaced pursuant to its manufacturer's specifications or as specified in the prototype approval report, whichever is sooner, may be installed in lieu of the low RAM battery error condition.
- b) A description of device error codes and their meanings shall be affixed inside the slot machine.

Section 409. Hopper Mechanism.

Devices must be equipped with a hopper which is designed to detect jammed coins, extra coins paid out, hopper runaways, and hopper empty conditions. The device control program must monitor the hopper mechanism for these error conditions in all games states. All coins or tokens paid from the hopper mechanism must be accounted for by the device, including those paid as extra coins during a hopper malfunction.

Section 410. Progressive Slot Machines.

A progressive slot machine shall have a progressive meter showing the payoff.

- a) Limits. A limit may be imposed on the jackpot of a progressive slot machine provided that the limit imposed is greater than the jackpot payout on the progressive slot machine at the time the limit is imposed. Any limit imposed on a progressive slot machine shall be prominently displayed to the public.
- b) No payoff indicator may be turned back to a lesser amount unless one of the following circumstances occurs:
  - (1) The amount shown on the progressive meter is paid to a player as a jackpot.
  - (2) It is necessary to adjust the progressive meter to prevent it from displaying an amount greater than the limit imposed by the licensee.
  - (3) It is necessary to change the progressive indicator due to malfunction in the device.
  - (4) Transfer of jackpots. A progressive jackpot may be transferred to another progressive slot machine at the same location in the event of a machine malfunction.
  - (5) When the maximum jackpot limit is reached, it must be permitted to remain until it is won by a player.
  - (6) Records required. Records shall be maintained that record the amount shown on a progressive jackpot meter. Supporting documents shall be maintained to explain any reduction in the payoff amount from a previous entry. The records and documents shall be retained for a period of five years unless permission to destroy them earlier is given by the Commission in writing.

Section 411. Security and Surveillance.

The Commission shall require operators to provide and adhere to the minimum security and surveillance standards described in this Section.

- a) Closed circuit television. Every operator shall install, maintain and operate a closed circuit television system according to the specifications set forth in this Section. The Commission shall have access to the system or its signal at all times.
- b) Required equipment. The closed circuit television system shall include, but not be limited to, the following equipment.
  - (1) Camera. Pan, tilt, zoom, commonly referred to as P.T.Z. cameras, that are light sensitive and capable of being placed behind a dome or one-way mirror which conceals the P.T.Z. cameras from view. Each camera shall have the capability to distinguish a clear, unobstructed view of the table number of the gaming table or gaming device.
  - (2) Video printers shall be capable of adjustment and shall possess the capability to generate instantaneously upon command a clear, still copy of the image depicted on a videotape recording with a minimum of 128 shades of gray.
  - (3) Video monitor screens must be at least 12 inches measured diagonally and all controls must be front mounted. Solid state circuitry is required.
  - (4) Date and time generators shall be capable of recording both time and date of the recorded events without obstructing the recorded view. Recordings must be in military time.
  - (5) Universal power supply. The system and its equipment must be directly and securely wired in a manner designed to prevent tampering with the system.
  - (6) Camera domes shall be of sufficient quality and size to accommodate P.T.Z. cameras and shall be capable of providing clear, unobstructed views.
  - (7) Video switchers shall be capable of both manual and automatic sequential switching for the entire surveillance system.

- (8) Videotape recorders shall be capable of producing high quality, first generation pictures with a horizontal resolution of a minimum of 300 lines nonconsumer, professional grade, and recording standard 1/2 inch, VHS tape with high-speed scanning and flickerless playback capability in real time. In addition, recorders shall have time and date insertion capabilities for taping what is being viewed by any camera in the system. A minimum of one video recorder for every eight video cameras is required.
- c) Required surveillance. Every operator shall conduct and record surveillance which allows clear, unobstructed views in the following areas of the gambling facility:
- (1) Overall views of the casino pit area;
  - (2) All gaming or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chips, cash, and card values, and the outcome of the game. Each gaming table shall have the capability of being viewed by no less than two cameras.
  - (3) Dice in craps games, with sufficient clarity to read the dice in their stopped position after each roll.
  - (4) All roulette tables and wheels, capable of being recorded on a split screen to permit views of both the table and the wheel on one monitor screen.
  - (5) All areas within cashier cages and booths, including, but not limited to, customers windows, employee windows, cash drawers, vaults, safes, counters, chip storage and fill windows. Every transaction occurring within or at the casino cashier cages must be recorded with sufficient clarity to permit identification of currency chips, tokens, fill slips, paperwork, employees and patrons.
  - (6) All entrance and exit doors to the casino area shall be monitored by the surveillance system if they are utilized for the movement of uncounted moneys, tokens, or chips. Also, elevators, stairs and loading and unloading areas shall be monitored if they are utilized for the movement of uncounted moneys, chips, or tokens.
  - (7) All areas within a hard count room and any area where uncounted coin is stored during the drop and count process, including walls, doors, scales, wrapping machines, coin sorters, vaults, safes, and general work surfaces.

- (8) All areas within a soft count room, including solid walls, doors, solid ceilings, stored drop boxes, vaults, safes, and counting surfaces which shall be transparent.
  - (9) Overall views of patrons, dealers, spectators, and pit personnel, with sufficient clarity to permit identification thereof.
  - (10) Overall views of the movement of cash, gaming chips and tokens, drop boxes and drop buckets.
  - (11) All areas on the general casino floor with sufficient clarity to permit identification of all players, employees, patrons, and spectators.
  - (12) Every licensee who exposes video games of chance or slot machines for play shall install, maintain, and operate at all times a casino surveillance system that possesses the capability to monitor and record clear, unobstructed views of the following:
    - (i) All slots or video game change booths, including their cash drawers, countertops, counting machines, customer windows, and employee windows, recorded with sufficient clarity to permit identification of all transactions, cash and paperwork therein.
    - (ii) The machine number. All areas, recorded with sufficient clarity to permit identification of all players, employees, patrons, and spectators.
- d) Equipment in surveillance offices. Gambling facilities shall be equipped with a minimum of two 12-inch monochrome video monitors with control capability of any video source in the surveillance system. The following shall be additional mandatory equipment for the surveillance office:
- (1) Video printer.
  - (2) Video recorders.
  - (3) Audio pickup of soft count room.
  - (4) Time and date generators, if not in the master surveillance system.
  - (5) Total override surveillance system capabilities. Camera lenses. All closed circuit cameras shall be equipped with lenses of sufficient quality to allow clarity of the value of gaming chips, tokens, and playing cards. These cameras shall be capable of black and white recording and viewing except those covering exits and entrances of the casino area which shall be capable of recording in color.

- e) Lighting. Adequate lighting shall be present in all areas of the casino and count rooms to enable clear video reproduction.
- f) Surveillance room. There shall be provided in each gambling facility a room or rooms specifically utilized to monitor and record activities on the casino floor, count room, cashier cages and slot cages. These rooms shall have a trained surveillance person present during casino operation hours. The following are requirements for the operation of equipment in the surveillance room:
  - (1) Surveillance equipment. All equipment that may be utilized to monitor or record views obtained by a casino surveillance system must remain located in the room used exclusively for casino surveillance security purposes, except for equipment which is being repaired or replaced. The entrance to the casino surveillance room shall be locked or secured at all times.
  - (2) Override capability. Casino surveillance equipment must have total override capability over any other satellite monitoring equipment in other casino offices, with the exception of the Commission rooms.
  - (3) Access. Commission employees shall at all times be provided immediate access to the casino surveillance room and other casino surveillance area. Also, all Commission employees shall have access to all records and areas of such rooms.
  - (4) Surveillance logs. Entry in the log shall be required when requested by the Commission, whenever surveillance is conducted on anyone, or whenever any activity that appears unusual, irregular, illegal or in violation of Commission rules is observed. Also, all telephone calls shall be logged.
  - (5) Blueprints. A copy of the configuration of the casino floor shall be posed and updated immediately upon any change. Also included shall be the location of any change, and the location of surveillance cameras, gaming tables and slot machines by assigned numbers. Copies shall also be made available to the Commission room.
  - (6) Storage and retrieval. Surveillance personnel will be required to label and file all videotape recordings. The date, time, and signature of the person making the recording shall be recorded. All videotape recordings shall be retained for at least seven (7) days after recording unless a longer period is required by the Commission, or a court order. Original audio tapes and original video tapes shall be released to the Commission upon demand.

- (7) Malfunctions. Each malfunction of surveillance equipment must be repaired within 24 hours of the malfunction. If, after 24 hours, activity in the affected area cannot be monitored, the game or machine shall be closed until such coverage can be provided. A record of all malfunctions shall be kept and reported to the Commission on a daily basis.
  - (8) Security. Entry to the surveillance room is limited to persons approved by the Commission. A log of personnel entering and exiting the surveillance room shall be maintained and submitted to the Commission every 30 days.
- g) Playback station. An area is required to be provided within the Commission room that will include, but is not limited to, a video monitor and a video recorder with the capability of producing first generation videotape copies.
- h) Additional requirements:
- (1) Audio and videotapes monitoring will be continuous in the Commission and security detention areas, when someone is being detained. These recordings shall be retained for 30 days after the recorded event, unless directed otherwise by the Commission or a court order.
  - (2) The Commission, its employees shall at all times be provided immediate access to the surveillance room and all areas of the casino.
  - (3) Written plans and alterations. The operator shall submit to the Commission for approval a written casino surveillance system plan no later than 60 days prior to the start of gaming operations.
  - (4) The casino surveillance system plan must include a casino floor plan that shows the placement of all casino surveillance equipment in relation to the locations required to be covered, and a detailed description of the casino surveillance system and its equipment.
- i) The operator may change the location of table games, slot machines, and other gaming devices. The surveillance system must also be adjusted, if necessary to provide the coverage required by these rules. The Commission shall approve the change in surveillance system before the relocated table games, slot machines, or other gaming devices may be placed into operation. The operator must submit any change to the surveillance system showing the change in the location of the gaming devices and related security and surveillance equipment within seven days to the Commission.



j) Nongambling hours. Security surveillance will be required during nongambling hours as follows:

(1) Cleanup and removal time. At any time cleanup operations or money removal is being conducted in the casino area, the security surveillance room shall be staffed with a minimum of one trained surveillance person.

(2) Locked down mode. Anytime the casino is closed and in a locked down mode, sufficient surveillance coverage shall be conducted to monitor and record the casino, in general, so that security integrity is maintained. During this period, it is not required that a trained security surveillance person be present.

#### Section 412. Restrictions for Gaming Enterprises.

Each licensee operating a gaming enterprise under a license issued pursuant to the provisions of this Ordinance must at all times observe the following restrictions on gaming activities:

- a) No credit extended. All gaming shall be conducted on a cash basis. Except as herein provided, no person shall be extended credit for gaming by a gaming enterprise. This restriction shall not apply to credits won by players who activate play on games of chance after inserting coins or currency into the game, and shall not restrict the right of the gaming enterprise to offer check cashing or to install or accept bank card or credit card transactions in the same manner as would be normally permitted at any retail business within the State of Colorado.
- b) Minimum age for players. No person below the age of twenty-one (21) years on the date of gaming shall be permitted to participate in any gaming enterprise licensed under the provisions of this Ordinance. If any person below the age of twenty-one (21) years plays and otherwise qualifies to win any prize, the prize shall not be paid and the estimated amount wagered during the course of the game shall be returned to the player.
- c) Regulation of Alcohol. No gaming enterprise shall allow to be sold or otherwise make available any beverage containing alcohol except in strict compliance with the Ute Mountain Tribal Liquor Control Ordinance.

TITLE V. INDIAN GAMING REGULATORY ACT.

Section 500. Policy.

It shall be the policy of the Ute Mountain Tribal Council to fully comply with all applicable U.S. Federal Law, to include the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and the Tribal/State Compact on Games of Chance and other Compacts, if any, in the conduct of all gaming activity within the jurisdiction of the Ute Mountain Reservation.

Section 501. New Revenue.

New revenue derived from gaming activity shall be utilized for the following purposes:

- a) To fund Ute Mountain Tribal government operations or programs;
- b) To provide for the general welfare of the Ute Mountain Tribe and the Ute Mountain Tribal Members;
- c) To promote Ute Mountain Tribal economic development;
- d) To donate to charitable organizations; and/or
- e) To help fund operations of local government agencies.

Section 502. Per Capita Payments.

Net revenues from any Class II gaming activity (as defined in the Indian Gaming Regulatory Act, 25 U.S.C. 2703) may be used to make per capita payments to the Ute Mountain Tribal Members only if the following conditions are first met:

- a) The Ute Mountain Tribal Council has prepared an adequate plan for allocation of net revenues, which plan has been approved by the Secretary of Interior or his designee;
- b) In the event of a per capita distribution, the interests of affected minors and legally incompetent persons entitled to such per capita payments are adequately protected and preserved, under a plan approved by the Ute Mountain Tribal Council and by the Secretary of the Interior or his designate; and
- c) The recipients of the said per capita payments are properly notified by the Ute Mountain Tribal Council that the payments are subject to federal taxation.

Section 503. Per Licensee Standards.

It is also the duty of the Gaming Commission to develop standards whereby any person whose prior activities, criminal records, if any, or reputation, habits or associations pose a threat to the public interest or the effective regulation of the gaming activity contemplated herein, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment by any gaming activity licensed by the Gaming Commission. The Gaming Commission shall conduct background investigations on primary management officials and key employees of all gaming activity and shall oversee those officials and their management on an ongoing basis. The results of such background checks shall be supplied to the National Indian Gaming Commission prior to the issuance of any gaming license.

Section 504. Contracts.

All contracts for supplies, services or concessions for a contract amount in excess of Twenty-five Thousand Dollars (\$25,000.00) annually (except for contracts for professional, legal or accounting services) relating to Class II gaming (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. 2703) shall be subject to the outside independent audits provided for in Title II, Section 204.b) (6) of this Ordinance.

Section 505. Protection.

It is further duty of the Gaming Commission to ensure that any construction and maintenance of any gaming facility licensed by the Gaming Commission, and the operation of the gaming activity therein shall be conducted in a manner which adequately protects the environment and the public health and safety.

Section 506. Licenses for Continuing Operations.

No licenses will be issued to allow the continuous operation of individually owned gaming establishments since none were in operation on September 1, 1986

Section 507. Tribal Self-Regulation.

It is the intent of the Ute Mountain Tribal Council to request a hearing before the National Indian Gaming Commission for the issuance of a certificate of self-regulation. In anticipation of being self-regulating, the Ute Mountain Tribal Council ensure that it will:

- a) conduct its gaming activity in a manner which:
  - (1) will result in an effective and honest accounting of all revenues;
  - (2) will result in a reputation for safe, fair, and honest operation of the activity; and
  - (3) will be generally free of evidence of criminal or dishonest activity;
- b) adopt and implement adequate systems for:
  - (1) accounting for all revenues from licensed gaming activity;
  - (2) investigation, enforcement and prosecution of violations of this Ordinance and regulations;
  - (3) investigation, enforcement and prosecution of violations of this Ordinance and regulations; and
- c) conduct all gaming operations on a fiscally and economically sound basis.

Section 508. Management Agreements.

All management agreements entered into by the Ute Mountain Tribal Council, if any, shall comply with the applicable provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2711.

Section 509. Internal Revenue Code.

All applicable Internal Revenue Code provisions concerning reporting and withholding of taxes with respect to the winnings from gaming shall be adhered to.

Section 510. Accounting and Cash Control.

- a) The Commission shall require the filing of monthly and annual financial statements covering all of the financial activities of the gambling operation. At a minimum the financial statements shall include the following items in detail: Casino Revenues; revenues net of complimentary services; total costs and expenses; income before extraordinary items and net income.
  
- b) Operators shall implement an internal control system that meets the following minimum standards:
  - (1) Administrative controls which include, but are not limited to, the plan of organization and the procedures and records which reflect the decision process leading to management's level of authorization of transactions.
  
  - (2) Accounting controls which include the plan of organization and the procedures and records intended to safeguard assets and ensure the reliability of financial records and are consequently designed to provide reasonable assurance that:
    - (i) Transactions are executed in accordance with management's general and specific authorization.
  
    - (ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles and to maintain accountability for assets.
  
    - (iii) Access to assets is permitted only in accordance with management authorization.
  
    - (iv) Recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.
  
- c) The internal control system shall ensure that personnel are honest and competent and adequately trained in the applicable procedures. Employee functions shall be segregated to ensure that no employee is in a position to perpetrate or conceal errors or irregularities in the normal course of their duties.

DATE August 5, 1993RESOLUTION No. 4026

**RESOLUTION  
UTE MOUNTAIN TRIBAL COUNCIL**

**REFERENCE: Amendment to the Ute Mountain Ute Tribal Gaming Ordinance #3827**

WHEREAS, the Constitution and By-Laws of the Ute Mountain Tribe, approved June 6, 1940, and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Ute Mountain Ute Tribal Council exercised in this Resolution; and

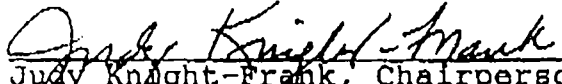
WHEREAS, The Ute Mountain Ute Tribal Council has reviewed Section 301 of the Ute Mountain Ute Tribal Gaming Ordinance, and finds it necessary to repeal this regulated in a manner that protects the public health, safety, and welfare of the Ute Mountain Ute Tribe, its members, and the gaming public, and to prevent special legislative advantage being granted to any specific operator;

NOW, THEREFORE BE IT RESOLVED AND ENACTED, that Section 214, and 301 of the Ute Mountain Ute Tribal Gaming Ordinance are hereby amended in the following particulars and to be effective as of September 7, 1993;

BE IT FINALLY RESOLVED, that notice of these amendments will be provided to the gaming enterprise operator, its key management officials, and will publically posted so as to provide notice to all licensed employees of the casino and the gaming public. Notice of these amendments will be for a period of ten (10) days.

BE IT FINALLY RESOLVED, that the Chairperson of the Ute Mountain Ute Tribe is authorized to sign the Resolution and is further authorized to take such action as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 5 day of August, 1993.

  
\_\_\_\_\_  
Judy Knight-Frank, Chairperson  
Ute Mountain Tribal Council

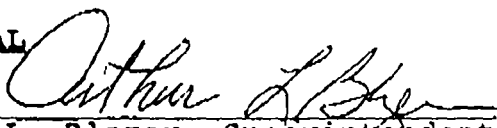
**CERTIFICATION**

This is to certify that there was a quorum of 7 Tribal Council Members present at the official meeting of the Ute Mountain Tribal Council held on the above mentioned date, that 6 voted for and 0 opposed the above Resolution, and 0 abstained that the above Resolution was duly adopted.



Shirley Deer, Secretary  
Ute Mountain Tribal Council

APPROVAL



Arthur L. Blazer, Superintendent  
Ute Mountain Ute Agency BIA

RESOLUTION NO. 4026  
PAGE 2 OF 2

## PUBLIC NOTICE

UTE MOUNTAIN UTE TRIBAL COUNCIL  
AMENDMENTS TO THE UTE MOUNTAIN UTE TRIBAL  
GAMING ORDINANCE (#3827)

Pursuant to Section 208, Ute Mountain Ute Tribal Gaming Ordinance, ("Ordinance"), notice is hereby given that the Ute Mountain Ute Tribal Council has duly adopted the following amendments to the Ordinance on August 18, 1993 which are effective on September 7, 1993 in the following particulars:

**SECTION 214. RIGHT TO APPEAL.**

The subject shall have the right to appeal ~~the~~ A FINAL determination of the Commission to the Tribal Council, ~~for a de novo hearing~~. Such appeal must be filed with the Tribal Council in written form on or before the tenth (10th) day following the FINAL determination of the Commission. THE APPEAL WILL BE LIMITED TO A REVIEW OF THE HEARING RECORD. The determination of such appeal by the Tribal Council shall be final.

**SECTION 301. REPEALED. ~~APPLICATION FOR GAMING ENTERPRISES NOT ACCEPTED; AUTOMATIC LICENSING FOR CURRENT GAMING ENTERPRISE.~~**

~~Except for the application for the gaming enterprise under construction on the Ute Mountain Reservation on the day this Ordinance is enacted, no application for a gaming enterprise by a gaming operator shall be accepted, and no license for a gaming enterprise shall be issued, by the Gaming Commission until this Ordinance is amended to provide otherwise. The gaming enterprise under construction on the day this Ordinance is enacted shall be issued Class A and Class B licenses with waivers of any application fees. These licenses shall be renewed each year with waivers of application fees until this Ordinance is amended to provide otherwise.~~

All persons having a legitimate and bone fide interest in these amendments are hereby invited to submit comments to the Tribal Council on or before September 7, 1993 c/o: Ute Mountain Ute Gaming Commission, 377 Sunset Blvd., P.O. Box BB, Towaoc, Colorado 81334 (you may also request a copy of this notice at our offices, or phone 303-565-8215).



DATE: February 9, 1995

RESOLUTION NO. 4148

**RESOLUTION OF THE  
UTE MOUNTAIN UTE TRIBAL COUNCIL  
REFERENCE: AMENDMENTS TO THE UTE MOUNTAIN UTE TRIBE  
UTE MOUNTAIN UTE RESERVATION GAMING ORDINANCE**

**WHEREAS,** the Constitution and By-Laws of the Ute Mountain Tribe , approved June 6, 1940, and subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Ute Mountain Ute Tribal Council exercised in this Resolution; and

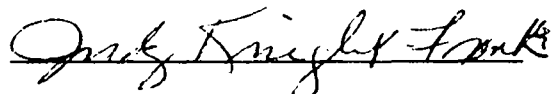
**WHEREAS,** the Ute Mountain Ute Tribal Council has reviewed the Ute Mountain Ute Tribe Ute Mountain Ute Reservation Gaming Ordinance and finds certain Amendments are necessary to protect the public health, safety and welfare of the Ute Mountain Ute Tribe and its members, to protect gaming as a means of promoting tribal economic development, and to comply with applicable federal regulations; and

**NOW THEREFORE, BE IT RESOLVED AND ENACTED,** that the Amendments to the Ute Mountain Ute Tribe Ute Mountain Ute Reservation Gaming Ordinance attached hereto are hereby approved to be issued for public notice with public comment required to be received by March 2, 1995, and with an effective date of March 17, 1995 subject to further revision based upon comments received; and

**BE IT FURTHER RESOLVED,** that the Ute Mountain Ute Tribal Council will provide notice of these proposed Amendments to all licensees and other person(s) whom the Ute Mountain Ute Tribal Council has reason to believe have a legitimate and bonafide interest in such proposed action; such notice to be by public notice, or as otherwise determined by the Ute Mountain Ute Tribal Council; and

**BE IT FURTHER RESOLVED,** that the Chairman of the Ute Mountain Ute Tribal Council is authorized to sign the Resolution and is further authorized to take such action as may be necessary to carry out the intent of this Resolution.

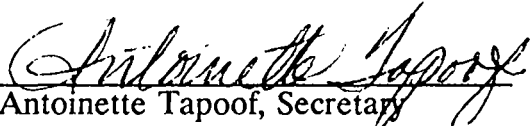
The foregoing Resolution was duly adopted this 9th day of February, 1995.



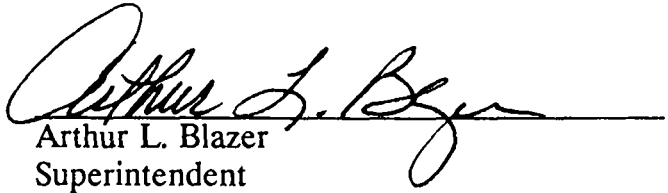
Judy Knight-Frank, Chairman  
Ute Mountain Ute Tribal Council

CERTIFICATION

This is to certify that there was a quorum of 7 Tribal Council Members present at the official meeting of the Ute Mountain Tribal Council held on the above mentioned date, that 6 voted for and 0 opposed the above Resolution, and 0 abstained that the above Resolution was duly adopted.

  
Antoinette Tapoof, Secretary  
Ute Mountain Tribal Council

APPROVAL

  
Arthur L. Blazer  
Superintendent  
Ute Mountain Ute Agency, Bureau of Indian Affairs

**AMENDMENTS TO THE  
UTE MOUNTAIN UTE TRIBE GAMING ORDINANCE  
UTE MOUNTAIN UTE INDIAN RESERVATION**

**PREAMBLE**

The Ute Mountain Ute Tribal Council has adopted the following proposed Amendments to the Ute Mountain Ute Tribe Ute Mountain Ute Reservation Gaming Ordinance (hereinafter "Ordinance"). The Amendments are to be effective thirty (30) days from the date of adoption, pending receipt of public comment. Following is a section by section summary of the proposed Amendments.

**Section 101. Definitions.** This section was amended to include and/or revise definitions to meet or exceed the requirements of 25 C.F.R. Part 502. Other revisions were made for clarity or consistency with other provisions of this Ordinance. The definitions have been reordered to appear in alphabetical order.

**Section 108. Ownership of Gaming.** This provision was added to clarify the requirement of 25 C.F.R. 522.4(b)(1) that the Tribe shall have the sole proprietary interest in and ownership responsibility for any gaming operation authorized pursuant to this Ordinance.

**Section 109. Statutory References.** This Section was added to expressly state that all references in this Ordinance to Federal, Tribal and State statutes and regulations shall mean those statutes and regulations currently in effect and as hereafter amended.

**Section 204. Commission Duties.** Paragraph 204(b)(6) was amended to clarify that the independent audits of gaming activity will be conducted on an annual basis, pursuant to 25 C.F.R. § 522.4(b)(3).

**Section 300. License Required.** This provision was amended to conform to the amended definitions.

**Section 302. Licenses for Key Employees and Primary Management Officials.** This Section was amended to provide that the Tribe will perform background investigations and issue licenses to key employees and primary management officials according to requirements that meet or exceed those set forth in 25 C.F.R. parts 556 and 558.

**Section 305. Classes of Licenses.** This section was amended to provide that tribal licenses are required for each place, facility, or location where gaming occurs pursuant to 25 C.F.R. § 522.4(b)(6) and reiterates the Commission's duty pursuant to Section 204(b)(5) to determine applicable license fees.

**Section 306. Exemptions.** This Section was amended to conform to the amended definitions.

**Section 315. Licenses for Management Contractors, Persons with Direct or Indirect Financial Interests and Persons with Minority Interests.** This Section was added to set forth certain requirements and procedures for the background investigation and licensing of certain persons not specifically included in other provisions of this Ordinance, including all parties entering into a management contract with the Community, each person with a direct or indirect financial interest in a management contract and each person with a minority interest in a management contract or management contractor. This provision codifies certain standards developed by the Commission to insure that tribal gaming is conducted in the best interest of the Tribe and its members, fairly and honestly and free from corrupting influences and unsuitable or illegal practices.

**Section 316. Submission of Background Information.** This provision was added to specify the time frames for submission of the background information required in Section 315.

**Section 317. Eligibility Determinations.** This provision was added to specify the standard for suitability for any person with a financial interest in or management responsibility for a management contract that is subject to a background investigation pursuant to Section 315. The standard is essentially the same as that applied to key employees and primary management officials pursuant to 25 C.F.R. Part 558.

**Section 504. Contracts.** This provision was amended to clarify that pursuant to 25 C.F.R. § 522.4(b)(4), all gaming related contracts for supplies, services or concessions for a contract amount in excess of \$25,000 annually (except for contracts for professional, legal or accounting services) shall be subject to the outside independent audits provided for in Section 204(b)(6) of this Ordinance.

## **PROPOSED AMENDMENTS**

**Note:** Only amended and new provisions to the Ute Mountain Ute Tribe Ute Mountain Ute Reservation Gaming Ordinance appear below. Provisions which are not revised by these amendments are not reproduced herein. Additions to text are indicated by upper case, bold face type; deletions to text are indicated by strikethroughs.

### **Section 101. Definitions**

- A) **“CLASS I GAMING” SHALL MEAN ALL GAMING DEFINED AS “CLASS I GAMING” IN THE INDIAN GAMING REGULATORY ACT, P.L. 100-497, 25 U.S.C. § 2703(6), AND SHALL MEAN SOCIAL GAMES PLAYED SOLELY FOR PRIZES OF MINIMAL VALUE; OR TRADITIONAL FORMS OF INDIAN GAMING ENGAGED IN BY INDIVIDUALS AS A PART OF, OR IN CONNECTION WITH, TRIBAL CEREMONIES OR CELEBRATIONS.**
- B) **“CLASS II GAMING” SHALL MEAN ALL GAMING DEFINED AS “CLASS II GAMING” IN THE INDIAN GAMING REGULATORY ACT, P.L. 100-497, 25 U.S.C. § 2703(7)(A), AND SHALL INCLUDE:**
- (1) **BINGO OR LOTTO (WHETHER OR NOT ELECTRONIC, COMPUTER, OR OTHER TECHNOLOGIC AIDS ARE USED) WHEN PLAYERS:**
- (A) **PLAY FOR PRIZES WITH CARDS BEARING NUMBERS OR OTHER DESIGNATIONS;**
- (B) **COVER NUMBERS OR DESIGNATIONS WHEN OBJECTS, SIMILARLY NUMBERED OR DESIGNATED, ARE DRAWN OR ELECTRONICALLY DETERMINED; AND**
- (C) **WIN THE GAME BY BEING THE FIRST PERSON TO COVER A DESIGNATED PATTERN ON SUCH CARDS;**
- (2) **IF PLAYED IN THE SAME LOCATION AS BINGO OR LOTTO, PULL-TABS, PUNCH BOARDS, TIP JARS, INSTANT BINGO, AND OTHER GAMES SIMILAR TO BINGO;**
- (3) **NONBANKING CARD GAMES THAT RELEVANT STATE LAW EXPLICITLY AUTHORIZES OR DOES NOT EXPLICITLY PROHIBIT AND ARE PLAYED LEGALLY ANYWHERE IN THE STATE; AND PLAYERS PLAY IN CONFORMITY WITH STATE LAWS AND REGULATIONS CONCERNING HOURS, PERIODS OF OPERATION, AND LIMITATIONS ON WAGERS AND POT SIZES.**
- C) **“CLASS III GAMING” SHALL MEAN ALL GAMING DEFINED AS “CLASS III GAMING” IN THE**

INDIAN GAMING REGULATORY ACT, P.L. 100-497, 25 U.S.C. § 2703(8), AND SHALL INCLUDE ALL FORMS OF GAMING THAT ARE NOT CLASS I OR CLASS II GAMING, INCLUDING BUT NOT LIMITED TO:

- (1) ANY HOUSE BANKING GAME, INCLUDING BUT NOT LIMITED TO:
    - (A) CARD GAMES SUCH AS BACCARAT, CHEMIN DE FER, BLACKJACK (21), AND PAI GOW (IF PLAYED AS HOUSE BANKING GAMES);
    - (B) CASINO GAMES SUCH AS ROULETTE, CRAPS, AND KENO;
  - (2) ANY SLOT MACHINES AS DEFINED IN 15 U.S.C. 1171(A)(1) AND ELECTRONIC OR ELECTROMECHANICAL FACSIMILES OF ANY GAME OF CHANCE;
  - (3) ANY SPORTS BETTING AND PARIMUTUEL WAGERING INCLUDING BUT NOT LIMITED TO WAGERING ON HORSE RACING, DOG RACING OR JAI ALAI; OR
  - (4) LOTTERIES.
- e-D) "Community" shall mean the Ute Mountain Ute Tribe; a federally recognized Indian tribe organized by the membership pursuant to federal authority and approval, located on the Ute Mountain Ute Reservation.
- d-E) "Compact" shall mean that agreement ENTITLED "THE UTE MOUNTAIN UTE TRIBE AND THE STATE OF COLORADO GAMING COMPACT," ~~concerning the operation of games of chance,~~ entered into on MAY 1, 1992, BETWEEN THE UTE MOUNTAIN UTE TRIBE AND with the State of Colorado, pursuant to ~~Section 11 of the Indian Gaming Regulatory Act of 1988, P.L. 100-497, CODIFIED AT 25 U.S.C. § 2701 ET SEQ. (1988) AND 18 U.S.C. §§ 1166-1168 (1988), between the Community and the State:~~
- F) "ELECTRONIC, COMPUTER OR OTHER TECHNOLOGIC AID" SHALL MEAN A DEVICE SUCH AS A COMPUTER, TELEPHONE, CABLE, TELEVISION, SATELLITE OR BINGO BLOWER THAT WHEN USED: (1) IS NOT A GAME OF CHANCE, BUT MERELY ASSISTS A PLAYER OR THE PLAYING OF A GAME; (2) IS READILY DISTINGUISHABLE FROM THE PLAYING OF A GAME OF CHANCE ON AN ELECTRONIC OR ELECTROMECHANICAL FACSIMILE; AND (3) IS OPERATED ACCORDING TO APPLICABLE FEDERAL COMMUNICATIONS LAW.
- G) "ELECTRONIC OR ELECTROMECHANICAL FACSIMILE" SHALL MEAN ANY GAMBLING DEVICE AS DEFINED IN 15 U.S.C. 1171(A)(2) OR (3).
- e-H) "Gambling equipment" shall mean the bingo cards or sheets, devices for selecting bingo numbers, pull-tabs, jar tickets, paddlewheels, tipboards, tables, slot machines, etc.
- s I) "Game of chance" shall mean ~~electronic or electromechanical devices that simulate games commonly referred to as poker, black jack, craps, hi-lo, roulette, line up symbols and numbers or other common gambling forms, which are activated by the insertion of a coin, token, or currency, and which award game credits, cash, tokens or replays, and contain a meter or device to record unplayed credits or replays; or otherwise shall have the same meaning as the term~~ ANY FORM OF GAMING WHICH IS Class III gaming as defined by the Indian Gaming Regulatory Act , of 1988, codified at 25 U.S.C. 2703(8) P.L. 100-497, 25 U.S.C. § 2703(8), AND 25 C.F.R. § 502.4.

- J) **“GAME SIMILAR TO BINGO” SHALL MEAN ANY GAME THAT MEETS THE REQUIREMENTS FOR BINGO UNDER SECTION 101(B) OF THIS ORDINANCE AND THAT IS NOT A HOUSE BANKING GAME UNDER SECTION 101 (C) OF THIS ORDINANCE .**
- b-K) **“Gaming Commission” shall mean the Ute Mountain Gaming Commission as provided for by the terms of this Ordinance.**
- ~~f) “Gaming” shall mean the act of paying for the opportunity and participation in a game or games of chance for money or something of value, where motor skills play no part and are of no consequence in determining the outcome of the game; to operate, carry on, conduct, maintain, or expose for play, money, property, or any representative of value wherein the outcome of a game is decided by chance or in which chance is a material element, but does not include social games played solely for consumable goods, i.e., foodstuffs or games played in private homes or residences for prizes or games operated by charitable and educational organizations which are approved by the Commission.~~
- g-L) **“Gaming Enterprise” OR “GAMING OPERATION” shall mean any commercial business owned by the Community and operated, in part or in whole, for the conduct of bingo, the sale of pull tabs, gaming in general and the conduct of other games of chance. WHICH OPERATES CLASS II OR CLASS III GAMING PURSUANT TO THIS ORDINANCE. A GAMING ENTERPRISE MAY BE OPERATED BY THE UTE MOUNTAIN UTE TRIBE DIRECTLY OR BY A MANAGEMENT CONTRACTOR.**
- h-M) **“Gaming Operator” shall mean a person, organization or entity that conducts the management of gaming at a Community gaming enterprise; including an entity entering into a management contract with the Community or the Community itself or any subdivision thereof.**
- h-N) **“Gaming test laboratory” shall mean as contemplated by Section 8 of the Tribal/State Compact regarding video games of chance, a laboratory agreed to and designated in writing by the Commission and appointed State Board BY THE COLORADO LIMITED GAMING CONTROL COMMISSION OR THE COLORADO DIVISION OF GAMING as competent and qualified to conduct scientific tests and evaluations of video games of chance and related equipment; a laboratory operated by or under contract with THE COLORADO LIMITED GAMING CONTROL COMMISSION OR THE COLORADO DIVISION OF GAMING.**
- O) **“HOUSE BANKING GAME” SHALL MEAN ANY GAME OF CHANCE THAT IS PLAYED WITH THE HOUSE AS A PARTICIPANT IN THE GAME, WHERE THE HOUSE TAKES ON ALL PLAYERS, COLLECTS FROM ALL LOSERS, AND PAYS ALL WINNERS, AND THE HOUSE CAN WIN.**
- j P) **“Indian Gaming Regulatory Act of 1988” or “INDIAN GAMING REGULATORY ACT” shall mean the Act of the United States Congress adopted on October 17, 1988, as Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. 2701, et seq. (1988) AND 18 U.S.C. §§ 1166-1168 (1988).**
- ~~k) “Key Employees” shall mean persons who serve as the General Manager of a gaming enterprise, persons who have, alone or with others, the authority to sign checks or create or discharge financial obligations for a gaming enterprise, persons who have any contact with a money room of a gaming operation, management, maintenance or other substantial contract of or with games of chance or other gambling equipment.~~

**k Q) "KEY EMPLOYEE" SHALL MEAN:**

- (1) A PERSON WHO PERFORMS ONE OR MORE OF THE FOLLOWING FUNCTIONS:
  - (I) BINGO CALLER;**
  - (II) COUNTING ROOM SUPERVISOR;**
  - (III) CHIEF OF SECURITY;**
  - (IV) CUSTODIAN OF GAMING SUPPLIES OR CASH;**
  - (V) FLOOR MANAGER;**
  - (VI) PIT BOSS;**
  - (VII) DEALER;**
  - (VIII) CROUPIER;**
  - (IX) APPROVER OF CREDIT;**
  - (X) CUSTODIAN OF GAMBLING DEVICES INCLUDING PERSONS WITH ACCESS TO CASH AND ACCOUNTING RECORDS WITHIN SUCH DEVICES; OR**
  - (XI) GENERAL MANAGER;****
- (2) IF NOT OTHERWISE INCLUDED, ANY OTHER PERSON WHOSE TOTAL CASH COMPENSATION IS IN EXCESS OF \$50,000 PER YEAR; OR**
- (3) IF NOT OTHERWISE INCLUDED, THE FOUR MOST HIGHLY COMPENSATED PERSONS IN A GAMING ENTERPRISE; OR**
- (4) IF NOT OTHERWISE INCLUDED, PERSONS WHO HAVE, ALONE OR WITH OTHERS, THE AUTHORITY TO SIGN CHECKS OR CREATE OR DISCHARGE FINANCIAL OBLIGATIONS FOR A GAMING ENTERPRISE.**

**l R) "License" shall mean the permission by authority of the Commission to do an act; which, without such permission, shall be illegal. License, with respect to real property of the Community, is a privilege to go on the premises for a certain purpose, but does not operate to confer on, vest in, or license any title, interest, or estate in such property.**

**m S) "Licensee" shall mean any person, entity or organization granted a license pursuant to the provisions of this Ordinance.**

**T) "MANAGEMENT CONTRACT" SHALL MEAN ANY CONTRACT, SUBCONTRACT, OR COLLATERAL AGREEMENT BETWEEN THE UTE MOUNTAIN UTE TRIBE, OR BETWEEN A CONTRACTOR AND A SUBCONTRACTOR, IF SUCH CONTRACT OR AGREEMENT PROVIDES FOR THE MANAGEMENT OF ALL OR PART OF A GAMING ENTERPRISE OR GAMING OPERATION. NOTHING IN THIS PROVISION SHALL BE DEEMED TO GIVE A CONTRACTOR A RIGHT TO SUBCONTRACT WITHOUT THE PRIOR EXPRESS WRITTEN APPROVAL OF THE UTE MOUNTAIN UTE TRIBAL COUNCIL, IF SUCH RIGHT IS NOT EXPRESSLY GRANTED IN THE MANAGEMENT CONTRACT WITH THE TRIBE.**

**U) "MINORITY INTEREST" SHALL MEAN AN OWNERSHIP INTEREST OF FIVE (5) PERCENT OR MORE IN A MANAGEMENT CONTRACT OR IN A GAMING OPERATOR THAT HAS ENTERED INTO A MANAGEMENT CONTRACT WITH THE COMMUNITY.**

o v) "Other Compacts" shall mean such agreements as may in the future be entered into between the Community and the State governing Class III gaming as that term is defined by the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2703(8).

~~p) "Other games of chance" shall mean games similar to traditional bingo in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance. Such games may be played using pull tabs, raffles, paddlewheels, tipboards, punchboards, tip jars, gaming tables, tokens, video games as defined in the Indian Gaming Regulatory Act of 1988, codified at 25 U.S.C. 2703(7)(A). Any game of chance which is not prohibited by the criminal laws of the State, or is subject to permissive regulation pursuant to State law, Chapter 349 or successor legislation shall be included in this definition.~~

w) "PERSON HAVING A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT" SHALL MEAN:

(1) WHEN A PERSON IS A PARTY TO A MANAGEMENT CONTRACT, ANY PERSON HAVING A DIRECT FINANCIAL INTEREST IN SUCH MANAGEMENT CONTRACT;

(2) WHEN A TRUST IS A PARTY TO A MANAGEMENT CONTRACT, ANY BENEFICIARY OR TRUSTEE;

(3) WHEN A PARTNERSHIP IS A PARTY TO A MANAGEMENT CONTRACT, ANY PARTNER;

(4) WHEN A CORPORATION IS A PARTY TO A MANAGEMENT CONTRACT, ANY PERSON WHO IS A DIRECTOR OR WHO HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER WHO IS A SPOUSE, PARENT, CHILD OR SIBLING;

(5) WHEN AN ENTITY OTHER THAN A NATURAL PERSON HAS AN INTEREST IN A TRUST, PARTNERSHIP OR CORPORATION THAT HAS AN INTEREST IN A MANAGEMENT CONTRACT, ALL PARTIES OF THAT ENTITY ARE DEEMED TO BE PERSONS HAVING A DIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT.

n x) "PRIMARY Management Officials" shall mean (1) any persons who have has a direct OR INDIRECT financial interest in, or management responsibility for, A MANAGEMENT CONTRACT a gaming enterprise licensed pursuant to the provisions of this Ordinance, and in the case of a corporation, shall include those individuals who serve on the Board of Directors of such corporation and each of its stockholders who hold directly or indirectly, 10% or more of its issued and outstanding stock (2) ANY PERSON HAVING MANAGEMENT RESPONSIBILITY FOR A MANAGEMENT CONTRACT OR GAMING ENTERPRISE; (3) ANY PERSON WHO HAS AUTHORITY TO HIRE AND FIRE EMPLOYEES, OR TO SET UP WORKING POLICY FOR A GAMING ENTERPRISE; OR (4) THE CHIEF FINANCIAL OFFICER OR OTHER PERSON WHO HAS FINANCIAL MANAGEMENT RESPONSIBILITY FOR THE GAMING ENTERPRISE.

q y) "Shall" is used in this Ordinance as imposing an obligation to act.



z) "SUPPORT EMPLOYEE" SHALL MEAN ANY PERSON EMPLOYED IN THE FIELD OF LIMITED GAMING, OTHER THAN A KEY EMPLOYEE OR A PRIMARY MANAGEMENT OFFICIAL, WHOSE DUTIES REQUIRE OR AUTHORIZE THEM TO GAIN UNESCORTED ACCESS TO RESTRICTED AREAS OF THE GAMING FACILITY NOT OTHERWISE OPEN TO THE PUBLIC.

~~r) "Traditional bingo" shall mean that game in which each player is supplied a card [sic] or board containing five adjoining horizontal and vertical rows with five spaces in each row each containing a number or figure therein and the word "free" marked in the center space thereof; or in which such a card or board is represented on a video screen. Upon announcement by the person conducting the game or the appearance on the video screen of any number or figure appearing on the player's card or board, the space containing said figure or number is covered by the player. When the player has covered all five spaces in any horizontal and vertical row, or has covered four spaces and the "free" space in a five space diagonal row, or shall have covered the required combination of spaces in some other preannounced pattern or arrangement, such combination of spaces covered shall constitute "bingo". The player or players to first announce "bingo" are awarded money, merchandise, or some other consideration by the person persons [sic] conducting the game.~~

a AA) "Tribal Council" shall mean the governing board of the Ute Mountain ~~Tribal~~ Ute Tribe, duly elected in accordance with the terms of the Constitution and By-Laws for governing the Ute Mountain Ute Tribe adopted June 6, 1940 and subsequently amended.

BB) "Net Revenues" shall mean gross revenues of an Indian gaming operation less--(a) Amounts paid out as, or paid for, prizes; and (b) Total gaming-related operating expenses, excluding management fees.

#### SECTION 108. OWNERSHIP OF GAMING

THE TRIBE SHALL HAVE THE SOLE PROPRIETARY INTEREST IN AND OWNERSHIP RESPONSIBILITY FOR ANY GAMING OPERATION AUTHORIZED BY THIS ORDINANCE.

#### SECTION 109. STATUTORY REFERENCES

ALL REFERENCES IN THIS ORDINANCE TO FEDERAL, TRIBAL AND STATE STATUTES AND REGULATIONS SHALL MEAN THOSE STATUTES AND REGULATIONS CURRENTLY IN EFFECT AND AS HEREAFTER AMENDED.

#### Section 204. Commission Duties.

b) It shall be the responsibility of the Commission to promulgate regulations necessary to administer the provisions of this Ordinance. The duties involved in the administration of this Ordinance shall include but not be limited to the following.

(6) Providing for THE CONDUCT OF AN ANNUAL ~~outside~~ independent audits of all gaming activity and presenting ~~these~~ THE RESULTING audits REPORTS to the National Indian Gaming Commission;

#### Section 300. License Required.

Any person, organization or entity (including PRIMARY management officials and key employees),

conducting a public gaming enterprise pursuant to the provisions of this Ordinance on lands within the exterior boundaries of the Ute Mountain Ute Tribe RESERVATION or on other lands which are subject to the jurisdiction of the Ute Mountain UTE Tribe, and any person, organization or entity selling, leasing or otherwise distributing gambling equipment or games of chance to any public gaming enterprise on lands within the exterior boundaries of the Ute Mountain Reservation or on other lands which are subject to the jurisdiction of the Ute Mountain UTE Tribe, shall be required to have and display prominently, or display upon request, an appropriate, valid and current Ute Mountain UTE Tribal gaming license issued pursuant to the provisions of this Ordinance. Any other forms of public gaming operations being conducted within the jurisdiction of the Ute Mountain UTE Tribe without the lawful written approval of the Gaming Commission are prohibited.

~~Section 302. Application for Management Officials and Key Employees and Other Employees~~

~~The application for management officials and key employees of any gaming operator or the Ute Mountain Ute Tribe shall contain:~~

- ~~a) The name and address of each proposed management official and proposed key employee;~~
- ~~b) Explicit and detailed information of any criminal record of the applicant in order to determine whether the applicant:
  - ~~(1) has committed a felony or gaming offense in any jurisdiction;~~
  - ~~(2) has engaged in any prior activities, or maintains any habits or associations affecting his present conduct which would:
    - ~~(i) pose a threat to the public and Ute Mountain Tribe's interest;~~
    - ~~(ii) threaten the effective regulation and control of gaming;~~
    - ~~(iii) enhance the dangers of unsuitable, unfair, or illegal methods, or activities in the conduct of gaming.~~~~~~
- ~~c) The social security number of the applicant;~~
- ~~d) A description of any previous experience which the applicant has had with the gaming industry generally, and Indian gaming in particular, including specifically the name and address of any licensing or regulatory agency with which such person has had contact relating to gaming;~~
- ~~e) A financial statement from the applicant;~~
- ~~f) The applicant's commitment to provide any additional information as may be required by the Commission;~~
- ~~g) Any additional information, including the fingerprints of the applicant, as may be determined by the Gaming Commission.~~

**SECTION 302. LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS**

**THE GAMING COMMISSION SHALL INSURE THAT THE POLICIES AND PROCEDURES SET OUT IN THIS SECTION ARE IMPLEMENTED WITH RESPECT TO KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS EMPLOYED AT ANY GAMING ENTERPRISE OR BY ANY GAMING OPERATOR:**

**A) APPLICATION FORMS. THE APPLICATION FORM FOR A KEY EMPLOYEE OR A PRIMARY MANAGEMENT OFFICIAL SHALL CONTAIN THE PRIVACY ACT NOTICE REQUIRED BY 25 C.F.R. § 556.2 AND THE NOTICE REGARDING FALSE STATEMENTS REQUIRED BY 25 C.F.R. § 556.3. THE GAMING COMMISSION SHALL COMPLY WITH THE REQUIREMENTS OF 25 C.F.R. §§ 556.2 AND 556.3 FOR OBTAINING SIGNED STATEMENTS CONTAINING THESE NOTICES FROM ALL KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS WHO COMPLETED APPLICATIONS THAT DID NOT CONTAIN THESE NOTICES.**

**B) BACKGROUND INVESTIGATIONS. THE GAMING COMMISSION SHALL PERFORM A BACKGROUND INVESTIGATION FOR EACH PRIMARY MANAGEMENT OFFICIAL AND EACH KEY EMPLOYEE OF ANY GAMING OPERATION IN ACCORDANCE WITH THE REQUIREMENTS OF 25 C.F.R. PART 556. THE GAMING COMMISSION SHALL CONDUCT AN INVESTIGATION SUFFICIENT TO MAKE A DETERMINATION UNDER SECTION 302 (C) OF THIS ORDINANCE. IN CONDUCTING A BACKGROUND INVESTIGATION, THE GAMING COMMISSION SHALL KEEP CONFIDENTIAL THE IDENTITY OF EACH PERSON INTERVIEWED IN THE COURSE OF THE INVESTIGATION EXCEPT AS OTHERWISE PERMITTED BY LAW. AT A MINIMUM, THE GAMING COMMISSION SHALL REQUEST FROM EACH PRIMARY management official and from each key employee all of the following information:**

- 1) FULL NAME, OTHER NAMES USED (ORAL AND/OR WRITTEN), SOCIAL SECURITY NUMBER(S), BIRTH DATE, PLACE OF BIRTH, CITIZENSHIP, GENDER, ALL LANGUAGES SPOKEN AND/OR WRITTEN, STATE AND COUNTRY OF RESIDENCE FROM AGE EIGHTEEN (18) TO THE PRESENT;**
- 2) CURRENTLY AND FOR THE PREVIOUS TEN (10) YEARS: ALL BUSINESS AND EMPLOYMENT POSITIONS HELD, ALL OWNERSHIP INTERESTS IN THOSE BUSINESSES, ALL BUSINESS AND RESIDENCE ADDRESSES, AND ALL 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 SECTION 302(B)(2) OF THIS ORDINANCE;**
- 4) CURRENT BUSINESS AND RESIDENCE TELEPHONE NUMBERS;**
- 5) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS WITH INDIAN TRIBES, INCLUDING OWNERSHIP INTERESTS IN AND/OR MANAGEMENT RESPONSIBILITY FOR THOSE BUSINESSES, AND A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS BETWEEN ANY INDIAN TRIBE AND ANY ENTITY IN WHICH APPLICANT HAS MANAGEMENT RESPONSIBILITY, IS A PARTNER, BENEFICIARY, TRUSTEE, OFFICER OR DIRECTOR OR HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER WHO IS A SPOUSE, PARENT, CHILD OR SIBLING, OR OTHERWISE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT AS**

DEFINED IN SECTION 101(w) OF THIS ORDINANCE;

6) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS WITH THE GAMING INDUSTRY GENERALLY, INCLUDING OWNERSHIP INTERESTS IN AND/OR MANAGEMENT RESPONSIBILITY FOR THOSE BUSINESSES AND A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS BETWEEN ANY GAMING ENTITY AND ANY ENTITY IN WHICH APPLICANT HAS MANAGEMENT RESPONSIBILITY, IS A PARTNER, BENEFICIARY, TRUSTEE, OFFICER OR DIRECTOR OR HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER WHO IS A SPOUSE, PARENT, CHILD OR SIBLING, OR OTHERWISE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT AS DEFINED IN SECTION 101(w) OF THIS ORDINANCE;

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 AND EACH CHARGE FOR WHICH THERE IS AN ONGOING MISDEMEANOR PROSECUTION (EXCLUDING MINOR TRAFFIC VIOLATIONS), IF SUCH CONVICTION OR CHARGE IS 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 SECTION 302(B)(8) OR (9) OF THIS ORDINANCE, THE CRIMINAL CHARGE, THE NAME AND ADDRESS OF THE COURT INVOLVED AND THE DATE AND DISPOSITION;

11) FOR EACH LAWSUIT IN WHICH THE APPLICANT IS A PARTY, FILED WITHIN TEN (10) YEARS OF THE DATE OF THE APPLICATION, THE NAME AND ADDRESS OF THE COURT INVOLVED, CASE NUMBER, CAUSES OF ACTION, DATE THE ACTION WAS FILED, DISPOSITION AND DATE OF DISPOSITION;

12) 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;

13) TWO CURRENT PHOTOGRAPHS;

14) A COMPLETE FINANCIAL STATEMENT SHOWING ALL SOURCES OF INCOME FOR THE PREVIOUS FIVE (5) YEARS, AND ASSETS, LIABILITIES, AND NET WORTH AS OF THE DATE OF THE SUBMISSION;

15) THE APPLICANT'S WRITTEN CERTIFICATION THAT IT HAS PROVIDED ALL INFORMATION PREVIOUSLY REQUESTED BY THE TRIBE, OR IF NOT, A DESCRIPTION OF ALL OUTSTANDING REQUESTS FOR INFORMATION FROM THE TRIBE, THE DATES REQUESTED AND REASON FOR NOT PROVIDING THE REQUESTED INFORMATION;

16) THE APPLICANT'S WRITTEN COMMITMENT TO PROVIDE ANY ADDITIONAL INFORMATION AS MAY BE REQUIRED BY THE COMMISSION;

17) ANY OTHER INFORMATION THE GAMING COMMISSION DEEMS RELEVANT;  
AND

18) FINGERPRINTS CONSISTENT WITH PROCEDURES ADOPTED BY THE GAMING COMMISSION PURSUANT TO 25 C.F.R. § 522.2(h).

C) **ELIGIBILITY DETERMINATION.** THE GAMING COMMISSION SHALL REVIEW A PERSON'S PRIOR ACTIVITIES, CRIMINAL RECORD, IF ANY AND REPUTATION, HABITS AND ASSOCIATIONS TO MAKE A FINDING CONCERNING THE ELIGIBILITY OF A KEY EMPLOYEE OR PRIMARY MANAGEMENT OFFICIAL FOR EMPLOYMENT IN A GAMING OPERATION. IF THE GAMING COMMISSION IN APPLYING THE STANDARDS ADOPTED IN THIS ORDINANCE DETERMINES THAT EMPLOYMENT OF THE 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 OR THE CARRYING ON OF RELATED BUSINESS AND FINANCIAL ARRANGEMENTS, THAT PERSON SHALL NOT BE LICENSED AS A KEY EMPLOYEE OR PRIMARY MANAGEMENT OFFICIAL AND A GAMING ENTERPRISE SHALL NOT EMPLOY THAT PERSON IN A KEY EMPLOYEE OR PRIMARY MANAGEMENT OFFICIAL POSITION.

D) **PROCEDURES FOR FORWARDING APPLICATIONS AND REPORTS FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS TO THE NATIONAL INDIAN GAMING COMMISSION.** THE GAMING COMMISSION SHALL FOLLOW THE PROCEDURES FOR FORWARDING APPLICATIONS AND REPORTS OF BACKGROUND INVESTIGATIONS FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS TO THE NATIONAL INDIAN GAMING COMMISSION AS SET FORTH IN 25 C.F.R. PARTS 556 AND 558.

E) **REPORT TO THE NATIONAL INDIAN GAMING COMMISSION.**

(1) THE GAMING COMMISSION SHALL PREPARE AND FORWARD TO THE NATIONAL INDIAN GAMING COMMISSION AN INVESTIGATIVE REPORT ON EACH BACKGROUND INVESTIGATION PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 302(D) OF THIS ORDINANCE. INVESTIGATIVE REPORTS SHALL INCLUDE THE STEPS TAKEN IN CONDUCTING A BACKGROUND INVESTIGATION; RESULTS OBTAINED; CONCLUSIONS REACHED; AND THE BASES FOR THOSE CONCLUSIONS.

(2) THE GAMING COMMISSION SHALL SUBMIT, WITH THE INVESTIGATIVE REPORT, A COPY OF THE ELIGIBILITY DETERMINATION MADE UNDER SECTION 302(C) OF THIS ORDINANCE.

(3) IF A LICENSE IS NOT ISSUED TO AN APPLICANT, THE GAMING COMMISSION SHALL NOTIFY THE NATIONAL INDIAN GAMING COMMISSION AND MAY FORWARD COPIES OF ITS ELIGIBILITY DETERMINATION AND INVESTIGATIVE REPORT, IF ANY, TO THE NATIONAL INDIAN GAMING COMMISSION FOR INCLUSION IN THE INDIAN GAMING INDIVIDUALS

**RECORD SYSTEM.**

(4) WITH RESPECT TO KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS, THE GAMING COMMISSION SHALL RETAIN APPLICATIONS FOR EMPLOYMENT AND REPORTS, IF ANY, OF BACKGROUND INVESTIGATIONS FOR INSPECTION BY THE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION OR HIS OR HER DESIGNEE FOR NO LESS THAN THREE (3) YEARS FROM THE DATE OF TERMINATION OF EMPLOYMENT.

F) GRANTING OF A GAMING LICENSE. THE GAMING COMMISSION SHALL FOLLOW THE PROCEDURES FOR ISSUING OR NOT ISSUING A GAMING LICENSE AS SET FORTH IN 25 C.F.R. § 558.4.

G) SUSPENSION OF A GAMING LICENSE. THE GAMING COMMISSION SHALL COMPLY WITH THE PROCEDURES FOR SUSPENDING A GAMING LICENSE AS SET FORTH IN 25 C.F.R. § 558.5.

(1) IF, AFTER THE ISSUANCE OF A GAMING LICENSE, THE GAMING COMMISSION RECEIVES FROM THE NATIONAL INDIAN GAMING COMMISSION RELIABLE INFORMATION INDICATING THAT A KEY EMPLOYEE OR A PRIMARY MANAGEMENT OFFICIAL IS NOT ELIGIBLE FOR EMPLOYMENT UNDER SECTION 302(C) OF THIS ORDINANCE, THE GAMING COMMISSION SHALL SUSPEND SUCH LICENSE AND SHALL NOTIFY THE LICENSEE IN WRITING OF THE SUSPENSION AND THE PROPOSED REVOCATION.

(2) THE GAMING COMMISSION SHALL NOTIFY THE LICENSEE OF A TIME AND A PLACE FOR A HEARING ON THE PROPOSED REVOCATION OF A LICENSE.

(3) AFTER A REVOCATION HEARING, THE GAMING COMMISSION SHALL DECIDE TO REVOKE OR TO REINSTATE A GAMING LICENSE. THE GAMING COMMISSION SHALL NOTIFY THE NATIONAL INDIAN GAMING COMMISSION OF ITS DECISION.

H) Any other employee not holding a POSITION AS A PRIMARY management OFFICIAL position or a key employment position EMPLOYEE shall be required to fill out an employment application provided by the gaming operator or the Ute Mountain UTE Tribe and shall be required to submit to a background check with local law enforcement authorities chosen by the gaming operator or the Ute Mountain UTE Tribe and leave such a set of fingerprints on file with said authorities a set of fingerprints.

**Section 305. Classes of Licenses.**

THE GAMING COMMISSION SHALL ISSUE A SEPARATE LICENSE TO EACH PLACE, FACILITY, OR LOCATION WHERE CLASS II OR CLASS III GAMING IS CONDUCTED PURSUANT TO THIS ORDINANCE. Upon proper application and approval, the following classes of licenses may be issued by the Gaming Commission:

a) Class A license for a gaming enterprise in which TO a gaming operator wishes to conduct traditional bingo and other games of chance CLASS II GAMING at a Tribal gaming enterprise. The license shall be site specific, valid for a period of one year and shall have an application fee TO BE ESTABLISHED BY THE GAMING COMMISSION.

b) Class B license for a gaming enterprise in which TO a gaming operator wishes to conduct games of chance CLASS III GAMING at a Tribal gaming enterprise. The license shall be site specific, valid for a period of one year and shall have an application fee TO BE ESTABLISHED BY THE GAMING

COMMISSION.

c) CLASS C LICENSES.

(1) Class C license to any PRIMARY management official or key employee of either a gaming operator or the Tribe; the license shall be valid for a period of one year and shall have an application fee ~~of \$30.00~~ TO BE ESTABLISHED BY THE GAMING COMMISSION. ~~and a~~

(2) Class C-1 license to any other SUPPORT employee, not licensed as a primary management official or a ~~gaming enterprise~~ KEY EMPLOYEE licensed under the provisions of this ORDINANCE AND NOT A UTE MOUNTAIN UTE TRIBAL MEMBER; the license shall be valid for a period of one year and shall have an application fee TO BE ESTABLISHED BY THE GAMING COMMISSION.

(3) CLASS C-2 SUPPORT LICENSE TO ANY UTE MOUNTAIN UTE TRIBAL MEMBER NOT LICENSED AS A PRIMARY MANAGEMENT OFFICIAL OR AS A KEY EMPLOYEE LICENSED UNDER THE PROVISIONS OF THIS ORDINANCE. THE LICENSE SHALL BE VALID FOR A PERIOD OF ONE YEAR AND MAY HAVE AN APPLICATION FEE TO BE ESTABLISHED BY THE GAMING COMMISSION. THE GAMING COMMISSION MAY IN ITS DISCRETION DETERMINE THAT THERE WILL BE NO APPLICATION FEE FOR CLASS C-2 LICENSES.

d) Class D license to any distributor or manufacturer of gambling equipment and/or games of chance THAT RECEIVES AN AMOUNT EQUAL TO OR IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) PER YEAR FOR GAMBLING EQUIPMENT AND/OR GAMES OF CHANCE to be used in a Tribal gaming enterprise. The license shall have an application fee TO BE ESTABLISHED BY THE GAMING COMMISSION.

e) Class E license for each game of chance to be used in a tribal gaming enterprise; the license shall be valid for a period of one year and shall have an application fee TO BE ESTABLISHED BY THE GAMING COMMISSION.

Section 306. Exemptions

a) The following activities are not ~~public gaming operations~~ CLASS II OR CLASS III GAMING under the terms of this ordinance and, therefore, do not require a license under this title:

(1) Gaming not for gain. Gaming in which no cash or valuable prizes are won, other than "points" for cumulative competitive ratings or "places" for immediate competitive rankings, is not subject to the provisions of this Ordinance. However, gaming for gain which is conducted by a non-profit organization is subject to the requirements of this Ordinance if cash or valuable prizes are awarded. "Valuable prize" means an object or service worth One Hundred Dollars (\$100.00) or more in fair market value.

(2) Traditional Indian Gaming. Traditional Indian Gaming activity, in the nature of hand games, are not subject to the provisions of this ordinance when engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations. The Gaming Commissions is hereby authorized to determine on a case-by-case basis, upon

request, whether a particular gaming activity qualifies for the exemption.

**SECTION 315. LICENSES FOR MANAGEMENT CONTRACTORS, PERSONS WITH DIRECT OR INDIRECT FINANCIAL INTERESTS AND PERSONS WITH MINORITY INTERESTS**

**A) FOR EACH GAMING ENTERPRISE FOR CLASS II OR CLASS III GAMING, THE GAMING COMMISSION SHALL PERFORM A BACKGROUND INVESTIGATION OF THE FOLLOWING PERSONS IF A BACKGROUND INVESTIGATION IS NOT OTHERWISE REQUIRED PURSUANT TO THIS ORDINANCE:**

- (1) ALL PARTIES ENTERING INTO A MANAGEMENT CONTRACT WITH THE COMMUNITY;**
- (2) EACH PERSON WITH A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT AS DEFINED IN SECTION 101(w) OF THIS ORDINANCE;**
- (3) EACH PERSON WITH A MINORITY INTEREST IN A MANAGEMENT CONTRACT OR MANAGEMENT CONTRACTOR AS DEFINED IN SECTION 101(u) OF THIS ORDINANCE; AND**
- (4) ANY OTHER PERSON WITH A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT OTHERWISE DESIGNATED BY THE GAMING COMMISSION.**

**B) FOR EACH NATURAL PERSON IDENTIFIED IN SECTION 315(A) OF THIS ORDINANCE, THE GAMING COMMISSION SHALL REQUEST ALL OF THE INFORMATION REQUIRED PURSUANT TO SECTION 302(B) OF THIS ORDINANCE.**

**C) RESPONSES TO QUESTIONS. EACH PERSON SUBJECT TO THE PROVISIONS OF SECTION 315(B) OF THIS ORDINANCE SHALL PROVIDE A WRITTEN RESPONSE TO WRITTEN OR ORAL QUESTION PROPOUNDED BY THE GAMING COMMISSION.**

**D) APPLICATION FORMS. THE APPLICATION FORM FOR PERSONS SUBJECT TO THE PROVISIONS OF SECTION 315(B) OF THIS ORDINANCE SHALL CONTAIN THE FOLLOWING NOTICES, WHICH SHALL BE MUST BE SIGNED AND SUBMITTED BY EACH PERSON REQUIRED TO SUBMIT INFORMATION UNDER SECTION 315(B):**

**(1) PRIVACY ACT NOTICE. THE APPLICATION FORMS WILL CONTAIN THE PRIVACY ACT NOTICE AS SET FORTH IN 25 C.F.R. § 556.2.**

**(2) NOTICE REGARDING FALSE STATEMENTS. THE APPLICATION FORM WILL CONTAIN THE FOLLOWING STATEMENT: A FALSE STATEMENT KNOWINGLY AND WILLFULLY PROVIDED IN ANY OF THE INFORMATION PROVIDED PURSUANT TO SECTION 315(B) OF THE UTE MOUNTAIN UTE TRIBE UTE MOUNTAIN UTE RESERVATION GAMING ORDINANCE MAY BE GROUNDS FOR NOT ISSUING AN OPERATOR'S LICENSE TO AN ENTITY IN WHICH I HAVE A FINANCIAL INTEREST OR MANAGEMENT RESPONSIBILITY, OR FOR SUSPENDING, REVOKING OR CONDITIONING SUCH LICENSE AFTER IT IS ISSUED. ALSO, I MAY BE PUNISHED BY FINE OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001).**

**E) FOR EACH ENTITY IDENTIFIED IN SECTION 315(A) OF THIS ORDINANCE, THE MANAGEMENT CONTRACTOR SHALL PROVIDE TO THE GAMING COMMISSION THE FOLLOWING INFORMATION:**

**(1) LIST OF INDIVIDUALS.**

- (i) EACH PERSON WHO OTHERWISE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANAGEMENT CONTRACT AS DEFINED IN SECTION 101(w) OF THIS ORDINANCE;**



(II) EACH PERSON WHO HAS A MINORITY INTEREST IN THE MANAGEMENT CONTRACT OR THE MANAGEMENT CONTRACTOR AS DEFINED IN SECTION 101(U) OF THIS ORDINANCE

(2) REQUIRED INFORMATION.

(I) THE INFORMATION REQUIRED IN SECTIONS 315(B) AND 302(B) OF THIS ORDINANCE FOR EACH INDIVIDUAL IDENTIFIED IN SECTION 315(E)(1) OF THIS ORDINANCE;

(II) COPIES OF DOCUMENTS ESTABLISHING THE EXISTENCE OF THE ENTITY, SUCH AS THE PARTNERSHIP AGREEMENT, THE TRUST AGREEMENT, OR THE ARTICLES OF INCORPORATION;

(III) COPIES OF DOCUMENTS DESIGNATING THE PERSON WHO IS CHARGED WITH ACTING ON BEHALF OF THE ENTITY;

(IV) COPIES OF BYLAWS AND ALL OTHER DOCUMENTS THAT PROVIDE THE DAY-TO-DAY OPERATING RULES FOR THE ORGANIZATION;

(V) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS WITH INDIAN TRIBES, INCLUDING OWNERSHIP INTERESTS IN AND/OR MANAGEMENT RESPONSIBILITY FOR THOSE BUSINESSES, AND A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS BETWEEN ANY INDIAN TRIBE AND ANY ENTITY IN WHICH APPLICANT HAS MANAGEMENT RESPONSIBILITY, IS A PARTNER, BENEFICIARY, TRUSTEE OR HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER, OR OTHERWISE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT AS DEFINED IN SECTION 101(W) OF THIS ORDINANCE;

(VI) A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS WITH THE GAMING INDUSTRY GENERALLY, INCLUDING OWNERSHIP INTERESTS IN AND/OR MANAGEMENT RESPONSIBILITY FOR THOSE BUSINESSES AND A DESCRIPTION OF ANY EXISTING AND PREVIOUS BUSINESS RELATIONSHIPS BETWEEN ANY GAMING ENTITY AND ANY ENTITY IN WHICH APPLICANT HAS MANAGEMENT RESPONSIBILITY, IS A PARTNER, BENEFICIARY, TRUSTEE, OR HOLDS AT LEAST 10% OF THE ISSUED AND OUTSTANDING STOCK ALONE OR IN COMBINATION WITH ANOTHER STOCKHOLDER, OR OTHERWISE HAS A DIRECT OR INDIRECT FINANCIAL INTEREST IN A MANAGEMENT CONTRACT AS DEFINED IN SECTION 101(W) OF THIS ORDINANCE;

(VII) THE NAME AND ADDRESS OF ANY LICENSING OR REGULATORY AGENCY WITH WHICH THE ENTITY HAS FILED AN APPLICATION FOR A LICENSE OR PERMIT RELATED TO GAMING, WHETHER OR NOT SUCH LICENSE OR PERMIT WAS GRANTED;

(VIII) FOR EACH GAMING OFFENSE AND FOR EACH FELONY FOR WHICH THERE IS AN ONGOING PROSECUTION OR A CONVICTION, THE CHARGE, THE NAME AND ADDRESS OF THE COURT INVOLVED, AND THE DATE AND DISPOSITION IF ANY;

(IX) FOR EACH MISDEMEANOR CONVICTION AND EACH CHARGE FOR WHICH THERE IS AN ONGOING MISDEMEANOR PROSECUTION, IF SUCH CONVICTION OR

CHARGE IS WITHIN TEN (10) YEARS OF THE DATE OF THE APPLICATION, THE NAME AND ADDRESS OF THE COURT INVOLVED AND THE DATE AND DISPOSITION;

(X) FOR EACH CRIMINAL CHARGE, WHETHER OR NOT THERE IS A CONVICTION, IF SUCH CRIMINAL CHARGE WAS FILED WITHIN TEN (10) YEARS OF THE DATE OF THE APPLICATION AND IS NOT OTHERWISE LISTED PURSUANT TO SECTION 315(E)(VIII) OR (IX) OF THIS ORDINANCE, THE CRIMINAL CHARGE, THE NAME AND ADDRESS OF THE COURT INVOLVED AND THE DATE AND DISPOSITION;

(XI) FOR EACH LAWSUIT IN WHICH THE ENTITY IS A PARTY, FILED WITHIN TEN (10) YEARS OF THE DATE OF THE APPLICATION, THE NAME AND ADDRESS OF THE COURT INVOLVED, CASE NUMBER, CAUSES OF ACTION, DATE THE ACTION WAS FILED, DISPOSITION AND DATE OF DISPOSITION;

(XII) COMPLETE FINANCIAL STATEMENTS FOR THE PREVIOUS FIVE (5) FISCAL YEARS;

(XIII) THE ENTITY'S WRITTEN CERTIFICATION THAT IT HAS PROVIDED ALL INFORMATION PREVIOUSLY REQUESTED BY THE TRIBE, OR IF NOT, A DESCRIPTION OF ALL OUTSTANDING REQUESTS FOR INFORMATION FROM THE TRIBE, THE DATES REQUESTED AND REASON FOR NOT PROVIDING THE REQUESTED INFORMATION;

(XIV) THE ENTITY'S WRITTEN COMMITMENT TO PROVIDE ANY ADDITIONAL INFORMATION AS MAY BE REQUIRED BY THE COMMISSION;

(XV) ANY OTHER INFORMATION THE GAMING COMMISSION DEEMS RELEVANT.

F) RESPONSES TO QUESTIONS. EACH ENTITY SUBJECT TO THE PROVISIONS OF SECTION 315(E) OF THIS ORDINANCE SHALL PROVIDE A WRITTEN RESPONSE TO WRITTEN OR ORAL QUESTION PROPOUNDED BY THE GAMING COMMISSION.

G) APPLICATION FORMS. THE APPLICATION FORM FOR ENTITIES SUBJECT TO THE PROVISIONS OF SECTION 315(E) OF THIS ORDINANCE SHALL CONTAIN A PRIVACY ACT NOTICE INCORPORATING THE PROVISIONS SET FORTH IN 25 C.F.R. § 556.2 AND THE NOTICE REGARDING FALSE STATEMENTS AS SET FORTH IN SECTION 315(D)(2) OF THIS ORDINANCE.

#### SECTION 316. SUBMISSION OF BACKGROUND INFORMATION

A MANAGEMENT CONTRACTOR SHALL SUBMIT THE BACKGROUND INFORMATION REQUIRED IN SECTION 315 OF THIS ORDINANCE IN ACCORDANCE WITH SECTION 307 OF THIS ORDINANCE FOR PURPOSES OF ITS LICENSE RENEWAL, AND WITHIN TEN (10) DAYS OF ANY PROPOSED CHANGE IN FINANCIAL INTEREST APPROVED BY THE TRIBAL COUNCIL.

#### SECTION 317. ELIGIBILITY DETERMINATIONS

THE GAMING COMMISSION SHALL REVIEW THE PRIOR ACTIVITIES, CRIMINAL RECORD, IF ANY, AND REPUTATION, HABITS AND ASSOCIATIONS OF EACH PERSON SUBJECT TO A BACKGROUND INVESTIGATION PURSUANT TO SECTIONS 315 OF THIS ORDINANCE TO MAKE A FINDING CONCERNING THE APPROVAL OF A GAMING OPERATOR. IF THE GAMING COMMISSION, IN APPLYING THE STANDARDS ADOPTED IN THIS ORDINANCE, DETERMINES THAT ANY PERSON WITH A

**FINANCIAL INTEREST IN OR MANAGEMENT RESPONSIBILITY FOR A MANAGEMENT CONTRACT, OR OTHERWISE SUBJECT TO A BACKGROUND INVESTIGATION PURSUANT TO SECTIONS 315 OF THIS ORDINANCE, POSES A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF GAMING, OR CREATES OR ENHANCES THE DANGERS OF UNSUITABLE, UNFAIR, OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF GAMING OR THE CARRYING ON OF RELATED BUSINESS AND FINANCIAL ARRANGEMENTS, THE MANAGEMENT CONTRACTOR SHALL NOT BE LICENSED AS A GAMING OPERATOR.**

Section 504. Contracts

All GAMING RELATED contracts THAT RESULT IN THE PURCHASE(S) OF for supplies, services or concessions ~~for a contract amount~~ in excess of Twenty-five Thousand Dollars (\$25,000.00) annually (except for contracts for professional legal or accounting services) ~~relating to Class H gaming (as defined by the Indian Gaming Regulatory Act, 25 U.S.C. § 2703)~~ shall be SPECIFICALLY INCLUDED WITHIN THE SCOPE OF ~~subject to the outside~~ independent audits provided for in Section 204(b) (6) of this Ordinance.