

**NATIONAL
INDIAN
GAMING
COMMISSION**

APR 10 1996

Delbert Benjamin
Chairman
Colusa Indian Community Council
50 Wintun Road Suite D
Colusa, CA 95932

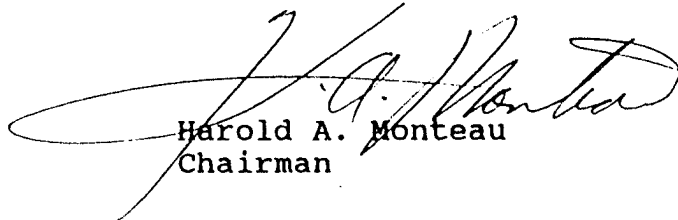
Dear Chairman Benjamin:

This letter responds to your request to review and approve the amendment to the tribal gaming ordinance of the Colusa Indian Community (Tribe). The amendment to the ordinance was adopted by the Tribe by Resolution No. 12-11-95-01 on December 11, 1995. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

Under the IGRA and the regulations of the National Indian Gaming Commission (NIGC), the Chairman is directed to review amendments to ordinances with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations.

Thank you for submitting the amendment to the tribal gaming ordinance of the Colusa Indian Community. The NIGC staff and I continue to look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

COLUSA INDIAN COMMUNITY COUNCIL
Colusa Reservation/Cachhil Dehe Rancheria
50 Wintun Rd. Suite D
Colusa, California 95932
(916) 458-8231

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RESOLUTION OF THE COLUSA INDIAN COMMUNITY
Resolution # 12-11-95-01

WHEREAS; The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community is a federally recognized Indian Tribe, and

WHEREAS; The Colusa Indian Community owns and operates Colusa Indian Bingo and Casino, as provided under the Tribe's duly enacted gaming ordinance authorizing such activities, and

WHEREAS; The Indian Gaming Regulatory Act of 1988, provides the regulatory authority by which the Tribe can regulate gaming activities conducted within the boundaries of it's reservation, and

WHEREAS; The tribe established the Colusa Indian Gaming Commission to enforce the Tribe's gaming ordinance; the regulatory provisions within the Indian Gaming Regulatory Act; any applicable regulations enacted by the National Indian Gaming Commission; and terms of any approved Tribal State compact;

WHEREAS; The Colusa Indian Community has reviewed the amended gaming ordinance and regulations for the Colusa Indian Gaming operation;

NOWHEREFORE BE IT RESOLVED; That the Colusa Indian Community Council does hereby adopt the amended gaming ordinance and the regulations attached.

BE IT FURTHER RESOLVED; That the Tribe authorizes the Colusa Indian Gaming Commission to enforce all provisions of the Tribe and federal regulations or provisions of any Tribal/State Compact.

CERTIFICATION

This resolution has been passed by a vote of hands at a special meeting of the Community Council, held December 11, 1995; a Quorum was present and voted 8 for 1 opposed 0 abstain; and that resolution has not been rescinded in any way.

Date: 12/11/95

Signed: Delbert Benjamin
Delbert Benjamin
Chairman Community Council

Attest: Thomas Pina
Thomas Pina Sec/Treasurer

960129.00027

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**CACHIL DEHE BAND OF WINTUN INDIANS
OF THE
COLUSA INDIAN COMMUNITY**

GAMING ORDINANCE

**ADOPTED 12/11/1995
BY
RESOLUTION 12-11-95-01**

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COLUSA INDIAN COMMUNITY OF THE COLUSA INDIAN RESERVATION
GAMING ORDINANCE

I. Purpose

The Colusa Indian Community of the Colusa Indian Reservation, as the beneficial owner of the Colusa Indian Reservation, and acting pursuant to its Constitution in the exercise of its inherent sovereign power to enact ordinances and otherwise safeguard and provide for the health, safety and welfare of the Colusa Indian Reservation and the members of the Colusa Indian Community, hereby ordains and establishes this Ordinance for the purpose of authorizing and comprehensively and preemptively regulating the terms and conditions under which Class II and Class III gaming may be conducted within the boundaries of the Colusa Indian Reservation.

II. Definitions

A. "Colusa Indian Community Council" or "Community Council" means the governing body of the Colusa Indian Community, consisting of all qualified voters of the Band, as established and defined by Article III, §1 of the Colusa Indian Community's Constitution.

B. "Business Committee" means the Committee composed of the Chairman, Vice-Chairman and Secretary- Treasurer of the Community Council as defined in Article III ,§7 of the Colusa Indian Community's Constitution.

C. "Gaming" or "gambling" means the offering of any games authorized by the Colusa Tribal Gaming Ordinance, except card games played in private homes in which no person makes money for operating the game other than as a player, and traditional Indian games as defined in the Colusa Tribal Gaming Ordinance.

D. "Gaming operation" means each economic entity that operates games, receives the revenues, issues the prizes, and pays the expenses of the games.

E. "License" means a written approval of the Colusa Gaming Commission authorizing a specific facility, individual or entity to engage in certain gaming activities which may also require approval from the federal government.

F. "Permit" means a written approval of the Colusa Gaming Commission authorizing a specific individual to engage in certain gaming activities that do not require a separate approval from the federal government.

G. "Employee" has the same meaning as the term is used by the United States Internal Revenue Service. "Key employee" has the same meaning as the term is defined in the regulations of the National Indian Gaming Commission as those regulations may be amended from time to time, and as stated in this Ordinance.

H. "National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. §2701 et seq.), and as that Act may hereafter be amended.

I. "Colusa Tribal Gaming Commission" means the Tribal gaming regulatory body created by this Ordinance, and except to the extent to which the Community Council has reserved authority to itself or to the Business Committee, to which the Community Council has delegated the responsibility and authority to enforce this Ordinance.

III. Gaming Authorized

A. Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447 25 U.S.C. Section 2703(7)(A) ("IGRA") and by regulations lawfully promulgated by the National Indian Gaming Commission ("NIGC"), that now or hereafter may be in effect, is hereby authorized.

B. Class III gaming as defined in IGRA, 25 U.S.C. Section 2703(8) and by regulations promulgated by the NIGC, that now or hereafter may be in effect, is hereby authorized, provided such gaming is also authorized by and consistent with a Tribal-State Compact that has been approved by the Secretary of the Interior and is in effect, or otherwise has been authorized by the Secretary of the Interior or federal law.

IV. Ownership of Gaming facilities and/or Enterprises

The Colusa Indian Community of the Colusa Indian Reservation shall have the sole proprietary interest in and responsibility for the conduct of any gaming facilities and/or enterprise(s) authorized by this ordinance.

V. Use of gaming Revenue

A. Except as specifically authorized pursuant to Subsection B of this Section, net revenues from Class II and Class III gaming on the Colusa Indian Reservation shall be used only for the following purposes:

- 1) to fund Colusa Indian Reservation Tribal government operations and programs;
- 2) provide for the general welfare of the Colusa Indian Community of the Colusa Indian Reservation; and its members;
- 3) promote Colusa Indian Reservation economic development;
- 4) donate to charitable organizations; or
- 5) help fund operations of local government agencies.

B. If the Colusa Indian Community Council elects to make per capita payments to Colusa Indian Community members, it shall authorize such payments only in conformity with a plan submitted to and approved by the Secretary of the Interior pursuant to 25 U.S.C. §2710 (b)(3).

VI. Audit

A. The Colusa Indian Community Council Business Committee, acting on behalf of the Community Council hereby is authorized and directed to cause to be conducted at least annually an independent audit of all gaming operations and shall submit the resulting audit reports to the National Indian Gaming Commission, and to such other agencies as may be required by the terms and conditions of any Class III compact or other document authorizing Class III gaming on the Colusa Indian Reservation.

B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in Subsection A above.

VII. Protection of the Environment and Public Health and Safety

Class II and Class III gaming facilities on the Colusa Indian Reservation shall be constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety, with the Colusa Indian Community Council Business Committee having primary responsibility for

assessing the environmental impact of all construction and gaming operations, and taking such measures as it determines may be reasonably necessary to mitigate any adverse environmental impacts as it may identify.

VIII. Licenses for Key Employees and Primary Management Officials

The Colusa Tribal Gaming Commission, subject to oversight by the Business Committee, shall implement the policies and procedures set out in this section with respect to key employees and primary management officials employed at any Class II and/or Class III gaming enterprise operated on Indian lands within the boundaries of the Colusa Indian Reservation:

A. Definitions

For the purposes of this section, the following definitions apply:

1. Key employee means

- (a) A person who performs one or more of the following functions:
 - (1) Bingo Caller;
 - (2) Counting Room Supervisor
 - (3) Chief of Security
 - (4) Custodian of gaming supplies or cash;
 - (5) Floor Manager
 - (6) Pit Boss
 - (7) Dealer
 - (8) Croupier
 - (9) Approver of credit; or
 - (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
- (b) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
- (c) If not otherwise included, the four most highly compensated persons in the gaming operation.

2. Primary management official means

- (a) The person having management responsibility for a management contract;
- (b) Any person who has authority:
 - (1) To hire and fire employees; or
 - (2) To set up working policy for the gaming operation; or
- (c) The chief financial officer or other person who has financial management responsibility.

B. Application Forms

1. The following notice shall be placed on the application form of a key employee or a primary management official before that form is filled out by an applicant:

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, Colusa Indian Community Council, 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 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 the tribe being unable to hire you in a primary management official or key employee position.

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

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

- a. Complete a new application form that contains a Privacy "Act notice; or
- b. Sign a statement that contains the privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary official before that form is filled out by an applicant:

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. (18 U.S.C. §1001)

4. The Colusa Gaming Commission shall notify in writing existing key employees and primary management officials that they shall either:

- a. Complete a new application form that contains a notice regarding false statements; or
- b. Sign a statement that contains the notice regarding false statements.

C. Background Investigations

1. The Colusa Tribal Gaming Commission shall request from each primary management official and from each key employee all of the following information:

- a. Full name, other names used (oral or written), Social Security number(s), birth date, place of birth, citizenship, gender, all languages spoken or written;
- b. Currently and for the previous five years, all business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;

- c. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this Subsection;
- d. Current business and residence telephone numbers;
- e. A description of any existing and previous business relationships with the Colusa Indian Community or any other Indian Tribe, including ownership interests in those businesses;
- f. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- g. The name and address of every licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- h. For each felony which there is an ongoing prosecution or a conviction (including any conviction that has been expunged or sealed, and any finding of guilt in a juvenile court proceeding after the applicant's sixteenth birthday), the charge, the name and address of the court involved, and the date and disposition if any;
- i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding traffic violations, or other offenses or infractions for which inccreation was not a possible penalty) within ten years of the date of the application, the name and address of the court involved and the date and disposition;

- j. For each criminal charge (excluding traffic charges, or other offenses or infractions for which incarceration was not a possible penalty) whether or not there is a conviction and whether or not the conviction has been sealed or expunged, if such criminal charge is within ten years of the date of the application and is not otherwise listed pursuant to paragraph (1)(h) or (1)(i) of this Subsection, the criminal charge, the name and address of the court involved and the date and disposition;
- k. The name and address of each licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- l. A current photograph;
- m. Any other information the Colusa Tribal Gaming Commission may deem relevant under the circumstances; and
- n. Fingerprints consistent with procedures adopted by the Colusa Tribal Gaming Commission or any outside law enforcement agency and in accordance with 25 C.F.R. §522.2(h).

2. The Colusa Tribal Gaming Commission shall conduct an investigation sufficient to make a determination under Subsection D. below. In conducting a background investigation, the Colusa Tribal Gaming Commission, its staff or its agent(s) shall promise to keep confidential the identity of each person interviewed in the course of the investigation, to the extent that such confidentiality is requested.

D. Eligibility Determination

The Colusa Tribal Gaming Commission shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning

the eligibility of a key employee or primary management official for employment in a gaming operation. If the Colusa Tribal Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the gaming operation shall not employ that person in key employee or primary management official position.

E. Procedures for forwarding applications and reports for key employees and primary management officials to the National Indian Gaming Commission

1. When a key employee or primary management official begins work at a gaming operation authorized by this ordinance, the Colusa Tribal Gaming Commission shall forward to the National Indian Gaming Commission a completed application for employment and conduct the background investigation and make the determination referred to in Subsection D of this section.

2. The Colusa Tribal Gaming Commission shall forward the report referred to in Subsection F of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days after approval of this ordinance by the Chairman of the National Indian Gaming Commission, if the employee begins work prior to N.I.G.C. approval of this Ordinance.

3. The gaming operation shall not employ as a key employee or primary management official a person who does not have a license after 90 days.

F. Report to the National Indian Gaming Commission

1. Pursuant to the procedures set out in subsection E of this Section, the Colusa Tribal Gaming Commission shall prepare and forward to the National Indian Gaming Commission an investigative report which shall include all of the following:

- a. Steps taken in conducting the background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

2. The Colusa Tribal gaming Commission shall submit, with the report, a copy of the eligibility determination made under Subsection D of this Section.

3. If a license is not issued to an applicant, the Colusa Tribal Gaming Commission:

- a. Shall notify the National Indian Gaming Commission; and
- b. May forward copies of its eligibility determination and investigative report (if any) to the National Indian Gaming Commission for inclusion in the Indian Gaming Individuals Records System

4. With respect to key employees and primary management officials, the Colusa Tribal Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the Chairman of the National Indian Gaming Commission or his or her designee for no less than three (3) years from the date of termination or denial of employment.

G. Granting a Gaming License

1. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Colusa Tribal Gaming Commission that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Colusa Tribal Gaming Commission provided an application and investigative report to the National Indian Gaming Commission, the Colusa Tribal Gaming Commission may issue a license to such applicant.

2. The Colusa Tribal Gaming Commission shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning a key employee or a primary management official who is the subject of a report. Such a request shall suspend the 30-day period under Subsection G.(1) of this section until the Chairman of the National Indian Gaming Commission receives the additional information.

3. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Colusa

Gaming Commission with a statement itemizing its objection(s) to the issuance of a license to a key employee or to a primary management official for whom the Colusa Tribal Gaming Commission has provided an application and investigative report to the National Indian Gaming Commission, the Colusa Tribal Gaming Commission shall reconsider the application, taking into account the objection(s) itemized by the National Indian Gaming Commission. The Colusa Gaming Commission shall make the final decision whether to issue a license to such applicant.

H. License Suspension

1. If, after the issuance of a gaming license, the Colusa Tribal Gaming Commission receives from the National Indian Gaming Commission reliable information indicating that a key employee or a primary management official is not eligible for employment under Subsection D above, the Colusa Tribal Gaming Commission shall suspend such license and shall notify the licensee in writing of the suspension and the proposed revocation.

2. The Colusa Tribal Gaming Commission shall notify the licensee of time and place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Colusa Tribal Gaming Commission shall decide whether to revoke or reinstate a gaming license. The Colusa Gaming Commission shall notify the National Indian Gaming Commission of its decision.

IX. Licensing of Gaming Places, Facilities and Locations

A separate license shall be required for each place, facility, or location on Indian lands where Class II and/or Class III gaming is to be conducted on the Colusa Indian Reservation.

X. Creation of Colusa Tribal Gaming Commission

A. There is hereby created the Colusa Tribal Gaming Commission, which shall consist of three persons who would themselves qualify for licensing under this Ordinance.

B. The members of the Colusa Tribal Gaming Commission shall be appointed by the Colusa Indian Community Council at such time as the Community Council determines that the best interests of the Tribe require that the Gaming Commission be activated, and

said appointees shall not be removed during their terms of office except for misconduct, neglect of duties or other acts that would render such persons unqualified for licensure hereunder. An affirmative vote of a majority of the members of the Colusa Indian Community Council, taken in an open meeting after a duly-noticed hearing at which the member charged with misconduct shall have the right to hear and present evidence concerning his/her removal, shall be required to remove a member of the Commission. At the request of the member whose removal is at issue, the Community Council also may elect to receive in executive session any evidence public disclosure of which might compromise any ongoing law-enforcement investigation, or which might jeopardize any privilege or immunity possessed by the Colusa Indian Community Council.

C. There shall be a Chairperson of the Colusa Tribal Gaming Commission who shall be appointed for a term of three years. The remaining members of the Commission shall be appointed for terms of two years. The Colusa Indian Community Council shall determine and authorize the compensation to be paid to members of the Colusa Tribal Gaming Commission based upon the Colusa Indian Community Council's determination of the time required to be expended upon Commission duties and the qualifications of the appointed Commissioners.

D. The Colusa Tribal Gaming Commission shall be authorized and hereby is directed to promulgate, subject to review and approval by the Colusa Indian Community Council, detailed and comprehensive regulations for the implementation and enforcement of this Ordinance, and for the internal operations of the Colusa Tribal Gaming Commission. Said regulations shall describe and establish the rules for each specific Class II and Class III gaming activity to be authorized to be conducted on the Colusa Indian Reservation, and no form of such gaming may be conducted on the Colusa Indian Reservation without prior approval by the Colusa Tribal Gaming Commission. Pending approval of the Colusa Tribal Gaming Commission's regulations by the Colusa Indian Community Council, any interim regulations that the Colusa Indian Council has adopted shall govern gaming on the Colusa Indian Reservation.

E. Except as this Ordinance may expressly reserve to the Community Council or the Business Committee the authority to regulate gaming on the Colusa Reservation or the activities of the Colusa Tribal Gaming Commission, the Colusa Tribal Gaming

Commission shall have full authority independently to monitor compliance with this Ordinance and its Regulations, supervise its staff, investigate alleged violations of this Ordinance and act to prevent any violation(s) thereof.

F. Subject to the approval of the Colusa Indian Community Council and the appropriation of funds therefor, the Colusa Tribal Gaming Commission shall be authorized to employ such staff as reasonably may be required to fulfill its responsibilities under this Ordinance. Compensation of the Commission's employees shall be limited to that which is comparable to compensation paid to persons performing similar duties in other governmental gaming regulatory agencies.

G. Subject to the approval of the Colusa Indian Community Council, the Colusa Tribal Gaming Commission hereby is authorized to establish and impose upon gaming facilities, permittees, applicants and licensees such application, permit and license fees as may be necessary to fully reimburse the Colusa Indian Community for its actual costs of operating the Colusa Tribal Gaming Commission, enforcing this Ordinance and Colusa Tribal Gaming Commission regulations, processing of license and permit applications and otherwise fulfilling its regulatory responsibilities under IGRA and this ordinance. All such fees shall be collected by the Colusa Tribal Gaming Commission and maintained on the books of the Colusa Indian Community to the credit of the Colusa Tribal Gaming Commission, and hereby are continuously appropriated solely for the purposes enumerated in this Subsection.

H. Failure to timely pay any gaming-related fee imposed by the Colusa Tribal Gaming Commission, or to comply with any Commission regulation or order, or any other violation of this Ordinance or the terms of any Class III gaming compact authorizing and regulating gaming on the Colusa Indian Reservation, shall be grounds for suspension or revocation of any license or permit issued pursuant to this Ordinance, exclusion of any non-member of the Colusa Indian Community from the Colusa Indian Reservation, and imposition of such other sanctions as the Colusa Tribal Gaming Commission may deem appropriate.

I. The Community Council hereby declares its policy to be that a Tribal gaming license or work permit is a privilege, not a right and thus that any doubts concerning the issuance of a gaming license or permit, or the imposition of any discipline or sanction for violation of this Ordinance or any regulation of the

Colusa Tribal Gaming Commission, shall be resolved in favor of protecting public safety and gaming integrity. To protect against abuse of authority by the Colusa Tribal Gaming Commission, any person or entity subject to any sanction or penalty by the Colusa Tribal Gaming Commission shall have the right to appeal such sanction or penalty to the Business Committee in writing, in accordance with such rules and regulations as may be promulgated by the Business Committee for that purpose. Notwithstanding the foregoing, a decision by the Colusa Tribal Gaming Commission may be reviewed by the Business Committee only for clear factual error or absence of factual basis, or arbitrary and capricious abuse of discretion. The decision of the Business Committee on any appeal shall be final and not otherwise reviewable.

XI. Gaming Security.

A. The Colusa Indian Community Council hereby delegates to the Colusa Tribal Gaming Commission the Colusa Indian Community Council's powers to: conduct or oversee necessary personal background and criminal history investigations of license and permit applicants, including taking fingerprints and/or contracting with outside law enforcement agencies for that purpose; approve and deny applications for gaming licensee and revoke licenses and permits or impose penalties or other sanctions established by these regulations against the holder of a license or permit; conduct hearings or other inquiries to consider an applicant's request for a waiver of permit standards; and perform such other duties as the Colusa Indian Community Council hereafter may assign or delegate. Specifically excluded from this delegation is any authority to contract with the State of California or any other third party, without the prior approval of the Colusa Indian Community Council, for the performance of background and criminal history investigations. Notwithstanding the foregoing, the Colusa Indian Community Council hereby delegates to the Colusa Tribal Gaming Commission the authority to take fingerprints in connection with license and permit application's, and to enter into agreements with the Colusa County Sheriff's Department and the City of Colusa Police Department to provide fingerprinting services for license and permit applicants, and with the National Indian Gaming Commission and/or the Federal Bureau of Investigation to provide criminal history information.

XII. Amendments.

This Ordinance may be amended by the Colusa Indian Community Council in any manner deemed appropriate to protect what the Colusa Indian Community Council determines to be the best interests of the Colusa Indian Community.

XIII. Severability.

The provisions of this Ordinance are severable. If any part or provision hereof is held void by a Tribal or federal court or federal agency, the decision of the court or agency so holding shall not affect or impair any remaining provision of the Ordinance.

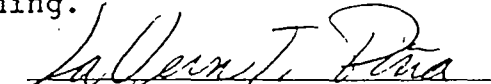
XIV. Repeal

To the extent that any provision of any previously enacted ordinance or amendment thereto may be inconsistent with this Ordinance all such gaming ordinances previously enacted or amended by the Colusa Indian Community Council hereby are repealed.

CERTIFICATION

This is to certify that the foregoing Ordinance was adopted on 12/11/95, at a duly-called meeting of the Colusa Indian Community Council at which a quorum was present, by a vote of 8 in favor, 1 opposed and 0 abstaining.

Dated: 12/11/95


Secretary-Treasurer

COLUSA INDIAN COMMUNITY GAMING REGULATIONS

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I. PREAMBLE

(A) Development of regulations. The following regulations are issued pursuant to the powers vested in the Colusa Tribal Gaming Commission by the Colusa Tribal Gaming Ordinance, and shall replace the interim regulations heretofore adopted by the Colusa Indian Community Council.

II. DEFINITIONS

(A) "Chairman" means the chairman of the Colusa Tribal Gaming Commission or designee unless the context clearly indicates otherwise.

(B) "Tribal Council" means the Colusa Indian Community Council.

(C) "Colusa Indian Community Council representative" means any person duly appointed by the Colusa Indian Community Council as its representative in any matter.

(D) "Colusa Tribal Gaming Commission" or "Commission" means the Tribal gaming regulatory body created by the Colusa Tribal Gaming Ordinance. The members of which have been duly appointed by the Colusa Indian Community Council.

(E) "Employee" has the same meaning as the term is used by the United States Internal Revenue Service.

(F) "Financial interest" means a right to share in or benefit from the proceeds of:

(1) A gaming operation, other than those rights accruing from the provision of goods or services for which no part of the compensation is based upon a percentage of the profits or a similar share of the operation's proceeds; or

(2) A lease or purchase agreement for the leasing or purchasing of any gaming equipment where the agreement is for more than six months in any 12 month period.

(G) "Gambling game" or "game" means any game authorized by or in accordance with the Colusa Tribal Gaming Ordinance.

(H) "Gaming" or "gambling" means the offering of any games or wagering activity authorized by or in accordance with the Colusa Tribal Gaming Ordinance, and conducted in accordance with these Regulations, except card games played in private homes in which

no person makes money for operating the game other than as a player, and traditional Indian games as defined in the Colusa Tribal Gaming Ordinance.

(I) "Gaming facility" means any place, location, or building wherein gaming is conducted, and including any associated food service area, lounge, offices or other areas housed therein as well as the area occupied by the games. The term shall also include all buildings, improvements, equipment, and facilities used or maintained in connection with such business.

(J) "Gaming operation" means each economic entity that operates games, receives the revenues, issues the prizes, and pays the expenses of the games.

(K) "Key contractor" means any person or other legal entity, other than a management official or key employee, who has a contract or other agreement with a gaming operation meeting any of the following criteria:

(1) Where the contract or agreement is primarily for services other than professional legal or accounting services, the contemplated or actual payment to the contractor exceeds \$50,000 in any 12 month period:

(2) Where the contract or agreement is primarily for goods, the contemplated or actual payment to the contractor exceeds \$100,000 in any 12 month period; or

(3) The contractor performs for the gaming operation any function described in the definition of a key employee.

The term also includes any individual employed by a key contractor who performs any function for the gaming operation described in the definition for a key employee or is compensated in any manner in excess of \$50,000 per annum for services provided directly or indirectly to the gaming operation.

(L) "Key employee" means,

(a) A person who performs one or more of the following functions:

- (1) Bingo Caller;
- (2) Counting Room Supervisor
- (3) Chief of Security
- (4) Custodian of gaming supplies or cash;
- (5) Floor Manager
- (6) Pit Boss
- (7) Dealer

- (8) Croupier
- (9) Approver of Credit; or
- (10) Custodian of gambling devices including persons with access to cash and accounting records within such devices;

(b) If not otherwise included, any other person whose total cash compensation from the gaming operation is in excess of \$50,000 per year; or

(c) If not otherwise included, the four most highly compensated persons in the gaming operation.

The term "key employee" does not include any person licensed as a management official, or who is an appointed member or employee of the Tribal Gaming Commission, or who is an independent contractor providing professional legal or accounting services.

(M) "License" means a written approval of the Colusa Tribal Gaming Commission authorizing a specific individual to engage in certain gaming activities, whether or not such activities may also require approval from the federal government.

(N) "Management committee" means a group of individuals selected by the Colusa Indian Community Council and, if applicable, representative(s) of a management company for the purpose of overseeing and establishing the business and operational, policies for a gaming enterprise.

(O) "Management contractor" means any person or other legal entity engaged by the owner of a gaming establishment to provide management services under a management contract as the term is used by the Indian Gaming Regulatory Act.

(P) "Management interest" means the ability to affect significant policy for a gaming establishment. A primary management official is deemed to possess a management interest.

- (Q) Primary management official means
- (a) The person having management responsibility for a management contract;
 - (b) Any person who has authority;
 - (1) To hire or fire employees; or
 - (2) To set up working policy for the gaming operation; or

(c) The chief financial officer or other person who has financial management responsibility, any member of a gaming management committee or other board of directors for a gaming operation, any management contractor, any person having a direct or indirect interest in a management company, the spouse of any person having a direct or indirect interest in a management company, the general manager, the gaming operations manager, the controller or chief financial officer, and any other person who has authority to hire or fire employees or set working policy for a gaming operation. "Management official" shall not include a person employed by an organization external to the Tribe formed for the purpose of conducting simulcast wagering under the laws of any State.

(R) "National Indian Gaming Commission" or "NIGC" means the federal gaming regulatory body created by the Indian Gaming Regulatory Act (Public Law 100-497, 25 U.S.C. sec 2701 et seq.), and as that Act may hereafter be amended.

(S) "Permit" means a written approval of the Colusa Tribal Gaming Commission authorizing a specific individual to engage in certain gaming activities that do not require a separate approval from the federal government.

(T) "Player" shall mean a person who participates in a game other than as an employee or contractor of the gaming operation.

(U) "Standard employee" means any employee of a gaming operation who is not a management official or a key employee.

(V) "Board of Directors" means the group of persons appointed by the Colusa Indian Community Council and vested with the responsibility and authority to develop and oversee implementation of the operational policies and procedures for the Colusa Indian Community Tribal Gaming Enterprise.

III. ADMINISTRATION

(A) Staff; personnel policies; job descriptions. The Tribal Gaming Commission may hire, supervise, and discipline such personnel as the Tribal Gaming Commission may deem necessary to implement the Colusa Tribal Gaming Ordinance and these regulations in an efficient and effective manner. The personnel policies of the Colusa Indian Community shall apply to all Tribal

gaming regulatory staff(other than the appointed members of the Tribal Gaming Commission) unless alternative policies are adopted by the Gaming Commission and approved by the Colusa Indian Community Council.

(B) Job Descriptions; organization chart. A job description including job title, position supervisor, responsibilities, authorities, and minimum qualifications shall be provided for each position. The Tribal Gaming Commission shall maintain an organization chart that clearly shows the lines of control and supervisory authority between all gaming regulatory boards, committees, and gaming-related employees of the Tribal Gaming Commission.

(C) Budgets. The Tribal Gaming Commission shall each year prepare and approve annual operating and capital expenditure budgets for gaming regulatory activities, subject to available appropriations by the Community Council.

IV. ENFORCEMENT AND SURVEILLANCE SERVICES

(A) General Powers. The Gaming Commission shall administer the Tribe's license and permit regulations, monitor compliance of gaming operations with the Tribal Gaming Ordinance and these regulations, and provide surveillance services to and consult with the management of licensed gaming operations concerning physical security of licensed gaming operations and premises.

(B) Gaming Licenses and Permits.

(1) General. Except as specifically provided in the Tribal Gaming Ordinance, the Tribal Gaming Commission is delegated and shall exercise all of the Colusa Indian Community Council's powers to: conduct or oversee necessary personal background and criminal history investigations of license and permit applicants, including taking of fingerprints and entering into agreements with any federal, State or local law enforcement agency in connection with the taking or processing of fingerprints; approve and deny applications for gaming licenses and permits; issue gaming licenses and permits; restrict, suspend, or revoke licenses and permits or impose penalties or other sanctions established by these regulations against the holder of a license or permit; conduct hearings or other inquiries to consider an applicants request for a waiver of permit standards; and perform such other duties as the Colusa Indian Community Council may delegate. The Gaming Commission is not delegated Colusa Indian Community Council authority to contract with the State of

California or any other third party, without the prior approval of the Colusa Indian Community Council, for the performance of background and criminal history investigations.

(2) Surveillance policy-making responsibilities; written policies required. The Gaming Commission shall supervise and establish written policies and procedures for the Tribal Gaming Commission's surveillance activities, and the coordination of such activities and personnel with security personnel who are supervised by gaming facility management. When convened to discuss surveillance policies and procedures, including coordination with security personnel, the Gaming Commission may include in its discussions the general manager of the gaming operation to which surveillance services are provided. In its sole discretion, the Gaming Commission may include the general manager of the gaming operation in its discussion of an on going investigation. However, under no circumstances shall the general manager of a gaming operation participate in or influence any deliberations or decision of the Commission or Colusa Indian Community Council concerning the issuance, suspension or revocation of any gaming license or permit, or the resolution of any dispute or appeal involving a claim against the gaming facility or personnel matters.

(C) Provision of surveillance, and enforcement services; prompt payment required. Unless otherwise directed by the Colusa Indian Community Council, The Gaming Commission shall have sole responsibility for providing and supervising surveillance services for gaming facilities owned by the Colusa Indian Community. Physical security services may be provided by Tribal or operation employees acting under the supervision of the General Manager of each gaming facility, in coordination with Commission surveillance and Tribal public safety personnel. The Gaming Commission shall have full responsibility and authority for enforcement of these regulations, and shall bill the gaming operation; for the services provided by the Commission and any expenses incidental to such services. Failure on the part of a gaming operation to promptly pay such expenses shall be grounds for suspension or revocation of a facility license and/or other disciplinary actions of the Gaming Commission against facility and/or its management officials.

(D) Gaming Enforcement Director. With the prior approval of the Colusa Indian Community Council, the Gaming Commission may hire supervise, and discipline a Gaming Enforcement Director who may, in the discretion of the Gaming Commission, be vested with some or all of the following authority: hiring, supervising, discharging and/or disciplining personnel to perform the Tribal Gaming Ordinance. All gaming surveillance and enforcement

personnel shall be employees of the Colusa Indian Community. Notwithstanding the foregoing, until the Gaming Commission affirmatively delegates such duties to a Gaming Enforcement Director, those duties; shall be performed by the Tribal Gaming Commission either acting as a body or through the delegation of authority to one of its members.

(E) Pricing; billing; late payment penalties. Gaming/regulatory services provided to a gaming operation shall be priced to cover all costs associated with providing the services without any financial burden on the Tribe. Pricing of services shall include all direct expenses, overhead, and indirect charges associated with or reasonably attributed to the Tribal Gaming Commission's provision of the services. The Gaming Commission shall prepare and present an invoice to the gaming operation that received the services; The Gaming Commission shall bill the Gaming operation monthly or as near to monthly as is possible. Invoices for gaming security services, including surveillance, shall be due and payable upon receipt of the invoice by the billed party. Payments shall be deemed to be late if the invoice is not paid in full within 15 calendar days after its receipt. If a facility is managed under a contract with an outside management company, the Gaming Commission shall impose a late payment penalty equal to 10% of the unpaid invoice amount for every month or partial month the payment is late. The imposition or collection of late payment penalties shall not limit the Gaming Commission from taking other disciplinary actions against the licensed operation or responsible management officials that the Gaming Commission may deem necessary and appropriate.

V. LICENSES

(A) Policy; revocable privilege.

(1) It is declared policy of the Colusa Indian Community that all gaming facilities, all persons having a financial or management interest in such games, and all employees of such gaming operations shall be licensed and controlled so as to better protect the public health, safety, morals, good order and welfare of the Colusa Reservation Community, except as any Class III compact may declare otherwise. Any gaming license or permit which is issued by the Tribal Gaming Commission shall be deemed to be revocable privilege and no person holding such a license or permit is deemed to have acquired any vested rights therein.

(2) Every gaming facility, management official, key employee, key contractor, and standard employee of a gaming operation shall possess a valid gaming license or permit issued by the Tribal Gaming Commission for the activity in which s/he is engaged.

(3) An applicant for a Colusa Indian Community gaming

license or permit is seeking the granting of a privilege, and the burden of proving his/her qualification to receive any license or permit is at all times on the applicant except as otherwise provided in any class III compact to which the Tribe is a party. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action or financial loss which

may result from action with respect to an application and expressly waive any claim for damages or the right to sue therefor as a result thereof.

(4) An application for a license or permit constitutes a request to the Tribal Gaming Commission for a decision upon the applicants general suitability, character, integrity, and ability to participate or engage in, or be associated with, the gaming industry in the manner or position sought by the application.

(5) To protect the public good, it is the Tribal Gaming Commission's intent to err on the side of caution when considering any license or permit application.

(6) The granting of a license or permit by the Tribal Gaming Commission does not constitute a commitment on behalf of the Tribal Gaming Commission or any other party to hire or continue to employ the licensee or permittee.

(7) These regulations do not apply to bonafide traditional Indian gambling games, so long as such games are conducted by and for Indian persons at Tribal celebrations or gatherings and not as a business.

(B) License and Permit Categories.

(1) Facility license. No gambling games may be played at any place, facility, or location within the Colusa Indian Reservation unless the manager of the gaming operation first obtains and maintains in good standing a valid facility license issued in accordance with these regulations, except as otherwise provided in a Tribal-State Class III compact to which the Tribe is a party.

(2) Management official's license. No person, corporation, or entity other than the Colusa Indian Community may have a management interest or financial interest in a gaming operation unless s/he first obtains and thereafter maintains in good standing a valid management official's license issued in accordance with these regulations, except as provided in any Tribal-State compact to which the Tribe is a party.

(3) Key employee license. No person shall be employed as a key employee by a gaming operation or by the Tribal Gaming Commission unless such person first obtains and thereafter maintains in good standing a valid key employee license issued in accordance with these regulations. The term "key employee" is defined in Section II of these regulations.

(4) Work permit. Each standard employee in a gaming operation not classified as a management official or key employee shall first obtain and maintain in good standing a valid work permit issued in accordance with these regulations.

(5) Key contractor license. No person or other legal entity shall enter into any contract or other agreement with a gaming operation that establishes the entity as a key contractor unless the entity first obtains and thereafter maintains in good standing a valid key contractor license issued in accordance with these regulations, except as otherwise provided in any Tribal State Class III compact to which the Tribe is a party.

(6) Any person possessing a valid management official license need not obtain a key employee license, key contractor license, or work permit. Any person possessing a valid license need not obtain a permit.

(C) Standards for issuance of license or permit. No license or permit shall be granted unless and until the applicant has satisfied the Tribal gaming commission that the applicant:

(1) Is a person of good character, honesty, and integrity;

(2) Is a person whose background, reputation, and associations will not result in adverse publicity for the Colusa Indian Community or its Gaming Enterprise;

(3) Is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest or to the effective regulation unfair, or illegal gaming, or create or enhance the dangers of unsuitable, unfair, or illegal gaming practices, methods, and activities. Specifically, unless otherwise exempted under the terms of a Tribal-State Class III compact to which the Tribe is a party, or by the Gaming Commission for good cause shown, the applicant must have:

(a) Not been determined by any court to be guilty of committing any felony, regardless of sentence, including any pending appeals; provided, that this restriction may be waived for a Tribal member applying

for employment as a permanent standard employee who demonstrates to the satisfaction of the Gaming Commission that s/he is rehabilitated and the conviction occurred at least ten years before the submission of the application, and for any non-member presently employed by the Colusa Indian Community's Gaming Enterprise who has demonstrated through his/her conduct while so employed that s/he would pose no threat to the safety of persons and/or property or the continued employment therein.

- (b) Not been determined by any court to be guilty of committing any crime involving violence, dishonesty, theft, or moral turpitude within the past five(5) years, including any pending appeals;
- (c) Not been identified in the published reports of any federal, tribal, state, or executive body as a member or associate of organized crime, or as being of notorious and unsavory reputation; and
- (d) No outstanding warrant for arrest for any felony or any offense involving dishonesty or theft from any jurisdiction.

(4) If other than a management committee member, is not an elected member of the Colusa Indian Community government or a relative in the immediate household of a an elected member of the Tribal government.

(5) Meets the federal requirements pertaining to Indian gaming licenses, especially the Indian Gaming Regulatory Act and related regulations.

(D) License application procedures.

(1) General requirements. Applicants for a gaming license or permit must complete the appropriate application form and submit the form, all necessary additional documents, and the application fee to the Gaming Commission. The application will not be regarded as complete until the Gaming Commission receives all requested information from the applicant and the application fee and any additional investigation fees that may be required are received by the Tribal Gaming Commission.

(2) Application forms; contents; amendments.

(a) Every application or report must be filed on forms furnished or approved by the Gaming Commission and must contain

and be accompanied by such documents and information as may be specified or required.

(b) It is grounds for denial of a application or disciplinary action for any person to make any untrue statement of material fact in any application or report filed with the Gaming Commission or to willfully omit any material fact in such application or report.

(c) All information required to be included in an application must be true and complete as of the date(s) of the Gaming Commission action sought by such application; and an applicant shall promptly supply any factual information occurring after the original application, Failure by an applicant to promptly update his/her application to include all material facts shall be deemed by the Gaming commission to be a willful omission of information.

(d) Every application for any gaming license or permit, other than a facility license, shall include, at a minimum, the following information:

- i) The applicant's full name, and other names used, date and place of birth, citizenship, social security number, drivers license numbers, and physical description; and
- ii) The dates and places of residence of the applicant for the past ten years, dates and places of employment and/or business including the positions held or types of work engaged in for the past ten years (this information is needed for only the past five years for employee work permit applicants); and
- iii) The applicant's current business and residence telephone numbers; and
- iv) A description of any previous or ongoing gaming or business relationship with any Indian tribe; and
- v) A description of any previous business relationship with the gaming industry, including the name and address of any licensing or regulatory agency with which the applicant has filed an application for a license or permit relating to gaming and the status of the application; and
- vi) A list of all felony charges and dispositions against the applicant, if any, including any that may have been sealed or expunged following completion of probation

and/or the attainment of majority, the case number, name and address of the court involved, and the date and ruling of the court; and

- vii) A list of all misdemeanor charges and dispositions, if any, within the past 10 years, the names and address of the court involved, and the date and ruling of the court; and
 - viii) A list of all determinations of guilt by any court regardless of the sentence imposed, including any appeals; and
 - ix) For other than employee work permit applications, a financial statement disclosing all current assets and liabilities, and financial interests (excluding shares in publicly-traded companies) for each of the past ten years.
- (e) Every application for a facility license shall include, at minimum, the following information;
- i) The name, address, and telephone number of the gaming operation;
 - ii) The name, address, and telephone number of the gaming operation's owner;
 - iii) The name, address, and telephone number of the management company, if any, and the name, address, Social Security number, birth date, and percentage interest in the management company of each person possessing a financial interest in the management company;
 - iv) An operating plan detailing all information required in section (V)(K) of these regulations, including the annual budget;
 - v) A list of all management officials and key employee names, including the position and annual salary of each individual listed; and
 - vi) The complete current or proposed house rules of the gaming operation.
- (f) An application may be amended with the permission of the Gaming Commission at any time prior to the Gaming Commission's final action on the application.

- (g) Any document filed under any of the provisions of the Colusa Tribal Gaming Ordinance may be incorporated by reference in a subsequent application if it is available in the files of the Tribal Gaming Commission, to the extent that the document is currently accurate.
- (h) Any person denied a license or permit may not submit, and the Gaming Commission may not accept, another application from that person for at least six months after the date the initial application was denied.

(3) Fingerprints. An application for a management official license, key employee license, or key contractor license shall not be complete until the applicant furnishes to the Gaming Commission his/her fingerprints in duplicate on fingerprint impression cards. Fingerprints may be taken by the Tribal Gaming Commission or the Colusa County Sheriff's Department; it shall be the applicant's responsibility to pay any fees imposed for the taking of fingerprints.

(4) Photographs. Each applicant for a license or work permit shall be required to submit a color photograph in duplicate with the application. The photographs must be satisfactory to the Gaming Commission and must have been taken within three months of the date of application.

(5) Application and investigation fees.

(a) Unless waived by the terms of a Tribal-State compact to which the Tribe is a party, each application for a license or work permit must be accompanied by a non-refundable application fee in the amount shown below:

- i) \$500.00 for a management official license;
- ii) \$250.00 for a key employee license;
- iii) \$250.00 for a key contractor license;
- iv) \$150.00 for a work permit.

(b) In addition to any non-refundable application fees paid, the Gaming Commission may require an applicant to pay such supplementary investigative fees and costs as may be costs of investigation. The Gaming Commission may estimate the supplementary investigative fees and costs and require deposit of such fees as a condition precedent to beginning or continuing an investigation.

(c) The Gaming Commission may not act upon any application unless all application and investigation fees and costs have been paid in full or advanced as required. The Gaming

Commission shall deny an application if the applicant fails or refuses to timely pay all application and investigation fees and costs.

(d) A gaming operation may enter into an agreement with the Gaming Commission to guarantee an applicant's payment of the required application and investigation fees over a three-month period or less. The agreement must state that the gaming operation will pay on the applicant's behalf any payments not timely made by the applicant regardless of whether or not the applicant continues to be employed by the gaming operation. The Gaming Commission may take preliminary or final action on an application before the required application and investigation fees are received only if payment of the fees is guaranteed by an agreement with the gaming operation.

(E) Background investigations.

(1) Within 14 calendar days after receipt of a complete application and such supplemental information as the Gaming Commission may require, the Gaming Commission shall begin its investigation of the applicant's background to determine if the applicant meets the Tribal Gaming Commission's minimum license or permit standards. The Gaming Commission shall investigate the criminal history of each applicant for a license or permit and the personal background and character of each applicant for a license. At its own discretion the Gaming Commission may also investigate the personal background and character of any applicant for a permit. The Gaming Commission shall perform, at a minimum, the following investigations before taking preliminary or final action on any application:

(a) Applicant for any gaming license or permit. The criminal background of an applicant for any gaming license or permit shall be investigated by submitting the applicant's vital information, including but not limited to: full name; any other names used, date and place of birth; citizenship; drivers license numbers; Social Security number; and physical description to the Colusa County Sheriff and/or a federal law enforcement or federal gaming regulatory agency and requesting a criminal history report.

(b) Applicant for any gaming license, additional requirements. In addition to other investigations, the Gaming Commission shall submit the fingerprints of each license applicant to a responsible agency of the federal government and request a Federal Bureau of Investigation report of the applicant's criminal history. If the applicant lived outside the United States for more than six months

during the preceding ten years, the Gaming Commission shall also submit the applicants vital information to INTERPOL and request an international criminal history report for the applicant. The Gaming Commission shall also interview at least three previous employers, associates, or other persons familiar with the applicant to determine if the applicant's reputation, character, habits, and activities meet the standards for issuance of a license. The Gaming Commission shall also obtain a credit bureau report on the applicant.

(c) Applicant for a management official's license. In addition to other investigations, the Gaming Commission shall contact banks, other financial institutions, and other information sources as needed to verify the accuracy of financial information provided by each person named in an application for a management official's license.

(1) The Gaming Commission is not limited to the above investigations and shall make additional investigations and inquires as required by federal law or regulation or as needed to determine with reasonable certainty that an applicant either does or does not meet the minimum standards for issuance of a gaming license or permit.

(2) The Gaming Commission shall attempt to complete its background investigation within 30 days following receipt of a complete application. If the investigation cannot be completed within 30 days the Gaming Commission shall notify the applicant in writing why the investigation is not complete and when it expects to complete the investigation.

(3) The Colusa Indian Community Council has delegated to the Gaming Commission the necessary authority to enter into agreements with the Colusa County Sheriffs Department and the City of Colusa Police Department for the purpose of providing fingerprinting services, and with the National Indian Gaming Commission and the Federal Bureau of Investigation to provide criminal history information. The Colusa Indian Community Council futher has delegated to the Gaming Commission the authority to contract with licensed private investigators, and any state or federal investigative agency to perform the required background and/or criminal history investigations.

(F) Application reviews; approvals; denials; appeals; waivers.

(1) Review. Within 14 calendar days following completion of the background investigation, the Gaming Commission shall review each application and all background investigation and criminal

history reports to determine if the applicant meets the standards for issuance of the requested license or permit.

(2) Permit approval. If, in the Gaming Commission's judgment, the applicant meets the standards for issuance of a permit and all application and investigation fees are fully paid, the Gaming Commission may approve the application and issue the permit.

(3) License approvals.

(a) Preliminary approval; temporary license. If, in the Gaming Commission's judgment, the applicant meets the standards for issuance of a license and all application and investigation fees are fully paid, the Gaming Commission may grant its preliminary approval of the application. At its discretion, the Gaming Commission may also issue a temporary license. A temporary license shall not be valid for more than 60 days.

(b) National Indian Gaming Commission review. Within seven calendar days after granting preliminary approval of a license application, the Gaming Commission shall mail a copy of the application and all background investigation and criminal history reports to the National Indian Gaming Commission or other appropriate federal agency. The Gaming Commission shall also include a cover letter indicating the Colusa Tribal Gaming Commission intent to issue the applicant a license and request that the federal agency review the application pursuant to the requirements of federal law. A copy of this letter may also be sent to the applicant with a notice that the application is not finally approved.

(c) Final approval. The Gaming Commission may grant final approval of a license application only after;

- i) Receiving authorization to do so from the National Indian Gaming Commission or other responsible federal agency; or
- ii) 30 days have elapsed since the responsible federal agency was notified of the Tribal Gaming Commission's intent to issue the license and the federal agency has not responded.

The Gaming Commission shall promptly notify each approved applicant that his/her application is approved and issue a license. If a temporary license was previously issued, the effective date of the license shall be the issue date of the temporary license.

(4) License and permit limitations and restrictions. No license or permit shall be valid unless signed by the Chairman of the Gaming Commission. The Gaming Commission may limit the term of the license or place such conditions thereon as it may deem necessary to protect the Colusa Indian Community or the public interest.

(5) Denial.

(a) The Gaming Commission must deny an application for any class of license or permit if, in the Gaming Commission's judgment, the applicant does not meet the standards required for issuance of the requested license or permit (minimum license and permit standards are defined in section V.(C)). Without limiting the Gaming Commission's discretion to deny any application, if, in the Gaming Commission's judgment, such a denial is in the interests of the Colusa Indian Community or public, the Gaming Commission may deny an application if the applicant:

- i) Failed to disclose, misstated, or otherwise attempted to mislead the Gaming Commission with respect to any material fact contained in the application for issuance or renewal of a license or permit;
- ii) Knowingly failed to comply with the provisions of the Colusa Tribal Gaming Ordinance or the regulations of the Tribal Gaming Commission at any time in the past;
- iii) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny, or any violation of any law pertaining to gaming;
- iv) Committed, attempted or conspired to commit a crime that involved theft, embezzlement, fraud, violence;
- v) Was identified in the published reports of any federal or state legislative or executive body as being a member or associate of organized crime, or as being of notorious and unsavory reputation; or
- vi) Had a gaming license or permit revoked by this Tribal Gaming Commission or the gaming commission or other gaming regulatory body of any Tribe, State, or foreign country;
- vii) Failed to exercise discretion and sound judgment to prevent incidents which might reflect adversely on the reputation of the Colusa Indian Community;

- viii) Permitted persons who were visibly intoxicated to participate in gaming activity;
 - ix) Catered to, assisted, employed, or associated with, either socially or in business affairs, persons of notorious or unsavory reputation or who have extensive criminal records, or persons who have defied investigative or other bodies acting on behalf of the United States, or the Colusa Indian Community, or employing either directly or through a contract, or any other means, of any firm or individual in any capacity where the reputation of the Colusa Indian Community is liable to be damaged because of the unsuitability or unethical methods of the firm or individual;
 - x) Employed in any gaming operation any person whom the Tribal Gaming Commission, any other gaming regulatory agency, or any court has found guilty of cheating or using any improper device in connection with any game, whether as an operator, licensee, permittee, or player;
 - xi) Failed to comply with or make provision for compliance with all federal and Tribal laws and regulations pertaining to the operations of a gaming facility including, without limiting the generality of the foregoing, payment of all license fees and withholding and paying any payroll taxes;
 - xii) Possessed or permitted to remain in or upon the gaming facility any cards, dice, electronic, electromechanical mechanical device, or any other improper device whatever intended or adapted for use in cheating or altering the outcome of any game of chance or skill.
 - xiii) Conducted, operated, or dealt any cheating or thieving game or device on the premisses which may have in any manner been marked, 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 which determine the result of the game; or
 - xiv) Denied any Tribal Gaming Commission member or duly authorized Colusa Indian Community Council or other Tribe representative, upon presentation of proper identification, access to, inspection, or disclosure of any portion or aspect of a gaming facility or gaming operation.
- (b) In addition to the foregoing, the Gaming Commission may deny an application on the basis of any activity on the part of a

licensee or permittee, his/her agents or employee(s) that is in any way contrary to the public health, safety, morals, good order, and general welfare of the Colusa Indian Community, or that would reflect or tend to reflect discredit on the Colusa Indian Community.

(c) The Gaming Commission shall deny any license application that is disapproved by the National Indian Gaming Commission or other federal agency responsible for Indian gaming licenses under the Indian Gaming Regulatory Act or other federal law or regulations.

(d) The Gaming Commission may deny an application at any time during the application process, including after granting preliminary approval to the application. The Gaming Commission shall promptly notify an applicant that his/her application was denied and shall specify the reason(s) for the denial, including a list of criminal conviction(s), date(s), and location(s), if any, that contributed to the Gaming Commission's decision to deny the application. If an application was denied as a result of information contained in the applicant's FBI identification record the applicant shall also be advised of the procedures to change, correct, or update the record as set forth in Title 28 CFR, Section 16.34.

(6) Hearings. All persons denied a license or permit by the Gaming Enforcement Director or a Gaming Commissioner acting under authority delegated by the full Commission shall be informed of the right to a hearing before the Gaming Commission. Hearings to consider the denial of a license or permit shall be conducted in accordance with the hearing provisions of section VI with the following additional requirements:

- a) The applicant must state in his/her written request for a hearing the reason(s) s/he believes the application should be approved.
- b) The applicant shall also include copies of all documents supporting the applicant's position, including police records and reports, character references, and other relevant information.
- c) Failure by the applicant to provide this information shall be deemed just cause to deny the applicant's request for a hearing or, if the hearing is held on the premise that the required information was provided, the Commission may deem the omitted information as a willful attempt to deceive the Commission and shall deny the application.

(7) Waivers.

(a) Any enrolled member of the Colusa Indian Community or other Native American with established ties to the Colusa Indian Community denied an application for a permit may request a waiver of the permit standards. Waivers may not be considered when the application is for a license. The eligible applicant must show that a waiver is in the best interest of the Colusa Indian Community, or the Gaming Commission may not grant the requested waiver.

(b) The procedures for requesting and considering a waiver are the same as those for hearings before the Gaming Commission, with the following additional requirements:

- i) If the requested waiver involves any of the following criminal offenses, the waiver applicant must provide copies of all police and court records relating to his/her conviction(s), probation officer reports, character references, and any other information relevant to proving the applicant is now of good character:
 - 1) Any felony conviction involving crimes of violence, dishonesty, theft, or moral turpitude within the last five (5) years, whether or not expunged or sealed; or
 - 2) Any other felony conviction within the last two (2) years, whether or not expunged or sealed.

(c) The Gaming Commission may also require that any applicant for a waiver provide the Gaming Commission with copies of police, court, and other records related to any criminal or civil charges made against the applicant. The waiver applicant will follow all other procedures for Gaming Commission hearings and must appear in person before the Gaming Commission to present his/her arguments that the issuance of a permit would be in the best interests of the Colusa Indian Community.

(G) Expirations.

(1) Except for a facility license and a key contractor license, the expiration date of each license and permit shall be determined by the licensee's or permittee's birth date. The license or permit shall expire on the licensee's or permittee's next birth date if this date occurs six months or later from the date the license or permit was issued. The license or permit shall expire one year from the licensee's or permittee's next birthday if the next birthday occurs within six months of the license or permit issue date.

(2) A key contractor license shall expire not later than one year from the date it was issued.

(3) A facility license shall expire not later than one year from the date it was issued.

(4) The expiration schedules in this section describe the maximum period for which a license or permit may be granted. The Gaming Commission may issue any license or permit for a shorter period if the Gaming Commission deems the shorter period is necessary to adequately protect the interests of the Colusa Indian Community or the public.

(H) Renewals. Subject to the power of the Gaming Commission to deny, revoke, suspend, or limit licenses and permits, any gaming license or permit in force may be renewed for the next succeeding period upon proper application for renewal and payment of applicable license and investigation fees as required by law and the regulations of the Tribal Gaming Commission. The gaming Commission encourages license and permit holders to apply for a license or permit renewal at least 60 days prior to expiration of the current license or permit. However the Gaming Commission may not accept a renewal application more than 120 days prior to expiration of the current license or permit.

(I) Identification cards and name badges.

(1) The Gaming Commission shall issue an identification card to every person granted a license or permit. The identification card shall include the licensee or permittee's photograph, name, license or permit category and number, name of the gaming operation by which he/she are employed or to which he/she provide services, expiration date of the license or permit, Colusa Indian Community logo, and such other identifying marks deemed necessary by the Tribal Gaming Commission to readily identify legitimate cards from counterfeit cards. The Gaming Commission shall direct the preparation and issuance of the identification cards pursuant to procedures established by the Gaming Commission. An identification card may not be issued until after the applicant's application is approved and the license or permit is signed by the chairman of the Tribal Gaming Commission or a designated Commissioner. An identification card may be issued to the holder of an approved temporary license or permit.

(2) The licensee or permittee shall be required to carry the identification card on his/her person at all times she/he is on duty, or in the case of a management official, whenever s/he is at the gaming establishment. A licensee or permittee is required to promptly show his/her identification card to any person requesting to inspect the card.

(3) Every licensee or permittee shall at all times while on duty wear a identification card issued by the Gaming Commission. The Gaming Commission will establish the proper displaying of these cards on the person of the employee. The Commission will make determinations of the presentation of the card by employees on their person. Undercover security personnel performing legitimate security or monitoring functions are not required to wear a name badge or other identification, but shall carry same on their persons unless excused in writing from doing so by the Director of security or the Gaming Commission.

(4) The licensee or permittee shall be required to surrender his/her photo identification card when the card expires; when a new license or permit is issued; or when the the license or permit is suspended or revoked. The gaming operation shall be required to withhold an employee's or contractor's last paycheck or final payment until the photo identification card is returned to the Tribal Gaming Commission's security director.

(5) Any person who has lost his/her photo identification card must report the loss to the security director within 24 hours of the loss or discovery of the loss. Replacement of the first lost photo identification card may be made for a fee of \$25. Subsequent lost photo identification cards may be replaced for a fee of \$50.

(J) Employment of unlicensed or unpermitted persons prohibited. Except as otherwise provided in any Tribal-State Class III compact to which the Tribe is a party, a licensee shall not employ any person or enter into any contract or agreement for services with any person in a capacity for which that person is required to obtain a license or permit if that person does not possess the proper and valid license or permit as required by these regulations. The gaming operation shall immediately discharge any employee and cancel any contract or agreement upon notification by the Gaming Commission that the employee's or contractor's license or permit has been revoked by the Gaming Commission or that the employee or contractor does not possess the required license or permit.

(K) Facility license requirements.

(1) License fee.

(a) Each gaming operation approved to receive a facility license shall pay a facility fee not to exceed 10% of the amount which the approved annual budget for that operation establishes as an estimate of the management contractor's compensation, if there is a management contractor; otherwise the facility fee shall not exceed the lesser of four percent of net

profit or the actual cost of regulating the gaming operation in the year for which the facility is to be licensed. The approved annual budget of the operation shall be that budget approved by the operation's management committee. The license fee shall be paid in advance in quarterly installments. The actual license fee shall be based upon the Tribal Gaming Commission's estimate of the expected costs of regulation for the period in which the license is to be effective. The organization with which the Tribe contracts to operate simulcast wagering shall be exempt from the provisions of this section.

(b) The facility license shall not become valid until the first quarter's license fee is received by the Gaming Commission. The facility license shall lapse and the Gaming Commission shall take appropriate enforcement actions if subsequent quarterly payments are not timely made.

(c) License fee payments shall be deemed to be late if not paid in full by the first day of each calendar quarter. The Gaming Commission shall impose, and the facility licensee shall pay, a late payment penalty equal to 10% of the unpaid license fee for every month or partial month the unpaid license fee is late. A suspended facility license may not be reinstated until all license fees and penalties are paid by the gaming operation. The imposition or collection of late payment penalties shall not limit the Gaming Commission from taking other disciplinary actions against the gaming operation or responsible management officials that the Gaming Commission may deem necessary and appropriate.

(2) Operating Plan.

(a) Every facility licensee shall at all times maintain on file with the Gaming Commission a current operating plan, verified by the affidavit of the operation's general manager, including, but not limited to: days and hours of operation; the maximum number and type of gaming tables or devices expected to be uncovered or in use at any time during the year; the number of gaming tables or devices expected to be in actual use during the first month of the report year; and the duly approved operating budget. The approved operating budget shall be submitted to the Gaming Commission within one week of its approval by the operation's manager, but not later than two weeks prior to the beginning of the operation's new fiscal year.

(b) Any significant changes to the operating plan shall be reported to the Gaming Commission in writing no more than two weeks following the end of the month in which the change occurred. Significant changes include, but are not limited to, a

change of 15% or more in the number of gaming tables or devices uncovered or in use; a change of 15% or more in the net profit forecast for the balance of the current year; or a change in the operation's fiscal year or accounting policies.

(c) A facility licensee must submit any plans to increase the number of gaming tables or devices currently authorized for play or to introduce any new game in writing to the Gaming Commission. The Gaming Commission shall review the plans in a timely manner and shall approve the plans if the Gaming Commission finds the changes are not detrimental to the tribal and public interests. The Gaming Commission may request and the licensee shall provide any additional material, including financial projections and target market demographics, that the Gaming Commission deems necessary to evaluate the impacts of the requested change.

(3) Key employee report.

(a) Each facility licensee shall submit an annual key employee report to the Gaming Commission on a form to be furnished by the Gaming Commission.

(b) The annual key employee report shall identify every management official and key employee of the operation and their annual wage or salary compensation. The report shall also include an organization chart for the operation and a description of each management official's and key employee's duties and responsibilities, and the authority delegated to each individual identified in the report.

(c) Any changes, additions, or deletions to any information contained within the annual key employee report which occurs subsequent to the filing of the report and prior to the filing of the next year's report shall be reported to the Gaming Commission in writing no more than two weeks following the month during which the change, addition, or deletion occurred.

(4) Financial reports.

(a) Annual audited financial report. The operation's general manager shall ensure that an annual audit is commenced by an independent CPA within 30 days following the end of the operation's fiscal year. Within two weeks following its receipt by the operation's manager, and in no case later than six months after the close of the operation's fiscal year, every facility licensee shall provide the Tribal Gaming Commission with a complete and audited financial statement of gaming operations

for that fiscal year. The financial statement and audit report shall be prepared by an independent certified public accountant.

(b) Monthly financial reports. Before the 25th day of the following month, every facility licensee shall provide the Tribal Council and the Tribal Gaming Commission with monthly and year-to-date reports of the gaming operation's financial performance. The reports shall include, at a minimum, detailed income statements and balance sheets.

(c) The Tribal Gaming Commission may, at its sole discretion, inspect or audit the financial records management procedures, or other aspects of a licensed operation's activities as the Tribal Gaming Commission deems necessary. In the absence of an alternative agreement, the expense of such audits or investigations shall be borne by the Tribal Gaming Commission.

(L) Posting of facility license. A valid, current, current facility license, issued by the Gaming Commission must be prominently displayed at all times upon the licensed premises in such position as it may be observed by persons participating in the gaming activities.

VI. PENALTIES

(A) Suspensions.

(1) Emergency suspensions. The Tribal Gaming Commission's gaming Enforcement Director or his/her subordinate(s), or if there is no Gaming Enforcement Director, any member of the Gaming Commission, may seize an individual's identification card and exclude that individual from the gaming establishment for up to 72 hours if, in the Commission's judgment, the licensee's or permittee's actions or omissions pose a immediate threat to the integrity of the gaming operation, the safety of the general public, patrons, or other employees, or the image and reputation of the Colusa Indian Community. The Gaming Enforcement Director or the Gaming Commissioner taking action hereunder shall immediately notify the gaming operations general manager of the emergency suspension. At its discretion; the Gaming Commission may take formal suspension action against the individual.

(2) Formal suspensions.

(a) The Gaming Commission may issue an order suspending a license or permit if the Gaming Commission has reasonable cause to believe that:

- (i) The suspension; is necessary for the immediate preservation of the public peace, health, safety, morals, good order, or general welfare of the Colusa Indian Community; or
 - (ii) The licensee or permittee may have violated any condition or requirement imposed on the licensee or permittee by the Colusa Indian Community Council or Gaming Commission or applicable laws.
- (b) The suspension order shall become effective when it is signed by the Chairman or the Gaming Commission and the holder of the license or work permit has been given actual or constructive notice of the action.
 - (c) The order suspending the license or work permit must state the reason for the suspension.
 - (d) The suspension order shall state that the licensee or permittee shall forfeit his/her right to a hearing and any appeal if s/he fails properly to request a hearing before the Gaming Commission within 30 days following the effective date of the order.
 - (e) By the end of the next business day following the effective suspension date of a license or permit, the Gaming Commission shall notify the general manager of the gaming operation employing or contracting services of the suspended licensee or permittee of the Gaming Commission's action.
 - (f) The Gaming Commission may suspend a license or permit for any period of time up to one year.
 - (g) The Gaming Commission may reinstate a license or work permit only after the licensee or permittee resolves to the Gaming Commission's satisfaction the cause for making the suspension.
- (B) Civil penalties. The Gaming Commission may impose a civil penalty or penalties against any licensee or permittee reasonably determined by the Gaming Commission to have violated any of these regulations, whether or not the Gaming Commission has suspended the license or permit. If the Gaming Commission deems a penalty

appropriate, it shall notify the licensee or permittee of the Gaming Commission's intent to impose the penalty, and set a time and date to hear the licensee's or permittee's rebuttal of the Gaming Commission's determination. The licensee or permittee shall be required to pay any penalty before the license or permit may be reinstated.

(C) Criminal prosecution. The Gaming Commission shall promptly submit any knowledge or evidence of criminal wrongdoing that it may discover to appropriate law enforcement officials for prosecution.

(D) Revocations. In addition to any penalty the Gaming Commission may elect to impose against a licensee or permittee, the Gaming Commission may revoke a suspended gaming license or permit if the Gaming Commission determines that the licensee or permittee:

- a) Does not meet the minimum standards or requirements for issuance of a license or permit;
- b) Failed to disclose, misstated, or otherwise misled the Gaming Commission about any fact contained within any application for a license or permit;
- c) Violated any of the terms or conditions under which the Gaming Commission granted the license or permit; or
- d) Failed to request a hearing before the Gaming Commission to reinstate a suspended license or permit.

Any person or other legal entity who has had a license or permit revoked by the Gaming Commission shall not be eligible to apply for a new license or permit for one year after the effective date of the revocation.

(E) Hearings.

(1) The licensee or permittee whose license or permit is suspended or revoked or against whom a penalty was imposed or an applicant denied a license or permit:

- a) Has a right to a hearing before the Gaming Commission on the Gaming Commission's decision or order, solely to challenge the factual basis for Gaming Commission's decision or order, and not to challenge the Gaming Commission's exercise of discretion;

- b) Must make a written request to the Gaming Commission for a hearing within 30 days following the effective date of the Gaming Commission's decision or order. Failure to properly request a hearing in a timely manner waives the person's right to a hearing or any other appeal of the Gaming Commission's decision. The request shall set forth each basis upon which the appellant questions or challenges the Commission's disciplinary action.

(2) After receipt of a written request for a hearing, the Gaming Commission shall schedule a hearing for not later than fourteen calendar days after the request was received. Following the hearing the Gaming Commission shall make a decision to uphold, modify, or reverse the order imposing the suspension, revocation, or penalty(s).

(3) Throughout the hearing and any appeals that may follow, the appellant shall have the following rights:

- a) The right to appear personally before the Gaming Commission;
- b) The right to be informed of the accusation(s) against the appellant, and the evidence upon which the accusation(s) is/are based, subject to the Commission's right to protect the confidentiality of its sources of information and the safety of those providing such information; and
- c) The right to representation by any representative of the appellant's choosing.

(4) The Gaming Commission must determine that the offense or other cause for the suspension, revocation, or penalty more likely than not occurred, or the Gaming Commission shall withdraw the order or penalty. The Gaming Commission shall issue its decision in writing.

(5) The licensee or permittee may request and the chairman of the Gaming Commission shall grant a time extension or extensions of any reasonable period necessary for the licensee or permittee to prepare for the hearing.

(6) The Gaming Commission may amend its order at any time but the decision of the Gaming Commission shall be final and not otherwise reviewable.

VII. GAMING OPERATIONS

(A) Hours of operation. All games permitted by these regulations and the Colusa Tribal Gaming Ordinance may be conducted 24 hours

per day, seven days per week throughout the year unless otherwise ordered by the Tribal Gaming Commission or regulated under the terms of any Tribal-State compact to which the Tribe is or may become a party.

(B) Wagers with chips only. Except as may otherwise be permitted in a Tribal-State compact to which the Tribe is or may become a party or by house rules approved by the Tribal Gaming Commission, a wager may be accepted in any card game only when the wager is made with chips issued by the licensed facility within which the wager is made.

(C) House rules.

(1) Filing. The manager of a licensed facility shall develop and submit to the Tribal Gaming Commission detailed house rules governing all games offered or played in the facility. Any changes or amendments to the rules shall be immediately, forwarded to the Tribal Gaming Commission with a written description of the effect of the change or amendment. All rules are subject to approval by the Gaming Commission.

(2) Posting. A summary of the house rules, including wager limits, and a notice that the complete house rules are available for review upon request, shall at all times be posted by the manager of the licensed facility in a conspicuous and publicly accessible location. At least one copy shall be posted in each room where gaming occurs. Management shall take all steps necessary to promptly comply with any person's request to review the complete house rules.

(D) Tournaments. Tournaments of poker or other card games authorized by the Colusa Tribal Gaming Ordinance are permitted. The licensed facility may charge and retain a buy-in fee from all tournament participants. All other entry fees shall be returned to the persons participating as players in the tournament. All tournaments shall be conducted with tournament chips that have no cash value.

(E) Electronic gaming equipment. No electronic, computer or other technologic aid to any Class II game, or any electronic gaming device, may be used or possessed on the Colusa Indian

Community Reservation unless each said device has been authorized, inspected and approved by the Tribal Gaming Commission or its designee, and any such use or possession is further conditioned upon strict compliance with any requirements imposed by the Tribal Gaming Commission concerning verification and monitoring of the reliability, integrity and security of each said device and each component thereof prior to the introduction of any such equipment into service.

(F) Gambling by employees.

(1) No employee of a licensed facility shall be permitted to participate as a player in any card game operated and banked by the licensed facility, or any other game played "against the house".

(2) Except as otherwise provided in this section, an employee of a licensed facility may not participate as a player in any game during his/her scheduled work shift, and at no time may participate in a game banked by the licensed facility. This section shall not be construed to allow participation in gaming by minors or persons otherwise ineligible to participate.

(3) A person employed by the licensed establishment to start card games ("props") may participate as a player while on duty as long as such participation is under the direction of the licensed facility's management, and provided that neither the licensed establishment nor any gaming management employee receives any portion of said person's winnings or reimburses said person for any losses.

(G) Credit Prohibited. No credit shall be extended by a gaming operation to any player. This prohibition shall not be construed, however, to prevent players or customers from utilizing bank cards, credit cards, and other forms of personal credit when the credit is guaranteed by an independent financial institution.

(H) Resolution of Disputes with Gaming Public. All disputes between members of the gaming public and the gaming facility shall be brought first to the General Manager of the facility for resolution. If the member of the gaming public is unsatisfied with the General Manager's resolution of the dispute, s/he may appeal that resolution to the Gaming Commission, the decision of which shall be made upon the basis of the written submittal of the complaining patron and the General Manager, and the decision of the Gaming Commission shall be final and not otherwise appealable. Claims for personal injury and/or property damage shall be referred to the issuer of the facility's liability

insurance policy for adjustment. Any claims that are not successfully adjusted shall be referred to the Colusa Indian Community Council for final disposition.

(I) Designation of Agent for Service of Process. The Tribal Chairperson, or in his/her absence, the Chairperson of the Gaming Commission, shall be authorized to receive on behalf of the tribe, service of the process of the N.I.G.C., the United States or under any compact to which the Tribe is or may become a party. Nothing herein shall constitute or be construed as a waiver of the sovereign immunity of the Tribe or any Tribe official, agent or employee.