



JUL 7 2006

Joanne Willis Newton, Esq.  
13223-1 Black Mountain Road #284  
San Diego, CA 92129

Re: Pauma Band of Mission Indians Gaming Ordinance Amendment

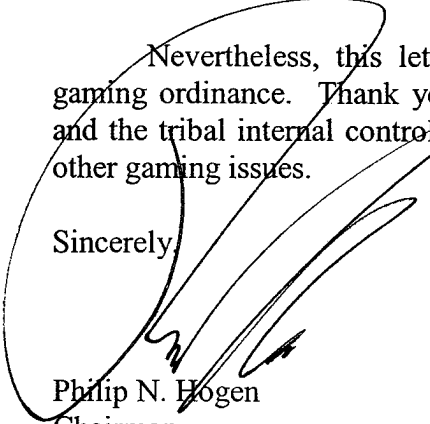
Dear Ms. Newton:

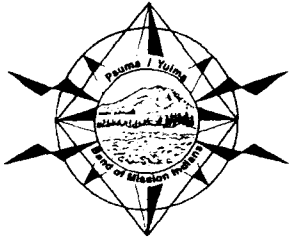
On June 16, 2006, you submitted to the NIGC an amended tribal gaming ordinance on behalf of the Pauma Band of Mission Indians (Tribe). Additionally, you submitted copies of two new gaming regulations and tribal internal control standards. The gaming ordinance was first approved by the Chairman in 2000. In your cover letter, you state that the Tribe takes the position that the NIGC Chairman does not have the authority to approve or disapprove non-substantive amendments to tribal gaming ordinances nor does it have authority to approve or disapprove any gaming regulations or amendments thereto.

It has always been the position of the NIGC that the Chairman has the authority to approve or disapprove any amendment to a tribal gaming ordinance that is inconsistent with IGRA or contrary to federal law. Whether the amendment is substantive or not is incidental to whether the Chairman has authority to disapprove or approve the amendment.

Nevertheless, this letter constitutes approval of the amendments to the tribal gaming ordinance. Thank you for submitting the amendment, the gaming regulations, and the tribal internal controls. We look forward to working with you in the future on other gaming issues.

Sincerely,

  
Philip N. Hogen  
Chairman



# Pauma Band of Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

**Pauma Band of Mission Indians  
General Council Resolution No. 020506-05**

JUN 19 2006

**RE: Adoption of Gaming Regulations 014 and 015**

**WHEREAS:** The Pauma Band of Mission Indians is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2700 et. seq. (IGRA); and

**WHEREAS:** The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribes Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

**WHEREAS:** The General Council wishes to exercise its sovereign authority to exclude individuals from its gaming facilities to protect the health and welfare of its patrons, employees and the general public and the security of tribal assets; and

**WHEREAS:** Subsection 8.1.7 of the Tribal-State Compact requires the Tribe to maintain a list of involuntarily excluded individuals; and

**WHEREAS:** 25 C.F.R. ' 542.3(a) and Section 8.1 of the Tribal-State Compact require the Tribe to adopt minimum internal control standards for gaming operations on the Pauma-Yuima Reservation; and


**NOW, THEREFORE BE IT RESOLVED:** That the Tribe, through its General Council, hereby adopts Gaming Regulation 014, Exclusions and Gaming Regulation 015, Internal Control Standards.

## **CERTIFICATION**

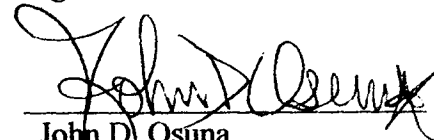
We, the undersigned business committee members of the Pauma Band of Mission Indians do, hereby, certify that the foregoing Resolution was adopted by the Pauma General Council at a duly called meeting on March 5, 2006 for the purpose of conducting business at which a quorum was established with a vote of 51 in favor, 0 against, 0 abstaining. This resolution has not been rescinded or amended in any way.



Chris C. Devers  
Tribal Chairman



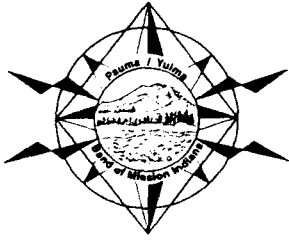
Cynthia M. Toledo  
Secretary / Treasurer



John D. Osuna  
Vice Chairman



Marlaine R. Bojorquez  
Committee Member



# Pauma Band of Mission Indians

P.O. Box 369 • Pauma Valley, CA 92061 • (760) 742-1289 • Fax (760) 742-3422

Established 1893

JUN 19 2006

## Pauma Band of Mission Indians Tribal Resolution No. 030506-06

### RE: Amendments to Gaming Ordinance and Gaming Regulations

**WHEREAS:** The Pauma Band of Mission Indians is a federally recognized American Indian Tribe recognized by the United States Secretary of the Interior as having jurisdiction over Indian Lands in California which are eligible for gaming under the Indian Gaming Regulatory Act, 25 U.S.C. 2700 et. seq. (IGRA); and

**WHEREAS:** The General Council is the governing body of the Tribe pursuant to Article 3 of the Tribes Constitution, having all the legislative powers and responsibilities of the Tribal Government; and

**WHEREAS:** The General Council enacted and published a Gaming Ordinance and Gaming Regulations 001 through 013 which it wishes to make certain non-substantive amendments to in order to correct existing clerical errors and inconsistencies in formatting and internal citations; and

**NOW, THEREFORE BE IT RESOLVED:** That the Tribe, acting through its General Council, hereby adopts the amendments to the Gaming Ordinance and Gaming Regulations 001 – 013 set out in Appendix A attached hereto.

### CERTIFICATION

We, the undersigned Business Committee members of the Pauma Band of Mission Indians, do hereby certify that the foregoing resolution was adopted by the Pauma General Council at a duly called meeting on March 5, 2006 for the purpose of conducting business at which a quorum was established with a vote of 51 in favor, 0 against, 0 abstaining. This resolution has not been rescinded or amended in any way.

Chris C. Devers  
Tribal Chairman

Cynthia M. Toledo  
Secretary / Treasurer

John D. Osuna  
Vice Chairman

Marlaine R. Bojorquez  
Committee Member

## APPENDIX A

### List of Amendments to Gaming Ordinance and Gaming Regulation 001 - 013

- a) Any reference contained in the Gaming Ordinance or Gaming Regulations to the “Pauma-Yuima Band of Mission Indians” or the “Pauma-Yuima Band” is replaced with “Pauma Band of Mission Indians” or the “Pauma Band” respectively;
- b) Any reference contained in the Gaming Ordinance or Gaming Regulations to the “Pauma-Yuima Gaming Commission” is replaced with “Pauma Gaming Commission”;
- c) Any reference contained in the Gaming Ordinance or Gaming Regulations to the “Pauma Reservation” or “Pauma Indian Reservation” is replaced with the “Pauma-Yuima Reservation” or “Pauma-Yuima Indian Reservation respectively;
- d) The Gaming Ordinance is amended as follows: Article X, subparagraph (3) of paragraph (a) is amended by replacing “Gaming Regulation 007, Exclusions” with “Gaming Regulation 014, Exclusions”;
- e) Gaming Regulation 001, Licensing and Background Investigation Procedures, is amended as follows:
  1. Section II is amended by changing the heading from “Incorporation by Reference” to “Interpretation”;
  2. Section III is amended by replacing “subparagraphs A – F” with “paragraphs A – F”;
  3. Subsection XII.C is amended by replacing “paragraph (1)(b)” with “paragraph B”;
  4. Subsection XII.J is amended by replacing “paragraph (h) or (i) with “paragraph H or I”;
  5. Subsection XII.N is amended by replacing “25 C.F.R. §§ 522.2(h)” with “25 C.F.R. § 522.2(h)”;
  6. Subsection XIV.A is amended by replacing the two references to “this Ordinance” with “the Gaming Ordinance”;
  7. Subsection XXI.E and Subsection XXIII.F are amended by replacing “section” with “Section”;
  8. Subsection XXIII.C.2 is amended by replacing “Article V of the Ordinance Establishing the Gaming Appellate Board” with “Section V of Gaming Regulation 013, Gaming Appellate Board”;
  9. Subsection XXIII.D is amended by replacing “Article V of the Ordinance Establishing the Gaming Appellate Board” with “Gaming Regulation 013, Gaming Appellate Board”;
- f) Gaming Regulation 002, Procedures for Resolving Gaming-Related Patron Disputes, is amended as follows:
  1. Section I is amended by replacing “Section 8.1.10(d)” with “Subsection 8.1.10(d)”;
  2. Subsection II.B is amended by replacing “Patron” with “patron”;
- g) Gaming Regulation 003, Building and Safety Standards, is amended as follows:

1. Section I is amended by replacing “Section 6.4.2(d)-(k)” with “Subsections 6.4.2(d)-(k)”;
  2. The second sentence of Subsection II is amended by replacing “to the extent of of the conflict” with “to the extent of the conflict”;
  3. Subsection VII.D is amended by inserting a comma after the phrases “Within fifteen (15) days of the inspection” and “Upon delivery of the report to the Tribe”;
  4. Subsection VII.E is amended by inserting a comma after the phrase “Within fifteen (15) days after the issuance of the report”;
- h) Gaming Regulation 004, Third Party Injuries Regulations, is amended as follows:
1. Section I is amended by replacing “Section 10.2(d)” with “Subsection 10.2(d)”;
  2. Subsection VIII.A.4 is amended by replacing “Section VIII.B or Section VIII.C below” with “paragraph B or C of this Section”;
  3. Subsection VIII.D is amended by replacing “Tribe” with “Business Committee” in the sentence “For claims involving equal to or less than five-thousand dollars (\$5,000) the Tribe may, in its discretion, require less information or less formal information or evidence than that required above.”;
- i) Gaming Regulation 005, Mitigation of Off-Reservation Environmental Impacts, is amended as follows:
1. Subsection IV.B.2 is amended by inserting “of” before the word “ways”;
  2. Subsection IV.B.3 is amended by replacing the first semicolon with a comma;
  3. Subsection V.A is amended by deleting “The Tribe shall consider any recommendations from the County concerning the person or entity to prepare the TEIR.”, and Subsection IV.A is amended by inserting this same sentence at the end of the subsection;
  4. Subsections V.B.3, VI.A, and VI.C are amended by replacing the semicolon with a period;
  5. Subsection V.C is amended by replacing “; and” with a period;
  6. Subsection X.C is amended by inserting “public safety and most reasonably compensates for” before the phrase “public services”;
- j) Gaming Regulation 006, Technical Standards for Gaming Devices and Other Electronic Devices, is amended as follows:
1. Subsection III.B is amended by replacing “Section III.A” with “paragraph A of this Section”;
  2. Subsection VIII is amended by replacing the word “inspection(s)” with “inspector(s)” at the end of the third sentence;
- k) Gaming Regulation 007, Tribal Labor Relations Regulation, is amended as follows:
1. Subsections I.A and I.B are amended by replacing “250” with “two hundred fifty (250)”;
  2. Subsections I.A and II.A are amended by replacing “regulation” with “Regulation”;
  3. Subsection I.B is amended by replacing “one year” with “one (1) year”;

4. Subsections I.B and I.C are amended by replacing “1(a)” with “paragraph A”;
5. Section headings for Sections III through VII and Sections IX through XII are amended by capitalizing words contained therein;
6. Section III is amended by replacing “gaming regulation” at the end of the first sentence with “Gaming Ordinance”;
7. Sections III, V, X.B, X.C, XII.B, XII.C and XII.E are amended by capitalizing references to “tribe”;
8. Subsection VI.B is amended by replacing “11” in the second sentence with “XI” and capitalizing the two references to “section” in the same sentence;
9. Subsections VI.C and VII.A.2 are amended by replacing “TLRO” with “TLRR”;
10. Subsection VII.A is amended by de-capitalizing “Tribal Casino” and “Related Facility” and replacing “Section 13” with “Section XIII”;
11. Subsection VII.A.1 is amended by replacing “Section 10, subdivision (f)” with “Section X, paragraph F”;
12. Subsection VII.C is amended by replacing “subdivision (a) above” with “paragraph A of this Section”;
13. Subsection VIII.D is amended by replacing “a tribe” in the last sentence with “the Tribe” and deleting the word “election” from the same sentence;
14. Subsection X.A is amended by replacing “30 days” with “thirty (30) days”;
15. Subsection X.F is amended by replacing “Section 7” with “Section VII”, replacing the word “subsection” in the second sentence and third sentence with “paragraph”, replacing references to “two years” with “two (2) years” and replacing “Section 12” with “Section XII”;
16. Subsection XI.B is amended by replacing “Section 7” with “Subsection VII”, replacing “Section 13, subdivision (b)” with “Section XIII, paragraph B”, replacing “sixty working days” with “sixty (60) working days” and replacing “Sec. 2703(4)” and “§ 2703(4)”;
17. The paragraph immediately following Subsection XI.B will become paragraph C, and the bullets contained in that paragraph will be numbered in accordance with the outline style used throughout the regulation;
18. In the new Subsection XI.C, “Section 7(a)” is changed to “paragraph A of Section VIII”, “Section 13” is changed to “Section XIII” and the phrase “Casino and Related Facility” is de-capitalized;
19. The paragraph immediately following the new paragraph C of Section XI will become paragraph D;
20. In the new Subsection XI.D, “Section VII” is changed to “Section VII”, “thirty days” is changed to “thirty (30) days” and references to “Section 13” are changed to “Section XIII”;
21. Subsection XII.A is amended by replacing “30 days” with “thirty (30) days”;
22. Paragraphs A through D of Section XII are amended by replacing the semicolon at the

- end of each with a period and deleting “and” at the end of paragraph D;
23. Subsection XII.D is amended by replacing “that 60 days” with “than sixty (60) days” and replacing “that 90 days” with “than 90 days”;
  24. Subsections XIII.A and XIII.B.2 are amended by replacing the semicolon at the end of each with a period;
  25. Subsection XIII.C is amended by replacing the colon at the end of the first paragraph with a period;
  26. Subsection XIII.C.3 is amended by replacing “three-member panel” with “three (3) member panel” and replacing “TLP” with “Tribal Labor Panel”;
  27. Subsection XIII.D is amended by replacing “90 days” with “ninety (90) days” and capitalizing “superior court”;
- l) Gaming Regulation 008, Employment Discrimination, is amended as follows:
1. Section I is amended by replacing “in relation to cashing checks or extending credit to patrons” with “in relation to the employment of persons to work for the Gaming Operation or in the Gaming Facility”;
  2. Section II is amended by changing the heading from “Definitions” to “Interpretation”;
  3. Subsections IV.B and IV.C are amended by changing all references to “Section IV.A” to “paragraph A of Section IV”;
  4. Subsection IV.C.4 is amended by replacing references to “paragraph” with “subparagraph”;
  5. Subsections V.A.1 and V.A.3 are amended by replacing the semicolon at the end of each with a period and deleting the word “and” at the end of the latter;
  6. Subsection V.A.3 is amended by replacing “Title” in the first line with “Regulation”;
  7. Paragraphs C through H of Section V are relettered as paragraphs B through G;
  8. The new Subsections V.C.1 and V.D.2 are amended by replacing “Section V.A” with “paragraph A of Section V”;
  9. The new Subsection V.D.2 is amended by replacing “Section V.C” with “paragraph B of Section V” and replacing the semicolon at the end of the subsection with a period;
  10. The new Subsection V.E.1 is amended by replacing “Title; and” with “Regulation.”;
  11. The new Subsection V.G.2.b is amended by replacing “Section V.H.1” with “subparagraph H.1 of Section V”;
  12. Subsection VII.B.4 is amended by replacing “this Section VI.B” with “this paragraph B of Section VII”;
  13. Regulation 009, Minimum Standards Concerning Public and Workplace Health and Safety, is amended by replacing “constructed” with “construed” in Subsection VI.C;
- m) Gaming Regulation 010, Check Cashing and Extension of Credit, is amended by replacing references to “Sections” with “Subsections” in Sections I, IV and V;
- n) Gaming Regulation 011, Workers’ Compensation Plan, is amended as follows:

1. Section I is amended by replacing “Section 10.3(a)” with “Subsection 10.3(a)”;
  2. The second paragraph of Subsection IX.A is amended by replacing “three days” with “three (3) days” and “14 days” with “fourteen (14) days”;
- o) Gaming Regulation 012, Pauma-Yuima Gaming Commission, is amended as follows:
1. Subsection III.B.2 is amended by replacing “subparagraph (a)” with “subparagraph (1)”;
  2. Subsection VI.E is amended by replacing “Section III.H” with “paragraph H of Section III”;
- p) Gaming Regulation 013, Gaming Appellate Board, is amended as follows:
1. Subsection III.G is amended by replacing “\$350.00” with “three hundred fifty dollars (\$350.00)” and replacing “Section III.D” with “paragraph D of Section III”;
  2. Subsection III.J is amended by replacing “Section IV.E” with “pargraph E of Section IV” and “Section III.I” with “paragraph I of Section III”;



**Pauma Band of Mission Indians  
Gaming Regulation No. 014**

**Exclusions**

I. Purpose

The exclusion of certain individuals from Gaming Facilities operated on the Pauma-Yuima Reservation is necessary to effectively maintain the strict regulation of the Tribe's gaming activities and to address problem gambling. This Regulation sets forth the terms and conditions under which individuals may be excluded from the Gaming Facilities, either voluntarily or involuntarily. This Regulation is consistent with the Tribe's obligation under Subsection 8.1.7 of the Compact between the Tribe and the State of California ("the Compact"), which requires the Tribe to maintain a list of involuntarily excluded individuals, and its sovereign authority to exclude individuals from the Pauma-Yuima Reservation.

II. Interpretation

This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA, or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact.

III. Scope of Application

- A. This Regulation applies to the exclusion of individuals from any Gaming Facility located on the Pauma-Yuima Reservation. When the Tribe operates more than one Gaming Facility, an individual who is excluded from one Gaming Facility shall be automatically excluded from any other Tribal Gaming Facility. All exclusions shall apply to all areas of the Gaming Facility, as well as all rooms, buildings, parking lots and walkways, a principal purpose of which is to serve the activities of the Gaming Facility.
- B. This Regulation is not intended to limit the Gaming Operation's discretion to refuse service or access to any individual by excluding the individual from the Gaming Facilities for a day, and such actions are not considered "exclusions" within the meaning of this Regulation when the refusal of service or access is restricted to twenty-four (24) hours or less. Nor is this Regulation intended to limit the authority of the Gaming Operation or the Commission to restrict access of former employees to the Gaming Facilities for a period of up to ninety (90) days immediately following the termination of the individual's employment,

whether the termination is voluntary or involuntary, and such restrictions are not considered "exclusions" within the meaning of this Regulation.

IV. Self-Exclusions

Any individual may voluntarily exclude themselves from the Tribe's Gaming Facilities, and all such requests shall be granted. Self-exclusions must be requested by the individual seeking to exclude himself or herself from the Gaming Facility, not by any third party. The following policies and procedures apply to self-exclusions.

A. Form

The Commission shall adopt a Self-Exclusion Form to be completed by individuals wishing to exclude themselves from the Tribe's Gaming Facility and make such form available to such individuals upon request. At a minimum, the form shall require the individual to provide his or her full name, other names used, driver's license or state or tribal identification number, birth date, current address, telephone number, and physical characteristics. The form must also contain a statement releasing the Tribe and all involved tribal entities from any liability arising from processing or implementing the self-exclusion request and acknowledging the consequences of making a self-exclusion request. The form must be signed and dated by the individual. The Commission's or Gaming Operation's authorized personnel shall verify the individual's identity and signature by inspecting his or her driver's license or state or tribal identification card and take a current photograph of the individual to affix to the Self-Exclusion Form.

B. Term

Self-exclusions shall be for either an indefinite or lifetime term, at the individual's option. A lifetime self-exclusion is irrevocable. An indefinite self-exclusion shall be for a minimum period of one (1) year. After one (1) year, an individual who has requested an indefinite self-exclusion may submit a written request to the Commission to terminate his or her exclusion.

C. Termination Hearing

The Commission will follow its usual hearing procedures in reviewing a written request to terminate a self-exclusion. If the individual who requested the hearing fails to appear at the hearing without good cause, he or she forfeits any further right of appeal, and the notice of hearing he or she receives from the Commission shall state this. The individual requesting termination of his or her self-exclusion bears the burden of establishing by a preponderance of the evidence that the gambling problem giving rise to his or her self-exclusion has been successfully addressed.

D. Notification to Gaming Operation's Management

The Commission shall promptly forward such information as is necessary to the appropriate management personnel at the Gaming Facility in order to implement the self-exclusion request. The Commission shall require the Gaming Operation to remove all self-excluded individuals from all mailing lists and to revoke any slot or players' cards issued to the individual. The self-excluded individual has the right, upon request, to receive a payout of any credits on his or her slot or players' card prior to its revocation, but not to exceed the maximum daily payout limit.

E. Notification to Patrons

The Commission shall ensure that the Gaming Operation has procedures in place to inform individuals who enquire about self-exclusion about the Tribe's process for self-exclusion.

V. Involuntary Exclusions

Only the Gaming Operation's security personnel or employees of the Commission are authorized to exclude a person from the Gaming Facility. Security personnel may only do so when such action has been requested by the Gaming Operation's authorized management staff. The following policies and procedures apply to involuntary exclusions.

A. Form

The Commission shall adopt a Notice of Exclusion form to be completed by authorized officers or agents of the Commission or the Gaming Operation. At a minimum, the form shall require the individual to provide his or her full name, other names used, driver's license or state or tribal identification number, birth date, current address, telephone number, and physical characteristics. The form must also contain a statement releasing the Tribe and tribal entities from all liability arising from processing or implementing the exclusion and acknowledging the consequences of an exclusion. The form must also contain information about the individual's right to seek review by the Commission. The form must be signed and dated by the individual. The Commission's or Gaming Operation's authorized personnel shall verify the individual's identity and signature by inspecting his or her driver's license or state or tribal identification card and take a current photograph of the individual to affix to the Notice of Exclusion.

B. Grounds

Any individual may be excluded from a Gaming Facility for conduct detrimental to the integrity or reputation of the Gaming Operation, including, and limited to:

1. violations of applicable state, federal or tribal criminal or gaming laws and regulations;

2. violations of the Compact;
3. conduct which adversely affects the health, security and welfare of the Tribe's residents or of the patrons or employees of the Gaming Operation, including but not limited to cheating, assault, battery, theft, panhandling, prostitution, misrepresentation, fraud, threatening and intimidating behavior, use and/or possession of a controlled substance or drug paraphernalia, intoxication, and disorderly conduct;
4. the individual is a person whose reputation, habits, associations, or known criminal history would bring discredit to the Tribe or pose a risk of danger to employees or patrons, when such a conclusion is supported, on a balance of probabilities, by reasonably reliable evidence;
5. an exclusion from a gaming facility other than the Tribe's Gaming Facility;
6. violation of 24-hour or less restriction imposed on a patron by the Gaming Operation or of a 90-day or less restriction imposed on a former employee, as referenced in Section III.B of this Regulation; or
7. an exclusion from the Pauma-Yuima Reservation issued in accordance with tribal law.

C. Exclusion Request

To request the exclusion of an individual, the Gaming Operation's personnel must call for the presence of security personnel or Commission personnel on duty at the time. The requesting personnel shall explain the circumstances to the responding personnel and provide all applicable supporting documentation, including such things as written statements, forms, copies of reports, photographs and/or video tapes, etc. Commission personnel may initiate an exclusion without waiting for a request from management but shall first call for the presence of security personnel to help deter any potential hostile reaction from the individual being excluded.

D. Response to Exclusion Request

The responding security or Commission personnel will:

1. Inform the individual being excluded that if they fail to cooperate in completing the Notice of Exclusion by refusing to provide identification or requested information or have a photograph taken, or by providing false identification or information, they will automatically receive a permanent exclusion and forfeit any right of review.
2. Obtain valid identification, if available, and the current address of the

individual to be excluded and fill out a Notice of Exclusion form.

3. Read the contents of the Notice of Exclusion to the individual being excluded.
4. Have the individual sign and date the Notice of Exclusion or, if the individual refuses to do so, the responding security or Commission personnel shall sign the substitute signature line on the form.
5. Give a copy of the Notice of Exclusion to the individual being excluded or, if the individual refuses to accept it, send the Notice of Exclusion to the individual by registered or certified mail, return receipt requested.
6. Write an incident report describing the situation and attach a copy of the Notice of Exclusion and all other supporting documentation. Include in the incident report the period of exclusion recommended by the Gaming Operation's authorized management personnel.
7. Forward a copy of the complete report, including the Notice of Exclusion and any return receipt received, to the Commission.

E. Failure to Cooperate

If the individual to be excluded fails to cooperate by refusing to provide identification or requested information or have a photograph taken, or by providing a false name, address or identification, he or she forfeits any right to further review of the exclusion.

F. Reviewing Exclusions

1. All exclusions shall be issued for an indefinite term and remain in effect unless terminated by the Commission. To terminate an exclusion, the excluded individual must file a petition for review with the Commission within three (3) years of the issuance of the Notice of Exclusion. The petition must include a statement of the reasons why the individual believes the exclusion should be terminated.
2. Within thirty (30) days of receiving a request for review, the Commission shall set the matter for a hearing and send a written notice to the excluded individual, by certified mail return, receipt requested, of the date, time and place for the hearing. The notice shall be mailed at least twenty-one (21) days prior to the hearing date and include an admonition that failure to appear at the scheduled hearing without good cause will forfeit any further right of review. A copy of the notice shall also be provided to the Gaming Operation.
3. The Commission shall make a ruling within ten (10) days of the hearing, and

the excluded individual will be notified of the ruling within three (3) days of the ruling.

4. Decisions of the Commission shall be final and not subject to further review.

G. Exclusion Hearing

The Commission will follow its usual hearing procedures when conducting a hearing on whether to terminate an exclusion, except that notice of the hearing shall also be provided to the Gaming Operation, and the Gaming Operation's management staff involved in the initial exclusion may attend the hearing. If the individual who requested the hearing fails to appear at the hearing without good cause, he or she forfeits any further right of review, and the notice of hearing he or she receives from the Commission shall state this. The individual contesting his or her extended exclusion bears the burden of producing valid evidence to dispute the facts or evidence produced at the time the Notice of Exclusion was issued.

H. Notification to Gaming Operations Management

The Commission shall promptly forward such information as is necessary to the appropriate management personnel at each of the Tribe's Gaming Facilities in order to implement the termination of an exclusion.

I. Reinstatement of Exclusion

If an individual has had an exclusion terminated by the Commission but the effective date of the termination is set for a future date, and the individual subsequently violates the exclusion by visiting one of the Tribe's Gaming Facilities while the exclusion is still in effect, that individual's indefinite exclusion is automatically reinstated without further review, except as such further review may be granted by and at the discretion of the Commission. The Gaming Operation shall provide notice of an automatic reinstatement to the Commission.

VI. Forfeiture of Winnings

Any winnings or thing of value obtained by an excluded individual, whether voluntarily or involuntarily excluded, shall be subject to seizure and forfeiture. The Commission shall require each of the Gaming Facilities to have written policies and procedures to prevent the payout of any hand-paid jackpot or other winnings to an excluded individual. Any winnings or thing of value forfeited shall be returned to the Gaming Operation's revenues.

VII. Trespass

An excluded individual, whether under a voluntary or involuntary exclusion, who enters a Gaming Facility during a period of exclusion commits a trespass. Such offense constitutes a civil violation, and the excluded individual may be excluded from the Pauma-Yuima Reservation

under tribal law. In the case of involuntary exclusions, the Tribe, Commission or Gaming Operation may also press criminal charges when the conduct on which the exclusion is based violates the State of California's criminal laws. The Gaming Operation may, at its discretion, permit an excluded individual access to the Gaming Facility for emergency purposes only, such as, to pick up an intoxicated individual who has no other available means of transportation.

**VIII. Confidentiality**

Information contained on the self-exclusion forms or the Notice of Violations and supporting documents shall be treated as confidential and shall not be disclosed except to the appropriate Gaming Operation's management and personnel, the State Gaming Agency as required by law, appropriate federal, state or local law enforcement agencies if needed in the conduct of an official investigation, or when ordered by a court of competent jurisdiction.

**IX. Exclusion Lists**

**A. Self-excluded Individuals**

The Gaming Operation shall maintain or cause to be maintained a list of self-excluded individuals. The Gaming Operation shall update the list upon any change and provide a copy to the Commission. The Commission shall require the Gaming Operation to have written policies and procedures to ensure that cage personnel check an individual's identification against the list of self-excluded persons before allowing the person to cash a check or complete a credit card cash advance transaction. The Commission shall require the Gaming Operation to have written policies and procedures to identify excluded individuals, whether voluntarily or involuntarily excluded, who may be in a Gaming Facility and, once identified, to promptly escort the individual from the Gaming Facility.

**B. Involuntary Exclusions**

The Gaming Operation shall maintain or cause to be maintained a list of individuals excluded from the Tribe's Gaming Facilities because their past behavior, criminal history or association with persons or organizations poses a threat to the integrity of the Tribe's gaming activities or to the integrity of regulated gaming within California. The Gaming Operation shall update the list upon any change and provide a copy to the Commission. The Commission shall require the Gaming Operation to have written policies and procedures to ensure that individuals on the list are not permitted entry into the Gaming Facility.

**X. Severability**

If any provision of this Regulation or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Regulation, and to this end the provisions of this Regulation are severable.

XI. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Regulation or by any action by the Gaming Operation, the Commission, or any employee of the Tribe, the Commission or the Gaming Operation acting pursuant to this Regulation.

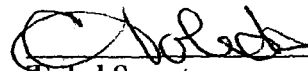
XII. Effective Date

This Regulation shall take effect immediately upon its adoption by the General Council.

**CERTIFICATION**

I, the undersigned, as Secretary of the Pauma Band of Mission Indians, do hereby certify that this Regulation was adopted by the General Council pursuant to the results of a general council meeting, by a vote of 51 in favor, 0 against and 0 abstaining, and the results recorded on March 5, 2006 and this Regulation has not been amended or rescinded in any way.

3/5/06  
Date

  
Tribal Secretary



**Pauma Band of Mission Indians  
Gaming Regulation No. 015**

**Tribal Internal Control Standards**

**I. Purpose and Scope**

- A. This Regulation describes the internal control standards applicable to any class II or class III gaming operations on the Pauma-Yuima Reservation. This Regulation is adopted in accordance with the Tribe's obligations under 25 C.F.R. § 542.3, which requires the Tribe to adopt internal control standards that are no less stringent than those standards set forth in 25 C.F.R. Part 542, and Subsection 8.1 of the Compact between the Tribe and the State of California, as amended ("the Compact").
- B. The purposes of such internal control standards are to:
1. promote the integrity of the Tribe's gaming operations;
  2. safeguard tribal assets;
  3. promote reliable and accurate financial reporting; and
  4. promote compliance with applicable laws and regulations.
- C. Without limiting the generality of this section, an internal control standard may address the following matters:
1. the conduct of Class II or Class III gaming activities,
  2. internal or external audits,
  3. cage (i.e., the secure work area for cashiers and storage of the gaming operation's bankroll);
  4. credit (i.e., advances made to patrons in the form of cash or gaming chips);
  5. information technology (i.e., computer hardware, software and data files);
  6. drop and count (i.e., the collection and counting of cash and cash equivalents in and from drop boxes and/or bill acceptors);
  7. surveillance;
  8. security;

9. property inventories (i.e., lists of supplies and other goods owned by the gaming operation);
10. complimentary services or items (i.e., services or items provided at no cost or a reduced cost to a patron);
11. financial transactions;
12. physical safeguarding of assets;
13. prevention of theft, cheating, fraud and other illegal activity.

## II. Interpretation

- A. This Regulation supplements the provisions of the Tribe's Gaming Ordinance, the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) and its regulations (25 C.F.R. § 500 *et seq.*) ("IGRA"), and the Compact, which are incorporated herein. In the event of a conflict or inconsistency between this Regulation and the provisions of the Gaming Ordinance, IGRA or the Compact, the provisions of the Gaming Ordinance, IGRA or the Compact prevail to the extent of the conflict or inconsistency. Unless specified otherwise, terms used herein shall have the same meaning as in the Gaming Ordinance, IGRA, or the Compact.
- B. If an enhanced or new standard adopted pursuant to subparagraph B.1, Section III, or the dispute resolution and review process outlined in subparagraph B.4, Section IV, is inconsistent or in conflict with the terms of any gaming management or development agreement, or ancillary agreements thereto, executed by the Tribe and duly ratified by the General Council, the terms of such agreement(s) shall prevail to the extent of the conflict or inconsistency.

## III. Tribal Internal Control Standards

- A. The Pauma Gaming Commission shall establish and implement Tribal Internal Control Standards that:
  1. Provide a level of control that equals those set forth in 25 C.F.R. Part 542, the National Indian Gaming Commission's minimum internal control standards, as amended from time to time;
  2. Contain standards for currency transaction reporting that comply with 31 C.F.R. Part 103, as amended from time to time;
  3. Establish standards for games not addressed in 25 C.F.R. Part 542, as amended from time to time;

4. If not otherwise addressed in the standards developed pursuant to subparagraphs 1 through 3 of this paragraph A or elsewhere in the Gaming Ordinance or tribal gaming regulations, address the internal control issues set out in Subsection 8.1 of the Compact; and
  5. Are necessary to comply with any other applicable federal, state or tribal law or the Compact, as amended from time to time.
- B. The Pauma Gaming Commission may deviate from the minimum standards set out in paragraph A, Section III as follows:
1. The Pauma Gaming Commission may adopt more stringent standards than those set out in paragraph A, Section III, or set new standards for matters not covered in paragraph A, Section III, subject to the following restrictions:
    - a. The Pauma Gaming Commission must first engage in meaningful and good faith consultation with the Gaming Operation in accordance with Section IV below;
    - b. Prior notice must be provided to the General Council in accordance with paragraph A, Section VII below;
    - c. Such standards may not be issued more frequently than semi-annually, unless an earlier implementation is required to address an immediate threat to the integrity of the Tribe's gaming operation or assets;
    - d. Such standards must be tailored to further one of the tribal interests set out in paragraph B, Section I;
    - e. The cost of implementing a specific internal control standard should not exceed the expected benefit of the control;
  2. The Pauma Gaming Commission may not adopt less stringent standards than those required in paragraph A, Section III unless, when required by federal law, it has first obtained a variance in accordance with 25 C.F.R. § 542.18.
- C. The Pauma Gaming Commission may amend the Tribal Internal Control Standards from time to time.
1. When an amendment is required to comply with federal, state or tribal law, the Commission may adopt the amendment without consulting with the Gaming Operation but shall notify the Gaming Operation in writing of the amendment, which notice shall specify a reasonable deadline for the Gaming Operation to come into compliance with the amended standard.

2. When an amendment is not required by federal, state or tribal law, the Commission must comply with the requirements of subparagraph B.1 of Section III above before adopting and implementing an amendment that has the effect of creating a more stringent standard than the standard it is amending.
- D. The Tribe hereby adopts, and incorporates in this Regulation by reference, the Tribal Internal Control Standards adopted by the Pauma Gaming Commission by resolution, as amended from time to time.
  - E. In the event of any ambiguity in the Tribal Internal Control Standards, which has not already been clarified by a court of competent jurisdiction or by the NIGC in the form of an opinion letter, bulletin or otherwise, the Pauma Gaming Commission has the exclusive authority to determine the proper interpretation of the provision in question, and such interpretation shall be binding on the Gaming Operation.

IV. Consultation With Gaming Operation

- A. Before the implementation of a more stringent or new standard pursuant to subparagraph B.1, Section III above, the Pauma Gaming Commission shall consult with the Gaming Operation as follows:
  1. The Pauma Gaming Commission shall prepare an initial draft of the proposed standard and include a brief statement including the following:
    - a. The identified risk and related goal or objective the standard is designed to address;
    - b. The tribal interest identified in paragraph B, Section I, which the standard is intended to promote;
    - c. If a similar or related standard is in place, a restatement of the existing standard; and
    - d. The proposed date for implementation.
  2. The Pauma Gaming Commission shall submit the initial draft to the general manager and the supervisor(s) of the affected departments and schedule a meeting with these same individuals to review and discuss the proposed internal control standard. The Pauma Gaming Commission may schedule additional follow-up meetings with the Gaming Operation for the purpose of attempting to reach an agreement on the implementation of the proposed standard.

3. The Pauma Gaming Commission shall take into consideration the comments received from the Gaming Operation's management personnel during the consultation process and make such revisions to the draft internal control standard as can reasonably be accommodated without unduly undermining the effectiveness of the proposed standard.
- B. If after consultation, the Gaming Operation and the Pauma Gaming Commission disagree on the more stringent or new standard, the Commission may nevertheless adopt and implement the more stringent or new standard after considering any public comments received in accordance with paragraph A, Section VII, subject to the following:
1. If, after one hundred eighty (180) days from implementation, the Gaming Operation still objects to the more stringent or new standard, the Gaming Operation shall request a meeting with the Gaming Commission no later than thirty (30) days after the 180-day trial period to discuss any ongoing concerns about the standard in question. After such meeting, the Gaming Commission shall consider the Gaming Operation's concerns and determine, in its own discretion, whether the internal control standard should be rescinded or revised and inform the Gaming Operation in writing of its decision.
  2. If the Gaming Commission does not rescind a more stringent or enhanced internal control standard or revise the standard in question to the satisfaction of the Gaming Operation after meeting with the Gaming Operation in accordance with subparagraph B.1 of this section, the Gaming Operation may challenge the more stringent or new standard by petitioning the General Council to rescind or modify the more stringent or new standard pursuant to Section IX, paragraph B of Gaming Regulation 012.
    - a. A petition to rescind or modify a more stringent or enhanced internal control standard must be filed with the General Council within thirty (30) days of the date the Gaming Operation receives the Pauma Gaming Commission's decision on whether to rescind or modify the more stringent or enhanced standard.
    - b. The burden shall be on the Gaming Operation to establish good cause for the standard to be rescinded or modified.
  3. Nothing herein shall be construed as limiting the ability of the Gaming Commission to, on its own initiative and at any time, rescind or make less stringent an internal control standard adopted pursuant to subparagraph B.1, Section III.

V. Gaming Operations' Internal Control System

- A. The Gaming Operation shall develop and implement an internal control system that, at a minimum, complies with the Tribal Internal Control Standards. In addition to the purposes set out in paragraph B, Section I, the Gaming Operation shall include in its internal control system such internal controls as are designed to promote effective and efficient operations, in accordance with industry standards.
- B. The Pauma Gaming Commission may review the Gaming Operation's internal control system to ensure that it complies with the Tribal Internal Control Standards. If the Pauma Gaming Commission determines that an aspect of the internal control system does not comply with the Tribal Internal Control Standards, it will notify the Gaming Operation, set forth the reasons for its position, and request a meeting with management for the purpose of conferring in good faith over the necessity of modifying the internal control system. The Gaming Operation shall adopt any modifications requested by the Pauma Gaming Commission after such a meeting, and the Pauma Gaming Commission's determination is not subject to further review under paragraph B, Section IX of Gaming Regulation 012.

VI. Compliance

- A. Without limiting the generality of the Pauma Gaming Commission's powers and duties, as set out in paragraph B, Section III of Gaming Regulation 012, the Pauma Gaming Commission shall monitor class II and class III gaming operations to ensure compliance with this Regulation and take appropriate enforcement action for violations of this Regulation.
- B. An independent certified public accountant ("CPA") shall be engaged to perform procedures to verify, on a test basis, that the Gaming Operation is in material compliance with the Tribal Internal Control Standards or a tribally approved variance that has received Commission concurrence. The procedures may be performed in conjunction with the annual audit required under Article VI of the Gaming Ordinance. The CPA shall report its findings to the Tribe, the Pauma Gaming Commission, and the Gaming Operation. The Tribe shall submit a copy of the report to the Commission within one hundred twenty (120) days of the Gaming Operation's fiscal year end.

VII. Publication

- A. If, after consultation in accordance with paragraph A, Section IV, the Pauma Gaming Commission intends to issue a more stringent or new internal control standard pursuant to subparagraph B.1, Section III, the Pauma Gaming Commission shall first issue a notice to the General Council.

1. The notice shall include the information set out in subparagraph A, Section IV, and inform the General Council of the opportunity to provide comments to the Pauma Gaming Commission within thirty (30) days of the issuance of the notice.
2. The notice shall be mailed by the Pauma Gaming Commission to members of the General Council. The date of mailing shall be the date of issuance of the notice for the purpose of triggering the 30-day comment period.
3. The Pauma Gaming Commission shall review and consider any comments received from the General Council within the 30-day comment period prior to issuance of an enhanced or new internal control standard.
4. The Pauma Gaming Commission shall maintain a record of any comments received from the General Council within the 30-day comment period until the period for the Gaming Operation to petition the General Council for review pursuant to subparagraph B.2, Section IV has expired. If the General Council conducts a review hearing in accordance with subparagraph B.2, Section IV, the Pauma Gaming Commission shall submit copies of the comments received on the internal control standard in question to the General Council as part of the record for the hearing.

- B. A copy of the Tribal Internal Control Standards, as amended from time to time, shall be deposited at the offices of the Pauma Gaming Commission, and made available for inspection by the public during normal business hours.

#### VIII. Severability

If any provision of this Regulation or the application thereof to any person or circumstance is held invalid, its invalidity does not affect other provisions or applications of this Regulation, and to this end the provisions of this Regulation are severable.

#### IX. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Regulation or by any action by the Pauma Gaming Commission, the Gaming Operation, or any employee of the Pauma Gaming Commission, the Gaming Operation or the Tribe acting pursuant to this Regulation.

#### X. Effective Date

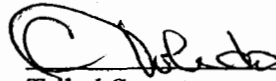
This Regulation shall take effect immediately upon its adoption by the General Council.

Adopted 03/05/06

**CERTIFICATION**

I, the undersigned, as Secretary of the Pauma Band of Mission Indians, do hereby certify that this Regulation was adopted by the General Council pursuant to the results of a general council meeting by a vote of 51 in favor, 0 opposing and 0 abstaining, recorded on March 5, 2006 and that this Regulation has not been amended or rescinded in any way.

3/5/06  
Date

  
Tribal Secretary