

MAR 27 2000

Melinda Silk, Esquire
Ak-Chin Tribal Gaming Agency
15406 North Maricopa Road
Maricopa, Arizona 85239

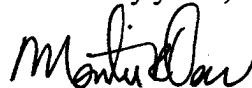
Dear Ms. Silk:

This letter responds to your request to review and approve the amendment to the Ak-Chin Indian Community (Community) Ordinance No. A-1-00, adopted on January 5, 2000. The amendments were adopted by the Ak-Chin Community Council by Resolution No. A-1-00 on January 10, 2000, and the original Ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on December 7, 1993. The NIGC received the amendments for review on January 14, 2000. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). 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, over which the Community exercises jurisdiction.

You indicated that the Community plans to adopt the Minimum Internal Control Standards (MICS). Please note that the Community must promulgate tribal MICS that are at least as stringent as the NIGC MICS found at 25 C.F.R. Part 542. In addition, the gaming operation must establish and implement an internal control system that is consistent with the tribal MICS.

Thank you for submitting the amendments to the tribal Ordinance of the Ak-Chin Indian Community for review and approval. The NIGC staff and I look forward to working with you and the Community in implementing the IGRA. If you have questions or require further assistance, please contact Ms. Frances Fragua at 202/632-7003.

Sincerely yours,



Montie R. Deer
Chairman

AK-CHIN INDIAN COMMUNITY COUNCIL



Route 2, Box 27
Maricopa, Arizona 85239
Telephone: (602) 568-2227

Resolution No. A-1-00

RESOLUTION OF THE AK-CHIN INDIAN COMMUNITY COUNCIL

A Resolution to enact a gaming code for the Ak-Chin Indian Community, to repeal the gaming code of 1993, and to authorize delivery of the newly enacted code to the Chairman of the National Indian Gaming Commission for approval

WHEREAS, the Ak-Chin Indian Community ("Community") is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934; and

WHEREAS, the Community is governed by the Ak-Chin Community Council (the "Council") pursuant to its Articles of Association (the "Articles") approved by the Secretary of Interior December 20, 1961; and

WHEREAS, Article VIII, Sections 1(b), (c), and (m) of the Articles authorize the Council to appoint subordinate officials and to prescribe their powers and duties; to promote and protect the general welfare of the Community; and to take such actions as are necessary to carry into effect its powers and duties; and

WHEREAS, the Community entered into a Tribal/State Gaming Compact with the state of Arizona on February 5, 1993 pursuant to the Indian Gaming Regulatory Act of 1988, Pub.L. 100-497, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168; and

WHEREAS the Community entered into a casino management agreement with Harrah's Arizona Corporation on August 6, 1993, as revised on January 24, 1994, for a five year term; and

WHEREAS, the Community established a casino operation, the Harrah's Phoenix Ak-Chin Casino, which opened to the public on December 27, 1994, for a five-year term; and

WHEREAS, the Community enacted the Ak-Chin Community Gaming Code on November 30, 1993, which superceded in its entirety the Ak-Chin Community Gaming Code first enacted on January 19, 1993; and

WHEREAS, the Chairman of the National Indian Gaming Commission approved the November 30, 1993 Ak-Chin Community Gaming Ordinance on December 7, 1993; and

WHEREAS, the Executive Director of the Tribal Gaming Agency, the Tribal Gaming Commissioners and the Council have determined that the existing gaming code requires many amendments; therefore, it is appropriate to repeal the existing code and replace it in its entirety with the attached gaming code.

NOW THEREFORE BE IT RESOLVED, that the Ak-Chin Indian Community Council does hereby approve the attached Ak-Chin Community Gaming Code in order to provide for detention of persons for notifying law enforcement authorities; to emphasize the autonomy of the Tribal Gaming Agency from the casino operation; to define the provisions for removal of Tribal Gaming Commissioners for cause; to make violations of the Gaming Code subject to criminal prosecution; and to set forth other necessary provisions.

BE IT FURTHER RESOLVED, that the Ak-Chin Community Council authorizes the Chairman to execute the attached Ak-Chin Community Gaming Code, and directs the delivery of said Code to the Chairman of the National Indian Gaming Commission for approval.

BE IT FINALLY RESOLVED, that the Ak-Chin Community Gaming Code approved on November 30, 1993 is hereby repealed and replaced in its entirety by this enactment.

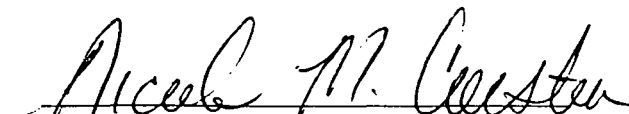
C-E-R-T-I-F-I-C-A-T-I-O-N

Pursuant to authority contained under Article VIII, Section a, c and f of the Articles of Association of the Ak-Chin Indian Community, approved by the Secretary of the Interior on December 20, 1961, by a quorum of 3 members present at a Special Council Meeting held on January 10, 2000 at Maricopa, Ak-Chin Indian Reservation, Arizona, by a vote of 3 for, 0 against, 0 not voting, and 2 absent; the foregoing resolution was adopted.



Leona M. Kakar, Chairman
Ak-Chin Indian Community Council

ATTEST:



Nicole M. Coester, Secretary
Ak-Chin Indian Community Council

AK-CHIN INDIAN COMMUNITY
GAMING CODE

Ordinance No. A - 1 - 00

SECTION 1
STATEMENT OF POLICY

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It is the purpose of this Code to provide for the sound regulation of all gaming activities on lands within the jurisdiction of the Ak-Chin Indian Community, 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 the economic self-sufficiency of the Ak-Chin Indian Community. This Code constitutes the ordinance of the Ak-Chin Indian Community regulating Class II and Class III Gaming contemplated by Section 11 (b) (2) and Section 11 (d) (1) (A) of the Indian Gaming Regulatory Act, Pub. L. 100-497, 25 U.S.C. §§ 2710 (b) (2) and 2710 (d) (1) (A).

SECTION 2
DEFINITIONS

For purpose of this Code:

- (a) "Act" means the Indian Gaming Regulatory Act of 1988, Pub. L. 100-497, 25 U.S.C. § 2701 et seq. and 18 U.S.C. §§ 1666-1168, and all other regulations promulgated pursuant thereto.
- (b) "Agency" means the Ak-Chin Indian Community Tribal Gaming Agency, established by Section 6 of this Code.
- (c) "Chairman" means the Chairman of the Tribal Gaming Agency Commission.
- (d) "Class I Gaming" means Class I gaming as defined in Section 4 (6) of the Act, 25 U.S.C. § 2703 (6).

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (e) “Class II Gaming” means Class II gaming as defined in Section 4 (7) of the Act, 25 U.S.C. § 2703 (7).
- (f) “Class III Gaming” means all forms of gaming as defined in Section 4 (8) of the Act, 25 U.S.C. § 2703 (8).
- (g) “Code” means this Ak-Chin Indian Community Gaming Code.
- (h) “Community” means the Ak-Chin Indian Community.
- (i) “Compact” means the Tribal-State Compact between the Ak-Chin Indian Community and the State of Arizona, dated as of June 24, 1993, as it may be amended from time to time, for the purpose of regulating Class III Gaming Activities conducted on Tribal lands.
- (j) “Commissioner” means a Commissioner of the Tribal Gaming Agency as appointed pursuant to Section 6 of this Code.
- (k) “Distributor” means any person, firm or corporation that distributes Gaming Devices, and/or component parts thereof, used or to be used in a Gaming Operation.
- (l) “Electronic Game of Chance” or “Gaming Device” means a microprocessor-controlled electronic device which allows a player, (or players if a multi-station gaming device, to play games of chance, some of which are affected by skill, which device is activated by the insertion of a token, coin or currency, or by the use of a credit, and which awards game credits, cash, tokens, prizes of value or replays, or a written statement of the player’s accumulated credits, which written statements are redeemable for cash. Play of an Electronic Game of Chance or Gaming Device may be displayed by:
 - (i) video facsimile; or

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (ii) mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence or lack of a winning combination and payout, if any.

- (m) “Executive Director” means the Executive Director of the Tribal Gaming Agency as appointed pursuant to Section 6 (c) of this Code.

- (n) “Gaming” means Class II Gaming and Class III Gaming. The term “Gaming,” as used in this Code, does not include Class I Gaming.

- (o) “Gaming Device” means, collectively, any Electronic Game of Chance, Slot Machine or Video Game of Chance.

- (p) “Gaming Employee” means any natural person employed in the operation or management of any Gaming Operation, whether employed by or contracted to the Community, or by any person or entity providing on or off-site services to the Community within or without any Gaming Facility, including, but not limited to, any natural person whose employment duties require or authorize access to restricted areas of any Gaming Facility.

- (q) “Gaming Facility” means any building, room or rooms, or that portion of a room licensed and approved by the Tribal Gaming Agency, in which Gaming is conducted on the Reservation.

- (r) “Gaming Operation” means any enterprise on the Reservation for the conduct of Gaming.

- (s) “Gaming Service” means any goods, services or concessions provided by contract, agreement, understanding, or any arrangement whatsoever, to the Community or to a Manager in connection with the Gaming Operation in an amount in excess of five thousand dollars (\$5,000) in any calendar month, except for professional, legal or accounting services. No contract, agreement, understanding, or any arrangement whatsoever, can be broken up into parts for the purpose of avoiding this definition and any requirement of licensure or certification contained under this Code or in the Compact.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

Notwithstanding the foregoing, the Agency may promulgate regulations governing goods, services, or concessions in an amount less than \$5,000 in a calendar month to protect the public interest and ensure the integrity of any and all activity involving the gaming operation.

- (t) “Key employee” means an employee of a Gaming Operation, whether or not a Gaming Employee, who performs one or more of the following functions:
- (i) bingo caller,
 - (ii) counting room supervisor,
 - (iii) chief of security,
 - (iv) custodian of gaming supplies or cash,
 - (v) floor manager,
 - (vi) pit boss,
 - (vii) dealer,
 - (viii) croupier,
 - (ix) approver of credit,
 - (x) custodian of Gaming Devices, including persons with access to cash and accounting records within such devices, and
 - (xi) if not otherwise included in clauses (i) through (x) of this definition, any other person whose total cash compensation is in excess of \$50,000 per year or, if not otherwise included, the four most highly compensated persons in any Gaming Operation.
- (u) “License” means an approval or certification issued by the Tribal Gaming Agency to any natural person or enterprise to be involved in the Gaming Operation or in the providing of Gaming Services to any Gaming Operation.
- (v) “Licensee” means any natural person or enterprise who has been approved, licensed, certified or found suitable by the Tribal Gaming Agency to be involved in the Gaming Operation or in the providing of Gaming Services to the Gaming Operation.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (w) “Management Contract” means a contract between the Community and a Manager for the Management of a Gaming Operation, including any related subcontracts and collateral agreements, within the meaning of the Act, 25 U.S.C. §§ 2710 (d)(9) and 2711.
- (x) “Manager” means a person, firm or corporation with whom the Community enters into a Management Contract, as contemplated under the provisions of the Act, 25 U.S.C. §§ 2710 (d)(9) and 2711.
- (y) “Manufacturer” means a person, firm or corporation that manufactures Gaming Devices, or component parts thereof, used or to be used in a Gaming Operation.
- (z) “National Indian Gaming Commission” or “NIGC” means the National Indian Gaming Commission established pursuant to Section 5 of the Act, 25 U.S.C. § 2704.
- (aa) “Net Revenues” of any Gaming Operation means the gross revenues of such Gaming Operation less amounts paid out as, or paid for, prizes and less total operating expenses, determined in accordance with generally accepted accounting principles but excluding management fees paid to a Manager within the meaning of Section 12 (c) of the Act, 25 U.S.C. § 2711 (c).
- (bb) Patron – any natural person within the exterior boundaries of the Gaming Facility, as defined by the legal description contained in the Management Agreement between the Ak-Chin Indian Community and Harrah’s Arizona Corporation.
- (cc) “Primary Management Official” means:
 - (i) the person having management responsibility for a management contract; or
 - (ii) any person who has authority:
 - (1) to hire and fire employees; or
 - (2) to set up working policy for the gaming operation; or
 - (iii) the chief financial officer or other person(s) who has financial management responsibility.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

(dd) “Principal” means:

- (i) any natural person having an interest in the contract in question,
- (ii) with respect to a trust, any beneficiary or trustee,
- (iii) with respect to a partnership, any partner,
- (iv) with respect to a corporation, any person who (a) is a director thereof, or (b) is one of the ten largest holders of the issued and outstanding stock thereof, alone or in combination with any other stockholder who is such person’s spouse, parent, child or sibling,
- (v) with respect to any entity other than a natural person that has an interest in a trust, partnership or corporation, all parties of that entity, and
- (vi) with respect to any entity, any person, firm or corporation (other than a federally regulated financial institution) that has provided more than ten percent of the outstanding financing of such entity.

(ee) “Reservation” means, for the purpose of this Code:

- (i) all land within the exterior boundaries of the Ak-Chin Indian Reservation, as recognized by the United States Secretary of the Interior as of October 17, 1988, and
- (ii) all lands title to which is either held in trust by the United States for the benefit of the Community, or held by the Community subject to restriction by the United States against alienation, and was so held on October 17, 1988, and
- (iii) any lands title to which is either held in trust by the United States for the benefit of the Community and which are described in Section 20 (a) (1) or Section 20 (b) (1) of the Act, 25 U.S.C. §§ 2719 (a) (1) or 2719 (b) (1).

(ff) “Restricted Area” for purposes of the Compact and this Code means cashiers cage, count rooms, management information systems (computer) room, surveillance room, vault, and any other area specifically designated as such by the Agency pursuant to a regulation promulgated by the Agency under this Code.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (gg) “Slot Machine” means any mechanical or electronic device into which a player deposits coin, currency or tokens and from which coins, currency or tokens are paid out when a particular, randomly determined configuration of symbols appears on the reels or screen of the device.
- (hh) “State” means the State of Arizona, its authorized officials, agents and representatives.
- (ii) “State Gaming Agency” means the agency of the State as the Governor of the State may from time to time designate by written notice to the Community as the state agency primarily responsible for oversight of the Class III Gaming as authorized by the Compact.
- (jj) “Technical Standards” means the operation standards for Gaming Devices set forth in the Compact.
- (kk) “Video Game of Chance” means a game of chance played on microprocessor-controlled devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, keno, roulette, line-up-symbols and numbers, or other common gaming forms, which are activated by the insertion of a coin, token or currency and which award coins, tokens, currency, additional plays or a written or displayed statement of the amount of a prize which is redeemable for cash and/or contains a meter or device to record unplayed credits or replays.

SECTION 3

AUTHORIZATION OF GAMING ACTIVITIES

- (a) Class I Gaming. The conduct of Class I Gaming on the Reservation is not governed by this Code.
- (b) Class II Gaming. The Community is hereby authorized to conduct any and all forms of Class II Gaming on the Reservation.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (c) Class III Gaming. The Community is hereby authorized to conduct any and all forms of Class III Gaming on the Reservation that are authorized to be conducted under the Compact.

SECTION 4

COMPLIANCE WITH THE ACT AND COMPACT

- (a) Compliance with the Act. This Code shall be construed in a manner that conforms to the Act in all respects. If this Code is inconsistent with the Act in any manner the provisions of the Act shall govern.
- (b) Compliance with the Compact. With respect to the conduct and regulation of Class III Gaming, this Code shall be construed in a manner that conforms to the Compact in all respects. If this Code is inconsistent with the Compact in any manner the provisions of the Compact shall govern.

SECTION 5

**GENERAL PROVISIONS GOVERNING THE CONDUCT OF
CLASS II AND CLASS III GAMING**

- (a) Ownership. As required by Section 11 (b) (2) (A) of the Act, 25 U.S.C. § 2710 (b) (2) (A), the Community shall have the sole responsibility for the conduct of all gaming on the Reservation and the sole proprietary interest in any Gaming Operation. Nothing in this Code shall:
- (i) preclude the Community from entering into a Management Contract as authorized under Section 12 of the Act, 25 U.S.C. § 2711, or
 - (ii) restrict the exercise by any secured party of its rights under any collateral lease, security interest or other financing agreement to enforce a lien on or security interest in any personal property encumbered thereby, or to enforce its rights against revenues derived by the Community from Gaming for the purpose of

**AK-CHIN INDIAN COMMUNITY
GAMING CODE**

repayment of debt obligations of the Community to such secured party in accordance with the provisions of such obligations, provided that no entity or person other than the Community shall have any proprietary interest in any Gaming Operation.

(b) Application of net revenues. In compliance with Section 11 (b) (2) and (3) of the Act, 25 U.S.C. § 2710 (b) (2) and (3), Net Revenues from Gaming shall be used only for the following purposes, as more particularly determined by the Ak-Chin Community Council:

- (i) to fund Community government operations or programs;
- (ii) to provide for the general welfare of the Community and its members;
- (iii) to promote the Community's economic development;
- (iv) to donate to charitable organizations;
- (v) to help fund operations of local government agencies, or
- (vi) any other purposes permitted under the Act.

(c) Public Safety Standards. In compliance with Section 11 (b) (2) (E) of the Act, 25 U.S.C. § 2710 (b) (2) (E), the construction and maintenance of any Gaming Facility, and the operation of all gaming, shall be conducted in a manner which adequately protects the environment and the public health and safety. For this purpose, all requirements of the Compact and all health, safety and environmental standards enacted by the Community shall apply to all Gaming Facilities.

SECTION 6

AK-CHIN INDIAN COMMUNITY TRIBAL GAMING AGENCY

(a) Establishment. The Ak-Chin Indian Community Tribal Gaming Agency is hereby established. The Agency is an autonomous governmental agency of the Ak-Chin Indian Community wholly independent from the Community's gaming operation, subject only to the preminent legislative authority of the Community Council. The Agency shall be deemed a law enforcement agency for purposes of accessing criminal history information

AK-CHIN INDIAN COMMUNITY GAMING CODE

and carrying out its required responsibilities under this Code. The Agency shall have overall civil regulatory authority over all Gaming Activities conducted on Tribal lands.

- (b) Supervision. The Agency shall be administered under the supervision of five Commissioners, a full-time Chairman and four part-time Commissioners, each of whom shall be appointed by the Community Council (the "Commission"). At least three members of the Commission shall be members of the Community. Two of the initial members of the Commission shall serve for terms ending on January 15, 1995, and three of the initial Commissioners, including the initial Chairman, shall serve for terms ending on January 15, 1996. Thereafter, Commissioners shall serve for two-year terms. Vacancies in the Commission shall be filled by appointment by the Community Council, and Commissioners may be appointed to successive terms. Members of the Commission shall continue serving after expiration of their term of office until a successor has been appointed. At least one of the Commissioners shall possess strong managerial experience in gaming operations, gaming regulation or gaming audits and financial controls. All Commissioners must be over the age of twenty-five, must possess a valid driver's license, must be persons of the utmost honesty and integrity, must never have been convicted of a felony or a misdemeanor involving theft, embezzlement or a crime involving moral turpitude, and must be persons whose prior activities, reputation, habits and associations shall not in any way jeopardize the effective regulation of gaming or the Community's and public's trust, confidence or interest. Compensation of the Commissioners shall be established by the Community Council. Commissioners may be removed for neglect of duty, malfeasance in office, or for other good cause shown, after a plenary hearing, duly noticed and conducted. No Commissioner may be affiliated with or employed by the Gaming Operation in any capacity, and no Commissioner shall gamble in any Gaming Facility or assume any personal financial interest in any gambling by any patron of the Gaming Facility.

Unless otherwise specifically provided in this Code, a majority vote of the Commission shall be deemed sufficient to effectuate any decision or action which this Code authorizes the Commission to make. In addition, unless otherwise provided in this Code, a decision

AK-CHIN INDIAN COMMUNITY
GAMING CODE

or action by the Commission shall be final and not subject to review by any court or judicial forum.

- (c) Executive Director. The Commission shall employ an individual to serve as Executive Director of the Agency who shall have overall responsibility for the day-to-day administrative functions of the Agency. The Executive Director may be removed by the Commission for neglect of duty, malfeasance in office, or for other good cause shown, after a plenary hearing, duly noticed and conducted. The Executive Director shall have the power, in the name of the Agency, to conduct any hearing, investigation or inquiry, to compel the production of any information or documents, issue violation notices, and otherwise to exercise all investigatory and regulatory powers of the Agency under this Code. The Executive Director shall be responsible for the coordination of the functions of the Agency with the State Gaming Agency and other federal, state and local agencies as necessary. The Executive Director shall be the agent of the Community for service by the National Indian Gaming Commission of any official determination, order or notice of violation under 25 C.F.R. 519.1. The Commission may direct the Executive Director to conduct a preliminary investigation and to render a recommendation to the Commission with respect to the grant or denial of any license, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Agency under this Code.
- (d) Additional Staff. The Executive Director may employ additional staff as deemed necessary by the Commission in order to carry out the civil regulatory obligations of the Agency.
- (e) Powers and Duties of Agency. The Agency shall have the following powers and duties:
- (i) to have and to exercise primary responsibility for regulation of all Gaming Activities in order to ensure the integrity thereof;
 - (ii) to investigate any aspect of any Gaming Operation in order to protect the public interest in the integrity of Gaming and to prevent improper or unlawful conduct.

AK-CHIN INDIAN COMMUNITY GAMING CODE

The Agency shall investigate any report of a failure of any Gaming Operation to comply with the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. The Agency may require any Gaming Operation to take any corrective action deemed necessary by the Agency upon such terms and conditions as the Agency may determine appropriate;

- (iii) to carry out each of the responsibilities and duties set forth for the Agency in the Compact, and shall adopt procedural resolutions in accordance with Section 6 (f) of this Code.
- (iv) to issue, limit, condition, restrict, renew, suspend and/or revoke licenses in accordance with Section 9 of this Code. The Agency shall issue forms for license applications, perform background investigations of license applications, withhold licenses pending investigations, approve or deny applications, and issue or require the issuance of employee identification cards;
- (v) require each Manager to prepare a plan for the protection of public safety and the physical security of patrons of Gaming Facilities, setting forth the respective responsibilities of the Agency, the security departments of the Gaming Operations, any Community police agency and, if appropriate, any State or local police agency. Such plan, and any subsequent modifications thereof, shall be submitted to and reviewed by the Agency and, after such review, shall be adopted with such modifications as the Agency shall deem proper;
- (vi) review and approve floor plans and surveillance systems for each Gaming Facility and may confer with the State Gaming Agency or other organizations regarding the adequacy of such plans and systems;
- (vii) promulgate, review, and revise as necessary, regulations to govern the operation and management of any and all Gaming;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (viii) establish a list of persons barred from the Gaming Facilities because their criminal history or association with career offenders or career offender organizations poses a threat to the integrity of Gaming. (The Agency shall also bar individuals whose conduct is contrary to the public interest and whose presence may be injurious to the peace, health, or welfare of the patrons or employees of the Gaming Facility;)
- (ix) review and approve the Technical Standards and rules of each Gaming Device operated by any Gaming Operation, shall ensure that such Gaming Devices conform to the Technical Standards and rules, and shall, in accordance with the Compact, propose to the State Gaming Agency any changes to such Technical Standards and rules as the Agency deems appropriate;
- (x) enforce all Community health and safety standards applicable to Gaming Facilities. The Agency shall issue a certificate of compliance to each Gaming Operation upon a determination that the Gaming Facility complies with such standards;
- (xi) issue a notice of violation to and/or impose penalties for violations of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation in accordance with Section 9 of this Code;
- (xii) bring any civil action or criminal complaint, in the name of the Community, in the courts of the Community, the State or the United States to enforce the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, or to enjoin or otherwise prevent any violation of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. (The Agency and/or respective staff members as from time to time may be employed by the Agency shall have such law enforcement powers vested in them by specific Council resolution to access criminal history information and to carry out enforcement actions on behalf of the Community;)

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (xiii) receive any complaint from any person, including the gaming public or any employee of any Gaming Operation, who is or who claims to be adversely affected by any act or omission of a Gaming Operation or any employee thereof and which is asserted to violate the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, and may impose such remedial action as it deems appropriate to bring the Gaming Operation into compliance with such provisions. The Agency may for this purpose, in its sole discretion, conduct a hearing and receive evidence with regard to such complaint if it deems an evidential proceeding useful in the resolution of such complaint;
- (xiv) adopt an annual operating budget which shall be subject to the approval of the Community Council. The expenses of the Agency shall be assessed against the Gaming Operations, and the Gaming Operations shall pay such assessments to the Community, in accordance with the Management Agreement;
- (xv) employ such staff from time to time as it deems necessary to fulfill its responsibilities under the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, and may retain legal counsel, consultants and other professional services, including investigative services, to assist it with respect to any of the issues over which the Agency exercises jurisdiction.. The Agency, consistent with prevailing laws of the Community, shall establish its own personnel policies and procedures. These personnel policies and procedures shall be consistent wherever possible with the general personnel policies and procedures of the Ak-Chin Indian Community. The Agency shall confer with the Community's Human Resource Director for the sole purpose of ensuring compliance with applicable laws governing personnel matters of the Agency;
- (xvi) to compel any licensee, any person employed by a Gaming Operation and any person doing business with a Gaming Operation to appear before it and to provide such information, documents or other materials as may be in their possession to assist in an investigation conducted by the Agency;

AK-CHIN INDIAN COMMUNITY GAMING CODE

- (xvii) to issue subpoenas and to compel the attendance of witnesses at any place within the Tribal lands, to administer oaths and to require testimony under oath;
- (xviii) establish a schedule of fees and charges for the issuance of licenses, including application fees and annual renewal fees. In addition, the Agency may impose such fees on licensees as are reasonably related to the making of background investigations and the costs of enforcement of this Code and of the licenses issued thereunder;
- (xix) require each Distributor and Manufacturer to verify under oath, on forms prescribed by the Agency, that the Gaming Devices distributed or manufactured by them for use at any Gaming Facility comply with the Technical Standards and all requirements of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. The Agency may require the testing of any Gaming Device, at the expense of the Distributor or Manufacturer thereof, to ensure such compliance;
- (xx) enforce all applicable liquor laws within the Gaming Facility. All Community liquor laws are hereby incorporated into this Code and any violations of such laws are hereby deemed Code violations. Pending enactment of applicable Community liquor laws, State liquor laws are hereby incorporated into this Code for enforcement purposes. The Agency shall be responsible for enforcing State liquor laws as violations of this Code pending enactment of applicable Community liquor laws;
- (xxi) to enter at any time any Gaming Facility within Tribal lands for the purpose of inspecting the facility, its employees and operations, its equipment and supplies, its business records and books of account or any other financial records or documents pertaining to the business operations of the facility, and to make summaries or copies of any such documents or other records as the Agency deems useful or necessary to its purpose;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (xxii) to summarily seize and remove or impound any equipment, supplies, documents or records from any Gaming Facility for the purpose of examination;
 - (xxiii) to review the terms of any and all proposed contracts between the Gaming Operations and any person or entity for the purpose of managing or operating the Gaming Facility, for compliance with all applicable laws and regulations;
 - (xxiv) to require that all gaming related contracts or agreements for supplies, services or concessions in an amount in excess of \$25,000 annually, except contracts for professional, legal or accounting services, be subject to annual audits by an independent certified public accountant licensed in the State and having in-depth knowledge and experience with gaming;
 - (xxv) to do all other things reasonably necessary for the proper and efficient exercise of the other powers and responsibilities placed upon the Agency by the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation.
- (f) Procedures of the Agency. The Agency shall conduct its operations in accordance with procedural resolutions adopted in accordance with Section 6 (e) of this Code. Such resolutions shall include the following provisions:
- (i) Regular meetings of the Commission may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Commission. Unless otherwise specified by the Commission, no notice of such regular meetings shall be necessary.
 - (ii) Special meetings of the Commission may be called by the Chairman or the Executive Director upon such notice as the Commission shall provide. The person calling the special meeting shall fix the time and place thereof. Neither the business to be transacted at, nor the purpose of, any special meeting of the Commission need to be specified in the notice of the meeting.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (iii) At any meeting of the Commission, a majority of the members then in office 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 shall be the act of the Commission, except where this Code otherwise requires an action to be taken by the vote of a majority of the members of the Commission then in office. The Chairman shall preside at all Commission meetings, unless the Chairman designates another member to preside in his absence. The Chairman or other presider shall have a vote on all matters.

- (iv) Any action required or permitted to be taken at a Commission meeting may be taken without a meeting if all of the members of the Commission 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 Commission, and shall have the same effect as a unanimous vote of the Commission at a legal meeting thereof.

- (v) Commission members may participate in a Commission meeting by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Participation in a meeting in such manner 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) Any hearing conducted by the Commission under this Code may, at the direction of the Commission, be conducted by the Executive Director or by one or more members of the Commission designated by the Commission for that purpose.

- (vii) The Commission may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation.

**AK-CHIN INDIAN COMMUNITY
GAMING CODE**

- (g) Temporary Orders. The Chairman, the Executive Director or any other member of the Commission acting in the absence of the Chairman, may, whenever he/she deems it necessary to protect the public interest in the integrity of Gaming, issue temporarily in the name of the Agency any order that the Agency has the power to issue to a Gaming Operation, to a Gaming Employee or to any employee or contractor of a Gaming Operation or to any other person within the jurisdiction of the Community, to take any action or to cease and desist from any action as may be required to protect the public interest. Any such temporary order shall be subject to review by the Commission at its earliest opportunity and, if not confirmed by the Commission within 72 hours from its initial issuance, shall expire.
- (h) Prohibition. No member or employee of the Agency shall participate as a player in any Gaming activity conducted on the Reservation.

**SECTION 7
GAMING AGENTS**

For the purpose of ensuring the integrity of all Gaming, the Agency shall employ Gaming Agents who shall report to and be under the supervision of the Executive Director and not under the supervision of any Manager or any Gaming Operation. Gaming Agents shall have unfettered access to all facilities of all Gaming Operations at all times, including all Gaming Facilities and all other locations where any equipment, goods, supplies, books, records or other material relating to Gaming is kept or stored; for such purposes, personnel employed by any Gaming Operation shall provide Gaming Agents access to locked and secure areas of the Gaming Facilities or such other locations without restraint. Gaming Agents shall report to the Executive Director regarding any failure by a Gaming Operation to comply with any of the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. Gaming Agents may also receive customer complaints with respect to any Gaming Operation and shall assist in seeking voluntary resolution of such complaints.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

SECTION 8

**DETENTION OF PERSONS FOR
NOTIFYING LAW ENFORCEMENT AUTHORITIES**

- (a) Pursuant to Section 6 (a) (3) of the Compact, the Gaming Facility Operator shall at all times maintain an area within the Gaming Facility for the temporary detention of persons who may be involved in illegal activities within the Gaming Facility, for the purpose of notifying appropriate law enforcement authorities.

- (b) Such temporary detention area shall be equipped with both video and audio recording capabilities, to ensure that the individual or individuals confined in such area shall be under both video and audio observation at all times during the temporary detainment provided for in this Section.

- (c) The Gaming Facility Operator, or its agents, or the Tribal Gaming Agency, or its agents, upon observing possible illegal activity within the Gaming Facility, shall request the individual or individuals involved in such activity to accompany said agents to the temporary detainment area provided for in this Section.

- (d) Upon placing such person or persons in the temporary detainment area, the representative of the Gaming Facility Operator or the Tribal Gaming Agency shall immediately notify the Surveillance Department of the Gaming Facility that such person or persons have been placed in detainment, and shall immediately cause the video and audio recording capabilities of the temporary detainment area to be activated, so as to maintain continuous observation of such person or persons. The video and audio recording capabilities shall remain activated throughout the temporary detention of the person or persons placed in this area, including the removal of said person or persons from the temporary detainment area by the Ak-Chin Indian Community Police Department or other appropriate law enforcement authorities.

**AK-CHIN INDIAN COMMUNITY
GAMING CODE**

- (e) Upon placing a person or persons in the temporary detention area as set forth above, the representatives of the Gaming Facility Operator or Tribal Gaming Agency making the placement shall immediately notify the Ak-Chin Indian Community Police Department or other appropriate law enforcement authorities of said detention, and shall request that the Police Department or other law enforcement authorities shall remove said individual or individuals from detention as quickly as possible.

**SECTION 9
LICENSING**

- (a) Burden of Proof. It is the determination of the Community that the public interest in the integrity of Gaming is such that the burden of proof to establish fitness to obtain or maintain a license under this Code shall be upon the applicant or licensee, as the case may be.
- (b) Suitability Requirements. The Agency may limit, condition, restrict, deny, suspend, or revoke a license when it has determined that the applicant or principal(s) for, or holder(s) of, a license:
- (i) has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, or when any such violation has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;
 - (ii) knowingly causes, aids, abets, or conspires with another to cause any person or entity to violate any Tribal, Federal, or State laws, or the rules or regulations of the Agency, or the provisions of this Code;
 - (iii) has obtained a Tribal License or state certification by fraud, misrepresentation, concealment or through inadvertence or mistake;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (iv) has been convicted of, or forfeited bond upon a charge of, or plead guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payment or reports to any Tribal, State or United States governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of a Tribe, State or the Federal government, or of any felony crime, involving any gaming activity or physical harm to individuals or moral turpitude;
- (v) makes misrepresentation of, or fails to disclose a material fact to the Agency or the State;
- (vi) fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this Section;
- (vii) is subject to current prosecution or pending charges, or a conviction which is under appeal for any offenses referenced in Code Section 9 (b) (iv);
- (viii) has had a gaming license issued by any Tribe or State in the United States revoked or denied;
- (ix) has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including suspension, revocation, denial of application or forfeiture of license;
- (x) has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of any Tribe, State or the Federal government if such pursuit creates probable cause to believe that the participation of such person in gaming or related activities would be detrimental to the proper operation of any authorized gaming or related activity. For the purpose of this paragraph, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (xi) is a career offender or is a member of a career offender organization or an associate of a career offender or career offender organization in such a manner which creates probable cause to believe that the association is of such a nature as to be detrimental to the proper operation of the authorized gaming or related activities. For the purposes of this paragraph, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of Tribal law, Federal law or State law. A career offender organization shall be defined as any group of persons who operate together as career offenders;
 - (xii) is a person whose prior activities, criminal record, if any, reputation, habits and associations pose a threat to the public interests of the Community or to the effective regulation and control of Class III Gaming, or creates or enhances the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of Gaming, or the carrying on of the business and financial arrangements incidental thereto; or
 - (xiii) fails to provide any information to, or refuse to cooperate with, the Commission, the Executive Director, Gaming Agents, or any other staff as may be employed by the Agency, during the course of their official duties ensuring compliance with the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation.
- (c) License Requirements. In compliance with Section 11 (b) (2) (F) of the Act 25 U.S.C. § 2710 (b) (2) (F), the following individuals and entities shall be subject to the background investigation and licensing requirements of this Code and, in the case of any person, firm or corporation involved in the conduct of Class III Gaming, the Compact:
- (i) each Gaming Employee,
 - (ii) each Key Employee,
 - (iii) each Primary Management Official

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (iv) each Gaming Manager and each Principal thereof,
- (v) each Distributor and Manufacturer,
- (vi) each Gaming Facility,
- (vii) each provider of a Gaming Service, and
- (viii) each person, firm or corporation providing financing for any Gaming Operation, Gaming Facility or any part thereof.

The Community shall notify the State Gaming Agency and the National Indian Gaming Commission of the results of any licensing process in accordance with the Compact and such regulations or procedures as the National Indian Gaming Commission may establish.

(d) Application Requirements.

- (i) Each applicant for any category of license must be submitted to the Agency on forms provided by the Agency, and must be accompanied by the required fee, as set forth in Section 9 hereof, and by such supporting information as the Agency shall prescribe by regulation.
- (ii) Each applicant for a vendor's license shall be accompanied by a certificate of sponsorship from the Manager, which certificate shall state that the Manager wishes to engage the applicant for certain services, and intends to do so upon the issuance of an appropriate license.
- (iii) Each applicant for a Manager's license, a vendor's license, or in the case of an individual who is not an enrolled member of the Community, for a gaming employee's license, shall also be submitted to the appropriate State Gaming Agency, together with applicable fees, for state certification. In addition, the applications of, and reports concerning key employees or primary management officials engaged by, or applying for engagement by the Manager shall be submitted to the National Indian Gaming Commission for further review and action, prior to the applicant's receiving final action from the Agency.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (iv) The Agency staff will assist the applicant in assembling all information required for processing of the application, but no application will be processed until it is complete. The Agency may at any time after an application is submitted request the applicant in writing to supply additional information to enable the Agency to complete the applicant processing.

- (v) In connection with the application, the applicant shall consent in writing, on a form provided by the Agency, to the release of any information that may be relevant to the Agency's inquiry into the applicant's background from any person or entity. The form will clearly state that any and all information obtained by the Agency in the course of reviewing a licensing application shall remain confidential, and shall not be released by the Agency to any other person or agency without the applicant's written consent, except in the following circumstances:
 - 1) such information is required by the Compact to be disclosed to the National Indian Gaming Commission,
 - 2) such information is required by the Compact to be disclosed to the State Gaming Agency, or
 - 3) such information is ordered to be disclosed by judicial subpoena or court order for use in a judicial proceeding in which the applicant is a party. The Agency shall be bound by the terms of such consent form.

- (e) General Provision of Licenses.
 - (i) Each license issued by the Agency shall expire (subject to renewal) not later than one year after the date of its issuance. Such license may be renewed for subsequent one year periods upon proper application therefor, on forms specified by the Agency, but no license shall have any vested right to renewal.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (ii) If, under the Compact, a State certification is required by a prospective licensee, no license shall be issued by the Agency to such prospective licensee until such State certification is issued.

- (iii) After a license has been issued, the Agency may, at any time, at the expense of the licensee, conduct such background or other investigation as it may deem appropriate with respect to the licensee. If such subsequent investigation discloses information that would have made the licensee ineligible for the license if such information had been known prior to the issuance of the license, the Agency shall revoke the license in accordance with this Section 9.

- (iv) If, after the issuance of a license, an event occurs that would have made the licensee ineligible for the license if such event had occurred prior to the issuance of the license, the Agency shall revoke the license in accordance with this Section 9.

- (v) If, after the issuance of a license to a licensee who is obligated to obtain a State certification under the Compact, the State certification is revoked, the Agency shall revoke the license in accordance with this Section 9.

- (vi) Applications for licenses or for renewal of licenses must be accompanied by nonrefundable fees for the following categories of licenses. Such fees shall be set by regulation of the Agency and shall be assessed to enable the Agency to defer the cost to the Agency of processing such applications:
 - a) Employees
 - New \$150
 - Renewal \$75
 - b) Vendors
 - New \$200
 - Renewal \$100
 - c) Fingerprints reprints \$10
 - d) Badge Duplication/Replacement \$10

AK-CHIN INDIAN COMMUNITY
GAMING CODE

e) Valid Certification Transfers \$10

(vii) If the Agency determines, on the basis of the background investigation and such other information as it may obtain, that an applicant is qualified for a license, the Agency may, but shall not be required to, issue such license. The Agency, at its sole discretion, may impose any qualifications to such license it deems appropriate, or may refuse to issue such license despite an applicant's qualifications.

(viii) Before issuing a permanent license to a Gaming Employee, a Key Employee, a Primary Management Official, Manager or a Principal of a Manager, the Agency shall forward the results of the background investigation to the National Indian Gaming Commission in such form as shall be required by the National Indian Gaming Commission, in accordance with such regulations or procedures as the National Indian Gaming Commission may establish. The Agency shall consider any objections of the National Indian Gaming Commission in determining whether to issue the requested license.

(f) Licensure of Gaming Facilities. No Gaming shall take place at any Gaming Facility unless such Gaming Facility has a current license issued by the Agency for the conduct of such Gaming at such Gaming Facility. A separate license shall be issued for each Gaming Facility; such license shall specify whether Class II Gaming, Class III Gaming or both is permitted to be conducted therein.

No license shall be issued to any Gaming Facility unless:

(i) the floor plans and surveillance systems for such Gaming Facility have been reviewed and approved by the Agency as required by Section 6 (e) (vi) of this Code, and

(ii) the Agency has issued a certificate of compliance with respect to such Gaming Facility as required by Section 6 (e) (x) of this Code.

AK-CHIN INDIAN COMMUNITY GAMING CODE

In addition, the Manager must apply for an amendment of its Gaming Facility License in the event that it intends to alter the design, layout or other physical aspects of a licensed facility, including expansion thereto, or if it intends to alter existing management personnel or gaming parameters. In such case, the manager must provide detailed specifications of the nature and extent of such alteration.

Each Gaming Facility License issued by the Agency shall have a primary term of one year. Such license may be renewed for subsequent periods of one year upon proper application therefor, on forms provided by the Agency.

(g) Licensure of Managers. No person, firm or corporation shall act as a Manager unless such Manager has a current license issued by the Agency. For each management contract, a background investigation shall be conducted of:

- i) each person with management responsibility for a management contract;
- ii) each person who is a director of a corporation that is a party to a management contract;
- iii) the ten persons who have the greatest direct or indirect financial interest in a management contract;
- iv) any entity with a financial interest in a management contract, and
- v) any other person with a direct or indirect financial interest in a management contract otherwise designated by the NIGC.

1. For each natural person identified above, the management contractor shall provide the following information:

- a) full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, and gender;
- b) a current photograph, driver's license number, and a list of all languages spoken or written;
- c) business and employment positions held, and business and residence addresses currently and for the previous ten years, the city, state and country of residence from age eighteen (18) to the present;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- d) the names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the person at each different residence location for the past five (5) years;
 - e) current business and residence telephone numbers;
 - f) a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
 - g) a description of any previous and existing business relationships with the gaming industry generally, including ownership interests in those businesses;
 - h) 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;
 - i) for each gaming offense and for each felony for which there is an ongoing prosecution or a conviction, the name and address of the court involved, the charge, and the dates of the charge and of the disposition;
 - j) for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application. The name and address of the court involved, and the dates of the prosecution and the disposition;
 - k) a complete financial statement showing all sources of income for the previous three (3) years, and assets, liabilities, and net worth as of the date of the submission; and
 - l) for each criminal charge (excluding minor traffic charges) regardless of whether or not it resulted in a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraphs (i) and (j) of this section, the name and address of the court involved, the criminal charge, and the dates of the charge and the disposition.
2. Fingerprints for each person for whom background information is provided under this section.

AK-CHIN INDIAN COMMUNITY GAMING CODE

3. Each person with a direct or indirect financial interest in a management contract or management responsibility for a management contract shall respond within thirty days to written or oral questions propounded by the NIGC.

4. The following notices shall be placed on the application form for an license before that form is filled out by any applicant for a license for a Management Contract:

“In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information in this section is authorized by 25 U.S.C. § 2701 et seq. The purpose of the requested information is to determine the suitability of individuals with a financial interest in, or having management responsibility for, a management contract. The information will be used by National Indian Gaming Commission members and staff and Indian tribal officials who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, or foreign law enforcement and regulatory agencies in connection with a background investigation or when relevant to civil, criminal or regulatory investigations or prosecutions or investigations of activities while associated with a gaming operation. Failure to consent to the disclosures indicated in this statement will mean that the Chairman of the National Indian Gaming Commission will be unable to approve the contract in which the person has a financial interest or management responsibility.

The disclosure of a persons’ Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing the information provided.

A false statement knowingly and willfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which I have a financial interest or management responsibility, or for disapproving or voiding such contract after it is approved by the Chairman of the NIGC. Also, I may be punished by fine or imprisonment. (U.S. Code, Title 18, Section 1001.)”

AK-CHIN INDIAN COMMUNITY GAMING CODE

5. For each entity identified in this section, the management contractor shall provide to NIGC the following:
 - a) each of the ten (10) largest beneficiaries and the trustees when the entity is a trust;
 - b) each of the ten (10) largest partners when the entity is a partnership, and
 - c) each person who is a director or who is one of the ten (10) largest shareholders of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling when the entity is a corporation.

6. Required information:
 - a) the information required in paragraph 1(a) of this section for each individual identified in paragraph 5 of this section;
 - b) copies of documents establishing the existence of the entity, such as the partnership agreement, the trust agreement, or the articles of incorporation;
 - c) copies of documents designating the person who is charged with acting on behalf of the entity;
 - d) copies of bylaws or other documents that provide the day-to-day operating rules for the organization;
 - 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 interest in those businesses;
 - g) the name and address of any licensing or regulatory agency with which the entity has filed an application for a license or permit relating to gaming, whether or not such license or permit is granted;
 - (h) for each gaming offense and for each felony for which there is an ongoing prosecution or a conviction, the name and address of the court involved, the charge, and the dates of the charge and disposition;
 - (i) for each misdemeanor conviction or ongoing misdemeanor prosecution within ten (10) years of the date of the application, the name and address of the court involved, and the dates of the prosecution and disposition;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (j) complete financial statements for the previous three (3) fiscal years; and
 - (k) 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 6 (h) and (i) of this section, the criminal charge, the name and address of the court involved and the dates of the charge and disposition.
7. Each entity with a direct or indirect financial interest in a management contract shall respond within thirty (30) days to written or oral questions propounded by the Chairman.
 8. Each entity required to submit information under this section shall sign and submit the following statement: “A false statement knowingly and willfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which we have a financial interest; or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission. Also, we may be punished by fine or imprisonment (U.S.Code, Title 18, section 1001).
 9. A management contractor shall pay to the Commission the cost of the background investigation in accordance with the provisions provided in Part 537, § 537.2 of the Act’s regulations.
 10. The NIGC Chairman shall determine whether the results of a background investigation preclude the NIGC Chairman from approving a management contract. The NIGC Chairman shall promptly notify the tribe and management contractor if any findings preclude the NIGC Chairman from approving a management contract or a change in financial interest.
 11. A party may appeal the NIGC’s Chairman’s disapproval of a management contract or modification. Such an appeal shall be filed with the National Indian Gaming Commission within thirty (30) days after the NIGC Chairman serves his

AK-CHIN INDIAN COMMUNITY GAMING CODE

or her determination. Failure to file an appeal within the time provided by this section shall result in a waiver of the opportunity for an appeal. An appeal under this section shall specify the reasons why the person believes the NIGC Chairman's determination to be erroneous, and shall include supporting documentation, if any. Within thirty (30) days after receipt of the appeal, the NIGC Commission shall render a decision unless the appellant elects to provide the National Indian Gaming Commission additional time, not to exceed an additional thirty (30) days, to render a decision. In the absence of a decision within the time provided, the NIGC Chairman's decision shall constitute the final decision of the National Indian Gaming Commission.

- (h) Licensure of Gaming Employees. Key Employees and Primary Management Officials. No person shall be employed as a Gaming Employee, a Key Employee or a Primary Management Official unless such person has a current license issued by the Agency. Individuals so licensed shall wear a unique tribal identification credential, as issued by the Agency, at all times while on duty in the Gaming Facility.
- (i) The following notices shall be placed on the application form for a license before that form is filled out by any applicant for a license for a Gaming Employee, a Primary Management Official or a Key Employee:

“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 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 agencies when relevant to civil, criminal or 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

AK-CHIN INDIAN COMMUNITY GAMING CODE

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.

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

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.)”

The Agency shall notify all applicants for a Manager's or Gaming Employee's license for a position of key employee or primary management official that upon temporary issuance of a license to the applicant, the Agency must, within sixty calendar days, give notice thereof to the National Indian Gaming Commission. In the event the Agency receives, within thirty (30) calendar days of giving such notice to the NIGC or a longer period as further prescribed, an advice from the NIGC that such primary management official or key employee does not meet the standards established in the Code or in the Act for issuance of such a license, the Agency shall immediately suspend such license and give notice thereof to the licensee. In such circumstances, the licensee may, after receiving notice of the suspension, request that the Agency reconsider its actions. Upon such request for consideration, the Agency shall consider the advice of the NIGC, and shall also consider such oral statement(s) or written documentation as the licensee may present to the Agency at the time and place designated by the Agency. Within fifteen (15) calendar days of receipt of such statement(s) or documentation, or the licensee's request for reconsideration, whichever is later, the Agency shall issue a written decision. If the Agency's decision is adverse, then the licensee may appeal the license suspension to the Commission within thirty (30) calendar days of receiving notice thereof. The procedures applicable to such an appeal shall be those set forth in the Hearings Before the Commission handbook.

AK-CHIN INDIAN COMMUNITY GAMING CODE

In the case of an application for a Gaming Employee's License concerning position for key personnel or primary management official, the Agency shall submit the following to the NIGC:

- 1) a completed application for a license,
- 2) a report on the background investigation undertaken by the Agency concerning the applicant, and
- 3) a determination that the applicant is suitable to assume his/her duties in that the applicant poses no threat to the public interest or to the effective regulation of gaming, and does not create or enhance dangers of unsuitable, unfair or illegal practices and methods and activities in the conduct of gaming.

Such information shall be submitted as soon as practicable after the collection of the required information, but in no event later than sixty days following the applicant's completion of his/her application and of a grant of a temporary license. The report on the background investigation undertaken by the Agency shall detail:

- 1) the steps taken in conducting the background investigation,
- 2) the results obtained,
- 3) the conclusions reached, and
- 4) the bases for those conclusions

In the event a Gaming Employee's License is not issued to an applicant for a key personnel or primary management official position, the Agency shall notify the NIGC and shall forward its eligibility determination and investigative report to the NIGC for inclusion in the Indian Gaming Individuals Records System. The Agency shall retain applications for employment and reports of background investigations for inspection by the Chairman of the NIGC or his/her designee for no less than three years from the date of termination of employment.

- (i) Licensure of Financiers. Any third-party financing extended or guaranteed for the Gaming Operation and Gaming Facilities shall be disclosed to the State Gaming Agency and persons or entities extending such financing shall be required to be licensed by the Community and annually certified by the State Gaming Agency, unless said person or

AK-CHIN INDIAN COMMUNITY
GAMING CODE

entity is an agency of the United States or a lending institution licensed and regulated by the State or the United States.

- (j) Non-Gaming Employees. All persons who are not Gaming Employees but work at any facility where Gaming occurs or is supervised or administered, must obtain a nongaming work permit from the Agency before commencing employment. Such work permits may be issued upon a determination by the Agency that the employee is not a threat to the effective regulation of Gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of Gaming. Individuals so designated shall wear a unique tribal identification credential, as issued by the Agency, at all times while on duty in the Gaming Facility. All applicants for work permits shall provide such information as the Agency shall require.

- (k) Licensure of Distributors. No person, firm or corporation shall distribute Gaming Devices, or component parts thereof, used or to be used in a Gaming Operation unless such Distributor has a current license issued by the Agency.

- (l) Licensure of Manufacturers. No person, firm or corporation shall use any Gaming Device, or component part thereof, in a Gaming Operation unless the manufacturer of such Gaming Device, or component part thereof, had a current license issued by the Agency at the time of the installation of such Gaming Device, or component part.

- (m) Licensure of Providers of Gaming Services. No person, firm or corporation shall purchase any Gaming Service, or enter into a contract, agreement, understanding, or any arrangement whatsoever, for the purchase of any Gaming Service, unless the provider of such Gaming Service has a current license issued by the Agency.

- (n) Background Investigations. The Agency shall conduct, or cause to be conducted, background investigations of all license applicants. The Agency shall subject every applicant for a license to a thorough background investigation, and such investigations shall be updated upon application for a renewal of such license, and at such other times as the Agency may determine to be appropriate. Such background investigations shall be

AK-CHIN INDIAN COMMUNITY GAMING CODE

performed according to an investigative system, regularly updated and improved, that will comply with the requirements of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. Such investigative system may include utilization of records of all available tribal, state and federal law enforcement agencies, resources of the NIGC, communications with other Indian tribes engaged in gaming activities, and any other sources of information accessible to the Agency for this purpose. The Agency shall maintain files that shall contain all information acquired in the course of its background investigations of license applicants. Such information and files shall be secured in such a way that the identities of confidential informants and the information itself will be protected from inadvertent disclosure so as to comply with the applicable provisions of federal statutes protecting individual privacy. All applicants will be notified of their rights under the Federal Privacy Act as specified in 23 C.F.R. Part 556.

The procedures to be followed by the Agency for conducting the background investigations and suitability determinations for applicants and licensees are as follows:

- A) there shall be a clear Agency-wide statement that the Agency, and only the Agency, is responsible for the conduct of the background investigations and suitability determinations,
- B) there shall be a list maintained in the office of the Executive Director setting forth standard operating procedures for investigations, which at a minimum shall include the following:
 - a) verification in writing of all information submitted by the applicant,
 - b) inquiry into the applicant's prior activities, criminal record, if any, and reputation, habits and associations; interview by telephone or meeting of a sufficient number of knowledgeable people such as former employers, personal references, and others identified on his/her application; exchange of information with all appropriate agencies, and
 - c) identification of, and documentation of, all potential problem areas and/or disqualifying information, and written disposition of all inquiries into such matters.

The Agency shall request all of the following information from each applicant:

AK-CHIN INDIAN COMMUNITY GAMING CODE

1. full name, other names used (oral or written), social security number(s) and/or tax identification number, birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. currently and for the previous five years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
3. the names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under the foregoing clause (2);
4. current business and residence telephone numbers;
5. a description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
6. a description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
7. the name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted, and all disciplinary actions taken against the applicant by any federal, state or tribal gaming agency, and by any professional, licensing or regulatory body or entity ever having jurisdiction over the applicant's professional or business activities, whether related to gaming or not;
8. for each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

9. for each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic charges), within ten years of the date of the application, the name and address of the court involved and the date and disposition;
10. for each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to clause (8) or (9), the criminal charge, the name and address of the court involved and the date and disposition;
11. the name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
12. a current photograph;
13. the applicant's complete and current financial disclosure statement
14. any other information the Agency deems relevant; and
15. fingerprints consistent with procedures adopted by the Agency according to 25 C.F.R. Section 522.2 (h)

Applicants shall be advised that the information submitted with their applications shall be checked and verified with independent sources pursuant to internal security and operational procedures established by the Agency. Submission of such applications shall be considered agreement by any applicant that such independent verification can and shall be conducted by the Agency. In conducting a background investigation, the Agency shall keep confidential the identity of each person interviewed in the course of the investigation.

- (o) License Denial. The Agency shall not issue any license to individuals or entities required to be licensed under this Code should the Agency determine that said individual or entity

AK-CHIN INDIAN COMMUNITY GAMING CODE

fails to meet the suitability requirements referenced in this Section 9. Individuals or entities denied issuance of a license pursuant to this Section 9 shall have a right to request a hearing before the Commission pursuant to Section (s). In the event an application is denied, the Agency shall inform the applicant by notice sent by registered or certified mail, return receipt requested, and, if it is a Class III application, shall inform the State Gaming Agency, giving the reasons and substantiating documentation for its decision. The applicant may appeal such decision to the Commission, within thirty (30) calendar days of the denial of such application, except that, in the event the Manager withdraws its Certificate of Sponsorship for such applicant, there will be no right of appeal. The procedures applicable to such an appeal shall be those set forth in the Hearings Before the Commission Handbook.

- (p) Notice of Violation. In the event that the Executive Director obtains information that a licensee may have breached any provision of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, the Executive Director shall issue a Notice of Violation to the licensee requesting corrective action and the Executive Director shall file said Notice of Violation with the Commission requesting penalty consideration pursuant to Section 12 of this Code. A Notice of Violation shall contain:
- 1) a citation to the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation that has been or is being violated;
 - 2) a description of the circumstances surrounding the violation, set forth in common and concise language;
 - 3) the action(s) which must be taken to correct the violation, if any;
 - 4) notice that the violation must be corrected within fifteen calendar days from receipt of the notice, or if contested, explained in writing within fifteen calendar days of the Agency's ultimate determination on the matter;
 - 5) notice of the civil fine or other enforcement action that will or could be imposed if the violation is not corrected;
 - 6) notice that a written response to the notice of violation must be submitted to and received by the Agency within fifteen calendar days of the receipt of the notice of violation; and

AK-CHIN INDIAN COMMUNITY GAMING CODE

- 7) notice that the Notice of Violation shall be the written decision of the Agency in the event that no written response to the Notice of Violation is submitted to the Agency within the time provided in this Section.

In the event the violation is not corrected or a written response to the Notice of Violation is not made within fifteen calendar days following receipt of the Notice of Violation, the Commission may take one or more of the following actions:

- i) suspend or revoke the license of the person or entity to whom the Notice of Violation was directed,
- ii) assess a civil penalty in accordance with the provisions of this Code,
- iii) forcibly remove the violator from the Gaming Facility,
- iv) seize the Gaming Facility and all equipment, records and proceeds of the Gaming Activities located within the Gaming Facility, and/or
- v) upon consultation with the Community's attorney, initiate in the Tribal Court a civil complaint to enforce the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation.

Each person or entity to whom a Notice of Violation is issued shall submit a written response to the Agency within fifteen calendar days of the receipt of the Notice of Violation, together with any additional information the person believes that the Agency should consider. Upon receipt of the written response, the Agency shall issue a written decision within fifteen calendar days, and shall mail such decision to the person or entity who is the subject of the Notice of Violation by certified or registered mail, return receipt requested. In the event of an adverse decision from the Agency, the party responding to the Notice of Violation may, within thirty (30) calendar days, appeal the matter to the consideration of the Commission. The procedures applicable to such an appeal shall be those set forth in the Hearings Before the Commission Handbook. In the event of an adverse decision from the Commissioners, the party responding to a Notice of Violation may appeal the matter to the Tribal Court. In such instance, the Court's power of review shall be limited to issues of due process, civil rights and constitutionality, and shall not entail any determination regarding the merits or correctness of the underlying administrative decision.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (q) Investigations of Complaints The Agency shall investigate all complaints alleging a violation of the terms of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, or a Gaming Facility is not being properly maintained in accordance with the terms of any license or does not adequately protect the health, safety and welfare of the employees or patrons.

The Agency shall give written notice of, and provide a copy of, the complaint to the licensee by mailing such notice and complaint to the licensee by certified or registered mail, return receipt requested. The licensee shall file with the Agency a written reply to the complaint within fifteen calendar days of receipt of the notice and complaint. The Agency shall provide copies of the complaint and the licensee's answer to the Community Council.

Following receipt of the licensee's response to the complaint, the Agency shall cause a full investigation to be made of the allegations of the complaint. If the Agency determines that a violation of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation has occurred or is occurring, the Executive Director shall issue a Notice of Violation in accordance with the provisions in this Code.

- (r) Suspension or Revocation of Licenses. Any license issued by the Agency under this Code shall constitute a privilege to conduct the licensed activity and shall not create a right to the licensee to the conduct of that activity. Any such license may be suspended or revoked by the Commission for the breach of any of the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, upon hearing before the Commission after prior notice to the licensee. The licensee, his or its attorney and any person affected by the license shall have the right to be present at any hearing conducted in accordance with this clause and to offer sworn oral or documentary evidence relevant to the breach charged. A license may be summarily suspended if the continued licensing of a person or entity constitutes an immediate threat to the public health, safety or welfare.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (s) Hearing upon Adverse Action. Any person or entity who is affected by an adverse determination by the Agency in connection with a license or work permit request may request a hearing before the Commission by written request submitted within 30 days following receipt of notice of the action of the Agency. The procedures applicable to such an appeal shall be those set forth in the Hearings Before the Commission Handbook.
- (t) Appeal to Tribal Court. Subject to the burden of proof set forth in Section 9 (a) of this Code, decisions of the Commission to affirm the denial, suspension or revocation of a license pursuant to this Section 9 may be appealed to the Tribal Court of the Community by the aggrieved person by written request submitted within ten (10) days following receipt of notice of said decision. In such instance, the Court's power of review shall be limited to issues of due process, civil rights and constitutionality, and shall not entail any determination regarding the merits or correctness of the underlying administrative decision. In all appeals before the Tribal Court, there shall be deference given by the Tribal Court to the determination of the Commission as the body charged with the responsibility of interpreting its own regulations. In all cases, the standard on review shall be a preponderance of evidence. The decision of the Tribal Court shall be final.
- (t) Stay Pending Review. The effectiveness of any action to suspend or revoke an existing license under this Section 9 shall be stayed during any period of appeal or review under clauses (r) or (s). However, a license may be summarily suspended if the continued licensing of a person or entity constitutes an immediate threat to the public health, safety or welfare.

SECTION 10

STANDARDS OF OPERATION AND MANAGEMENT

- (a) Class II Gaming. The Agency shall adopt minimum standards for internal controls and rules of play for Class II Gaming. Internal controls include the plan of organization and all of the coordinate methods and measures adopted within a Gaming Operation to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

Generally, internal controls shall include a system of accounting controls and a system of administrative controls. Pending such adoption, the Agency may direct any Gaming Operation that conducts Class II Gaming to comply with such standards as the Agency may determine necessary to protect the integrity of such Gaming.

- (b) Class III Gaming. The Agency shall adopt minimum standards for internal controls and rules of play for Class III Gaming. Internal controls include the plan of organization and all of the coordinate methods and measures adopted within a Gaming Operation to safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency and encourage adherence to prescribed managerial policies. Generally, internal controls shall include a system of accounting controls and a system of administrative controls. The initial technical standards for Electronic Games of Chance shall be those set forth as Appendix "A" of the Compact.
- (c) Annual Audit. In compliance with Section 11 (b) (2) (C) and (D) of the Act, 25 U.S.C. § 2710 (b) (2) (C) and (D), each Gaming Operation shall be subject to an audit by independent certified public accountants engaged by and reporting to the Community Council licensed in the appropriate State, having in-depth knowledge of and experience with the accounting standards and auditing procedures appropriate for the gaming industry. This audit shall be performed not less than annually, and copies of the annual audit shall be provided to the Agency, State Gaming Agency and to the National Indian Gaming Commission. Such independent certified public accountant shall submit an audit report expressing an unqualified or qualified opinion or, if appropriate, disclaim any opinion on the financial statement taken as a whole in accordance with generally accepted auditing standards published by the American Institute of Certified Public Accountants. The examination and audit shall disclose whether the accounts, records and internal controls and accounting procedures maintained by the licensed Gaming Facility are as required by the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation. 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 Gaming shall be subject to such audits.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

The Agency may, when it deems necessary, request additional information, from either the Manager or the independent accountant, regarding either the financial statement, the audit or both. In addition, copies of all letters from the independent accountant to the Manager regarding internal control matters shall be provided to the Agency within thirty calendar days after receipt by the Manager. Nothing herein shall limit the Community Council or the Agency to require such further internal intermittent, or other audits as may be deemed appropriate.

- (d) Facility Inspection – The Agency shall no less than monthly and at such other times as it believes is warranted, cause detailed inspections to be made of each licensed Gaming Facility to assure that such facility is being operated in accordance with the terms of the license and of the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, and that in all other respects the facility’s operation is in furtherance of the purpose of this Code.

- (e) Unsuitable Methods of Operation – Neither the Manager nor any of its employees, agents or affiliates shall, in the course of involvement with Gaming Activities, undertake any conduct or commit any action that is inimical to the public health, safety, morals, good order and general welfare of the Community, or that would impose or tend to impose discredit upon the Community or its Gaming Operations. The undertaking of any such conduct or commission of any such action shall be deemed to be an unsuitable method of Gaming Activity operation and shall be grounds for disciplinary action by the Agency in accordance with the regulations of the Agency. Without limiting the generality of the foregoing, the following acts or omissions may be determined to be unsuitable methods of operation:
 - i) negligently failing to take reasonable precautions or actions to prevent incidents which might reflect on the repute of the Community and act as a detriment to the development of the gaming Operation;
 - ii) permitting persons who are visibly intoxicated to participate in Gaming Activities;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- iii) extending service of intoxicating beverages in the casino area to persons who are visibly intoxicated;
- iv) catering to, assisting, employing or associating with, either socially or in business affairs, persons who have been barred from the Gaming Facilities, or with persons who have been identified in writing by the Agency or the State Gaming Agency as persons of notorious or unsavory reputation, or with persons who have extensive police records, or with person who have defied congressional investigative committees or other officially constituted bodies acting on behalf of the United States or any state with regard to gaming;
- v) employing in any position any person who has been denied a license for such position from the Agency, and employing any person lacking an Agency license in any position for which such a license is required;
- vi) contracting for the provision of gaming services or gaming devices with any person or entity who has been denied a license to supply gaming services or gaming devices by the Agency, and contracting for the provisions of services, merchandise or equipment with any person or entity who has failed to obtain a license to supply services, merchandise or equipment from the Agency;
- vii) employing in the Gaming Operation any person whom the Community or any court has found guilty of cheating or using any improper device in connection with any game, whether as a licensee, dealer or player at a licensed game or device, as well as any person whose conduct of a licensed game as a dealer or other employee of a licensee resulted in revocation or suspension of the license of such licensee;
- viii) failing to comply with or make provision for compliance with all tribal, federal and state laws and regulations pertaining to the operation of Gaming Activities;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- ix) conducting, carrying on or operating any Gaming Activities on Tribal lands which are not conducted, carried out on or operated on the premises of a licensed Gaming Facility, except in the event of a Class I or Class II per-event activity conducted pursuant to a permit issued by the Agency;
- x) conducting, carrying on or operating any cheating or thieving game or device on or off the Gaming Facility premises, either knowingly or unknowingly, which may have in any manner been tampered with or otherwise placed in a condition, or operated in a manner, which tends to deceive the public or which might make the game more liable to win or lose, or which tends to alter the normal random selection of criteria that determine the results of the game;
- xi) denying any agent of the Agency, the appropriate State Gaming Agency, the Ak-Chin Community police or other officials having jurisdiction, upon proper and lawful demand, access to and inspection or disclosure of, any portion of the Gaming Facility, as authorized by applicable laws and regulations.

SECTION 11
PROHIBITED ACTS

- (a) It shall be a violation of this Code for any person to:
 - (i) conduct or participate in any Gaming on the Reservation other than at a Gaming Facility;
 - (ii) receive, distribute, apply or divert any property, funds, proceeds or other assets of a Gaming Operation to the benefit of any individual or any other person except as authorized by the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (iii) tamper with any equipment used in the conduct of Gaming with the intent to cause any person to win or lose any wager other than in accordance with the publicly announced rules of the Gaming Operation;
- (iv) do any other act in connection with the conduct of Gaming with the intent to affect the outcome of any wager other than in accordance with the publicly announced rules of the Gaming Operation;
- (v) alter or misrepresent the outcome or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;
- (vi) place, increase or decrease a bet or determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet, or aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome;
- (vii) claim, collect or take, or attempt to claim, collect or take, money or anything of value made in or from a Gaming Device, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won;
- (viii) place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets;
- (ix) reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets;

AK-CHIN INDIAN COMMUNITY
GAMING CODE

- (x) manipulate, with the intent to cheat, any component of any Gaming Device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to manipulating a Gaming Device, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game;
- (xi) use tokens other than those approved by the Agency or coin other than lawful, legal tender of the United States of America, or use a coin not of the same denomination as the coin intended to be used in the Gaming Device;
- (xii) 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;
- (xiii) use any device or means to cheat, or possess any such device at a Gaming Facility;
- (xiv) entice or induce another to go to any place on the Reservation where Gaming is being conducted or operated in violation of the provisions of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, with the intent that the other person play or participate in that Gaming;
- (xv) participate in or to make or place, or cause to make or place, any wager involving any Gaming while being under the age of eighteen (18) years of age,
- (xvi) participate as a player in any Gaming Activities conducted by the Manager while such person is listed as a person barred from the Community's Gaming Facilities,
or
- (xvii) enter the gaming facility while bearing a firearm or other deadly weapon unless specifically authorized by the Agency to do so.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

Prohibited Acts as defined in this Section 11 shall also be deemed criminal violations and may be criminally prosecuted pursuant to this Code and/or the General Law and Order Code of the Community.

- (b) Patron Disputes – The Manager shall notify the Agency of every patron dispute. A patron dispute occurs when a patron does not receive money or other items of value within a reasonable amount of time, but not to exceed one hour. Whenever the Manager refuses winnings to a patron, and the Manager and the patron are unable to resolve the dispute to the satisfaction of the patron, and the dispute involves:
- (i) at least five hundred dollars, the Manager shall immediately notify the Agency, or
 - (ii) less than five hundred dollars, the Manager shall inform the patron of his/her right to request that the Agency shall conduct whatever investigation it deems necessary and shall determine whether payment should be made.

The Agency shall mail written notices by certified mail, return receipt requested, to the Manager and the patron of its decision resolving the dispute within thirty calendar days after the date that the Agency first receives notification from the Manager or a request to conduct an investigation from the patron.

The decision of the Agency is effective on the date it is received by the aggrieved party as reflected on the return receipt. Within thirty calendar days after the date of receipt of the written decision, the aggrieved party may file a petition with the Agency requesting a review of the decision. The Agency may set a hearing on the matter or make a decision based solely upon the prior decision and other documentation provided to it by the patron and the Manager. The Agency shall then issue a written decision and shall mail it to the parties by registered mail or certified mail, return receipt requested. The decision of the Agency shall be final and binding upon the patron and the Manager and shall not be subject to judicial review or other legal action.

AK-CHIN INDIAN COMMUNITY
GAMING CODE

SECTION 12

PENALTIES

Any individual or entity who violates, attempts to violate, or conspires to violate, any provision of the Act, the Compact, this Code, the Rules, or any other applicable law, statute or regulation, may be subject to criminal prosecution and shall be subject to civil penalties including exclusion from employment by any Gaming Operation, denial, suspension or revocation of a license, exclusion from attendance at any Gaming Facility, exclusion from the Reservation if a non-member of the Community, or, with respect to any person subject to the civil jurisdiction of the Community to impose such fines, a fine of not more than \$25,000 for each such violation. The Agency shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Community to impose such penalties.

No action of the Agency to impose a civil penalty pursuant to this Section 12 shall be valid unless the person or entity affected is given prior notice of the proposed action and the opportunity to appear and be heard before the Agency, either in person or through a representative or legal counsel, and to submit such evidence as the Agency deems relevant to the matter at issue. Notwithstanding the foregoing, if the Agency deems it necessary to protect the public interest in the integrity of Gaming, the Agency 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 or entity as soon as is reasonable practicable following such action.

Any individual criminally prosecuted under this Code and/or under the General Law and Order Code of the Community; for each offense committed, shall be subject to penalties up to and including imprisonment for a term of one year and/or a fine of up to \$5,000, or both.

SECTION 13

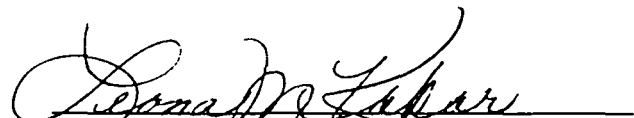
REPEAL

To the extent that they are inconsistent with this Code, all prior Codes governing gaming activities are hereby repealed.


AK-CHIN INDIAN COMMUNITY
GAMING CODE

CERTIFICATION

Pursuant to the authority contained under Article VIII, Section 1, (a), (b), (c), (l), and (m) of the Articles of Association of the Ak-Chin Indian Community, approved by the Secretary of the Interior on December 20, 1961, by a quorum of 5 members present at a Regular Council meeting held on January 5, 2000, at Maricopa, Ak-Chin Indian Reservation, Arizona, by a vote of 5 for, 0 against, 0 not voting, and 0 absent; the foregoing Ak-Chin Indian Community Gaming Code was adopted.


Leona M. Kakar, Chairman
Ak-Chin Indian Community Council

ATTEST:


Nicole M. Coester, Secretary
Ak-Chin Indian Community Council