

**NATIONAL
INDIAN
GAMING
COMMISSION**

APR 10 1996

Rose Marie Saulque-Bahe
Tribal Chairperson
U-tu Utu Gwaitu Paiute Tribe
Benton Paiute Reservation
Star Route 4, Box 56-A
Benton, CA 93512

Dear Chairperson Saulque-Bahe:

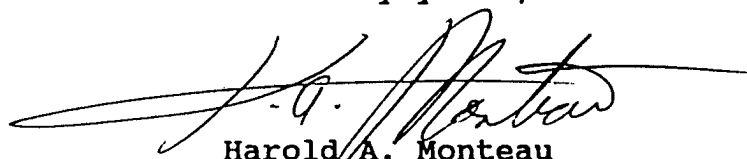
This letter responds to your request to review and approve the tribal gaming ordinance, Ordinance No. 95-001 and Amendment thereto, and Ordinance No. 95-002, adopted on August 7, 1995, and amended on January 13, 1996, by the U-tu Utu Gwaitu Paiute Tribe. This letter constitutes approval of the both ordinances with the amendments 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 ordinances, 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 ordinances of the U-tu Utu Gwaitu Paiute 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

**U-tu Utu Gwaitu Paiute Tribe
Benton Paiute Reservation**

SUBJECT: TRIBAL GAMING ORDINANCE.

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**U-TU UTU GWAITU PAIUTE TRIBE
GAMING ORDINANCE**

ARTICLE I - TITLE, FINDINGS AND PURPOSES

Section 1. Title:

This Ordinance shall be known as the U-tu Utu Gwaitu Paiute Tribe Gaming Ordinance #95-001.

Section 2. Findings:

The Tribal Council of the U-tu Utu Gwaitu Paiute Tribe finds that:

- A. The Tribal Council is empowered by its Constitution, as amended, and approved on January 20, 1976 to enact ordinances within the jurisdiction of the Benton Paiute Reservation and other trust lands owned by the Tribe that are not adjacent to the Reservation.
- B. It is essential to the health, safety and general welfare of the U-tu Utu Gwaitu Paiute Tribe and the visitors to the Benton Paiute Reservation that standards and regulations be promulgated to govern the conduct of gaming activities on Tribal owned land.

Section 3. Purposes:

The purposes of this Gaming Ordinance are to:

- A. Provide standards and regulations governing the conduct of gaming activities on Tribal Land of the U-tu Utu Gwaitu Paiute Tribe;
- B. Promote Tribal Economic Development;
- C. Enhance employment opportunities for tribal members;
- D. Strengthen the economy of the U-tu Utu Gwaitu Paiute Tribal Government and community.
- E. Generate revenue for use in improving the health, education and general welfare of enrolled members of the Tribe, are residents of the Benton-Paiute Reservation.

ARTICLE II - GENERAL PROVISIONS

Section 1. Definitions.

- A. "Act" or "I.G.R.A." means the Indian Gaming Regulatory Act, 25 U.S.C. Section 2701 et seq.
- B. "Tribal Council" means the Governing body of the U-tu Utu Gwaitu Paiute Tribe.
- C. "Class II Gaming" means all forms of gaming which are defined as "Class II Gaming" in the Indian Gaming Regulatory Act, P.L. 100-497 (1988), codified at 25 U.S.C. Sections 2701-2721, and accompanying federal regulations.
- D. "Class III Gaming" means all forms of gaming that are defined as "Class III Gaming" in the Indian Gaming Regulatory Act, P.L. 100-497 (1988), codified at 25 U.S.C. Sections 2701-2721, and accompanying federal regulations.
- E. "Compact" means any Compact by and between the Tribe and the State of California setting forth an agreement for operation of Class III gaming on Tribal Land of the U-tu Utu Gwaitu Paiute Tribe.
- F. "Entity" means any organization, including any division, department or other unit therein, and includes, but shall not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, commission, bureau, department of governmental agency **except that "entity" shall not include the Tribe.**
- G. "Indian Land(s)" or "U-tu Utu Gwaitu Paiute Tribal land(s)" means all lands within the limits of the Benton Paiute Reservation; or any lands title to which is either held in trust by the United States for the benefit of this Tribe or individual Tribal Member or held by the Tribe or individual Tribal member subject to restriction by the United States against alienation, and over which the Tribe exercises governmental power, or any land(s) that may be added to the Reservation or Tribal jurisdictions that will be held in trust by the United States of America for the Benefit of the Tribe.
- H. "Key Employee" is defined as in 25 C.F.R. Section 502.14, as may be amended from time to time.
- I. "Net Revenues" means gross gaming revenues of the Tribe's gaming operational less (i) amounts paid out as, or paid for, prizes, and (ii) total gaming-related operating expenses, excluding management fees.
- J. "Ordinance" means this U-tu Utu Gwaitu Paiute Tribal

enacted Gaming Ordinance No. 95-001.

- K. "Ordinance No 95-001" means that certain Ordinance of the Tribal Council of the U-tu Utu Gwaitu Paiute Tribe "Establishing the U-tu Utu Gwaitu Paiute Tribal Gaming Committee, as adopted by the Tribal Council on August 07, 1995.
- L. "Person" means any individual, receiver, administrator, executor, assignee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, association society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal or nonprofit doing business within Indian land(s). The Tribe is not within the definition of person.
- M. "Primary Management Official" is defined as in 25 C.F.R. Section 502.19, as may be amended from time to time.
- N. "Tribal gaming facility" or "Gaming facility" means any location where Class II or Class III gaming is conducted.
- O. "Tribal gaming operation" means any Class II or Class III gaming operation conducted on Land owned by the U-tu Utu Gwaitu Paiute Tribe.
- P. "Tribe" or "Tribal" means or refers to the U-tu Utu Gwaitu Paiute Tribe, Benton Paiute reservation, its agencies and officials.
- Q. "Tribal Gaming Committee" means a committee established by the tribe for the purpose of regulating any gaming operation approved by the Tribal Council. The Committee shall function as part of the Tribal Government.

Section 2. Gaming Authorized and Regulated:

- A. Class II gaming and Class III gaming are authorized on Indian Land(s). Class II gaming and Class III gaming shall be regulated by the Gaming Committee and shall only be operated consistent with the provisions of this Ordinance No. 95-001, the Act and regulations promulgated by the National Indian Gaming Committee pursuant to the Act.

Section 3. Use of Revenues from Class II and Class III Gaming Activities.

- A. Net revenues from Class II and III gaming activities shall be used only to:

1. Fund Tribal Government operations and programs;
 2. provide for the general welfare of the Tribe, and Tribal Members, including education, health, and safety;
 3. promote economic development within the Benton Paiute Reservation, on Tribally owned lands outside or adjacent to the Benton Paiute Reservation, or lands located within the original homeland of the U-tu Utu Gwaitu Paiute Tribe, including job creation and training, infrastructure improvement and resource management;
 4. fund operations of local Tribal Government agencies providing services, programs, and/or assistance to Tribal residents; and/or
 5. donate to charitable and/or nonprofit organizations including local governments.
- B. The Tribal Council may elect to authorize the distribution of per capita payments to Tribal members pursuant to guidelines established and adopted by the Tribal Council and consistent with applicable federal law.

Section 4. Facilities:

- A. To ensure that the environment and the public safety and welfare are adequately protected, each gaming facility shall be Constructed and maintained in compliance with applicable tribal and federal laws, including but not limited to fire codes, safety codes and building codes.
- B. Each gaming facility shall be subject to inspection to insure compliance, annually or on such schedule as the Tribal Building inspector, or if none, the Tribal Council determines necessary and appropriate.

Section 5. Minors, Employees Prohibited:

- A. No Person under the age of 18 years shall be permitted to play any Class II or Class III game.

ARTICLE III - ADMINISTRATION

Section 1. Tribal Gaming Committee:

- A. Establishment and composition.

The Gaming Committee is established and composed

pursuant to Ordinance No 95-002.

B. Duties and Powers.

The Gaming Committee shall continue to have the duties and be empowered pursuant to Ordinance No. 95-002. In addition, the Gaming Committee shall administer the provisions of this Ordinance and shall have all additional powers necessary therefor.

Section 2. Licensing:

A. Authority to License.

1. The Gaming Committee shall have the authority to license and regulate Class II and/or Class III gaming on Indian Land(s) which is now, or may hereafter, be permitted pursuant to the terms of this Ordinance, Ordinance No. 95-002, the Act and/or any applicable Compact.

B. Types of Licenses to be Issued.

The Gaming Committee shall issue the following licenses for gaming on Indian Land(s) subject to its authority to license and regulate:

1. Primary Management Official License.
2. Key Employee License.
3. Other Licenses necessary an appropriate.

Section 3. License Fees: Application Fees and Continuing Yearly Fees:

A. Any person making application for a Tribal gaming license pursuant to this Ordinance shall submit his/her application, and required forms and information, as set forth by the Gaming Committee, pursuant to this Ordinance, together with an application fee as prescribed by the Gaming Committee.

B. A license shall, at least sixty (60) days prior to the expiration of the license, make application for renewal with the Gaming Committee, and shall submit the application and required forms and information together with a renewal fee prescribed by the Gaming committee.

Section 4. License Validity: Effective Period and Place.

A. Period: Tribal Gaming Licenses shall be valid and

effective for a period of one year from the date of issue, unless same is sooner suspended or revoked for cause after notice and hearing, pursuant to this Ordinance. The effective date and period shall be stated on the face of the license.

B. Place:

1. A tribal gaming license shall be valid for one (1) facility or location only, and the location shall be identified on the face of the license.
2. If a person or entity desires to be employed with, or operate, more than one gaming location, a separate gaming license must be obtained for each separate facility or location.

- C. Facility License:** A separate tribal gaming license shall be issued to each place, facility or location on Indian land(s) where gaming is allowed in accordance with this Ordinance.

Section 5. License: Qualifications and Requirements:

A. General:

1. An Application to receive a tribal gaming license or to be found suitable to receive a tribal gaming license shall not be granted unless the Gaming Committee is satisfied, after review of a background investigation that such applicant is:
 - a. A person of good character, honesty and integrity;
 - b. A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe, its members or to the effective regulations of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto; and
 - c. In all other respects is qualified to be licensed or found suitable consistent with this Ordinance.
 - d. An application to receive a tribal gaming license or to be found suitable constitutes a

request for a determination of the applicant's general character, integrity and ability to participate or engage in, or be associated with gaming. Any written or oral statement made in the course of an official proceeding of the Gaming Committee or the National Indian Gaming Commission established pursuant to 25 U.S.C. section 2704, by any member thereof or any witness testifying is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

B. Primary Management Officials, Key and Other Employees Requirements:

1. No person shall be licensed by the Gaming Committee for employment by a gaming enterprise operated on Indian Land(s) who:
 - a. Has been convicted of or who has pled guilty or nolo contendere to any felony, gambling offense, or other offense involving moral turpitude (except that misdemeanors committed before such person's 18th birthday shall not act to bar his/her employment); or
 - b. Is under the age of 18, except that, no person shall be licensed by the Gaming Committee for employment as a Primary Management Official or Key Employee which is under the age of 21.
2. No person shall be employed as a Primary Management Official or Key Employee in a Class II or Class III gaming activity who:
 - a. Has not first applied for and obtained a tribal gaming license pursuant to this Ordinance.
 - b. Is ineligible for fidelity bonding or similar insurance covering employee dishonesty.
3. Upon request of a gaming operation, the Gaming Committee may issue a temporary gaming license to a Key Employee or Primary Management Official after receipt of a completed license application, as prescribed by paragraph C, of this Article, Section 4, unless grounds sufficient to disqualify the applicant for licensing are apparent on the face of the application. The holder of a temporary gaming license shall enjoy the privileges and be subject to the conditions of an annual license. A temporary

license shall expire and become void and of no effect upon a final determination of the applicant's qualifications to hold an annual license, or ninety (90) days after the issuance of the temporary license, whichever is sooner. A temporary license shall clearly state on its face that the license is temporary.

4. Every person employed at a gaming facility operated on Indian Land(s) shall wear an identification badge which conspicuously states the place of employment, the full name and photograph of the person and their position of employment.

C. **Primary Management Officials and Key Employees; License Application, Notices:**

1. The Gaming Committee shall require that Primary Management Officials and Key Employees make application for a tribal gaming license on a form specified by the Gaming Committee.
2. The application form shall include the following notices:

a. **Privacy Notice:**

(i) In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by the National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, local or foreign law enforcement and regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official or key employee position.

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

b. Notice Regarding False Statements:

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

3. Acknowledgement of receipt and reading of Notice.

a. All applicants to the Gaming Committee shall be required to sign an acknowledgement of receipt and reading of the Privacy Notice and Notice Regarding False Statements, which shall be placed on the same page immediately following the Notice.

b. The Gaming Committee shall notify in writing existing Key Employees and Primary Management Officials subject to tribal licensure that they shall either:

1. Complete a new application form that contains a Privacy Act notice and a Notice Regarding False Statement; or

2. Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice and a statement that contains the Notice Regarding False Statements.

4. The tribal gaming license application shall at minimum require the following information:

a. Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);

b. Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license number(s);

c. The names and current addresses of at least

three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (a)(2) of this section;

- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. 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;
- h. 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;
- i. For each misdemeanor conviction or ongoing misdemeanor (except minor traffic violations) within 10 years of the date of the application, the name and address of the court involved, and the date and disposition;
- j. For each criminal charge (excluding minor traffic charges) whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraph (a)(8) or (a)(9) of this section, the criminal charge, the name and address of the court involved, and the date and disposition;
- k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A photograph;

- m. Fingerprints consistent with procedures adopted by the Tribal police or the Gaming committee consistent with 25 C.F.R. section 522.2(h). Fingerprints shall be taken by the Sheriff of Mono County, California, pursuant to intergovernmental agreement with the Tribe, and shall be sent directly to the National Indian Gaming Commission by the law enforcement agency taking the fingerprints; and
- n. Any other information the Gaming committee deems relevant,

D. Primary Management Officials and Key Employees; Background Investigation Report.

- 1. The Gaming Committee shall conduct, or cause to be conducted by, either through the Federal Bureau of Investigation (FBI) or the National Indian Gaming Commission, an investigation appointed by it, a background investigation for each Primary Management Official and Key Employee. The investigation shall include requirements at least as stringent as those included in 25 CFR Parts 556 and 558 pursuant to 25 CFR Section 522.4(b)(5) and at a minimum:
 - a. Verification of all information on the application;
 - b. Interviews of current and prior employers and immediate supervisors for the preceding five (5) years;
 - c. Interviews of all personal references;
 - d. Obtaining a criminal history record; and
 - e. An interview with the applicant.
- 2. The investigator shall be required to make written report to the Gaming Committee of the investigation, including there in the steps taken in conducting the investigation, the names, addresses and relationship to the applicant of all persons interviewed, the information obtained from persons interviewed regarding the applicant's reputation, habits and associations and the apparent candidness (or lack thereof) of the persons, and any other information garnered or learned about the applicant and the source of the information, and shall particularly identify all potential problem areas and sources of the information.

3. The Gaming Committee shall review the report and any additional information known to it and make a determination of whether the applicant is eligible, meets the requirements for employment and is suitable or poses a threat to the public interest or to the effective regulation of gaming or creates or enhances the dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming, particularly identifying all potential problem areas and disqualifying information.
4. The Gaming Committee shall create a report, that at minimum identifies and describes the steps taken in conducting the investigation, the results obtain, the conclusions reached and the basis for these conclusion. Said report shall be filed with the NIGC Pursuant to 25 CFR Section 558.3(b) within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.
5. The Gaming Committee shall not issue a license to any applicant who is not eligible and/or does not meet the requirements for employment as a Primary Management Official or Key Employee.
6. Following its determination and prior to issuance of a license to an applicant determined to meet the requirements, the Gaming Committee shall forward to the National Indian Gaming Commission, pursuant to 25 CFR Section 558.3(b), no later than sixty (60) days after a Primary Management Official or Key Employee begins work or sixty (60) days after National Indian Gaming Commission approval of this Ordinance, the investigative report and a copy of the eligibility determination of applicants denied licensure, and shall notify the National Indian Gaming Commission of its decision not to license an applicant.
7. With respect to key employees and primary management officials, the Tribe shall retain applications for employment and reports if any of background investigation for inspection by the Chairman of the National Indian Gaming Commission or his designee, for not less than (3) years from the date of termination of employment.
8. The gaming operation shall not employ as a key employee or primary management official a person who does not have license after 90 days.

9. If the National Indian Gaming Commission (NIGC) has received an investigative report concerning an individual who another tribe wishes to employ as a key employee or primary management official and if the second tribe has access to the investigative materials held by the first tribe, the second tribe may update the investigation and update the investigative report provided to the NIGC pursuant to C.F.R. 25, Section 556.5(c).

E. Granting a Gaming license:

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Gaming Commission notifies the tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe may issue a license.
2. The Tribe shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under paragraph E(1) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.
3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided an application and investigative report to the National Indian Gaming Commission, the Tribe shall reconsider the application, taking into account the objectives itemized by the National Indian Gaming Commission. The Tribe shall make the final decision whether to issue a license to such applicant.

Section 6. All other employees:

- A. The Tribal Gaming Committee shall follow the U-tu Utu Gwaitu Paiute Tribe's Personnel Policies Manual approved by the Tribal Council on February 24, 1994.
- B. The Tribal Gaming Committee can recommend any changes to the Tribal Council that the Committee may

need to staff the Tribal Gaming Operation to ensure that management of gaming personnel will be conforming to tribal policies.

- C. The Tribal Gaming Committee will authorize background checks on all other employees as the Committee determines necessary pursuant to the position description, by following the provisions outlined in Article II, Section 5(D) of this Ordinance.

Section 7. License Suspension and Revocation:

A. Suspension and Revocation.

- 1. A license issued by the Gaming Committee shall be suspended, without prior notice, if the National Indian Gaming Commission notifies the Tribe that a Primary Management Official or Key Employee does not meet the standards established and set forth herein pursuant to the Act and federal regulation. After notice and hearing the Gaming Committee may revoke such license.

B. Suspension and Revocation Notice and Hearing:

- 1. The Gaming Committee shall promptly notify in writing any tribal licensee whose license has been suspended and may be revoked and shall include in said notice:
 - a. The effective date of the suspension and proposed revocation;
 - b. The reason(s) for the suspension and proposed revocation;
 - c. The right of the licensee to appear before the Gaming Committee, at a specified date, time and place, to challenge the suspension and proposed revocation.
- 2. A copy of the revocation or reinstatement decision shall be promptly sent to the licensee and to the National Indian Gaming Commission.

C. Revocation Hearing:

- 1. A tribal licensee may appeal the revocation of his/her license to the Tribal Arbitration Council pursuant to Tribal Ordinance No. 76-05 by sending a written notice of appeal of the revocation to the

Arbitration Council and the Gaming Committee no later than 10 days after the licensee receives notice that his/her license has been revoked. The notice of appeal shall clearly state the reason(s) why the licensee believes his/her license should not be revoked.

2. Upon receipt of the notice of appeal of the license revocation, the Arbitration Council shall schedule a revocation appeal hearing. Written notice of the time, date and place of the hearing shall be delivered to the licensee no later than five (5) days before the scheduled date of the hearing.
3. The licensee and the Gaming Committee may be represented by legal counsel at the revocation appeal hearing. The licensee and the Gaming Committee may present witnesses and evidence in support of their respective positions and may examine witnesses and evidence presented by the opposing side.
4. A copy of the Arbitration Council's decision regarding the revocation of a license shall be sent to the licensee, Gaming committee and National Indian Gaming Commission.

D. Application for Relicensing:

1. No person or entity who class II or Class III tribal gaming license has been revoked shall be eligible for a new license until 12 months after the effective date of the revocation.

ARTICLE IV - CLASS II GAMING

Section 1. Authorization to Conduct Class II Gaming:

- A. All Class II gaming conducted on Indian Land(s) shall be conducted in compliance with applicable law, rules and regulations of any governmental authority with jurisdiction.
- B. The Tribe shall retain and have sole proprietary interest in and responsibility for the conduct of all Class II gaming.
- E. Income to the Tribe from the gaming activity shall only be used for the purposes described in Article II, Section 3 of this Ordinance.

Section 2. Management Contracts:

- A. The Tribe may enter into a management contract for the operation and management of Class II gaming activities. Each such contract must comply with the provisions of this Ordinance, other applicable provisions of Tribal Law (Including, but not limited to, tribal labor relations preference laws), and provisions of federal law (including, but not limited to, 25 U.S.C. Section 2711).

Section 3. Hours of operation, Notice to committee:

- A. Class II gaming may be conducted 24 hours a day, seven (7) days a week, subject to approval by the Gaming committee.
- B. Prior to operation of Class II gaming or any change in hours of operation, the operator shall:
 - 1. Notify the Gaming Committee of the proposed hours and days its facility will be open, and the hours and days gaming will be conducted.
 - 2. The proposed schedule shall be approved unless the Gaming Committee notifies the owner or operator of its objection within 15 days of its receipt of the proposed schedule.
 - 3. If the Gaming Committee makes objection, it shall state its reasons and the changes necessary, and the proposer may submit a revised proposal accommodating the Gaming Committee's objections, or may request a opportunity to rebut the objections.
 - i. Submission of a revised schedule, incorporating and accommodating the objections, shall be deemed approved upon its submission.
 - ii. If an opportunity to rebut is requested, a conference shall be set within fifteen (15) days. The Gaming Committee shall issue its decision, which shall be final and not subject to further appeal, within fifteen (15) days of the conference.

ARTICLE V - CLASS III GAMING

Section 1. Compliance with Applicable Law:

- A. All Class III gaming conducted on Indian Land(s) shall be conducted in compliance with applicable laws, rules and regulations of any governmental authority with jurisdiction, and with any applicable compact.

Section 2. Authorized Ownership and Operation:

- A. The Tribe may own and operate one or more Class III gaming facilities on Indian Land(s) and shall retain and have sole proprietary interest in and responsibility for the conduct of Class III gaming operations.

Section 3. Regulation and Inspection:

- A. The Gaming Committee shall adopt all necessary and appropriate rules and regulations for Class III gaming, which may include but not be limited to:
 - 1. Game rules and conduct;
 - 2. Public display of rules requirements;
 - 3. Facility patron safety and security requirements;
 - 4. Permitted Games Specifications and Requirements; and
 - 5. Background investigations, application and release forms.
- B. Class III facilities shall be open at all usual business hours for inspection by the Gaming Committee.

Section 4. Hours of Operation:

- A. Class III gaming may be conducted 24 hours a day, seven days a week, subject to approval by the Gaming Committee.
- B. The gaming operation shall submit, and the Gaming committee may approve, proposed hours of operation unless the proposed hours pose a risk to the health, welfare or safety of the public.

Section 5. Games Permitted:

- A. Any Class III game or games permitted pursuant to the Compact may be conducted at a class III gaming facility, subject to applicable laws, rules, and regulations.
- B. Any Class III game which is here before or hereafter permitted on Indian lands under federal law or amendments to applicable laws, rules or regulations.

Section 6. Management contracts:

- A. The Tribal Council may enter into a management contract on behalf of the Tribe for the operation and management of Class III gaming activities. Each such contract must comply with the provisions of this Ordinance, applicable tribal law (including, but not limited to, tribal

employment preference laws), and applicable federal law (including, but not limited to 25 U.S.C. Section 2711).

Section 7. Resolution of Disputes with Gaming Public:

- A. Disputes between the gaming public and a gaming operation, which involve Class II and/or Class III gaming, shall be resolved by the Gaming Committee. Hearing shall be held within twenty (20) days of a written complaint filed by a member of the gaming public. The Gaming committee shall adopt and publish guidelines and procedures for such hearings. A final commission decision may be appealed to the Tribal Arbitration Council, pursuant to Tribal Ordinance #76-05, as amended.

ARTICLE VI - RECORDS AND AUDITS

Section 1. Records Maintenance:

- A. Each gaming facility shall maintain accurate and up-to-date records for each gaming activity conducted. Records shall include records of the following:
1. All financial transactions;
 2. personnel;
 3. complaints of patrons;
 4. facility in-house investigations of any kind;
 5. incidents and accidents;
 6. actions by facility against players or facility visitors;
 7. actions by facility against or in reprimand of employees; and
 8. any additional records required by the Gaming committee.

Section 2. Independent Audits:

A. 1. Gaming Activities:

The Tribal Council shall cause an audit to be conducted each year on all Class II and Class III gaming activities licensed or conducted on Indian land(s). Such audit(s) shall be conducted by an independent auditing firm, selected at the sole discretion of the Tribal Council. However, nothing in this paragraph shall prohibit the annual audit of tribal gaming activities from being encompassed within the Tribe's existing audit system.

B. 1. Contracts for Supplies, Services or Concessions:

Each contract for supplies, services, or concessions with a contract amount in excess of \$25,000.00 annually

(except, contracts for professional legal or accounting services) relating to a Class II and/or Class III gaming activity shall be subject to the independent audit required by subparagraph (A), above.

C. 1. Audit Report to be Provided to National Gaming committee.

The Tribal Council shall furnish a copy of each annual gaming activities audit report to the National Indian Gaming committee, as required by 25 U.S.C., Section 2710(b)(2)(C).

ARTICLE VII - ENFORCEMENT AND VALIDITY OF ORDINANCE

Section 1. Enforcement:

- A. If any person or entity fails or refuses to pay a monetary penalty or administrative fine imposed by the Gaming Committee or otherwise fails to comply with final action of the Gaming Committee, and such person has failed to timely commence an appeal of the imposition or action before the Tribal Council or the Tribal Council has upheld the imposition or action, the Tribe may proceed to collect the assessment or enforce the action by initiating a civil action against the person or entity by filing with the Tribal Arbitration Council pursuant to Tribal Ordinance No. 76-05, as amended. In a civil action, the validity and amount of any monetary penalty or administrative fine imposed by the Gaming Committee shall not be subject to judicial review. The Tribe shall be entitled to all remedies in law or in equity that are available to civil litigant generally. The provisions of this Article VII, Section 1, shall in no way limit the remedies at law or in equity otherwise available to the Tribe.

Section 2. Severability:

- A. If any provision or provisions in this Ordinance are held invalid by a Court of Competent jurisdiction, this Ordinance shall continue to be in effect as if the invalid provision(s) were not a part thereof.

Section 3. Effective Date of this Ordinance:

- A. This Ordinance shall take effect upon enactment by the Tribal Council and approval by the Chairman of the National Indian Gaming Commission.

Section 4. Designation of Agent for Service of process.

- A. Pursuant to 25 C.F.R. Section 522.2(g) the Tribe designates its Tribal Chairperson as its agent for service of process.

C E R T I F I C A T I O N

We, the undersigned Tribal Council officials of the U-tu Utu Gwaitu Paiute Tribal Council, Benton Paiute Reservation, at a special called Tribal Council meeting, held on August 07, 1995, in which a quorum was present, enacted this Ordinance No. 95-001 by a vote of 2 FOR, 0 AGAINST, 0 ABSTAINING, and this Ordinance has not been rescinded or amended in any manner. The Tribal Chairperson only votes in case of a tie, pursuant to the Tribal Constitution, but his/her present is part of the quorum.

ATTEST:

Rose Marie Saulque-Bahe Veltha E. Race
Rose Marie Saulque-Bahe Chairperson Veltha E. Race, Sec/Treasurer

A M E N D E D C E R T I F I C A T I O N

We, the undersigned Tribal Council officials of the U-tu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation, at a special called Tribal Council meeting, held on January 13, 1996, in which a quorum was present, amended Ordinance No. 95-001, by a vote of 2 FOR, 0 AGAINST, AND 0 ABSTAINING, and this Ordinance has not be rescinded but was amended by Tribal Council action of this date. The Tribal Chairperson only votes in case of a tie, pursuant to the Tribal Constitution, but his/her present is part of the quorum, which consist of three (3) Tribal Council officials.

ATTESTED:

Rose Marie Saulque-Bahe Veltha E. Race
Rose Marie Saulque-Bahe, Chair Veltha E. Race, Sec/Treasurer

U tu Utu Gwaitu Paiute Tribe

Benton Paiute Reservation

(619) 933-2321

JAN 22 1996

**U TU TU GWAITU PAIUTE TRIBE
BENTON PAIUTE RESERVATION**

**TRIBAL GAMING COMMITTEE ORDINANCE
NO. 95-002**

Approved by the Tribal Council August 07, 1995

Approved by the Bureau of Indian Affairs _____

U-tu Utu Gwaitu Paiute Tribe
Benton Paiute Reservation

SUBJECT: Tribal Gaming Committee Ordinance Number 95-002

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U-TU UTU GWAITU PAIUTE TRIBE
TRIBAL GAMING COMMITTEE ORDINANCE
NUMBER 95-006

SECTION 1. STATEMENT OF POLICY. It is the purpose of this ordinance to create the Tribal Gaming Committee in order to provide for the sound regulation of all gaming activities on lands within the jurisdiction of the U-tu Utu Gwaitu Paiute Tribe, in order to protect the public interest in the integrity of such gaming activities, to prevent improper or unlawful conduct in the course of such gaming activities, to strengthen tribal self-government and to promote economic self-sufficiency of the U-tu Utu Gwaitu Paiute Tribe.

SECTION 2. DEFINITIONS. For purposes of this Ordinance:

- (a) "Act" means the Indian Gaming Regulatory Act, Pub.L. 100-497, 25 U.S.C. **SS**2701 et seq. and 18 U.S.C. **SS** 1166-1168.
- (b) "Chairman" means the Chairman of the Tribal Gaming Committee established by this Ordinance.
- (c) "Class II gaming" means Class II gaming as defined in accordance with the Act, 25 U.S.C. **S**2703(7)(A).
- (d) "Class III Gaming" means all forms of gaming that are not Class I gaming or Class II gaming as respectively defined in 25 U.S.C. **S**2703 (6) and (7).
- (e) "Committee" means the U-tu Utu Gwaitu Paiute Tribal Gaming Committee established by this Ordinance
- (f) "Contract" means any management contract in effect between the U-tu Utu Gwaitu Paiute Tribe and a management company with respect to gaming activities on the Benton Paiute Reservation, or on other Tribally owned land(s) under Tribal jurisdiction.
- (g) "Executive Employee" means the Executive Director of the Tribal Gaming Committee established pursuant to this Ordinance.

- (h) "Gaming Employee" means a gaming employee as defined in the Contract, and includes primary management officials and key employees of the Gaming Operation.
- (i) "Gaming Facility" means the building, room or rooms or that portion of a room in which Class II gaming or Class III gaming is conducted on the Benton Paiute Reservation, on other Tribally owned land(s) under Tribal jurisdiction.
- (j) "Gaming Operation" means the enterprise owned by the U-tu Utu Gwaitu Paiute Tribe on other tribally owned lands under Tribal jurisdiction for the conduct of Class II and Class III gaming.
- (k) "Gaming Services" means the providing of any goods, services or concessions by contract to the Tribe or contractor directly in connection with the operation of Class II or Class III gaming in a gaming facility in an amount of excess of ten thousand dollars (\$10,000) monthly except for professional legal or accounting services. No contract may be broken up into parts for the purpose of avoiding this definition and any requirement of licensure or certification contained in the Compact.
- (l) "National Indian Gaming Commission (NIGC)" means the National Indian Gaming Commission established pursuant to 25 U.S.C. §2704.
- (m) "Ordinance" means the U-tu Utu Gwaitu Paiute Tribal Gaming Commission Ordinance, number 95-006.
- (n) "State" means the State of California, its authorized officials, agents and representatives.
- (o) "Tribe" means the U-tu Utu Gwaitu Paiute Tribe; its authorized officials, agents and representatives.
- (p) "Gaming Ordinance", meaning Tribal Gaming Ordinance No. 95-005.

SECTION 3. AUTHORIZATION FOR GAMING ACTIVITIES

(a) Authority for Class II Gaming. the Tribe shall be authorized to conduct all forms of Class II gaming on the Reservation or on other Tribally owned lands under tribal jurisdiction, including without limitation any form of bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), including pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo so long as played at the same location as bingo.

(b) Forms of Class III Gaming Authorized. The Tribe may conduct or operate all forms of Class III gaming authorized under any compact with the State of California that is in effect.

SECTION 4. COMPLIANCE WITH THE ACT. This Ordinance shall be construed in a manner which conforms to the Act and Ordinance No. 95-01 in all respects, and if inconsistent with the Act and/or Ordinance No. 95-01 in any manner the provisions of the Act and Ordinance No. 95-01 shall govern.

(a) Proprietary Interest in Gaming Operation. In compliance with 25 U.S.C. §2710(b)(2)(A), the Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming activity on the Reservation; provided, however, that nothing herein shall (i) preclude the Tribe from entering into a Management Contract as authorized under 25 U.S.C. §2711.

(b) Annual Audit. In compliance with 25 U.S.C.

§§2710(b)(2)(C) and (D), all gaming activities shall be subject to an audit by independent certified public accountants, not less than annually, and copies of the annual audit shall be provided to the National Indian Gaming Commission. Copies of the annual audit shall also be available to the general tribal membership upon request, to be held in strict confidence. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming

shall be subject to such audits.

(c) Public Safety Standards. In compliance with 25 U.S.C. §2710(b)(2)(E), the construction and maintenance of any gaming facilities, and the operation of gaming activities, shall be conducted in a manner which adequately protects the environment, public health and safety and for that purpose shall comply with the requirements of the Compact and all other applicable health, safety and environmental standards enacted by the Tribe.

(d) Background Investigations and Licensing. In compliance with 25 U.S.C. §2710(B)(2)(F):

- (i) all Class II and Class III gaming employees shall be subject to the background investigation and licensing requirements of applicable federal and tribal law. The Committee member shall also be subject to background investigations.
- (ii) Any person or entity proposing to sell or lease gaming equipment, gaming devices or other Gaming Services to the Tribe shall be licensed to do so. The procedures for such license and the standards therefore, shall be the same as those applicable to gaming employees herein, and if applicant is a corporation, trust or partnership, application must be made by all officers, directors and any person or entity holding 10% or more of any beneficial or legal interest therein.

SECTION 5. PENALTIES.

Any individual who violates any provisions of this Ordinance shall be subject to civil penalties including exclusion from employment by any Tribal gaming operation, denial or revocation of a tribal gaming license, exclusion from attendance at any Tribal gaming facility, exclusion from the Reservation, or other tribally owned land(s) under tribal jurisdiction, if a non-member of the Tribe, or, with respect to any person subject to the jurisdiction of the Tribe to impose such fines, a fine of not more than \$500.00 for

each such violation. The Tribal Gaming Committee established pursuant to this Ordinance, shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Tribe.

SECTION 6. TRIBAL GAMING COMMITTEE.

(a) **Composition of Committee:** There is hereby established a Tribal Gaming Committee consisting of five (5) members, one of whom shall be members of the Tribal Council; one of whom shall be a tribal member, who is not a member of the Tribal Council, one of whom shall be a tribal member who is employed by the Gaming Operation, and two of whom shall be non-Tribal members with expertise in one of the following areas: gaming, management, personnel or finance. The members of the Committee shall serve on a full or part-time basis, and the compensation of members of the Committee shall be established by the "Tribal Council". The Tribal Council shall select the Chairperson from among its members. The Committee shall select a Secretary and such other officers as it deems necessary, the Committee members shall abide by the Tribal personnel policies manual and other administration policies.

(b) **Election of Members.** Tribal Council shall appoint their member and the two non-tribal members to the Committee. The employee member of the Gaming Committee shall be elected solely by the tribal members who are employed by the Gaming Operation at the time of that election. The General Council shall elect the Tribal member pursuant to the Tribal Election Ordinance No. 75-03.

(c) **Terms of Office.**

- (i) Each member of the Tribal Gaming Committee shall have a term of three (3) years. Commencing with date of the first election/appointment in which the results are certified and ending three years later, or when that member's successor takes office, whichever is later.
- (ii) Notwithstanding the provisions of Section 6(c)(1), the term of office of a Gaming Committee member

elected as a member of the Tribal Council shall expire if that person ceases to be a member of the Tribal Council, and the term of office of the employee member of the Gaming Committee shall expire if that person ceases to be an employee of the Gaming Operation.

- (iii) Notwithstanding the provisions of Section 6 (c)(i), at the first election and/appointment to select members of the Gaming Committee under this Ordinance, the employee member shall be elected to an initial term of one (1) year, and the two non-members appointed by the Tribal Council and one member elected as a non-Tribal Council member shall be elected to initial terms of two (2) years. The Tribal Council member shall serve according to membership on the Tribal Council. Thereafter, all terms on the Gaming Committee shall be for three (3) years, except for the Tribal Council member.

(d) Removal From Office. Members of the Gaming Committee, other than the employee members may be removed pursuant to the Tribal Removal Ordinance No. 77-01.

(e) Conflict of Interest. No member of the Gaming Committee shall either directly or indirectly enter into any business relationship with, or accept or receive any compensation from, the Gaming Operation or any contractors or subcontractors, other than as an employee of the Gaming Operation.

(f) Powers and duties of Committee. The Gaming Committee shall have the following powers and duties:

- (i) The Committee shall have primary responsibility for oversight of the tribal gaming operation to assure the integrity of such operation and may, for that purpose, the committee shall employ non-uniform inspectors who may be present in all gaming facilities during all hours of operation and who shall be under the sole supervision of the Committee

and not under the supervision of any management employees of the Tribal gaming operation. Such inspectors shall have unrestricted access to all areas of the gaming facilities at all times, and personnel employed by the Gaming Operation shall for such purposes provide such inspectors access to locked and secure areas of the gaming facilities in accordance with the standards of operation and management promulgated pursuant to the Contract. Such inspectors shall report to the Committee regarding any failure by the Gaming Operation to comply with any of the provisions of the Contract or this Ordinance and any other applicable laws and ordinances of the tribe. Inspectors assigned by the Committee may also receive consumer complaints within the Gaming Facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by the Committee shall be licensed as gaming employees in accordance with the Act.

- (ii) The Committee may on its own initiative investigate any aspect of the Gaming Operation in order to protect the public interest in the integrity of such gaming activities and to prevent improper or unlawful conduct in the course of such gaming activities, and shall investigate any report of a failure of the Gaming Operation to comply with the provisions of the Contract or this Ordinance and may require the Gaming Operation to take any corrective action deemed necessary by the Committee upon such terms and conditions as the Committee may determine appropriate and in accordance with the Gaming Operation to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such

- investigation.
- (iii) The Committee shall carry out each of the responsibilities and duties set forth for the Tribal Gaming Committee in the Contract.
 - (iv) The Committee may promulgate, review and revise (as necessary) regulations to govern the operation and management of the gaming operation in accordance with the Contract.
 - (v) The Committee may impose penalties for violations of this Ordinance or the Contract in accordance with Section 6 of this Ordinance, and Ordinance No 95-001.
 - (vi) The Committee may in the name of the Tribe bring any civil action or criminal complaint in the courts of the Tribe, State or the United States of America to enforce the provisions of this Ordinance, the Act or the Contract or to enjoin or otherwise prevent any violation of this Ordinance and Ordinance No. 95-001, the Act or the contract, occurring on the Reservation, or Tribally owned land under the tribe's jurisdiction.
 - (vii) The Committee may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act of omission of the Gaming Operation or any employee thereof which is asserted to violate this Ordinance or the Contract, and may impose such remedial action as it deems appropriate to bring the Gaming Operation into compliance with such provisions. The Committee may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint.
 - (viii) The Committee may grant or revoke tribal gaming

licenses as required under the Act.

(g) Orders. The Committee may, whenever necessary to protect the public interest in the integrity of Tribal Gaming Operations, issue any order which the Committee has the power to issue, to the Gaming Operation or to any employee or contractor of the Gaming Operation or to any other person within the jurisdiction of the Tribe, to take any action or cease and desist from any action as may be required to protect the public interest.

(h) Executive Director. The Committee may appoint an individual to serve as Executive Director of the Committee to administer its responsibilities as necessary and to oversee inspectors appointed by the Committee, as well, such other staff as the Committee may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Committee with other federal, state, local agencies and the tribe, as necessary. The Committee may request the Executive Director to conduct a preliminary investigation and render a recommendation to the Committee with respect to the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Committee. The Executive Director shall have the power, in the name of the Committee, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Committee, which the committee may exercise under this Ordinance.

(i) Procedures of the Committee.

(i) Regular meetings of the Committee may be held upon such notice, and at such time and place as shall from time to time be fixed by the Committee. Unless otherwise specified by the Committee, no notice of such regular meeting shall be necessary.

(ii) Special meetings of the Committee may be called

by the Chairman and/or the Executive Director. The person or persons calling the special meeting shall fix the time and place thereof.

- (iii) At any meeting of the Committee, which was properly noticed, with a three (3) members in attendance shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present (which would be two if a quorum is established) shall be the act of the Committee. The Chairman shall preside at all meetings of the Committee unless the Chairman designates another member to preside in his absence. If the quorum falls below three (3) members, the Tribal Council shall have the authority to temporary appoint enough member(s) to create a quorum, and call for a special election if the tribal members position is vacant.
- (iv) Any action required or permitted to be taken at a meeting of the Committee may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of the Committee, and shall have the same effect as a unanimous vote or resolution of the Committee at a legal meeting thereof.
- (v) Members of the Committee may participate in a meeting of the Committee by means of conference telephone or similar communications equipment by means of which all members shall participating in the meeting and that they can hear each other, and participation in a

meeting in such matter by any member, who does not object, at the beginning of such meeting, to the holding thereof, in such manner shall constitute presence in person at such meeting.

- (vi) No action of the Committee to impose a penalty pursuant to Section 6 of this Ordinance, or to revoke a license for a gaming employee previously issued by the Committee, shall be valid unless the person affected is given at least seven days' notice of the proposed action and the opportunity to appear and be heard before the Committee, either in person or through a representative or legal counsel, and to submit such evidence as the Committee deems relevant to the matter at issue; provided, that if the Committee deems it necessary to protect the public interest in the integrity of the gaming activities, the Committee may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial gaming license or who is barred from the gaming facilities by action of the Committee may request a hearing before the Committee by written request submitted within thirty (30) days following receipt of notice of the action of the Committee, and the Committee shall thereupon afford an opportunity to appear and be heard before the Committee, either in person or through a representative or legal counsel, and to submit such evidence as the Committee deems relevant to the matter at

issue and thereafter the Committee shall either affirm or reconsider its decision. Any hearing conducted under this sub-section may at the direction of the Committee be conducted by the Executive Director or by one or more members of the Committee designated by the Committee for that purpose.

- (vii) The Committee may adopt such additional policies, procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance.

SECTION 7. PROHIBITED ACTS. It shall be a violation of this Ordinance for any person to:

- (a) Conduct or participate in any Class II or Class III gaming operation on the Reservation, or other tribally owned land(s) under this tribal jurisdiction, other than at the gaming facilities.

- (b) Receive, distribute, apply or direct any property, funds, proceeds or other assets of the gaming operation to the benefit of any individual or any other person except as authorized by this Ordinance, Ordinance No. 95-001 the Contract or the Act.

- (c) Tamper with any equipment used in the conduct of tribal gaming operations with the intent to cause any person to win or lose any wager other than in accord with the publicly announced rules of such gaming operations.

- (d) Do any other act in connection with the conduct of the tribal gaming operations with the intent to affect the outcome of any wager other than in accord with the publicly announced rules of such gaming operations.

- (e) To alter or misrepresent the outcome or other event on which wagers have been made after the outcome is determined, but before it is revealed to the players.

- (f) To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all

players, of the outcome of the game or any event.

(g) To possess, with the intent to use, any device to assist in projecting the outcome of the game, in keeping track of the cards played, in analyzing the probability of the occurrence of an event relating to the game, or in analyzing the strategy for playing or betting to be used in the game.

(h) To use any device or means to cheat, or to possess any such device while at the gaming facility.

(i) Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of federal law or Tribal Ordinance(s), with the intent that the other person play or participate in that gaming.

C E R T I F I C A T I O N

We, the undersigned Tribal Council officials of the U-tu Utu Gwaitu Paiute Tribal Council, Benton Paiute Reservation, at a special called Tribal Council meeting, held on August 07, 1995, in which a quorum was present, enacted this Ordinance No. 95-002 by a vote of 2 FOR, 0 AGAINST, 0 ABSTAINING, and this Ordinance has not been rescinded or amended in any manner. The Tribal Chairperson only votes in case of a tie, pursuant to the Tribal Constitution, but his/her present is part of the quorum.

Rose Marie Saulque-Bahe
Rose Marie Saulque-Bahe Chairperson

ATTESTED:

Veltha E. Race
Veltha E. Race, Secretary/Treasurer