

NATIONAL  
INDIAN  
GAMING  
COMMISSION

DEC 17 1993

Clinton Pattea, President  
Fort McDowell Mohave-Apache  
Indian Community  
P.O. Box 17779  
Fountain Hills, Arizona 85269

Dear President Pattea:

This letter responds to your request to review and approve the tribal gaming ordinance submitted on November 5, 1993, for the Fort McDowell Mohave-Apache Indian Community of Arizona (the Community). 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 Community's gaming ordinance, the Community 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 Fort McDowell Mohave-Apache Indian Community of Arizona for review and approval. The NIGC staff and I look forward to working with you and the Community in implementing the IGRA.

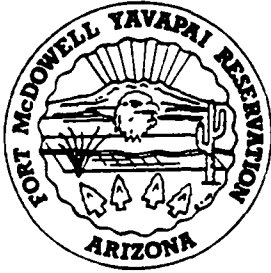
Sincerely yours,

Anthony J. Hope

Anthony J. Hope  
Chairman

cc: Dwayne Denny, Executive Director  
Fort McDowell Tribal Gaming Office  
P.O. Box 17387  
Fountain Hills, Arizona 85269

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Indian Community

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RESOLUTION NO. FT. MCD. 93-65

WHEREAS, the Indian Gaming Regulatory Act of 1988 (25 U.S.C. §2701 et seq.) requires an Indian tribe to adopt a gaming ordinance to enable the tribe to engage in Class II and Class III gaming activities on the tribe's Indian lands; and

WHEREAS, it is the objective of the Fort McDowell Mohave-Apache Indian Community to adopt a gaming ordinance to provide for the sound regulation of all Class II and Class III gaming on the Indian lands of the Community to protect the public interest and the integrity of such gaming, to prevent improper or unlawful conduct in the course of such gaming, to strengthen tribal self-government and to promote the economic self-sufficiency of the Community; and

WHEREAS, the aforementioned gaming ordinance is intended to supersede the Fort McDowell Gaming Code of 1992.

NOW THEREFORE, BE IT RESOLVED, that the Fort McDowell Mohave-Apache Indian Community Council hereby adopts the Fort McDowell Mohave-Apache Indian Community Gaming Ordinance.

CERTIFICATION

Pursuant to the authority contained in Article IV, Sections 2(d), (e) and (h) of the Constitution and Bylaws of the Fort McDowell Mohave-Apache Indian Community, ratified by the Tribe on October 3, 1936, and approved by the Secretary of the Interior on November 24, 1936, the foregoing Resolution No. Fort McDowell 93-65 was adopted on this 1st of November, 1993, at special Community Council meeting held at Fort McDowell Mohave-Apache Indian Community, at which a quorum of 5 members were present and 0 were absent by a vote of 4 for and 0 opposed and 0 abstained.

Date: 11/1/93

Clinton M. Pattea  
Clinton M. Pattea, President  
Mohave-Apache Community Council

Leticia Osife  
Leticia Osife, Secretary  
Mohave-Apache Community Council

173480

**FORT MCDOWELL MOHAVE-APACHE  
INDIAN COMMUNITY OF ARIZONA**

**GAMING ORDINANCE**

**APPROVED**

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## **FORT McDOWELL GAMING ORDINANCE**

**SECTION 1. STATEMENT OF POLICY.** It is the purpose of this Ordinance to provide for the sound regulation of all Class II and III Gaming on lands within the jurisdiction of the Fort McDowell Mohave-Apache Indian Community, in order to protect the public interest in the integrity of such gaming, to prevent improper or unlawful conduct in the course of such gaming, to strengthen tribal self-government and to promote the economic self-sufficiency of the Fort McDowell Mohave-Apache Indian Community.

## **SECTION 2. DEFINITIONS**

a. "Act" means the Indian Gaming Regulatory Act, Public Law 100-497, 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168.

b. "Applicant" means any person who has applied for a license under the provisions of the Compact or this Ordinance or approval of any act or transaction for which approval is required or permitted under the provisions of the Compact or this Ordinance.

c. "Application" means a request for the issuance of a license or for approval of any act or transaction for which approval is required or permitted under the provisions of the Compact or this Ordinance.

d. "Chairman" means the Chairman of the Fort McDowell Tribal Gaming Office established by this Ordinance.

e. "Class II Gaming" means:

i. Bingo or lotto (whether or not electronic, computer, or other technologic aids are used) when players:

(1) Play for prizes with cards bearing numbers or other designations;

(2) Cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and

(3) Win the game by being the first person to cover a designated pattern on such cards;

ii. If played in the same location as bingo or lotto, pull-tabs, punch boards, tip jars, instant bingo and other games similar to bingo; and

iii. Nonbanking card games that:

- (1) State law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and
- (2) Players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

f. "Class III Gaming" means all forms of gaming that are not class I gaming or class II gaming, including but not limited to:

i. Any house banking game, including but not limited to--

- (1) Card games such as baccarat, chemin de fer, blackjack (21), and pai gow (if played as house banking games);
- (2) Casino games such as roulette, craps, and keno;

ii. Any slot machines as defined in 15 U.S.C. § 1171(a)(1) and electronic or electromechanical facsimiles of any game of chance;

iii. Any sports betting and parimutuel wagering including but not limited to wagering on horse racing, dog racing or jai alai; or

iv. Lotteries.

g. "Community" means the Fort McDowell Mohave-Apache Indian Community of Arizona, its authorized officials, agents and representatives.

h. "Compact" means the contractual agreement entitled the "Fort McDowell Mohave-Apache Indian Community of Arizona - State of Arizona Gaming Compact" executed by the Community and the State on June 24, 1993.

i. "Distributor" means a person who distributes Gaming Devices and/or component parts thereof.

j. "Enrolled Tribal Member" means a person who has been enrolled in the Community and whose name appears on the Community's membership roll and who meets the written criteria for membership.

k. "Executive Director" means the Executive Director of the Fort McDowell Tribal Gaming Office established pursuant to this Ordinance.

l. "Gaming Activity" means all forms of Class II and Class III Gaming owned and operated by the Community and conducted within the Indian Lands of the Community.

m. "Gaming Device" or "Electronic Game of Chance" means a microprocessor-controlled electronic device which allows a player to play games of chance, some of which are affected by skill, which device is activated by the insertion of a coin, currency, tokens or by the use of a credit, and which awards game credits, cash, tokens, replays or a receipt that can be redeemed by the player for any of the foregoing. Game play may be displayed by:

- i. Video Facsimile; or
- ii. Mechanical rotating reels whereby the software of the device predetermines the stop positions and the presence, or lack thereof, of a winning combination and pay out, if any.

n. "Gaming Facility" means the buildings or structures in which Class II or Class III Gaming, as authorized by the Compact and this Ordinance, is conducted.

o. "Gaming Facility Operator" means the Community, an enterprise owned by the Community, or such other entity of the Community as the Community may from

time to time designate as the wholly-owned tribal entity having full authority and responsibility for the operation and management of Class II and Class III Gaming Activities.

p. "Gaming Operation" means any Gaming Activity conducted within any Gaming Facility.

q. "Gaming Ordinance" means this duly enacted Ordinance of the Community which governs the conduct of Gaming Activities within the Community, all amendments hereto, and all regulations promulgated hereunder.

r. "Gaming Services" means the providing of any goods or services, except for professional accounting and legal services, in connection with the operation of Class II and Class III Gaming in a Gaming Facility, including but not limited to equipment, transportation, food, linens, janitorial supplies, maintenance, or security services for the Gaming Facility, in an amount in excess of \$10,000 in any single month. No contract may be broken up into parts for the purpose of avoiding this definition or any licensing or certification requirement contained in the Compact or this Ordinance.

s. "Indian Lands" means:

i. Land within the limits of an Indian reservation; or

ii. Land over which an Indian tribe exercises governmental power and that is either--

(1) Held in trust by the United States for the benefit of an Indian tribe or individual; or

(2) Held by an Indian tribe or individual subject to restriction by the United States against alienation.

t. "Keno" means a house banking game in which a player selects from one to twenty numbers on a card that contains the numbers one through eighty; the house randomly draws twenty numbers; players win if the numbers they selected correspond to the numbers drawn by the house, and the house pays all winners, if any, and collects from all losers.

u. "Key Employee" means any person employed in the operation or management of a Gaming Operation, including, but not limited to, any person whose employment duties require or authorize access to restricted areas of a Gaming Facility not otherwise open to the public. Without limiting the above definition, any person who performs one or more of the following functions is a Key Employee:

i. Counting room supervisor;

- ii. Chief of security;
- iii. Custodian of gaming supplies or cash;
- iv. Floor manager;
- v. Custodian of Gaming Devices, including persons with access to cash and accounting records within such devices;
- vi. Bingo caller;
- vii. Pit boss;
- viii. Dealer;
- ix. Croupier; or
- x. Approver of credit; or

if not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or, if not otherwise included, the four most highly compensated persons in the Gaming Operation.



v. "License" means an approval issued to any natural person or entity to be involved in the Gaming Operation or in the providing of Gaming Services to the Community.

w. "Licensee" means any natural person or entity who has been licensed to be involved in the Gaming Operation or in the providing of Gaming Services to the Community.

x. "Management Contract" means any contract, subcontract, or collateral agreement between the Community and a contractor or between a contractor and a subcontractor if such contract or agreement provides for the management of all or part of a Gaming Operation.

y. "Management Contractor" means a natural person or entity that has entered into a Management Contract with the Community or a Gaming Facility Operator which has been approved pursuant to 25 U.S.C. §§ 2710(d)(9) and 2711.

z. "Manufacturer" means a natural person or entity that manufactures Gaming Devices and/or component parts thereof for use or play in the Gaming Facilities.

aa. "National Indian Gaming Commission" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.

bb. "Net Revenues" means the gross revenues of the Gaming Activities less (i) amounts paid out as, or paid for, prizes; and (ii) total operating expenses, excluding management fees paid to a Management Contractor.

cc. "Person" includes a corporation, company, partnership, firm, association or society, as well as a natural person. When "person" is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of persons.

dd. "Primary Management Official" means the person having management responsibilities under a Management Contract; or any person who has authority to hire and fire employees or to set up working policy for a Gaming Operation; or the financial controller or other person who has financial management responsibility for a Gaming Operation.

ee. "Principal" means with respect to any Person:

- i. Each of its officers and directors;
- ii. Each of its principal management employees, including any chief executive officer, chief financial officer, chief operating officer or general manager;

- iii. Each of its owners or partners, if an unincorporated business;
- iv. Each of its shareholders who own more than ten (10) percent of the shares of the corporation, if a corporation;
- v. Each person other than a banking institution who has provided financing for the person constituting more than ten (10) percent of the total financing of the entity, and
- vi. Each of the beneficiaries, or trustees of a trust.

ff. "State" means the State of Arizona, its authorized officials, agents and representatives.

gg. "State Certification" means the process utilized by the State Gaming Agency to ensure that all persons required to be certified are qualified to hold such certification in accordance with the provisions of the Compact.

hh. "State Gaming Agency" means the agency of the State which the Governor of the State may from time to time designate by written notice to the Community as the single state agency which shall act on behalf of the State under the Compact.

ii. "Tribal Gaming Office" means the department, agency or commission designated by action of the Community Council as the entity which shall exercise the civil regulatory authority of the Community over Class II and Class III Gaming Activities within the Community.

jj. "Tribal Police Department" means the police force of the Community established, maintained or contracted for by the Community pursuant to the Community's powers of self-government to carry out law enforcement within the Community.

SECTION 3. ADOPTION OF COMPACT. The Compact is hereby incorporated within and enacted as an integral part of this Ordinance with respect to all forms of Class III Gaming, and the Compact, including the Appendices thereto, is incorporated and made a part of this Ordinance as if set forth in full herein; provided, however, that nothing in the adoption of the Compact herein shall be deemed to affect the operation by the Community of any Class II Gaming, whether conducted within or without the Gaming Facilities, or to confer upon the State any jurisdiction over such Class II Gaming conducted by the Community on its Indian Lands.

SECTION 4. AUTHORIZATION FOR GAMING ACTIVITIES.

a. Forms of Class III Gaming Authorized. The Community may conduct or operate all forms of Class III Gaming authorized under the Compact.

b. Authority for Class II Gaming. In addition to the forms of Class III Gaming authorized pursuant to Section 4(a) hereof, the Community shall be authorized to conduct all forms of Class II Gaming.

SECTION 5. COMPLIANCE WITH THE ACT AND FEDERAL REGULATIONS. This Ordinance shall be construed in a manner which conforms to the Act and to all federal regulations applicable to the Gaming Activities authorized by the Compact and this Ordinance in all respects, and if inconsistent with the Act or such federal regulations in any manner the provisions of the Act or such federal regulations shall govern.

SECTION 6. OWNERSHIP OF GAMING ACTIVITIES. In compliance with 25 U.S.C. § 2710(b)(2)(A), the Community shall have the sole proprietary interest in and responsibility for the conduct of any Gaming Activity on its Indian Lands; provided, however, that nothing herein shall (i) preclude the Community from entering into a Management Contract as authorized under 25 U.S.C. § 2711; or (ii) interfere with the exercise by any secured party of its rights under any collateral lease, leasehold mortgage or other financing agreement with the Community to enforce its security interests in the premises on which such Gaming Activities may be conducted, or to enforce its rights against revenues of the Community from its Gaming Activities for the purpose of repayment of the debt obligations of the Community to such secured party in accordance with the provisions of such agreements.

**SECTION 7. APPLICATION OF NET REVENUES.** In compliance with 25 U.S.C. § 2710(b)(2)(B) and (3), Net Revenues from any Gaming Activity are not to be used for purposes other than:

- i. funding tribal government operations or programs;
- ii. providing for the general welfare of the Community and its members;
- iii. promoting tribal economic development;
- iv. donating to charitable organizations;
- v. helping fund operations of local government agencies; and
- vi. making per capita distributions to eligible members of the Community. Per capita distributions shall only be made pursuant to a Revenue Allocation Plan approved by the Secretary of the Interior in accordance with 25 U.S.C. § 2710(b)(3).

**SECTION 8. ANNUAL AUDIT.** In compliance with 25 U.S.C. §§ 2710(b)(2)(C) and (D), the Gaming Operation shall be subject to an audit by an

independent certified public accountant licensed by the State not less than annually. Copies of the annual audit shall be provided to the National Indian Gaming Commission. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III Gaming shall be subject to such audits.

**SECTION 9. PROTECTION OF THE ENVIRONMENT AND PUBLIC HEALTH AND SAFETY.** In compliance with 25 U.S.C. § 2710(b)(2)(E), the construction and maintenance of any Gaming Facility, and the operation of Gaming Activities, shall be conducted in a manner which adequately protects the environment and the public health and safety and, for this purpose, shall comply with the requirements of the Compact and this Ordinance and all other applicable health, safety and environmental standards enacted by the Community.

**SECTION 10. TRIBAL GAMING OFFICE.**

a. **Establishment of a Tribal Gaming Office.** There shall be established a Fort McDowell Tribal Gaming Office consisting of a chairman and at least four other members who shall be appointed by the Community Council. Prior to appointing a permanent member, the Community shall conduct or cause to be conducted a background investigation of the person in accordance with the provisions of Section 11 of this Ordinance. At least three of the members, including the Chairman, shall be enrolled

members of the Community. The Community may appoint a Bureau of Indian Affairs' official as an ex-officio member of the Tribal Gaming Office. Such ex-officio member shall not be subject to the background investigation procedures. None of the members shall be employees of the Gaming Operation or Gaming Facility Operator or elected officials of the Community. Each member shall serve for a term of three years commencing on the date of his or her appointment; provided, that the initial members so appointed shall serve for terms deemed to commence on September 1, 1993, and two of the initial members appointed shall be designated to serve for an initial term of one year and three of the initial members appointed shall be designated to serve for an initial term of two years. The compensation of members of the Tribal Gaming Office shall be established by the Community Council. No member or employee of the Tribal Gaming Office shall participate as a player in any Class II or Class III Gaming Activity conducted by the Community.

b. Powers and Duties of Tribal Gaming Office. The Tribal Gaming Office shall have the following powers and duties:

- i. The Tribal Gaming Office shall have the right to inspect any Gaming Facility at any time and shall have immediate access to any and all areas of a Gaming Facility for the purpose of ensuring compliance with the provisions of the Compact and this Ordinance.



- ii. The Tribal Gaming Office shall employ non-uniformed inspectors who shall be present in all Gaming Facilities during all hours of operation and who shall act under the sole authority of the Tribal Gaming Office and not under the authority of any management employees of the Gaming Operation or Management Contractor. Such inspectors shall have unfettered immediate access to all areas of the Gaming Facilities at all times, and personnel employed by the Gaming Operation shall, for such purposes, provide such inspectors access to locked and secure areas of the Gaming Facilities in accordance with the standards of operation and management promulgated pursuant to the Compact. Such inspectors shall report to the Tribal Gaming Office regarding any unusual occurrences or any failure or suspected failure by the Gaming Facility Operator, its employees or agents, or any person on the premises whether or not associated with the Gaming Activities to comply with any of the provisions of the Compact or this Ordinance or any other applicable laws and regulations. The Tribal Gaming Office shall make a written record of such report in accordance with Section 6(g) of the Compact. Inspectors assigned by the Tribal Gaming Office may also receive consumer complaints within the Gaming Facilities and shall assist in seeking voluntary resolution of such complaints. Inspectors appointed by

the Tribal Gaming Office shall be licensed as Gaming Employees in accordance with Section 11 of this Ordinance.

- iii. The Tribal Gaming Office shall investigate any reported violation of the provisions of the Compact or this Ordinance and shall recommend that the Gaming Facility Operator correct the violation upon such terms and conditions as the Tribal Gaming Office may deem appropriate. The Tribal Gaming Office may compel any licensee or person employed by or doing business with the Gaming Operation to appear before it and to provide such information, documents or other materials as may be in their possession to assist in any such investigation.
- iv. The Tribal Gaming Office shall prepare a plan for the protection of public safety and the physical security of patrons in the Gaming Facilities, setting forth the respective responsibilities of the Tribal Gaming Office, the security department of the Gaming Operation, any Tribal Police Department, and if appropriate, any State or local police agency.
- v. The Tribal Gaming Office shall require the Gaming Facility Operator to establish, consistent with the provisions of Appendix C

to the Compact, a closed-circuit television surveillance system capable of recording and preserving on videotape all areas of the Gaming Facilities required by the Community Council, the Compact, or federal regulations to be under surveillance.

- vi. The Tribal Gaming Office shall review and approve floor plans and surveillance systems for each Gaming Facility and may confer with the State Gaming Agency or other organizations regarding the adequacy of such plans and systems.
- vii. The Tribal Gaming Office may promulgate, review and revise (as necessary) regulations to govern the operation and management of the Gaming Operation in accordance with the Compact, such regulations being subject to final approval by the Community Council.
- viii. The Tribal Gaming Office may take appropriate actions with respect to the issuance, denial, revocation and suspension of licenses and work permits, including conducting appropriate background investigations in accordance with Section 11 of this Ordinance.

- ix. The Tribal Gaming Office shall establish a list of persons barred from the Gaming Facilities because their criminal history or association with career offenders or career offender organizations poses a threat to the integrity of the Gaming Activities of the Community. The Tribal Gaming Office shall employ its best efforts to exclude persons on such list from entry into the Gaming Facilities. The Tribal Gaming Office shall send a copy of its list on a monthly basis to the State Gaming Agency.
  
- x. The Tribal Gaming Office shall promulgate, review and revise (as necessary) the Technical Standards and rules of each game of chance operated by the Community pursuant to the Compact and shall in accordance with the provisions of the Compact notify the State Gaming Agency of such rules and of any change in such rules. The Tribal Gaming Office shall confiscate or shut down any game of chance or gaming supplies that fail to conform to any required standards.
  
- xi. The Tribal Gaming Office shall enforce the health and safety standards applicable to the Gaming Facilities in accordance with Section 13 of the Compact. The Tribal Gaming Office shall issue

a certificate of compliance to a Gaming Facility which satisfies the standards set forth in Section 13 of the Compact.

- xii. The Tribal Gaming Office may impose civil penalties for violations of the provisions of this Ordinance or the Compact in accordance with Section 14 of this Ordinance.
  
- xiii. Subject to the approval of the Community Council, the Tribal Gaming Office may, in the name of the Community, bring any civil action in the appropriate court(s) of the Community, State or the United States to enforce the provisions of this Ordinance, the Act, any applicable federal regulations or the Compact or to enjoin or otherwise prevent any violation of this Ordinance, the Act, the federal regulations or the Compact, occurring on the Indian Lands of the Community.
  
- xiv. The Tribal Gaming Office may receive any complaint from an employee of the Gaming Operation or any member of the public who is or claims to be adversely affected by an act or omission of the Gaming Operation or any employee thereof which is asserted to violate this Ordinance or the Compact. The Tribal Gaming Office may for this purpose, in its sole discretion, conduct a

hearing and receive evidence with regard to such complaint if it deems an evidentiary proceeding useful in the resolution of such complaint. The Tribal Gaming Office shall investigate and resolve patron disputes in accordance with Section 14 of the Compact.

- xv. The Tribal Gaming Office shall adopt an annual operating budget which shall be subject to the approval of the Community Council and may in accordance with said budget employ such staff from time to time as it deems necessary to fulfill its responsibilities under this Ordinance and the Compact, and may retain consultants and investigative services to assist the Tribal Gaming Office with respect to any of the issues over which the Tribal Gaming Office exercises jurisdiction. The expenses of the Tribal Gaming Office in accordance with such budget shall be assessed against the Gaming Operation and the Gaming Operation shall pay such assessments to the Community. The Tribal Gaming Office shall report the amount of money it has collected in fees pursuant to Section 11(b)(iv) of this Ordinance to the Community Council in order to assist the Community Council in determining the amount of money it should offset from the Tribal Gaming Office's budget request.

xvi. The Tribal Gaming Office shall approve an internal control system for the Gaming Operation in accordance with Section 11(b) of the Compact.

xvii. The Tribal Gaming Office shall perform any and all additional functions specifically set forth in this Ordinance, the Compact, the Appendices thereto, or as directed by the Community Council. Any duties and powers not expressly granted to the Tribal Gaming Office in this Ordinance, the Compact, the Appendices thereto, or as directed by the Community Council are reserved for the Community Council.

c. Chairman. The Chairman of the Tribal Gaming Office or any other member of the Tribal Gaming Office acting in the absence of the Chairman may, whenever he or she deems it necessary to protect the public interest in the integrity of Tribal Gaming Operations, issue in the name of the Tribal Gaming Office any order or recommendation which the Tribal Gaming Office has the power to issue, to the Gaming Operation or to any employee or contractor of the Gaming Operation or to any other person within the jurisdiction of the Community, to take any action or cease and desist from any action as may be required to protect the public interest; provided, that such order shall be subject to review by the Tribal Gaming Office at its earliest opportunity, whereupon it may be confirmed or vacated by the Tribal Gaming Office.

d. Executive Director. The Community Council shall designate an individual to serve as Executive Director of the Tribal Gaming Office to administer its responsibilities as directed by the Tribal Gaming Office and to oversee inspectors appointed by the Tribal Gaming Office as well as such other staff as the Tribal Gaming Office may from time to time employ. The Executive Director shall be responsible for coordination of the functions of the Tribal Gaming Office with the State Gaming Agency and other federal, state and local agencies as directed by the Tribal Gaming Office and shall serve as the formal liaison to the person holding a similarly titled position with the State Gaming Agency. The Chairman may direct the Executive Director to conduct a preliminary investigation and render a recommendation to the Tribal Gaming Office with respect to the grant or denial of any license which the Tribal Gaming Office is authorized to issue, the imposition of any penalty, the investigation of any complaint, or any other action within the jurisdiction of the Tribal Gaming Office. As directed by the Tribal Gaming Office, the Executive Director may be required, in the name of the Tribal Gaming Office, to conduct any hearing, investigation or inquiry, compel the production of any information or documents, and otherwise exercise the investigatory powers of the Tribal Gaming Office, which the Tribal Gaming Office may exercise under this Ordinance.

e. Removal and Suspension of Tribal Gaming Office Member and Executive Director. Members of the Tribal Gaming Office and the Executive Director may be removed or suspended for cause by a majority vote of the Community Council then in office. The Community Council may fill vacancies in the membership of the Tribal



Gaming Office by appointment and may also appoint a new Executive Director. Prior to removing or suspending a member of the Tribal Gaming Office or the Executive Director, the Community Council shall afford the affected person seven (7) days notice of its intended action and an opportunity to be heard before the Community Council, either in person or through a representative or legal counsel. At such hearing, the affected person shall be entitled to submit such evidence as the Community Council deems relevant to the matter at issue. If the Community Council deems it necessary to protect the public interest and the integrity of the Gaming Activities, the Community Council may remove or suspend a Tribal Gaming Office member or the Executive Director immediately, and shall then provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. The Community Council shall render its decision within five (5) days after the hearing. The decision of the Community Council shall be final and binding.

f. Procedures of the Tribal Gaming Office.

- i. Regular meetings of the Tribal Gaming Office may be held upon such notice, or without notice, and at such time and place as shall from time to time be fixed by the Tribal Gaming Office. Unless otherwise specified by the Tribal Gaming Office, no notice of such regular meetings shall be necessary.

- ii. Special meetings of the Tribal Gaming Office may be called by the Chairman or any three members of the Tribal Gaming Office. The person or persons calling the special meeting shall fix the time and place thereof and shall notify all members of the Tribal Gaming Office of the special meeting at least twenty-four (24) hours in advance of the meeting. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Tribal Gaming Office needs to be specified in the notice of the meeting.
  
- iii. At any meeting of the Tribal Gaming Office, a majority of the members then in office shall constitute a quorum for the transaction of business. The vote of a majority of the members present at a meeting at which a quorum is present shall be the act of the Tribal Gaming Office. The Chairman shall preside at all meetings of the Tribal Gaming Office unless the Chairman designates another member to preside in his or her absence.
  
- iv. Any action required or permitted to be taken at a meeting of the Tribal Gaming Office may be taken without a meeting if all of the members sign written consents setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such contents shall be filed with the minutes of the

Tribal Gaming Office, and shall have the same effect as a unanimous vote or resolution of the Tribal Gaming Office at a legal meeting thereof.

- v. Members of the Tribal Gaming Office may participate in a meeting of the Tribal Gaming Office by means of conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting in such manner by any member who does not object at the beginning of such meeting to the holding thereof in such manner shall constitute presence in person at such meeting.
  
- vi. No action of the Tribal Gaming Office to impose a penalty pursuant to Section 14 of this Ordinance, or to suspend or revoke a license previously issued by the Tribal Gaming Office in accordance with Section 11(k) of this Ordinance, shall be valid unless the person affected is given at least seven (7) days notice of the proposed action and the opportunity to appear and be heard before the Tribal Gaming Office, either in person or through a representative or legal counsel, and to submit such evidence as the Tribal Gaming Office deems relevant to the matter at issue; provided, that if the Tribal Gaming Office deems it necessary to

protect the public interest in the integrity of the Gaming Activities, the Tribal Gaming Office may take such action with immediate effect as it deems required, and shall thereupon provide notice and an opportunity to be heard to the affected person as soon as is reasonably practicable following such action. Any person who is denied an initial license or who is barred from the Gaming Facilities by action of the Tribal Gaming Office may request a hearing before the Tribal Gaming Office by written request submitted within thirty (30) days following receipt of notice of the action of the Tribal Gaming Office, and the Tribal Gaming Office shall thereupon afford the person an opportunity to appear and be heard before the Tribal Gaming Office, either in person or through a representative or legal counsel, and to submit such evidence as the Tribal Gaming Office deems relevant to the matter at issue and thereafter the Tribal Gaming Office shall either affirm or reconsider its decision. Any hearing conducted under this subsection may, at the direction of the Tribal Gaming Office, be conducted by the Executive Director or by one or more members of the Tribal Gaming Office designated by the Tribal Gaming Office for that purpose.

- vii. The Tribal Gaming Office may adopt such additional procedures and rules as it deems necessary or convenient to govern its affairs and which are consistent with this Ordinance and the Compact.

## SECTION 11. LICENSING.

### a. Persons and Entities Licensed

i. Gaming Facility Operator and Gaming Facility. The Gaming Facility Operator, and all Gaming Facilities authorized by the Compact and this Ordinance, shall be licensed by the Community in conformance with the requirements of the Compact and this Ordinance prior to commencement of operation, and annually thereafter. The license shall be placed in a visible location inside the Gaming Facility.

ii. Key Employees, Primary Management Officials and Tribal Gaming Office Members and Employees. Every Key Employee and Primary Management Official shall be licensed by the Tribal Gaming Office and every Tribal Gaming Office member and employee shall be licensed by the Community. No person shall be employed as a Key Employee, Primary Management Official or Tribal Gaming Office member or employee unless he or she is licensed. The issuance of a license does not create or imply a right to employment or continued employment.

iii. Other Employees. All persons who are not licensed pursuant to subsection (a)(ii) above who work at any Gaming Facility where authorized gaming occurs or is supervised or administered must obtain a non-gaming work permit. Such work permit may be issued upon determining that the employee is not a threat to the effective regulation of gaming and creates no risk or enhances no danger of unfair or illegal practices, methods or activities in the conduct of Gaming Activities on the Indian Lands of the Community. All Applicants for work permits shall provide the information required by subsection (b)(iii)(1)-(13) of this Section. Applicants for work permits are not subject to the procedures set forth in subsections (c)-(i) of this Section.

iv. Management Contractors. Any Management Contractor, including its Principals, engaged by the Community to assist in the management or operation of the Gaming Facilities or any Class II or Class III Gaming Activities shall be licensed by the Tribal Gaming Office. The licensing of Management Contractors shall include the licensing of new Principals which shall satisfy the provisions of Section 5(e) of the Compact.

v. Manufacturers and Suppliers of Gaming Devices and Gaming Services. Each Manufacturer and Supplier of Gaming Devices, each person providing Gaming Services, within or without the Gaming Facility, and their Principals shall be licensed by the Tribal Gaming Office. The licensing provided for in this subsection shall

include the licensing of new Principals which shall satisfy the provisions of Section 5(e) of the Compact.

b. Applications for Licenses.

i. Applicants. Every person or entity required to be licensed pursuant to Section 11(a)(ii)-(v) of this Ordinance shall submit the completed Application, along with any requested information and fees, to the licensing entity.

ii. Notices on Application Forms.

1. The following notice shall be placed on the Application form for the persons or entities set forth in Section 11(a)(ii)-(v) of this Ordinance 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, 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 a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire or license you.

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 licensees 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 the persons or entities set forth in Section 11(a)(ii)-(v) of this Ordinance 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.

(U.S. Code, Title 18, Section 1001.)

4. Existing licensees shall be notified in writing 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.

iii. Information Requested in the Application.

The Application shall request from each person or entity set forth in Section 11(a)(ii)-(v) of this Ordinance, at a minimum, all of the following information:

1. Full name, other names used (oral or written), social security numbers(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
2. Currently, and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
3. The names and current addresses of at least three personal references, including one personal reference who was acquainted with the Applicant during each period of residence listed under paragraph (iii)(2) of this subsection;

4. Current business and residence telephone numbers;
5. A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
6. A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
7. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
8. For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition, if any;
9. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), occurring within

10 years of the date of the Application, the name and address of the court involved and the date and disposition, if any;

10. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the Application and is not otherwise listed pursuant to paragraph (iii)(8) or (9) of this subsection, the criminal charge, the name and address of the court involved and the date and disposition;

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

12. A current passport-size photograph; and

13. Fingerprints.

iv. Licensing Fees. The fees for licensing shall be determined and set by the licensing entity and shall be submitted to the licensing entity with the completed Application. In the event actual costs incurred to investigate the background of an

Applicant exceed the designated fees, those costs shall be assessed to the Applicant during the investigation process. Payment in full shall be required prior to the issuance of a license. Manufacturers, suppliers, Management Contractors and financiers applying for a license may be required to post a bond sufficient to cover the actual costs that the licensing entity anticipates will be incurred in conducting a background investigation of the Manufacturer, supplier, Management Contractor or financier.

c. Background Investigations of Applicants. Upon receipt of a completed Application and the required fee, the licensing entity shall conduct or cause to be conducted a background investigation sufficient to make a determination under subsection (d) below to ensure that the Applicant is qualified for licensing. In conducting a background investigation, the licensing entity or its agents shall promise to keep confidential the identity of each person interviewed in the course of the investigation. The licensing entity shall retain the right to conduct additional background investigations of any person or entity required to be licensed at any time, while the license remains valid.

d. Eligibility Determination. Eligibility determinations shall be made by the appropriate licensing entity. Subject to the provisions of subsections (g) and (h) of this Section, the licensing entity shall, upon completion of the background investigation and eligibility determination, either issue a license or deny the Application.

- i. No license shall be issued to an Applicant if it is determined that the Applicant:
  - (1) Has knowingly and willfully provided materially important false statements or information or omitted materially important information on the Application; or
  - (2) Is a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, and methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.
  
- ii. In making the determination required by subsection (d)(i)(2) above, the licensing entity may consider whether the Applicant:
  - (1) has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of the Compact or this Ordinance, or possesses knowledge that such violation has occurred upon any premises occupied or operated by any

such person or over which he or she has substantial control;

- (2) knowingly causes, aids, abets, or conspires with another to cause any person or entity to violate any of the laws of the State of Arizona or the provisions of the Compact or this Ordinance;
- (3) has obtained a tribal license by fraud, misrepresentation, concealment or through inadvertence or mistake;
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, embezzlement, conspiracy to defraud, willful failure to make required payment or reports to any tribal, state or United States governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, in any court, including tribal court, or of bribing or otherwise unlawfully influencing a public official or employee of a tribe, any state of the United States, or of any felony or misdemeanor involving any gaming activity;

- (5) is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this Section; provided, that at the request of an Applicant for an original license, the licensing entity may defer decision upon the Application during the pendency of such prosecution or appeal;
- (6) has had a gaming license issued by any state or tribe in the United States revoked or denied;
- (7) has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including suspension, revocation, denial of application or forfeiture of license;
- (8) has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of any state if such pursuit creates probable cause to believe that the participation of such person in gaming or related activities would be detrimental to the proper operation of an authorized gaming or related activity in the State of Arizona. For the purposes of this

paragraph, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

- (9) is a career offender or a member of a career offender organization or an associate of a career offender or career offender organization in such a manner which creates probable cause to believe that the association is of such a nature as to be detrimental to the proper operation of the authorized gaming or related activities in the State of Arizona. For the purposes of this paragraph, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purposes of economic gain utilizing such methods as are deemed criminal violations of tribal law, federal law or the laws and the public policy of the State of Arizona. A career offender organization shall be defined as any group of persons who operate together as career offenders;
- (10) fails to provide any information requested by the licensing entity within 30 days of the request for the information.



e. Procedures for Background Investigations.

i. Except as provided otherwise in the Compact or this Ordinance, the Tribal Gaming Office shall have overall responsibility for conducting or causing to be conducted background investigations and eligibility determinations. A specific breakdown of such responsibility is set forth below. Under the direction and authority of the Tribal Gaming Office:

- (1) The Executive Director shall be responsible for conducting or causing to be conducted background investigations;
- (2) The Executive Director shall be responsible for reviewing and approving the investigative work done;
- (3) The Executive Director shall be responsible for reporting the results of the background investigation to the National Indian Gaming Commission;
- (4) The Executive Director shall be responsible for making recommendations to the Tribal Gaming Office regarding eligibility determinations; and

- (5) The Tribal Gaming Office shall be responsible for obtaining and processing fingerprints. The Tribal Police Department, when it is established by the Community, shall be responsible for taking fingerprints and submitting them to the National Indian Gaming Commission for purposes of obtaining a criminal history on the Applicant.
- ii. At a minimum, the following investigative procedures shall be performed:
  - (1) Verification by written or oral communication of the information submitted by the Applicant;
  - (2) Inquiry into the Applicant's prior activities, criminal record, if any, and reputation, habits and associations by, at a minimum, submitting an Applicant's fingerprint card to the National Indian Gaming Commission, where applicable under the terms of this Ordinance, to have a criminal background check conducted on the Applicant and interviewing a sufficient number of knowledgeable people,

such as former employers, personal references, or others to whom referred; and

- (3) Documentation of the disposition of all potential problem areas noted and disqualifying information obtained.

iii. The Executive Director, or the person authorized by the Executive Director, shall prepare an investigative report setting forth:

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

f. Temporary Licensing. Subject to the provisions of subsections (g) and (h) of this Section, within 20 days of the receipt of a completed Application, the licensing entity shall issue a temporary license to the Applicant unless the background investigation discloses that the Applicant has a criminal history, or unless other grounds sufficient to disqualify the Applicant pursuant to subsection (d) of this Section are apparent on the

face of the Application. The temporary license shall become void and be of no effect upon either the issuance of a license or upon the issuance of notice of denial, in accordance with subsection (j) of this Section.

g. Procedures for Forwarding Applications and Reports of Key Employees and Primary Management Officials to the National Indian Gaming Commission.

- i. When a Key Employee or Primary Management Official begins work at a Gaming Operation authorized by this Ordinance, the Tribal Gaming Office shall forward to the National Indian Gaming Commission a completed Application, conduct or cause to be conducted the background investigation and make the determination referred to in subsection (d) of this Section.
- ii. The Tribal Gaming Office shall forward the report described in subsection (e)(iii) of this Section to the National Indian Gaming Commission within 60 days after an employee begins work or within 60 days of the approval of this Ordinance by the Chairman of the National Indian Gaming Commission.

- iii. The Tribal Gaming Office shall submit, with the report, a copy of the eligibility determination made under subsection (d) of this Section.
  
- iv. If a license is not issued to an Applicant for a position as a Key Employee or a Primary Management Official, the Tribal Gaming Office:
  - (1) Shall notify the National Indian Gaming Commission; and
  
  - (2) 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 as set forth in 25 C.F.R. §556.5(d)(2).
  
- v. The Gaming Operation shall not employ as a Key Employee or Primary Management Official a person who does not have a license 90 days after the person begins work at a Gaming Operation.
  
- vi. With respect to Key Employees and Primary Management Officials, the Tribal Gaming Office shall retain Applications 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 of employment.

h. Granting a Gaming License to a Key Employee or Primary Management Official.

- i. If, within a thirty (30) day period after the National Indian Gaming Commission receives a report, the National Indian Gaming Commission notifies the Tribal Gaming Office 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 Tribal Gaming Office has provided an Application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Office may issue a license to such Applicant.
- ii. The Tribal Gaming Office shall respond to a request for additional information from the Chairman of the National Indian Gaming Commission concerning an Applicant for a position as a Key Employee or a Primary Management Official who is the subject of

a report. Such a request shall suspend the 30-day period under paragraph h(i) of this subsection until the Chairman of the National Indian Gaming Commission receives the additional information.

- iii. If, within the thirty (30) day period described above, the National Indian Gaming Commission provides the Tribal Gaming Office with a statement itemizing objections to the issuance of a license to a Key Employee or to a Primary Management Official for whom the Tribal Gaming Office has provided an Application and investigative report to the National Indian Gaming Commission, the Tribal Gaming Office shall reconsider the Application, taking into account the objections itemized by the National Indian Gaming Commission. The Tribal Gaming Office shall make the final decision whether to issue a license to such Applicant.

- i. License Suspension for Key Employees and Primary Management Officials.

- i. If, after the issuance of a license, the Tribal Gaming Office receives from the National Indian Gaming Commission reliable information indicating that a Key Employee or a Primary Management Official is not eligible for a license under subsection

(d) above, the Tribal Gaming Office shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

ii. The Tribal Gaming Office shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license which shall be conducted in accordance with the provisions of subsection (o) of this Section.

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

j. Notification to Applicants. With the exception of Applicants for positions as Key Employees or Primary Management Officials, all Applicants shall be notified by the licensing entity of the status of the Application within ten (10) days after the completion of the background investigation, or, if the Application is subject to state certification, within ten (10) days after the Tribal Gaming Office receives the State Gaming Agency's recommendation for certification or denial.

k. Revocation and Suspension of a License. Subject to the provisions of subsection (i) of this Section, the licensing entity may revoke a license or work permit



if it determines that the licensee or permittee fails to satisfy the requirements of subsection (d) of this Section. The licensing entity may suspend a license or work permit if it has reason to believe that the licensee or permittee fails to satisfy the requirements of subsection (d) of this Section until such time as the licensing entity makes a final determination regarding revocation.

l. Duration and Renewal of a License. A license or work permit shall be effective for one (1) year from the date of issuance; provided, however, that a licensee or permittee who has applied for renewal may continue to be employed or engaged under the expired license or work permit until the licensing entity takes action on the renewal Application. Applicants for license or work permit renewal shall provide updated material as requested on the Application forms described in subsection (b) of this Section, but shall not be required to resubmit historical data already available to the licensing entity. Additional background investigations shall not be required of Applicants for renewal unless new information concerning the Applicant's continuing eligibility for a license or work permit is discovered by the licensing entity.

m. Identification Cards. Upon the issuance of a license or work permit to a person described in subsections (a)(ii) and (iii) of this Section, the Tribal Gaming Office shall provide such person with an identification card. The Gaming Facility Operator shall require all such persons to wear in plain view such identification card which shall include a photograph of the person, the first and last name of the person, and an

identification number unique to the individual license or work permit. The identification card shall also include the seal or signature of the Community and an expiration date.

n. Summary Suspension of a License. Subject to the provisions of subsection (i) of this Section, the licensing entity may summarily suspend any license or work permit, except for a license issued to the Gaming Facility Operator or a Gaming Facility, if the continued licensing of a person or entity constitutes an immediate threat to the public health, safety and welfare.

o. Right of Appeal. If a licensing entity denies, revokes, or suspends a license or work permit, the Applicant, licensee or permittee may appeal that decision within thirty (30) days after notification thereof. Such appeal shall be heard before the licensing entity or other entity designated by the licensing entity. The licensing entity or designated entity shall render a decision on the appeal within five (5) days after the hearing. The decision of the licensing entity or the designated entity shall be final and binding.

## SECTION 12. STANDARDS OF OPERATION AND MANAGEMENT.

a. Class III Gaming. The initial technical standards of operation and management for Class III Gaming adopted in accordance with the Compact shall be those set forth as Appendix "A" of the Compact.

b. Class II Gaming. The Tribal Gaming Office may adopt standards of operation and management for Class II Gaming, and pending such adoption, may direct the Gaming Operation to comply with such standards as the Tribal Gaming Office may determine necessary to protect the integrity of such Class II Gaming.

SECTION 13. PROHIBITED ACTS.

It shall be a violation of this Ordinance for any person to:

a. Conduct or participate in any Class II or Class III Gaming Operation on the Indian Lands of the Community other than at the Gaming Facilities authorized in the Compact.

b. Receive, distribute, apply or divert any property, funds, proceeds or other assets of the Gaming Operation to the benefit of any individual or any other person except as authorized by this Ordinance, the Compact or the Act.

c. Tamper with any equipment used in the conduct of Gaming Operations with the intent to cause any person to win or lose any wager other than in accordance with the publicly-announced rules of such Gaming Operation.

d. Do any other act in connection with the conduct of the Gaming Operations with the intent to affect the outcome of any wager other than in accordance with the publicly-announced rules of such Gaming Operations.

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

f. To place, increase or decrease a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in acquiring such knowledge for the purpose of placing, increasing or decreasing a bet or determining the course of play contingent upon that event or outcome.

g. To claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a Gaming Device, with intent to defraud, without having made a wager thereon, or to claim, collect or take an amount greater than the amount won.

h. To place or increase a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past-posting and pressing bets.

i. To reduce the amount wagered or cancel the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including pinching bets.

j. To manipulate, with the intent to cheat, any component of an Electronic Game of Chance or Gaming Device in a manner contrary to the designed and normal operational purpose for the component, including, but not limited to manipulating a Gaming Device, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

k. Knowingly to use other than coins or tokens approved by the Tribal Gaming Office or other lawful coin, legal tender of the United States of America, or to use a coin not of the same denomination as the coin intended to be used in the Gaming Device.

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

m. To use any device or means to cheat, or to possess any such device while at the Gaming Facility.

n. Knowingly to entice or induce another to go to any place where gaming is being conducted or operated in violation of the provisions of the Compact or this Ordinance, with the intent that the other person play or participate in that gaming.

SECTION 14. PENALTIES. Any person who violates any provision of this Ordinance, including the provisions of the Compact incorporated herein, shall be subject to civil penalties including exclusion from employment by any Gaming Operation, denial or revocation of a license, exclusion from attendance at any Gaming Facility, exclusion from the Indian Lands of the Community if a non-member of the Community, or, with respect to any person subject to the jurisdiction of the Community to impose such fines, a fine of not more than \$5,000.00 for each such violation. The Tribal Gaming Office established pursuant to this Ordinance shall have the jurisdiction to impose any such penalties on any person within the jurisdiction of the Community to impose such penalties. Persons who may be involved in illegal acts shall be detained for the purpose of notifying appropriate law enforcement authorities.

SECTION 15. PROCEDURES FOR THE DISPOSITION OF TORT CLAIMS BROUGHT BY PATRONS.

a. Jurisdiction. All tort claims arising from alleged injuries to patrons of the Gaming Facilities brought against the Gaming Facility, Gaming Facility Operator, the

Tribal Gaming Office, the Community, or any member or employee of any of the foregoing may only be brought in the appropriate tribal forum.

b. Procedures. All tort claims arising from alleged injuries to patrons of the Gaming Facilities brought against the Gaming Facility, Gaming Facility Operator, the Tribal Gaming Office, the Community, or any member or employee of any of the foregoing shall be governed by tribal law. The Community may adopt procedures to govern such actions which are analogous to the remedial system available for the disposition of similar claims arising against the State.

SECTION 16. SOVEREIGN IMMUNITY. No provision of this Ordinance or of the Compact shall be deemed to waive the sovereign immunity of the Community, the Community Council or its members, the Tribal Gaming Office or its members, or any entity owned or operated by the Community in connection with its Gaming Activities.

SECTION 17. RESOLUTION OF PATRON DISPUTES. Disputes between the Gaming Facility Operator and patrons of the Gaming Facilities shall be resolved in accordance with the procedures set forth in Section 14 of the Compact.

**SECTION 18. AGENTS FOR SERVICE.**

- |                      |                       |                      |
|----------------------|-----------------------|----------------------|
| a. President         | b. Executive Director | c. Judith Morse      |
| Ft. McDowell         | Ft. McDowell Tribal   | Gallagher & Kennedy  |
| Mohave-Apache Indian | Gaming Office         | 2600 N. Central Ave. |
| Community Council    | P.O. Box 17387        | Phoenix, AZ 85004    |
| P.O. Box 17779       | Fountain Hills, AZ    |                      |
| Fountain Hills, AZ   | 85269                 |                      |
| 85269                |                       |                      |

**SECTION 19. AMENDMENTS.** The terms of this Ordinance shall remain in effect until amended, modified, or repealed. Any amendments to this Ordinance shall be in writing and subject to the approval of the Community Council. The Community Council shall consult with the Tribal Gaming Office prior to amending this Ordinance. Within fifteen (15) days after the adoption of an amendment to this Ordinance, the Community shall submit the amendment to the National Indian Gaming Commission for approval.

**SECTION 20. REPEAL.**

All prior gaming ordinances are repealed to the extent they are inconsistent with the provisions of this Ordinance.



CERTIFICATION

The foregoing Fort McDowell Mohave-Apache Indian Community Gaming Ordinance was duly adopted at a \_\_\_\_\_ meeting of the Fort McDowell Mohave-Apache Indian Community Council held on this \_\_\_\_ day of \_\_\_\_\_, 1993, at which \_\_\_\_\_ members were present constituting the required quorum, by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, \_\_\_\_\_ abstaining.

\_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

170701