

NATIONAL
INDIAN
GAMING
COMMISSION

NOV - 7 1995

Craig Powell
Chairman
Chicken Ranch Band of
Me-Wuk Indians
16929 Chicken Ranch Road
Post Office Box 1159
Jamestown, CA 95327

Dear Chairman Powell:


This letter responds to your request to review and approve the Band's gaming ordinance, Resolution No. 007, adopted on September 11, 1993, by the Chicken Ranch Band (Band). This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA).

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

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

Thank you for submitting the ordinance of the Chicken Ranch Band for review and approval. The NIGC staff and I look forward to working with you and the Band in implementing the IGRA.

Sincerely yours,



Harold A. Monteau
Chairman

AUG 10 1995

CHICKEN RANCH TRIBAL COUNCIL RESOLUTION NUMBER 007

We, the Tribal members of the Chicken Ranch Rancheria, on this date Sept 11, 1992 held an election to enact the New Gaming Ordinance, which include parts of Class II gaming as set forth in the guide lines of the National Indian Gaming Commission.

It was voted by 100% of the attending members to adopt the New Gaming Ordinance as a new resolution.

The votes were caste and recorded in writing herein:

	YES	NO	SIGNATURE:
Chairman, Lloyd R. Mathiesen	✓		<i>Lloyd R. Mathiesen</i>
Vice Chairman, Loren W. Mathiesen	✓		<i>Loren W. Mathiesen</i>
Secretary, Clois Erwin.....			
Treasure, Craig Powell.....	✓		<i>Craig C. Powell</i>
Sergeant at Arms, Cindy Smith.....	✓		<i>Cindy Smith</i>
Members:			
Donna Dunne.....	✓		<i>Donna Mathiesen - Dunne</i>
Brian Mathiesen....			
Melissa Powell.....			
Tony Erwin.....	✓		<i>Anthony Erwin</i>

**CHICKEN RANCH BAND OF ME-WUK INDIANS
TRIBAL GAMING ORDINANCE
CLASS II GAMING**

AUG 10 1995

I. Purpose

The Tribal Council of the Chicken Ranch Band of Me-Wuk Indians (hereinafter "Tribe"), by virtue of the customs and traditions of the Tribe empowering said Council with, among other powers, legislative authority, hereby enacts this ordinance in order to permit and regulate gaming operations on tribal lands.

II. Scope of Gaming Defined

Only Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, at 25 U.S.C. § 2703(7)(A) (hereinafter "IGRA"), and in the regulations promulgated by the National Indian Gaming Commission ("NIGC"), are hereby authorized. However, should the Tribe ever deem that Class III gaming, as defined by IGRA, be permitted on tribal lands, the Council shall be authorized to amend this provision, and all other appropriate provisions within this ordinance, and submit the revised ordinance to the NIGC for approval.

III. Ownership of Gaming -- Penalty for Unauthorized Gaming

The Tribe shall have sole ownership of any gaming operation on tribal lands. All other gaming operations shall be deemed unauthorized by the Tribe. The penalty for unauthorized gaming on tribal lands is the imposition of the full civil penalty allowed by applicable federal law for each unauthorized game conducted.

IV. Use of Gaming Revenue

a. Net revenues from Class II gaming shall be used only for the following purposes: to fund tribal government operations and programs; provide for the general welfare of the Tribe and its members; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

b. If the Tribe elects to make per capita payments to tribal members, it shall authorize such payments only through a plan submitted to and approved by the Secretary of Interior pursuant to 25 U.S.C. § 2710(b)(3).

V. Audit

a. The Tribe shall cause to be conducted annually an independent audit of all tribal gaming operations and shall submit the resulting audit reports to the NIGC.

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 said audit.

VI. Environmental, Public Health, and Safety Protection

All tribal gaming facilities shall be constructed, maintained, and operated in a manner which adequately protects the environment and the public health and safety.

VII. Licenses

Licenses to conduct gaming operations on tribal lands are required for all key employees and bingo managers.

a. Definitions

1. Key employee defined. For purposes of this ordinance, "key employee" means a person who performs one of more of the following duties:

- A. bingo caller;
- B. counting room supervisor;
- C. chief of security;
- D. custodian of gaming supplies or cash (this does not include floor personnel unless otherwise specifically listed in these definitions);
- E. floor manager;
- F. pit boss;
- G. dealer;
- H. croupier;
- I. approver of credit;
- J. custodian of gambling devices including persons with access to cash and accounting records within such devices;
- K. if not otherwise included, any person whose annual cash compensation exceeds \$50,000.00; or
- L. if not otherwise included, the four most highly compensated persons in the gaming operation.

2. Bingo manager defined. For purposes of this ordinance, "bingo manager" means:

- A. Any person having management responsibility pursuant to a management contract;
- B. Any person having the authority to hire and discharge employees or to set general policies, such as employment policies, for the gaming operation; or
- C. The chief financial officer or other person charged with financial management responsibility.

b. License Application Process

1. Application Form. Persons required to obtain a gaming license pursuant to this ordinance shall initiate the application process by completing and submitting a Gaming License Application Form obtained from the Tribal Council or its representative authorized to supervise the gaming license application process.

2. Contents of Form.

A. Privacy Act Notice. Said Gaming License Application Form shall include the following notice:

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 of the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a bingo manager or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply an SSN may result

in errors in processing your application.

B. Penalty for False Statements Notice. The Gaming License Application Form shall also include the following notice:

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, or both. 18 U.S.C. § 1001.

C. Requested Information. The Gaming License Application Form shall request all of the following information:

i. Full name, other names used (including nicknames), social security number(s) (optional), birth date, place of birth, citizenship, gender, a list of all languages the applicant can speak or write;

ii. All business and employment positions, ownership interests in businesses, business and residence addresses, and drivers license numbers currently held or held within the past five years;

iii. 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 in ii) above;

iv. Current business and residential telephone numbers;

v. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;

vi. A description of any existing and previous business relationships with any gaming industry generally, including ownership interests in those businesses;

vii. The name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted, and if not, the

reason, if known, why the application was rejected;

viii. Whether the applicant has ever been convicted of a felony or is currently charged with a felony, and if so, the charge, the name and address of the court which conducted or is conducting the proceedings, and the disposition of the proceedings, if any;

ix. Whether the applicant has ever been convicted of a misdemeanor or is currently being prosecuted for a misdemeanor offense other than a minor traffic violation within ten years of the date of the application, and if so, the charge, the name and address of the court which conducted or is conducting the proceedings, and the disposition of the proceedings, if any;

x. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, and whether or not such license or permit was granted;

xi. A current photograph;

xii. Other requests for information the Tribe deems relevant; and

xiii. Fingerprints consistent with procedures adopted by the Tribe according to NIGC regulations, 25 C.F.R. § 522.2(h).

3. Application Procedure For Existing Key Employees And Bingo Managers.

Existing key employees and bingo managers shall be notified in writing that they shall either:

A. Complete a new application form which contains Privacy Act and False Statement notices as set forth in VII.b.2.A&B above; or

B. Sign a statement which contains the Privacy Act notice and consents to the routine uses described in that notice, and also contains the False Statement notice.

4. Application Review.

A. Confidentiality. The Tribe shall keep confidential the identity of the applicant during the course of the application review.

B. Investigation. The Tribe shall verify all information contained in the application form either by written or oral means and investigate all references, criminal record, habits, reputation, and/or associations which may impact on the applicant's eligibility for a gaming license. If the Tribe determines that employment of the person may pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances the possibility of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming, the Tribe shall reject that person's application for a gaming license.

5. Application Forwarding to the NIGC. When a key employee or bingo manager commences work at a gaming operation authorized by this ordinance, the Tribe shall forward to the NIGC a completed application form for that person.

6. Report on Application to the NIGC. Within 60 days after a key employee or bingo manager commences work, or within 60 days after the approval of this ordinance by the Chairman of the NIGC, the Tribe shall forward a report to the NIGC concerning its investigation of the applicant. The contents of said report shall include all of the following:

- a. Methods used to conduct the background investigation;
- b. Results obtained;
- c. Conclusions reached; and
- d. The bases for those conclusions.

If during its investigation the Tribe determines that an applicant must be rejected, the Tribe shall notify the NIGC and may forward copies of its investigation for inclusion in the Indian Gaming Individuals Records System.

7. Retention of Applications and Reports. The Tribe shall retain all license applications and investigative reports (if any) for inspection by the Chairman of the NIGC or duly authorized representative for no less than three years from the date of the applicant's rejection or termination of employment.

c. Issuance of Gaming License

1. Within 30 days after the NIGC receives a report on an

applicant, the NIGC will inform the Tribe if the NIGC has an objection to the issuance of a gaming license to the applicant. If the Tribe receives no objection, the Tribe may issue a gaming license to the applicant.

2. Should the NIGC request from the Tribe information not contained in the report on the applicant, the 30 day period will not commence until the NIGC has received the additional information from the Tribe.

3. Should the NIGC inform the Tribe of any objections it has to the issuance of a gaming license to the applicant within the initial 30 day period, the Tribe shall reconsider the application, taking into account the objections made by the NIGC, and may issue a gaming license to the applicant despite the NIGC objections.

d. Suspension and Revocation of Gaming License

1. After the Tribe has issued a gaming license, said license may be suspended by the Tribe if the Tribe receives information from the NIGC or other reliable source that continued employment of the person may pose a threat to the public interest or to the effective regulation of gaming, or creates or enhances the possibility of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming. Notice of such suspension shall be made to the license holder in writing.

2. The notice shall include the basis for suspension, and set forth a time and place for a hearing, no longer than 60 days following the date of suspension, to be conducted by the Tribal Council or its authorized representative.

3. The hearing shall be conducted according to the traditions and customs of the Tribe, and shall allow the suspended license holder an opportunity to present all relevant evidence to rebut the allegations which formed the basis of the suspension.

4. Within ten days after the hearing the Tribe shall decide whether to reinstate or permanently revoke the gaming license. In either event, the Tribe shall notify the NIGC of its decision, and the basis therefor. The decision of the Tribal Council or its authorized representative is final.

VIII. Designation of Agent for NIGC Service

For purposes of NIGC regulation 25 CFR § 519.1 only, the Tribe hereby designates its Tribal Council Chairperson as its agent for service of any official determination, order, or notice promulgated by the NIGC. Service shall be sent to:

Chairperson, Tribal Council
Chicken Ranch Band of Me-Wuk Indians
P.O. Box 1699
Jamestown, CA 95327

This designation is not intended as, nor shall it be deemed, a waiver of sovereign immunity on the part of the Tribe.

IX. Dispute Resolution Between Public and Tribe

a. In the event that a dispute over gaming arises between an individual or group of the general public and the Tribe, the Tribal Council or its authorized representative shall attempt to resolve the dispute immediately.

b. If the Tribal Council or its authorized representative deems that a dispute or grievance is too complicated to resolve immediately, or that a grievance appears to be unfounded, the Tribal Council or its authorized representative shall request from said aggrieved person or persons a written statement outlining their grievances, the underlying and/or supporting facts, and any requested redress. Upon receipt of the written statement, the Tribal Council or its authorized representative shall set a time and place for a hearing to be conducted within 30 days of receipt of said written statement.

c. At the hearing, the aggrieved person or persons shall be allowed to present any additional information they may have obtained. In addition, the Tribal Council or its authorized representative shall make all reasonable efforts to resolve the problem.

d. If a resolution is not reached at the hearing, the aggrieved person or persons' statement shall be forwarded to the NIGC with an explanation of the proceedings and determinations made by the Tribal official or officials conducting the hearing.

X. Identification of Law Enforcement Agency

The law enforcement agency which the Tribe shall use in conducting its investigation of gaming license applicants, as outlined in section VII above, is:

Sonora Police Department
542 W. Stockton Road
Sonora, CA 95370

Said agency will take finger prints and provide a criminal history check of the applicant.

CHICKEN RANCH RANCHERIA

16929 Chicken Ranch Road Post Office Box 1159 Jamestown, California 95327

(209) 984-4806

Fax (209) 984-5606

Resolution #11695-01

WHEREAS, the CHICKEN RANCH RANCHERIA OF ME-WUK INDIANS of CALIFORNIA ("BAND") has been operating a bingo enterprise on its reservation for approximately ten (10) years to date;

WHEREAS, the BAND has determined that a Tribal Gaming Ordinance for Class II Gaming, approved by the Chairman of the National Indian Gaming Commission ("NIGC") is required by federal law;

WHEREAS, the BAND has been notified by the NIGC that its current CHICKEN RANCH BAND OF ME-WUK INDIANS TRIBAL GAMING ORDINANCE CLASS II GAMING, enacted September 11, 1993 ("Gaming Ordinance"), is deficient on two items contained in section VII of the Gaming Ordinance;

WHEREAS, correction of said deficiencies is necessary for the chairman of the NIGC's approval of the Gaming Ordinance;

THEREFORE, BE IT RESOLVED, that the BAND hereby amends its Gaming Ordinance as follows:

- 1) On page two of the Ordinance, section VII, which now reads "Licenses to conduct gaming operations on tribal lands are required for all key employees and bingo managers." Shall be amended to read:

License to conduct gaming operations on tribal lands are required for each place, facility, or location on the Band's lands where Class II gaming occurs. In addition, all licenses to conduct gaming operation on tribal lands are required for all key employees and bingo managers.

- 2) On page two of the Ordinance, VII.a.1.D. will be revised in order to delete the words in the parentheses. VII.a.1.D., which read "custodian of gaming supplies or cash (this does not include floor personnel unless otherwise specifically listed in these definitions);" shall be amended to read:

VII.a.1.D. custodian of gaming supplies or cash;

Date: November 6, 1995

Craig C. Powell
Chairman, Chicken Ranch Rancheria
of Me-Wuk Indians of California

CERTIFICATION

I hereby certify that on November 6, 1995, a duly noticed and convened Tribal Council meeting was held in which the above resolution was duly submitted, discussed, and adopted by a vote of 5 in favor, 0 opposed, and 0 abstaining.

Dated: 11-6, 1995

Cindy L. Smith
Secretary, Chicken Ranch Rancheria
of Me-Wuk Indians of California