

NATIONAL
INDIAN
GAMING
COMMISSION

NOV 20 1995

Matthew Thomas, First Councilman
Narragansett Indian Tribe
P.O. Box 268
Charlestown, Rhode Island 02813

Dear First Councilman Thomas:

This letter responds to your request for review and approval of the tribal gaming ordinance of the Narragansett Indian Tribe (Tribe) which was adopted on July 20, 1995, by Resolution TC-95-0720.2. 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 Tribe's gaming ordinance, the Tribe 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 Narragansett Indian Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA.

Sincerely yours,


Harold A. Monteau
Chairman

cc: Matthew Jaffe, Esq.



SEP 29 1995

Narragansett Indian Tribal Resolution
No. TC-95-0720.2

(Adoption of Tribal Gaming Ordinance)

WHEREAS, the Narragansett Indian Tribe is a Federally Recognized and Acknowledged Tribe;

WHEREAS, the Chief Sachem and Tribal Council are the governing body of the Tribe;

WHEREAS, on October 17, 1988, the Congress of the United States of America did enact the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. Section 2701 et seq.; and

WHEREAS, said Indian Gaming Regulatory Act requires all Indian tribes seeking to engage in Class II and Class III gaming activities on tribal lands to enact a gaming ordinance which complies with the provisions of the Act for the conduct of gaming activities on such tribal lands; and

WHEREAS, on January 22, 1993, the National Indian Gaming Commission, U.S. Department of the Interior, promulgated regulations to implement certain provisions of the Indian Gaming Regulatory Act; and

WHEREAS, counsel for the Narragansett Indian Tribe has prepared an ordinance which complies with the Indian Gaming Regulatory Act as implemented by said regulations of the National Indian Gaming Commission, a copy of which ordinance is attached hereto, marked Exhibit "A", and by this reference is incorporated herein; and

WHEREAS, the Tribal Council has reviewed this Ordinance and it is otherwise fully advised.

NOW THEREFORE BE IT RESOLVED, that the attached Narragansett Tribal Gaming Ordinance No. TC-~~95-0720.2~~ is hereby approved and adopted and shall govern all future gaming activities on all Narragansett trust lands; and

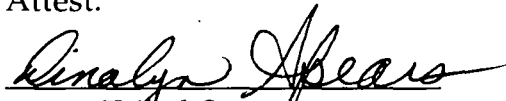
BE IT FURTHER RESOLVED, that this Ordinance shall be effective upon approval by the Chairman, National Indian Gaming Commission as required by the Indian Gaming Regulatory Act; and

BE IT FURTHER RESOLVED, that the Director of the Tribal Gaming Commission is hereby designated as the Tribe's agent for service of any official determination, order, or notice of violation from the National Indian Gaming Commission, and the Chairman, National Indian Gaming Commission, shall be so notified in writing of this designation.

CERTIFICATION

I, the Undersigned hereby certify that the above resolution was adopted by a majority of the Tribal Council, present in quorum, and is a true and accurate account of the happenings at the duly called Tribal Council meeting of July 20, 1995.

Attest:


Tribal Secretary


Chief Sachem/First Councilman



SEP 29 1995

Narragansett Indian Tribal Resolution

No. TC-95-0922.2

(Supplement to NIGC Submission)

- WHEREAS, The Narragansett Indian Tribe is a Federally Recognized and Acknowledged Tribe;
- WHEREAS, Pursuant to the Tribe's Constitution and By-Laws, the Chief Sachem and Tribal Council are the governing body of the Tribe;
- WHEREAS, The Tribal Assembly has directed the Tribe to pursue gaming as the most viable form of economic development;
- WHEREAS, The Tribe and former Governor Sundlun signed a Compact governing Class III gaming, which was then approved by the Secretary of the Interior;
- WHEREAS, The Tribe entered into a Management Agreement with Capital Development Gaming Corporation, a subsidiary of Capital Gaming International, Inc. (CGI) on June 17, 1995;
- WHEREAS, In accordance with the Indian Gaming Regulatory Act (IGRA), the Council did submit the revised and amended Management and Development Agreement to the Chairman of the National Indian Gaming Commission (NIGC) for review and approval on June 21, 1995;
- WHEREAS, At the time of the Tribe's submission, the Tribal Gaming Ordinance (Appendix D) was not yet approved;
- WHEREAS, Gaming may not take place on Indian lands until the Tribe adopts an ordinance which must be approved by the Chairman of the NIGC;
- WHEREAS, Counsel for the Tribe prepared a Gaming Ordinance which complies with IGRA and regulations of the NIGC, which Gaming Ordinance was approved and adopted by Council on July 20, 1995 (referenced as Exhibit "A" on TC-95-0720.2);


NOWHEREFORE BE IT RESOLVED THAT, the Tribal Council does hereby supplement its submission to the NIGC of June 21, 1995, by directing the First Councilman to submit the approved Gaming Ordinance (designated as Appendix D in the June 21, 1995, submission) to the Chairman of the NIGC for review and approval in accordance with IGRA.

CERTIFICATION

I, the Undersigned hereby certify that the above Tribal Council Resolution, TC-95-0922.2 was adopted by a majority of the Tribal Council, present in quorum, and is a true and accurate account of the happenings at the duly called Tribal Council meeting of September 22, 1995.

Attest:

Tamara Calhoun
Tribal Secretary



Walter Hone
Chief-Sachem/First Councilman

SEP 29 1995

APPENDIX D

**GAMING ORDINANCE
OF THE
NARRAGANSETT INDIAN TRIBE**

July 20, 1995

**GAMING ORDINANCE
OF
THE NARRAGANSETT INDIAN TRIBE**

TABLE OF CONTENTS

Chapter 1 -- Declaration of Policy and Definitions	1
1.1 Declaration of Policy	1
1.2 Definitions	2
1.3 Words and Terms -- Tense, Number and Gender	9
Chapter 2 -- Tribal Gaming Commission	9
2.1 Establishment of Narragansett Tribal Gaming Commission	9
2.2 Commissioners	10
2.3 Restrictions on Commissioners	11
2.4 Compensation for Commissioners	12
2.5 Quorum/Majority Vote	12
2.6 Chairman	12
2.7 Vice-Chairman	12
2.8 Removal of Commissioners	13
2.9 Monthly Report	13
2.10 Powers	13
2.11 Voting on Licensing	18
2.12 Powers of Delegation	18

2.13	Hiring of Director	19
2.14	Right of Inspection and Access	22
2.15	Inspectors	23
2.16	Independence of Tribal Gaming Commission	23
2.17	Authority of Tribal Council	24
Chapter 3 -- Gaming Authorized		25
3.1	Gaming Authorized	25
3.2	Prohibition Against Gaming	26
3.3	Authorization of Gaming	26
3.4	Approval of Gaming Equipment	26
3.5	Posting of Rules	27
Chapter 4 -- Licensing of Games and Personnel		27
4.1	Licensing and Regulation of Class II and Class III Gaming Activity	27
4.2	License and Regulation of Class III Gaming Activities; Tribal-State Compact Required	27
4.3	Mandatory License	28
4.4	Non-Transferability of License	29
4.5	Application Fee	29
4.6	Failure of Applicant to Disclose Material Information	29
4.7	Application Forms	30
4.8	Organizational Chart and Job Descriptions	30

4.9	Notices	30
4.10	Application Information	31
4.11	Existing Management Contracts	34
4.12	IGRA and NIGC Requirements for Applications	35
4.13	Qualifications Licensing	35
4.14	Eligibility Determination	36
4.15	Background Investigation Procedures	36
4.16	Reports of Background Investigations to the National Indian Gaming Commission	37
4.17	Temporary Employment Licenses	39
4.18	Granting a Gaming License	39
4.19	License Suspension	40
4.20	Request by State	40
4.21	Authorization Required for Class III Licenses	41
4.22	Term of License	41
4.23	Licensing of Distributors	41
Chapter 5 -- Gaming License Fees		41
5.1	Annual Fee	41
5.2	Adjustment of Fee	41
5.3	When Fee Due	41
5.4	Prorated Fee	41
5.5	Deposit of Fees	42

Chapter 6		
6.1	Use of Net Revenues	42
6.2	Secretary Approved Plan	42
Chapter 7 --	Records and Reports	43
7.1	Required Records	43
7.2	Report to Tribal Gaming Commission	43
7.3	Access to Records	43
7.4	Insurance Policies	43
Chapter 8 --	Auditing and Internal Control	44
8.1	Minimum Procedures for Control of Internal Fiscal Affairs	44
8.2	Tribal Gaming Commission Oversight of Internal Fiscal Affairs	45
8.3	Commission's Right to Conduct Audit	46
8.4	Prohibition Against Embezzlement	46
8.5	Copies of Audit Reports	46
8.6	Relationship of Audited Financial Statements to Fee Assessment Reports	46
Chapter 9 --	Exclusion or Ejection of Individuals	47
9.1	Notice of Rules	47
9.2	Ejection for Improper Conduct	47

9.3	Failure to Provide Proof of Age	47
9.4	Ejection by Appropriate Personnel	47
9.5	List of Undesirables	48
9.6	Notice and Opportunity to be Heard	48
9.7	Prohibition Against Listed Individuals	48
Chapter 10 -- Cheating		48
10.1	Unlawful Acts	48
10.2	Prohibition Against Electronic Device	50
Chapter 11 -- Violations		50
11.1	Gaming without a License	50
11.2	False or Misleading Information	50
11.3	Accounting for Money	50
11.4	Access to Gaming Operation	50
11.5	Minimum Age	51
11.6	Cheating	51
11.7	Firearms and Other Weapons	51
11.8	Violation of Rules or Regulations	51
11.9	Privity with Violator	51
11.10	Responsibility of Licensee	51
11.11	Prohibited Conduct	52
11.12	Sanctions	52

Chapter 12 -- Notice of Violation	53
12.1 Issuance of Notice of Violation	53
12.2 Content of Notice of Violation	53
Chapter 13 -- Civil Fines	53
13.1 Violations of Ordinance - Fines; Penalties	53
13.2 How Assessments are Made	54
13.3 Procedures for Assessment of a Civil Fine	54
13.4 Final Assessment	55
Chapter 14 -- Civil Enforcement	55
14.1 Enforcement Actions	55
14.2 Court Jurisdiction	56
14.3 Efforts of Commission Before Enforcement Action	56
14.4 Acknowledgement of Authority and Jurisdiction	56
14.5 Subpoena Power	57
Chapter 15 -- Hearings and Appeals	57
15.1 Scope	57
15.2 Notification of Hearing	58
15.3 Petition for Waiver of Fines or Penalties	58
15.4 Petition for Hearing	58
15.5 Petition for Rehearing	58

15.6	Notification of Tribal Gaming Commission Decision	59
15.7	Right to Appeal to Tribal Council	59
Chapter 16 -- Service		60
16.1	Service on Tribe	60
16.2	Service on Management Contractor or Tribal Operator	60
Chapter 17 -- Disputes		60
17.1	Disputes Between Patrons and the Tribal Gaming Operation	60
17.2	Development of Procedures for Tort and Other Contract Claims	61
17.3	Disputes Between Manager and Tribe	61
17.4	Limitation of Actions	61
Chapter 18 -- Applicable Law		61
18.1	Applicable Law	61
18.2	Conflict Between Compact and Ordinance	61
18.3	Incorporation by Reference	62
Chapter 19 -- National Indian Gaming Commission and Tribal- State Compacts		62

19.1	NIGC - Regulations	62
19.2	NIGC - Assessment	62
19.3	Compact with the State of Rhode Island (Class III only)	62
Chapter 20 -- Miscellaneous		62
20.1	Security	62
20.2	Law Enforcement Plan	63
20.3	Changes in Ownership Interest	63
20.4	Conveying Interest in Land	63
20.5	Maintenance of Ordinance and Regulations	63
20.6	Compliance with Other Laws	63
20.7	Amendments	64
20.8	Severability	64
20.9	Repeal	64
20.10	Effective Date	64

**GAMING ORDINANCE
OF
THE NARRAGANSETT INDIAN TRIBE**

*An Ordinance to authorize, license and regulate
Class I, Class II and Class III gaming on trust lands
of the Narragansett Indian Tribe
(Ordinance No. TC - 95- 0720.2)*

CHAPTER 1 -- DECLARATION OF POLICY AND DEFINITIONS

1.1 Declaration of Policy. It is the declared policy of the Narragansett Tribe:

- (a) That gaming conducted on tribal trust lands of the Narragansett Tribe shall be regulated by the Narragansett Tribal Gaming Commission for the protection of the public health, welfare and safety of all residents, employees and persons who visit the tribal trust lands for gaming purposes from the adverse effects which may flow from unregulated gaming.
- (b) That it is the objective of the Tribe (i) to promote tribal economic development, self-sufficiency, and strong tribal government; (ii) to utilize revenues from gaming for the general welfare of the Tribe and its members consistent with IGRA; and (iii) to assure that gaming is conducted fairly and honestly.
- (c) That the conduct of gaming activities provided for by this Ordinance within tribal trust lands shall be conducted in conformance with the Indian Gaming Regulatory Act, 102 Stat. 2467, 25 U.S.C. § 2701 et seq., and regulations promulgated by the NIGC. Class III gaming on trust lands shall be further subject to the requirements of the Tribal-State Compact entered into by the Tribe and the State of Rhode Island

approved by the United States Department of the Interior, or procedures of the Secretary of the Interior.

- (d) The Tribe shall have the sole proprietary interest in, and the sole responsibility for, the conduct of the gaming.
- (e) The Tribe shall construct, maintain and operate a gaming facility in a manner that adequately protects the environment and the public health and safety.

1.2 Definitions. Unless a different meaning is clearly indicated, the terms in this Ordinance shall have the same meaning as defined in the Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467, codified at 25 U.S.C. § 2701 et seq., and regulations lawfully promulgated thereunder:

- (a) "Act" means the Indian Gaming Regulatory Act ("IGRA"), Public Law 100-497, 102 Stat. 2466, codified at 25 U.S.C. §§ 2701 et seq.
- (b) "Applicant" means any person that completes an application with the Tribe for a gaming license.
- (c) "Bingo" means that gaming of chance (whether or not electronic, computer or other technological aids are used in connection therewith) when players (i) play for prizes with cards bearing numbers or other designations; (ii) cover numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined; and (iii) win the game by being the first person to cover a designated pattern on such cards.
- (d) "Chairman" means, unless otherwise specified, the Chairman of the Narragansett Tribal Gaming Commission as determined under § 2.6 of this Ordinance.
- (e) "Class I gaming" means that gaming defined in IGRA, 25 C.F.R. § 502.2, or as determined by a Federal court of law.

- (f) "Class II gaming" means that gaming defined in IGRA, 25 C.F.R. § 502.3, or as determined by a Federal court of law.
- (g) "Class III gaming" means that gaming defined in IGRA, 25 C.F.R. § 502.4, or as determined by a Federal court of law.
- (h) "Collateral agreement" means any contract, whether or not in writing, that is related, either directly or indirectly, to a management contract, or to any rights, duties or obligations created between a tribe (or any of its members, entities, or organizations) and a management contractor or subcontractor (or any person or entity related to a management contractor or subcontractor). 25 C.F.R. § 502.5.
- (i) "Commissioners" means tribal Commissioners of the Tribal Gaming Commission.
- (j) "Council" means, together with the Chief Sachem, the governing body of the Narragansett Indian Tribe, otherwise known as "Tribal Council".
- (k) "Director" means the Director of the Narragansett Tribal Gaming Commission.
- (l) "Electronic, computer or other technological aid" means that device as defined in 25 C.F.R. § 502.7.
- (m) "Electronic or electromechanical facsimile" means any gambling device as defined in 25 C.F.R. § 502.8.
- (n) "GAAP" means those Generally Accepted Accounting Principles consistently applied, as defined by the Financial Accounting Standards Board.
- (o) "Game similar to bingo" means any game set forth in or determined by a court of law to be within 25 C.F.R. § 502.9.

- (p) "Gaming" means risking any money or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gaming apparatus, or the happening or outcome of an event over which the person taking the risk has no control.
- (q) "Gaming establishment" means any location or structure, wherein gaming is licensed, promoted, performed, conducted or operated.
- (r) "Gaming license" means the permit granted by the Tribal Gaming Commission to an applicant.
- (s) "Gaming operation" means each economic entity that is licensed by the Tribal Gaming Commission, operates the games, receives the revenues, issues the prizes, and pays the expenses. A gaming operation may be operated by the Tribe directly or by a management contractor.
25 C.F.R. § 502.10.
- (t) "Gross revenues" means the Gross Revenues (gaming) plus Gross Revenues (non-gaming).
- (u) "Gross revenues (gaming)" or "Win" means the net win from Gaming activities, which is the difference between Gaming wins and losses before deducting costs and expenses, determined in accordance with GAAP.
- (v) "Gross revenues (non-gaming)" means all revenues of any nature derived directly or indirectly from the Tribal Gaming Enterprise other than Gross Revenues (gaming) including, without limitation, rents and fees from lessees and licensees, interest on reserve funds of the Tribal Gaming Enterprise, interest earned on bank accounts established for the deposit of gaming and non-gaming revenues, and revenues recorded for Promotional Allowances, determined in accordance with GAAP.

- (w) "House banking game" means any game of chance as defined in 25 C.F.R. § 502.11.
- (x) "In privity with" means one who acts jointly with another or as an accessory before the fact to an act committed by the other or as a co-conspirator with the other.
- (y) "Indian lands" means lands as defined in 25 C.F.R. § 502.12.
- (z) "Key employee" means:
 - (i) A person who performs one or more of the following functions:
 - (A) Bingo caller;
 - (B) Counting room supervisor;
 - (C) Chief of security;
 - (D) Custodian of gaming supplies or cash;
 - (E) Floor manager;
 - (F) Pit boss;
 - (G) Dealer;
 - (H) Croupier;
 - (I) Approver of credit; or
 - (J) Custodian of gambling devices including persons with access to cash and accounting records within such devices;
 - (ii) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year; or
 - (iii) If not otherwise included, the four most highly compensated persons in the gaming operation. 25 C.F.R. § 502.14.
- (aa) "Licensee" means any person who has been issued a valid and current license pursuant to the provisions of this Gaming Ordinance.

- (bb) "Management contract" means any contract, subcontract, or collateral agreement between an Indian tribe 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 and which contract has been approved by the Chairman of the NIGC. 25 C.F.R. § 502.15.
- (cc) "Manager's Fee" means Manager's proportionate share of Net Revenues as specified in a Management Agreement, approved by the Chairman of the NIGC.
- (dd) "Net Revenues" means Net Revenues (gaming) plus Net Revenues (non-gaming).
- (ee) "Net Revenues (gaming)" means Gross Revenues (gaming) from Class II and Class III gaming, less all Operating Expenses (gaming), excluding Manager's Fee, if any, determined in accordance GAAP.
- (ff) "Net Revenues (non-gaming)" means Gross Revenues (non-gaming) of the Tribal Gaming Enterprise, less all Operating Expenses (non-gaming), excluding any Manager's Fee, if any, from non-gaming operations.
- (gg) "NIGC" means the National Indian Gaming Commission established pursuant to 25 U.S.C. § 2704.
- (hh) "Operating expenses (gaming)" means those costs required to operate the Gaming Operations of the Tribal Gaming Enterprise which are incurred in the ordinary course of business, which are recognized as ordinary and necessary expenses by the gaming industry determined in accordance with GAAP.

For purposes of computing Net Revenues (gaming), Operating Expenses (gaming) to be deducted from Gross Revenues (gaming) shall include repayment of interest on the Loans, if any, depreciation,

marketing fees, consulting fees, costs of goods sold, prizes and other gaming wins paid out (other than those paid out before determination of Gross Revenues (gaming), salaries, wages and employee benefits, payroll and other taxes or other governmental levies (including, but not limited to, the payments to the State in lieu of taxes required under the Compact, and the annual fee paid to the NIGC under 25 C.F.R. Part 514), permits and licenses, advertising, promotion, fees and expenses of third-party contractors and agents, bus and other transportation and coordinator costs, auto and travel expenses, maintenance cost and repairs (other than capital items), equipment leases, uniforms, office expenses, printing, supplies, appropriate donations agreed upon in writing by Tribe and Manager, if any, utilities, rent, insurance of all types, uninsured legal judgments and settlements which the Tribe consents to pay, ordinary maintenance, legal and accounting expenses, and other expenses designated as Operating Expenses in the Annual Budget approved by the Tribe, costs incurred by the performance of a certified annual audit, costs incurred by the providing of law enforcement and other Emergency Services, oversight costs by State and local government personnel paid pursuant to agreement, bonding and insurance costs relating to key Employees, and such other costs which are recognized as ordinary and necessary expenses by the gaming industry determined in accordance with GAAP and incurred following the Class II or Class III Commencement Date. It does not include the Tribe's Guaranteed Payment or the Manager's Fee.

- (ii) "Operating Expenses (non-gaming)" means those expenses of the Tribal Gaming Enterprise which are not included in Operating Expenses (gaming). It does not include any part of the Tribe's Guaranteed Payment or of the Manager's Fee.
- (jj) "Patron" means a person participating in a game with the hope of winning money or other benefit, but does not include a licensee, any assistant of a licensee, or their immediate family.

- (kk) "Person" means any individual, firm, partnership, corporation, company or association or other form of business association.
- (ll) "Person having a direct or indirect financial interest in a management contract" means a person as defined in 25 C.F.R. § 502.17.
- (mm) "Person having management responsibility for a management contract" means the person designated by the management contract as having management responsibility for the gaming operation, or a portion thereof. 25 C.F.R. § 502.18.
- (nn) "Primary management official" means any person employed by the licensee to serve as a manager, assistant manager, department head or like function, or any person with the authority: (i) to hire and fire employees; or (ii) set up working policy for the gaming operation; or the chief financial officer or other person who has financial management responsibility as defined in 25 C.F.R. § 502.19.
- (oo) "Reservation" means lands of the Narragansett Indian Tribe held in trust by the United States.
- (pp) "Services" means labor provided by one person to or for another, where such labor is provided in pursuit of the purpose of gaming on Indian land.
- (qq) "Tribal Gaming Commission" means the Narragansett Tribal Gaming Commission.
- (rr) "Tribal lands" means all Indian lands of the Narragansett Tribe of Rhode Island, within the Tribe's jurisdiction, whether title thereto is held in trust by the United States or in fee subject to restriction against alienation imposed by the United States.
- (ss) "Tribe" means the Narragansett Indian Tribe.

- (tt) "Tribe-State Compact or Compact" means the written document, either negotiated and agreed to by the Narragansett Indian Tribe and the State of Rhode Island, or prescribed by the Secretary of the Interior pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii), governing the conduct of Class III gaming activities on Indian lands.

1.3. Words and Terms -- Tense, Number and Gender. In constructing the provisions of this Ordinance, save when otherwise plainly declared or clearly apparent from the context:

- (a) words in the present tense shall include the future tense;
- (b) words in masculine, feminine and neuter gender shall include all genders;
- (c) words in the singular shall include the plural, and in the plural shall include the singular.

CHAPTER 2 -- TRIBAL GAMING COMMISSION

2.1 Establishment of Narragansett Tribal Gaming Commission.

(a) Narragansett Tribal Gaming Commission. There is hereby established a gaming commission which shall be called the Narragansett Tribal Gaming Commission (hereinafter "Tribal Gaming Commission") and which shall be funded from such Tribal revenues as may be appropriated by the Tribal Council for the Tribal Gaming Commission to carry out its authority and functions established by this Ordinance.

(b) Narragansett Tribal Alcohol Division. There is hereby established, as a branch of the Tribal Gaming Commission, a division which shall be called the "Narragansett Tribal Alcohol Division". Tribal Gaming Commissioners shall sit as the head of the Alcohol Division and shall enforce and administer the Tribe's Liquor Ordinance.

(c) Until such time as the Tribal Gaming Commission is fully staffed and operating, the Tribal Council shall perform, or have performed, all duties and responsibilities of the Tribal Gaming Commission set forth under this Ordinance.

2.2 Commissioners. (a) The Tribal Gaming Commission shall consist of five members plus two alternates for a total of seven Commissioners, all of whom shall be appointed by the Chief Sachem with the approval of a majority vote of the Tribal Council. In the absence of the Chief Sachem, a quorum of the Tribal Council shall appoint or reappoint members to the Tribal Gaming Commission.

(b) Appointment of Commissioners. The Chief Sachem, or a Council designee, shall serve on the Tribal Gaming Commission. In addition to the Chief Sachem or his Council designee, an additional Councilman shall be appointed to serve on the Tribal Gaming Commission. The five remaining seats (including the alternate seats) shall be filled by selecting from qualified adult enrolled members of the Narragansett Tribe who are not members of the Tribal Council.

(c) Term of Commissioners. All Commissioners shall serve for a term of three years on the Tribal Gaming Commission.

(i) Councilmember Commissioners. If a Councilmember appointed to the Tribal Gaming Commission is reelected to the Tribal Council prior to the expiration of his/her term as a Commissioner, he/she shall serve out the remaining term of his/her Tribal Gaming Commission seat. A Tribal Councilmember seated on the Tribal Gaming Commission may be reappointed to the Commission in the manner prescribed in Section 2.2(a). If a Councilmember appointed to the Tribal Gaming Commission does not seek re-election to the Tribal Council, or is defeated for re-election to the Tribal Council, a successor shall be appointed from the Tribal Council in

accordance with this Section. There shall always be two Councilmembers sitting on the Tribal Gaming Commission. Vacancies shall be filled within 30 days, or as soon thereafter as practicable.

- (ii) Non-Council Commissioners. Non-Council Commissioners may be re-appointed to the Commission at the expiration of their term in the manner prescribed by Section 2.2(a). Vacancies shall be filled within 30 days, or as soon thereafter as practicable.

- (iii) Staggered Terms. In order to establish an annually staggered Tribal Gaming Commission appointment schedule, the first Commissioners appointed shall be seated on the Commission as follows: the two Councilmembers appointed to the Tribal Gaming Commission shall serve for three (3) years in accordance with Section 2.2(c)(i) above; the three non-Council Commissioners shall serve for two (2) years; and the two alternate non-Council Commissioners shall serve for one (1) year; all for the initial appointment term only. Thereafter, all successive terms for Non-Council and Council Tribal Gaming Commissioners shall run for three (3) years, with at least two seats opening for appointment or reappointment every year, in accordance with the requirements of this Section.

- (d) Service until Successors Appointed. Commissioners shall be appointed as soon as possible after the effective date of the Ordinance. Notwithstanding anything herein to the contrary, such members and alternate member shall assume their offices immediately upon appointment, and shall serve until their successors are appointed.

2.3 Restrictions on Commissioners. Commissioners may hold other tribal positions and may engage in business, provided however, that they shall not engage in any business (including, but not limited to, being a vendor of any goods or services to the gaming operation or any operations related to the gaming operation) which is subject to the provisions of this Gaming

Ordinance. Commissioners shall not gamble in the Tribe's gaming establishment nor have any personal financial interest in any gambling by any patron.

- 2.4 Compensation for Commissioners. Commissioners shall be compensated at a rate to be established annually by the Tribal Council commensurate with the duties to be performed and consistent with Indian gaming industry practices. Commissioners shall be reimbursed for actual expenses incurred on Commissioner business, including necessary travel expenses. In no event shall compensation be based on a percentage of net profits from gaming operations of the Tribe.
- 2.5 Quorum/Majority Vote. The Tribal Gaming Commission shall act by majority vote of a quorum present and each member of the Commission shall be entitled to one vote except that the alternate members shall only be entitled to vote in place of an absent member. If only one of the two alternates is entitled to vote at a particular meeting, the alternate with the best attendance record shall vote. In the event that both alternates have identical attendance records, the Chairman of the Tribal Gaming Commission shall designate the voting alternate for that particular meeting. A quorum shall consist of three Commissioners, one of whom being the Chairman or Vice-Chairman. Alternate Commissioners count toward a quorum.
- 2.6 Chairman. The non-alternate Tribal Gaming Commissioners shall choose a Chairman from among themselves. The Chairman shall have the power to convene special meetings of the Tribal Gaming Commission upon twenty-four (24) hours written notice to members of the Tribal Gaming Commission. If the Chairman determines that a bona fide emergency exists, the Chairman may conduct special meeting(s) with not less than five Commissions by telephone.
- 2.7 Vice-Chairman. The non-alternate Commissioners shall elect from among themselves a Vice-Chairman.

- 2.8 Removal of Commissioners. A member of the Tribal Gaming Commission may only be removed from office before expiration of their term of office as a Commissioner by a vote of a majority of the Tribal Council for neglect of duty, malfeasance in office or for other good cause shown following a hearing upon written notice to the Commissioner.
- 2.9 Monthly Report. The Tribal Gaming Commission shall, through its Director, make monthly reports to the Tribal Council within thirty (30) days after the close of the month for which the information is being provided. The report shall include a full and complete statement of revenues paid to the Tribe, expenses and all other financial transactions of the Tribal Gaming Commission and a summary of all licensing and enforcement actions.
- 2.10 Powers. The Tribal Gaming Commission shall exercise all powers necessary to effectuate the purposes of this Ordinance and the Tribe's Liquor Ordinance. The Tribal Gaming Commission shall meet with the Director at least weekly to make recommendations and set policy, to approve or reject reports of the Director and transact other business that may be properly brought before it. The Tribal Gaming Commission shall, consistent with this Ordinance, review or promulgate rules and regulations, subject to the approval of the Tribal Council, for the operation of any gaming establishment and shall hear and resolve all disputes regarding any provision of the Ordinance. In all decisions, the Tribal Gaming Commission shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of gaming and ancillary activities of the gaming operation. Without limiting the powers of the Tribal Gaming Commission, the Commission shall have the authority and responsibility to:
- (a) License the conduct of Class II gaming activity on tribal lands, and license the conduct of Class III gaming activity on tribal lands upon such terms and conditions which may be provided for in any compact entered into between the Tribe and the State of Rhode Island or otherwise authorized under the procedures of the Indian Gaming Regulatory Act at 25 U.C.S. § 2710(d)(7)(B).

- (b) Publish and enforce rules and regulations of the Commission's Alcohol Division approved by the Tribal Council governing the sale, manufacture, distribution and possession of alcoholic beverages on Tribal Lands in accordance with the Liquor Ordinance.
- (c) Enforce and administer the provisions of this Ordinance.
- (d) Employ a Director, together with staff, who shall be responsible for the day-to-day affairs of the Tribal Gaming Commission; employ gaming inspectors (including a Chief Inspector) to monitor, record and report to the Tribal Gaming Commission on-site matters relating to any tribal gaming operations.
- (e) Give preference to Tribal members and non-member Indians in hiring of qualified employees of the Tribal Gaming Commission.
- (f) Develop licensing procedures for all employees of the gaming operation pursuant to 25 C.F.R. § 558.1(b).
- (g) Review and recommend to Council standards for and issue licenses or permits to persons and entities who deal with the gaming operation such as manufacturers and suppliers of machines, equipment, goods and services.
- (h) Issue, suspend, revoke, restrict, condition and renew licenses of primary management officials and key employees upon completion of background investigations and after following the procedures contained in 25 C.F.R. Parts 556 and 558.
- (i) Conduct, or cause to be conducted, background investigations on primary management officials and key employees according to requirements that are at least as stringent as those in 25 C.F.R. Parts 556 and 558 pursuant to 25 C.F.R. § 522.4(b)(5), subject to the requirements of the Compact relating to Class III gaming.

- (j) Forward completed employment applications for primary management officials and key employees to the NIGC pursuant to 25 C.F.R. § 558.3. These applications should include the Privacy Act notice and the notice regarding false statements contained in 25 C.F.R. §§ 556.2 and 556.3.
- (k) Forward completed investigative reports on each background investigation for each primary management official or key employee to the NIGC prior to issuing a license pursuant to 25 C.F.R. § 556.5.
- (l) Review a person'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 pursuant to 25 C.F.R. § 558.2.
- (m) Notify the NIGC if, after conducting a background investigation on a primary management official or a key employee, the Tribe does not license the individual pursuant to 25 C.F.R. § 556.5(d)(1).
- (n) Retain applications and reports of background investigations of primary management officials and key employees for no fewer than three years from termination of employment pursuant to 25 C.F.R. § 558.1(c).
- (o) Issue separate licenses to each place, facility, or location on Indian lands where the Tribe elects to allow gaming pursuant to 25 C.F.R. § 522.4(b)(6).
- (p) Ensure that gaming facilities are constructed, maintained and operated in a manner that adequately protects the environment and the public health and safety pursuant to 25 C.F.R. § 522.4(b)(7).
- (q) Obtain annual independent outside audits and submit these audits to the NIGC pursuant to 25 C.F.R. § 522.4(b)(3). The scope of these audits should include all gaming related contracts that result in purchases of

supplies, services or concessions for more than \$25,000 (except contracts for professional, legal or accounting services) in any year pursuant to 25 C.F.R. § 522.4(b)(4).

- (r) Ensure that net revenues from any gaming activities are used for the limited purposes set forth in the tribal gaming ordinance pursuant to 25 C.F.R. § 522.4(b)(2).
- (s) Promulgate tribal gaming regulations, to be approved by the Tribal Council, including the collection of fees and interest, the assessment and collection of fines and penalties, and the adjustment of the respective amounts of the annual license and permit fees as provided for in this Ordinance, provided that license and permit fees shall not be increased retroactively.
- (t) Monitor gaming activities to ensure compliance with Tribal law/regulations.
- (u) Interact with other regulatory and law enforcement agencies, Manager and the Council regarding the regulation of gaming.
- (v) Conduct investigations of possible violations and take appropriate enforcement action with respect to the Tribal Gaming Ordinances and regulations.
- (w) Provide independent information to the Tribe on the status of the Tribe's gaming activities.
- (x) Take testimony and conduct hearings on regulatory matters, including matters related to the revocation of primary management official, key employee licenses and any other licenses issued by the Tribal Gaming Commission.
- (y) Review and recommend to Council minimum internal control standards or procedures for the gaming operation, including the

operation's credit policies and procedures for acquiring supplies and equipment.

- (z) Establish any supplementary criteria for the licensing of primary management officials, key employees, and other employees that the Tribe deems necessary.
- (aa) Maintain records on licensees and on persons denied licenses including persons otherwise prohibited from engaging in gaming activities within the Tribe's jurisdiction.
- (bb) Perform audits of business transactions to ensure compliance with regulations and/or policy, including the review, on demand, such books and records and inspect the premises and operations of applicants and licensees as it deems necessary for the enforcement of this Ordinance.
- (cc) Review and recommend to Council rules of various games, and inspect games, tables, equipment, machines, cards, dice, and chips or tokens used in the gaming operation. Review and recommend to Council video surveillance standards. Review and recommend to Council standards/criteria for gaming machines and facilitate the testing of machines for compliance.
- (dd) Resolve patron disputes, employees' grievances, and other problems, pursuant to this Ordinance, and develop procedures for disposition of tort claims arising from alleged injuries to patrons of the Gaming Establishment.
- (ee) Issue such forms as it deems necessary.
- (ff) Upon approval of the Tribal Council, institute such legal proceedings in the name of the Tribe in a court of competent jurisdiction as it deems necessary for the enforcement of this Ordinance.

- (gg) Deposit all fees, penalties, interest, and civil fines collected under authority of this Ordinance into an account designated by the Tribal Treasurer, approved by the Tribal Council, to the credit of Narragansett Tribe.
- (hh) Maintain a correct and full accounting of all fees, penalties, interest, and civil fines received under authority of this Ordinance, and provide a monthly record of that accounting to the Tribal Council.
- (ii) Take such other actions, issue such orders, and promulgate such regulations, subject to Council approval, as the Tribal Gaming Commission may deem necessary to perform properly and fully its duties and responsibilities under this Ordinance.

2.11 Voting on Licensing. Any Tribal Gaming Commission vote resulting in approving, disapproving, revoking, suspending, limiting or conditioning a license issued under this Ordinance shall be by ballot only and shall be in accordance with the regulations of the NIGC and this Ordinance; provided that in an emergency a phone vote of the entire voting Commission may be polled pursuant to Tribal Gaming Commission Regulations. To approve of any license issued pursuant to this Ordinance, a quorum of the Tribal Gaming Commission must be present with a majority vote of approval by said quorum required. A license will not be issued to a person whose license has previously been revoked pursuant to this Ordinance, or to whom the issuance of renewal of a license has been denied, except with the unanimous approval of the voting Tribal Gaming Commission members.

2.12 Powers of Delegation. The Tribal Gaming Commission may organize itself into a functional division as it may deem necessary and from time to time alter such plan of organization as it may deem expedient. The Tribal Gaming Commission shall establish its own budget for operations, including a budget for the Director, and acquire such furnishings, equipment, supplies, stationery, books, motor vehicles, and other things as it may deem necessary or desirable in carrying out its functions, and incur such other expenses within the limit of funds available to it, as it may deem necessary. Within the limits

of a budget approved by the Tribal Council, the Tribal Gaming Commission shall employ and fix the salaries of or contract for the services of such professional, technical and operational personnel and consultants as the execution of its duties and the operation of the Director and Tribal Gaming Commission may require. At the Tribal Council's discretion, said annual budget may be reviewed and modified by the Tribal Council. The Tribal Gaming Commission shall keep and maintain a file of all applications for licenses under this chapter, together with a record of all action taken with respect to such applications. The Tribal Gaming Commission shall keep and maintain such other files and records as they may deem desirable.

- 2.13 Hiring of Director. (a) The Tribal Gaming Commission shall hire a Director, approved by the Tribal Council, who shall be responsible for the day-to-day management of the regulatory affairs of the Tribal Gaming Commission as well as overseeing the establishment and regulation of all gaming activities. A detailed background investigation shall be conducted on the Director before his appointment and the Tribal Gaming Commission shall maintain oversight of the Director on an ongoing basis. Preference will be given to professionally qualified applicants with adequate gaming regulation experience in lawful gaming or law enforcement in addition to Indian preference provided herein. No one convicted of a felony of any kind or misdemeanor related to illegal gambling or bribery can serve as Director. The Director shall not have any personal interests in the gaming activity. The Director may not gamble in the gaming establishment nor have any personal financial interest in any gambling by any gaming establishment patron. During any period in which the position of Director is vacant, the Chairman of the Tribal Gaming Commission or his designee shall assume the Director's duties.
- (b) Director's Contract. The Tribal Gaming Commission shall hire a professionally qualified individual with adequate gaming regulation expertise as Director for a period of at least two (2) years. The terms of the contract will be negotiated with the Tribal Gaming Commission and approved by a majority vote of the Tribal Council. The Director's compensation shall be part of the negotiations. Compensation for the

Director shall not be based, in whole or in part, on the profitability of the gaming operation.

- (c) Duties of Director. The Director shall in close consultation with the Tribal Gaming Commission, perform all duties, exercise all powers, assume and discharge all responsibilities, and carry out and effect all purposes of this Ordinance relating to the regulation of all gaming activity. In all decisions, the Director shall act to promote and ensure integrity, security, honesty, and fairness of the operation and administration of all gaming activity. The Directors' duties shall include but not be limited to, the following:
- (i) Coordinating with the Tribal Council, Tribal Gaming Commission and Manager, if any, regarding the regulation of the gaming establishment.
 - (ii) Correspond with the NIGC and do whatever is necessary to ensure complete compliance with the rules and regulations of that agency. Specifically, the Director shall arrange for an annual outside audit of authorized gaming and will provide a copy to the NIGC.
 - (iii) Assure that all gaming activity is conducted in a manner which adequately protects the environment and the public's health and safety.
 - (iv) Arrange that there is an adequate system which ensures that background investigations are conducted on all primary management officials, key employees, and other employees of any gaming establishment and that oversight of such officials and their management is conducted on an ongoing basis as required by this Ordinance. The Director will recommend to the Tribal Gaming Commission the granting of tribal licenses for primary management officials, key employees, and other

employees of any gaming establishment. All gaming licenses issued by the Tribal Gaming Commission shall be in conformity with the requirements of 25 C.F.R. Part 558. The Director will review all applications and background investigations to ensure that no person shall be eligible for employment in or with any part of the gaming operation if that person's prior activities, criminal record (if any), or reputation, habits and associations pose a threat to the public interest or to the effective regulation of gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming. When the Tribal Gaming Operation employs a primary management official or key employee, the Director shall forward to the NIGC a completed application as required by 25 C.F.R. § 556.5.

- (v) Hiring, pursuant to the approval of the Tribal Gaming Commission, such professional, clerical, technical and administrative personnel as may be necessary for the Tribal Gaming Commission to carry out the provisions of this Ordinance.
 - (vi) Reviewing all records, documents, and anything else necessary and pertinent to enforcement of any provisions of this Ordinance.
 - (vii) Recommend to the Tribal Gaming Commission whether sanctions should be imposed on any person subject to the jurisdiction of this Ordinance.
- (d) Termination of Director. The Director shall be terminated immediately and without the necessity of a vote of the Tribal Council upon the Director's conviction by a federal or state court of competent jurisdiction for any felony or for any misdemeanor related to illegal gambling or bribery or upon conviction in the Tribal Court of any

charge that the Tribal Council finds relates to the Director's honesty or ability to fulfill his duties. If the Director is convicted in a court of competent jurisdiction of violating any part of this Ordinance, he shall be immediately terminated. The Director may also be terminated, by a vote of a majority of the Tribal Council, for inadequate performance of the duties required to be performed or may additionally be terminated for associations or conduct that would tend to bring the gaming operation into disrepute. Any such action shall be commenced by a quorum of the Tribal Gaming Commission who shall submit a written recommendation to the Tribal Council which submission shall substantiate the reasons for recommending discharge. The Director shall be given a written notification of the reasons for his discharge.

2.14 Right of Inspection and Access. The Tribal Gaming Commission and its duly authorized agents shall have the authority to:

- (a) inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are held within the Reservation;
- (b) inspect all equipment and supplies in, upon or about a gaming establishment, or inspect any equipment or supplies wherever located, which may, or have been used in the gaming establishment;
- (c) summarily seize and remove from a gaming establishment (or whatever location on tribal lands) and impound such equipment or supplies for the purpose of examination, inspection, evidence or forfeiture;
- (d) demand access to and inspect all rooms within the gaming operation, inspect, examine, copy and audit all papers, books, and records (including electronically stored data) maintained by the Manager within the tribal lands respecting any income produced by the gaming operation or related businesses, and

require verification of income and all other matters affecting the enforcement of the policy of or any of the provisions of this Ordinance; and to review all other records, papers, books, electronically stored data which are retained or assembled within the gaming establishment; and

- (e) issue subpoenas and compel the attendance of witnesses for hearing at its offices, to administer oaths and to require testimony under oath relating to matters pertaining to gaming and this Ordinance. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Tribal Gaming Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper.

2.15 Inspectors. The Tribal Gaming Commission shall hire inspectors, including a Chief Inspector, to perform services reasonably necessary to assure compliance with the provisions of this Ordinance. Said special services of regulatory enforcement shall be under the authorization and direction of the Director, unless otherwise determined by the Tribal Gaming Commission. All inspectors will perform their duties in accordance with the requirements of the enforcement provisions of the Compact. This section shall in no way be deemed to limit the normal law enforcement functions of other tribal law enforcement officers.

2.16 Independence of Tribal Gaming Commission. Commissioners, members of the Tribal Council, and their immediate relatives (mother, father, sister, brother, son, daughter, grandparent or other person related by blood, marriage or adoption who lives in the same household) shall receive no personal compensation, gift of significant value (exceeds \$50), reimbursement, loan, or payment of any kind from any person doing or wishing to do business with the Tribal enterprise relating to gaming nor with any person wishing to obtain an unfair advantage in any authorized wager on gaming. Any property received in violation of this provision, including cash payments, shall be immediately forfeited to the Tribe and the offending persons shall be

prosecuted to the fullest extent possible under the tribal law for accepting a bribe. The Tribal Gaming Commission shall also cooperate to the fullest extent possible with any Federal or State law enforcement agency to pursue prosecution under applicable Federal or State law.

2.17 Authority of Tribal Council. The Council shall have the power and responsibility to:

- (a) appropriate funding for the Tribal Gaming Commission;
- (b) approve or reject all nominations for members of the Tribal Gaming Commission;
- (c) by a majority vote of the Council, remove members of the Tribal Gaming Commission for neglect of duty, malfeasance in office or for other good cause shown following a hearing upon written notice to the Commissioner;
- (d) by a majority vote of the Council, terminate the Director for inadequate performance of duties required to be performed or for associations or conduct that would tend to bring the Gaming operation into disrepute;
- (e) review and modify the Commission's annual budget at the Council's discretion;
- (f) hear appeals by applicants from final decisions of the Tribal Gaming Commission regarding the issuance, renewal, or revocation of gaming licenses, subject to the criteria listed at Section 4.19 of this Ordinance;
- (g) hear appeals by persons aggrieved by decisions or actions of the Tribal Gaming Commission, following the Commission's final decision on the matter;
- (h) hear customer and employee appeals from final determinations of the Tribal Gaming Commission;
- (i) hear appeals from final Tribal Gaming Commission determinations as to persons whose presence in the gaming establishment poses a threat to the interests of the Tribe, public policy, or to licensed gaming;
- (j) designate accounts for the deposit of civil fines paid under this Ordinance;

- (k) approve any revision, repeal, or amendment of this Ordinance and regulations of the Tribal Gaming Commission promulgated under authority of this Ordinance;
- (l) establish and/or approve standards and procedures for inspection and enforcement by which a gaming facility licensed under this Ordinance shall be maintained in a manner which adequately protects the environment and the public health and safety;
- (m) take such other actions and issue such orders as the Council may deem necessary to properly and fully perform its duties and responsibilities under this Ordinance.

CHAPTER 3 -- GAMING AUTHORIZED

3.1 Gaming Authorized. (a) Class I and Class II gaming as provided herein are hereby authorized on trust lands of the Tribe. Class III gaming is hereby authorized on the trust lands of the Tribe to the extent provided under the Tribal-State Compact approved by the Secretary of the Interior, or procedures issued by the Secretary of the Interior. Gaming on tribal trust lands is subject to the this Ordinance, regulations of the Tribal Gaming Commission, the Indian Gaming Regulatory Act and regulations of the NIGC. The Tribal Gaming Commission shall, as to Class III gaming, develop standards of operation and management for all gaming activities consistent with the requirements of the Compact or procedures of the Secretary of the Interior.

- (b) Class II games shall include:
 - (i) bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith), including, if played in the same location, pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo as defined under 25 C.F.R. § 502.9.
 - (ii) non-banking card games defined as class II gaming under 25 C.F.R. § 502.3(c).

- (iii) any game determined to be a class II game by Congressional amendment of the Act, by regulation, or by decision of the NIGC or the federal courts.
- (c) Class III games as follows may be licensed for conduct on tribal lands:
 - (i) such games as may be provided for in the Tribal-State compact between the Tribe and the State of Rhode Island.
 - (ii) Such games authorized under the procedures set forth in the Indian Gaming Regulatory Act at 25 U.S.C. § 2710(d)(7)(B).
- 3.2 Prohibition Against Gaming. No person duly authorized by the Commission shall engage, conduct or condone any game unless such game is approved by this Tribal Gaming Commission and regulations governing such game have been duly promulgated by the Tribal Gaming Commission as required herein.
- 3.3 Authorization of Gaming. The Tribal Gaming Commission shall, subject to Council approval, promulgate regulations for rules governing all authorized games, including regulations governing the equipment used in such game; provided, however, that as to minimum standards of operation governing Class III gaming, the Tribal Gaming Commission shall comply with the provisions of the Tribal-State compact, or procedures issued by the Secretary of the Interior, regarding such standards. In the event that the State fails to carry out duties arising under the compact, the Tribal Gaming Commission shall assume such duties and responsibilities in accordance with the provisions of the compact.
- 3.4 Approval of Gaming Equipment. The Tribal Gaming Commission shall review and approve all gaming equipment and other devices used in the gaming operation as to quality, design, integrity, fairness, honesty and suitability.

- (a) The Tribal Gaming Commission may require a prototype or sample of any model of gaming equipment or other device used in the gaming operation to be placed in the custody of the Director and retained by him as a control for comparison purposes.
- (b) Any evidence that gaming equipment or other devices used in the gaming operation has been tampered with or altered in any way which would affect the integrity, fairness, honesty or suitability of the equipment or device shall be immediately reported to the Tribal Gaming Commission.

3.5 Posting of Rules. The Rules of each authorized game offered at any duly licensed establishment shall be posted in a conspicuous location and shall be clearly legible.

CHAPTER 4 -- LICENSING OF GAMES AND PERSONNEL

4.1 Licensing and Regulation of Class II and Class III Gaming Activity.

- (a) A separate gaming license is required for:
 - (i) each person or entity having a management contract;
 - (ii) each primary management official and each key employee whether employed by the management contractor or directly by the Tribe; and
 - (iii) all other employees.
 - (iv) each place, facility, or location on Tribal Lands at which Class II or Class III gaming is conducted.
- (b) Except as provided herein, the Tribe will have the sole proprietary interest and responsibility for the conduct of such gaming activity.

4.2 License and Regulation of Class III Gaming Activities; Tribal-State Compact Required. The Tribal Gaming Commission may license and regulate Class

III gaming activity if conducted in conformance with the terms and conditions of the Tribal-State Compact entered into by the Tribe and the State of Rhode Island approved by the United States Department of the Interior, or pursuant to procedures provided by the Secretary of the Interior, and/or the Chairperson of the NIGC and/or pursuant to any amendments to the Indian Gaming Regulatory Act (IGRA, 25 U.S.C. 2701 et. seq.).

In addition to the above, the Tribal Gaming Commission may license and regulate Class III gaming if:

- (i) such gaming activity is subject to annual outside audits, which may be encompassed within existing independent, tribal audit systems, and provided to the Tribal Council;
- (ii) all contracts for supplies, services, or concessions for any aggregate amount in excess of \$25,000 annually relating to such gaming are also subject to independent audits;
- (iii) the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public's health and safety; and
- (iv) all primary management officials and key employees of the Class III gaming operation have successfully passed a background investigation and have obtained licenses from the Tribal Gaming Commission.

4.3 Mandatory License. Any person seeking to conduct, operate, or manage any gaming activity on Indian lands, or any person seeking employment therefrom, shall apply for, and receive, all the required licenses and/or approvals from the Tribal Gaming Commission, including the renewal of an existing gaming license, prior to engaging in such gaming activities. The license shall be conspicuously displayed at all times at the gaming establishment. All licensed gaming employees actively employed by the

Tribe or having access to the Gaming establishment shall be provided by the Tribal Gaming Commission with identification badges which shall be displayed or carried within the Gaming establishment. Engaging in such gaming activities without first obtaining the required licenses and/or approvals shall be deemed a violation of this Ordinance and shall be punishable in accordance with this Ordinance. This provision shall not preclude the Tribal Gaming Commission from entering into consulting contracts, pending Council approval, for specified services, the payment of which is fixed and not determined by a percentage of the net profits from the gaming operation and otherwise meets the requirements of a consulting contract as set forth by the NIGC.

- 4.4 Non-Transferability of License. Any license issued pursuant to the provision of this Ordinance is valid only for the person or entity at the place of business shown on the face thereof and for the period set forth by the Tribal Gaming Commission. It is not assignable or otherwise transferable to any other person or entity for any other location without approval of the Tribal Council and/or NIGC as required by law.
- 4.5 Application Fee. The Tribal Gaming Commission shall set a fee for applications, background investigations and licenses. All such fees shall be made payable to the Narragansett Indian Tribal Gaming Commission.
- 4.6 Failure of Applicant to Disclose Material Information. An applicant for licensing shall make true and full disclosure of all information to the Director and Tribal Gaming Commission as necessary or appropriate in the public's interest or as required in order to carry out the policies of this Tribe relating to licensing and control of the gaming industry. It is the duty of the applicant to disclose all information material to whether the applicant's involvement with gaming would jeopardize or compromise the Tribal interest, whether or not the applicant has been specifically requested to provide that information. It shall constitute a violation of this Ordinance to fail to disclose, to mislead, to misstate, or to fail to keep current any such material information to the Tribal Gaming Commission, or to any licensee's employer.

4.7 Application Forms. An application for any license or permit shall be signed by the applicant if a natural person; or, in the case of an association or partnership, by a member or partner thereof; or, in the case of a corporation, by an executive officer thereof, or by some other person specifically authorized by the corporation to sign the application, in which case written evidence of the signator's authority shall be attached. In addition, the applicant shall provide evidence of authority of the signator or any other representative to act for and bind the applicant. If any change is made in that authority the Tribal Gaming Commission shall be immediately informed in writing and until that information is filed with the Tribal Gaming Commission any action of the representative shall be presumed to be that of the applicant.

4.8 Organizational Chart and Job Descriptions. The management contractor shall file along with the application an organizational chart of its management organization and job descriptions of the employees of the gaming operation. The chart shall identify which employees are or will be the primary management officials and the key employees of the gaming operation.

4.9 Notices

- (a) The following privacy notice prescribed by 25 C.F.R. § 556.2 shall be placed on the application form for 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 NIGC 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 NIGC 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 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."

- (b) The following notice regarding false statements prescribed by 25 C.F.R. 556.3, 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. (U.S. Code, Title 18, Section 1001.)"

- (c) In accordance with federal law, all information provided to the Tribal Gaming Commission shall be kept strictly confidential and shall only be disclosed to authorized entities.

4.10 Application Information

- (a) The Tribal Gaming Commission shall request from each Primary Management Official, Key Employee and all other applicants, the following information. Applicants, other than primary management officials, key employees and persons or entities with a financial interest in, or management responsibility for, the Management Agreement, are exempt from subsections (a)(xvi)-(a)(xviii) below, and

such other background information the Tribal Gaming Commission deems unnecessary.

Any person licensed pursuant to this Ordinance shall have an affirmative duty to inform the Tribal Gaming Commission in writing of any subsequent events which may effect their continued eligibility for a license.

- (i) Full name, other names used (oral or written), social security numbers(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (ii) 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;
- (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 under paragraph (a)(ii) of this section;
- (iv) Current business and residence 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 the 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 filed an application for a license or

permit related to gaming, whether or not such license or permit was granted;

- (viii) 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;
- (ix) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations), within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (x) 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 (viii) or (ix) of this section, the criminal charge, the name and address of the court involved and the date and disposition;
- (xi) 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;
- (xii) A current photograph;
- (xiii) A history of the applicant's educational background;
- (xiv) A description of the applicant's immediate family including an explanation of the relationships described (e.g., parents, guardians, etc.);
- (xv) Marital status;

- (xvi) Any financial statement from the applicant's accountant or other financial information specifically requested on the application form, for example, income sources, assets owned, insurance policies, mortgages, and other information relating to the filing of bankruptcy or other obligations;
- (xvii) When specifically requested by the NIGC, copies of the applicant's tax returns for the prior three (3) years;
- (xviii) Fingerprints of the applicant to be taken by the Department of Law Enforcement of the Narragansett Tribe or other law enforcement agency designated by the Tribal Gaming Commission for a criminal history check. A criminal history check will include a check of criminal history records information maintained by the Federal Bureau of Investigation;
- (xix) A statement authorizing law enforcement agencies and prior employers to release information and respond to questions relating to the applicant's records, habits, reputation, and associations;
- (xx) All applicants are required to submit to a drug screening test and, if employed, random screening tests thereafter; and
- (xxi) Any other information the Tribal Gaming Commission deems relevant.

4.11 Existing Management Contracts. Each applicant for a gaming license who has or will have a contract with the Tribe to manage a Tribal gaming operation shall state whether or not he/she already has a management contract to operate any Indian or non-Indian gaming operation and, if so, a description of the location of each such operation.

- 4.12 IGRA and NIGC Requirements for Applications. A management contractor's application shall include information required by 25 U.S.C. § 2711 and 25 C.F.R. § 537.1.
- 4.13 Qualifications on Licensing. The Tribal Gaming Commission may issue or renew a gaming license to an applicant who submits a proper and completed application and pays the appropriate annual fee, provided that no license shall be issued to or renewed for an applicant:
- (a) who is not a person of good character, honesty, and integrity;
 - (b) whose prior activities, criminal record, reputation, habits, and associations pose a threat to the public interest of the Narragansett Tribe and/or Tribal lands or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to the conduct of gaming;
 - (c) who has supplied false and/or misleading information or who has omitted material information required under this Ordinance, the Indian Gaming Regulatory Act and 25 C.F.R. Chapter III;
 - (d) who has had, or who is in privity with anyone who has had, a gaming license revoked for cause in any jurisdiction;
 - (e) who is delinquent in the payment of any obligation owed to the Tribe pursuant to this Ordinance or a management contract;
 - (f) who has failed to comply with any official written orders issued or regulations promulgated by the Tribal Gaming Commission, this Ordinance or any resolution adopted by the Tribal Council;

- (g) who occupies a competing position within a one hundred fifty mile radius of the tribal gaming enterprise without a written agreement with the Tribe; or
- (h) who has violated any of the requirements set forth in 25 U.S.C. § 2711(a) and (e).

4.14 Eligibility Determination. The Tribal Gaming Commission shall make the initial decision as to whether a gaming license shall be issued, suspended or revoked. The Tribal Gaming Commission shall make a finding concerning the eligibility of a key employee or primary management official for employment in a gaming operation in accordance with Section 4.13. If the Tribal Gaming Commission determines, after applying the standards adopted herein, 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, it shall deny the license application and a tribal gaming operation shall not employ that person in a key employee, primary management official, or other position. The applicant shall have the right to appeal a determination to the Tribal Gaming Commission as provided at Section 15. The Council's decision on the appeal shall be based solely upon the criteria listed in this Section.

4.15 Background Investigation Procedures.

- (a) The Tribal Gaming Commission shall conduct, or cause to be conducted, an investigation sufficient to make a determination under Section 4.14. In conducting a background investigation, the Tribal Gaming Commission and its agents shall keep confidential the identity of each person interviewed in the course of the investigation. With regard to background investigations concerning Class III gaming, the Tribal Gaming Commission shall also comply with the requirements of the Tribal-State Compact or procedures of the Secretary of the Interior.

- (b) The procedures for conducting background investigations on key employees and primary management officials in order to determine their eligibility for employment shall include, at a minimum:
 - (i) Criminal history check by a law enforcement agency, under the direction of the Director, including, at a minimum, a check of criminal history records maintained by the Federal Bureau of Investigation;
 - (ii) Civil history check;
 - (iii) Reference check;
 - (iv) Previous business and employment check;
 - (v) Business and personal associates check;
 - (vi) Educational verification;
 - (vii) Documentation of the disposition of all potential problem areas and disqualifying information noted; and
 - (viii) Local police check in locations where applicant has resided.
- (c) The procedures for conducting background investigations on any other employee shall be appropriate to the employee's job category.

4.16 Reports of Background Investigations to the NIGC.

- (a) The Tribal Gaming Commission shall prepare and forward to the NIGC a completed investigation report summarizing each background investigation of a primary management official or key employee that the Tribal Gaming Commission employs or intends to employ with a copy of the eligibility determination made under Section 4.14.
- (b) Within sixty (60) days after a key employee or primary management official begins work, the Tribal Gaming Commission shall forward to the NIGC the investigative report.

- (c) Before issuing a license to a primary management official or key employee, the Tribal Gaming Commission shall prepare and forward to the NIGC an investigative report on each background investigation which shall set forth, in detail, the:
 - (i) Steps taken in conducting the background investigation;
 - (ii) Results obtained;
 - (iii) Conclusions reached; and
 - (iv) The basis for those conclusions.

- (d) When the Tribal Gaming Commission forwards its report to the NIGC, it shall include a copy of the eligibility determination made in accordance with 25 C.F.R. § 558.2.

- (e) If a license is not issued to an applicant, the Tribal Gaming Commission:
 - (i) Shall notify the NIGC and,
 - (ii) May forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

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

- (g) A gaming operation shall not employ as a key employee or primary management official a person who does not have a gaming license ninety (90) days after a license application has been submitted to the NIGC.

4.17 Temporary Employment Licenses. The Tribal Gaming Commission shall issue a temporary employment license to any person or entity applying for a license to work in a licensed gaming establishment, unless the criminal record check discloses that the applicant has a criminal history, or as for Class III gaming, there are other grounds sufficient to disqualify the applicant pursuant to the licensing provisions of the Compact apparent on the face of the application. Such temporary license shall be valid pending the background investigation of the applicant, but in no event shall such temporary license be valid for longer than 90 days.

4.18 Granting a Gaming License.

- (a) If within a thirty (30) day period after the NIGC receives a report, the NIGC notifies the 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 Tribal Gaming Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission may issue a license to such applicant.
- (b) The Director shall respond to a request for additional information from the Chairman of the NIGC 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 paragraph (a) of this section until the Chairman of the NIGC receives the additional information.
- (c) If, within the thirty (30) day period described above, the NIGC provides the Tribal Gaming Commission 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 Commission has provided an application and investigative report to the NIGC, the Tribal Gaming Commission shall reconsider the application, taking into account the objections itemized by the NIGC.

The Tribal Gaming Commission shall make the final decision whether to issue a license to such applicant.

4.19 License Suspension.

- (a) If, after the issuance of a gaming license, the Tribal Gaming Commission receives from the NIGC or an appropriate law enforcement department reliable written information indicating that a key employee or a primary management official is not eligible for employment as provided herein, the Tribal Gaming Commission shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (b) The Tribal Gaming Commission shall notify the licensee in writing of the time and place for a hearing on the proposed revocation of a license.
- (c) After a hearing as provided for at Section 15, the Tribal Gaming Commission shall decide to revoke or to reinstate a gaming license. The licensee shall have the right to appeal such a determination to the Council, as provided at Section 15. The Tribal Gaming Commission shall notify the NIGC of both its decision, and the results of any appeal to the Council.

4.20 Request by State. Upon the written request of the State, the Tribal Gaming Commission shall suspend, revoke, or deny any Class III gaming employee license, if the information provided by the State would justify denial of the original license, or renewal thereof, pursuant to Section 4.13 of this Ordinance. If the Tribal Gaming Commission does not agree with the State's determination, then the question shall be submitted to the NIGC for resolution. During the period of review by the NIGC, the employee may be allowed to work at a non-licensed position.

- 4.21 Authorization Required for Class III Licenses. For any Class III gaming, no license shall be issued by the Tribal Gaming Commission which is not in compliance with the tribal-state compact or procedures set forth in the Indian Gaming Regulatory Act at 25 U.S.C. § 2710(d)(7)(B).
- 4.22 Term of License. Each license shall be valid for at least one year and shall commence and expire as determined by the Tribal Gaming Commission.
- 4.23 Licensing of Distributors. The Tribal Gaming Commission may authorize, require and issue such annual licenses as the Tribal Gaming Commission by regulation may provide, to any person or entity to engage in the selling, distributing, or otherwise supplying of gambling equipment or paraphernalia for use in connection with licensed gaming activity.

CHAPTER 5 -- GAMING LICENSE FEES

- 5.1 Annual Fee. The annual fee for each gaming license issued pursuant to this Ordinance to the holder of a valid management contract shall be Ten Thousand Dollars (\$10,000) and for each primary management official and key employee shall be One-Hundred Dollars (\$100) and for all other applicants shall be Twenty-Five Dollars (\$25). The Tribal Gaming Commission may waive the annual fee on a case-by-case basis.
- 5.2 Adjustment of Fee. The Tribal Gaming Commission may adjust the amount of the annual fee, provided that any adjustment shall take effect only on the ensuing date of renewal for licensees seeking renewal.
- 5.3 When Fee Due. The initial annual gaming license fee shall be paid with the submission of the applicant's completed application, and subsequent annual license fees shall be paid in advance of the issuance or renewal of a gaming license.
- 5.4 Prorated Fee. The annual license fee may be prorated in the case of each initially issued gaming license.

- 5.5 Deposit of Fees. All moneys collected or received by the Tribal Gaming Commission from the conduct of gaming regulation activities shall be deposited daily in a separate bank account designated by the Tribal Treasurer, which account shall contain only such moneys. All expenses shall be withdrawn from such account by consecutively numbered checks duly signed by the Director and payable to a specific person or organization. There shall also be written on the check the nature of the expense for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee. Wire transfers shall be allowed with proper documentation.

CHAPTER 6 -- USE OF GAMING REVENUE

- 6.1 Use of Net Revenues. The Tribe's share of net revenues are not to be used for purposes other than:
- (i) to fund tribal government operations and programs;
 - (ii) to provide for the general welfare of the Tribe and its members;
 - (iii) to promote tribal economic development;
 - (iv) to donate to charitable organizations;
 - (v) to help fund operations of local government agencies.
- 6.2 Secretary Approved Plan. Net revenues from the gaming establishment may be used to make per capita payments to members of the Tribe upon the preparation of a plan approved by the Tribal Council and submitted to the Secretary of the Interior pursuant to the requirements of 25 U.S.C. § 2710(b)(3).

CHAPTER 7 -- RECORDS AND REPORTS

- 7.1 Required Records. A Gaming Operation shall keep permanent books of account or records, including inventory records of gaming supplies, sufficient to establish the amount of gross and net income, deductions and expenses, receipts and disbursements, and other information required in any financial statement, report, or other accounting prepared pursuant to the Act or Chapter III of Title 25 C.F.R. A Gaming Operation shall also maintain all logs required by the Compact, which shall be available for inspection by the State gaming agency in accordance with the enforcement provisions of the Compact.
- 7.2 Report to Tribal Gaming Commission. No later than the twenty-fifth (25th) day of each month, Manager shall provide, in a report form prescribed by the Tribal Gaming Commission, a statement of gross revenues (gaming and non-gaming), Net Revenues (gaming and non-gaming), Operating Expenses, and prizes paid at each Gaming Establishment during the immediate preceding month, together with such other reports as are required of Manager under an approved Management Agreement.
- 7.3 Access to Records. All papers, books, and records including computer records of the Gaming Operation relating to licensed gaming activities shall be subject to inspection, examination, photocopying, and auditing by the Tribal Gaming Commission and the Commission's authorized representatives at any time. All such papers, books, and records shall be retained not less than six (6) years.
- 7.4 Insurance Policies. A copy of all insurance policies covering the gaming enterprise or any part thereof shall be filed with the Tribal Gaming Commission.

CHAPTER 8 -- AUDITING AND INTERNAL CONTROL

8.1 Minimum Procedures for Control of Internal Fiscal Affairs. The Tribal Gaming Commission shall promulgate or review, subject to Council approval, regulations for control of internal fiscal audits of all gaming operations. At a minimum, those regulations shall:

- (a) Prescribe minimum procedures for safeguarding the gaming operation's assets and revenues, including recording of cash and evidences of indebtedness, mandatory count procedures. Such procedures shall establish a control environment, accounting system, and control procedures that safeguard the assets of the organization, assures that operating transactions are properly recorded, promote operational efficiency, and encourage adherence to prescribed policies.
- (b) Prescribe minimum reporting requirements to the Tribal Gaming Commission.
- (c) Provide for the adoption and use of internal audits, by internal auditors and Certified Public Accountants licensed to practice accounting in the State of Rhode Island.
- (d) Formulate a uniform code of accounts and accounting classifications to assure consistence, comparability and effective disclosure of financial information. Such code shall require that records be retained that, at a minimum, reflect statistical drop (amount of cash wagered by patrons), statistical win (amount of cash won by the gaming operating) and the percentage of statistical win to statistical drop, or provide similar information, for each type of game, or each gaming device.
- (e) Prescribe the intervals at which such information shall be furnished.

- (f) Provide for the maintenance of documentation (i.e., checklists, programs, reports, etc) to evidence all internal work performed as it relates to the requirements of this section.
- (g) Provide that all financial statements and documentation referred to in section (f) be maintained for a minimum of five (5) years.

8.2 Tribal Gaming Commission Oversight of Internal Fiscal Affairs. The Tribal Gaming Commission shall, by regulation approved by the Tribal Council, require audits to be conducted no less frequently than annually of the financial statements of all gaming operations. Such audits must:

- (a) be made by independent Certified Public Accountants holding a permit issued by the State of Rhode Island to practice public accounting;
- (b) include an opinion that the financial statement fairly and accurately presents the financial condition of the gaming operation in accordance with generally accepted accounting principles (GAAP) and in accordance with the standards of the accounting profession established by rules and regulations of the American Institute of Certified Public Accountants. Audits of the gaming operation required under this Section may be conducted in conjunction with any other independent audit of the Tribe, provided that the requirements of Chapter III of Title 25 C.F.R. are met;
- (c) disclose whether the accounts, records, and control procedures maintained by the gaming operation are as required by the regulations promulgated by the NIGC and this Ordinance; and
- (d) provide for a preliminary review of the internal control structure, upon adoption of the polices and procedures by the entity, to disclose any deviation from prescribed rules and regulations and report such findings to the Tribal Gaming Commission.

(e) The scope of these audits shall include all gaming related contracts that result in the purchase of supplies, services or concessions in excess of \$25,000 annually (except contracts for professional, legal and accounting services). Resulting audit reports shall be submitted to the NIGC.

8.3 Commission's Right to Conduct Audit. The Tribal Gaming Commission shall be able to retain its own appointed accountants, or direct an accountant employed by the Tribe to conduct its own audit of any gaming operation.

8.4 Prohibition Against Embezzlement. Any delay, maneuver or action of any kind which in the opinion of the Tribal Gaming Commission is effectuated by any licensee to unlawfully divert gaming or other proceeds properly belonging to the Tribe shall constitute grounds for taking disciplinary action against that licensee. If the Tribal Gaming Commission finds an unlawful diversion was attempted, it shall sanction the licensee. Sanctions may include fining, revoking, suspending, limiting or refusing to renew the license.

8.5 Copies of Audit Reports. The Tribal Gaming Commission shall submit to the NIGC a copy of the audit report(s) and management letter(s) setting forth the results of each annual audit within one hundred twenty (120) days after the end of each fiscal year of the gaming operation(s) resulting from the audit(s) conducted pursuant to Section 8.2 above.

8.6 Relationship of Audited Financial Statements to Fee Assessment Reports. The Tribal Gaming Commission shall reconcile its quarterly fee assessment reports, submitted under 25 C.F.R. Part 514, with its audited financial statements and make available such reconciliation upon request by the NIGC's authorized representative.

CHAPTER 9 -- EXCLUSION OR EJECTION OF INDIVIDUALS

- 9.1 Notice of Rules. Notice regarding the improper conduct set out in this Ordinance or other gaming rules established and enforced by the Tribal Gaming Commission shall be posted at the entrance of each gaming establishment and/or given to the customer upon entering the premises.
- 9.2 Ejection for Improper Conduct. The following improper conduct shall result in ejection of a customer from any gaming establishment:
- (a) cheating as defined in this Ordinance;
 - (b) possession of any weapon or firearm in the gaming establishment;
 - (c) possession of alcohol that has been brought by a customer into the gaming establishment;
 - (d) possession of a controlled substance in the gaming establishment;
 - (e) disorderly conduct, including the willful, or wanton disregard for the rights of others; and
 - (f) any other act which is disruptive to the gaming operation.
- 9.3 Failure to Provide Proof of Age. Failure by a customer to provide proof of age when requested by gaming operation personnel shall result in ejection of the customer from the premises but the admission fee, if any, shall be refunded.
- 9.4 Ejection by Appropriate Personnel. Ejection of a customer shall be accomplished by authorized security personnel of the gaming operation, or such other authorized law enforcement agency conducting security and law enforcement on Tribal trust lands.

- 9.5 List of Undesirables. The Tribal Gaming Commission may, by regulation approved by the Tribal Council, provide for the establishment of a list of persons who are to be excluded or ejected from any duly licensed gaming operation. The list may include any person whose presence in the gaming establishment is determined by the Tribal Gaming Commission to pose a threat to the interests of the Tribe, the public, or to licensed gaming. Race, color, creed, national origin or ancestry or sex must not be grounds for placing the name of a person on the list.
- 9.6 Notice and Opportunity to be Heard. The Tribal Gaming Commission shall promulgate regulations, approved by the Tribal Council, providing fair notice and opportunity to be heard to any individual whose name is being contemplated by the Tribal Gaming Commission to be placed on the list referred to in Section 9.5. Such regulations must provide the person an opportunity to show cause why his name should be deleted from the list. The individual may appeal any decision of the Tribal Gaming Commission to place his name on the list.
- 9.7 Prohibition Against Listed Individuals. It shall be a violation of this Ordinance for any licensee to knowingly fail to exclude or eject from the gaming establishment any persons placed on the list referred to in section 9.5. It shall be a violation of this Ordinance for any person whose name appears on the list referred to in section 9.5 to enter, or engage in any game at, a duly licensed gaming establishment.

CHAPTER 10 -- CHEATING

- 10.1 Unlawful Acts. It is unlawful for any person:
- (a) to alter or misrepresent the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players;

- (b) 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 knowledge of any event that affects the outcome of the game or knowledge that is the subject of the bet or wager;
- (c) to aid anyone in acquiring such knowledge as set forth in subparagraph (b), for the purpose of increasing or decreasing a bet or wager, or for the purpose of determining the course of play contingent upon that event or outcome;
- (d) to claim, collect or take, or attempt to claim, collect or take, money or anything of value in or from a gambling game with intent to defraud, without having made a wager contingent thereon, or to claim, collect or take an amount greater than the amount won;
- (e) to knowingly entice or induce another to go to any place where game is being conducted or operated in violation of the provisions of this chapter, with the intent that the other person play or participate in that gambling game;
- (f) to place or increase a bet or wager after acquiring knowledge of the outcome of the game or event which is the subject of the bet or wager, including past-posting and pressing bets;
- (g) 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 or wager, including pinching bets; or
- (h) to manipulate with intent to cheat, any component of a gaming device in a manner contrary to the designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.

- 10.2 Prohibition Against Electronic Device. Except as specifically permitted by the Tribal Gaming Commission, no person shall possess with the intent to use, or actually use, at any game, either by himself or in concert with others any calculator, computer or other electronic, electrical, or electromechanical device to assist in projecting an outcome at any game, to keep track of or analyze the cards having been dealt, to change the probabilities of any game or the playing strategies to be utilized.

CHAPTER 11 -- VIOLATIONS

- 11.1 Gaming Without a License. No person shall operate or conduct any gaming activity in a gaming establishment within the exterior boundaries of the Narragansett Tribal lands without a gaming license issued by the Tribal Gaming Commission, as required by this Ordinance.
- 11.2 False or Misleading Information. No licensee or license applicant shall knowingly provide false or misleading information in connection with any document or proceeding under this Ordinance, Tribal resolution, Indian Gaming Regulatory Act, or 25 C.F.R. Chapter III.
- 11.3 Accounting for Money. No licensee shall fail to account fully for all moneys received or collected in connection with gaming activities or to file any report required by the management contract.
- 11.4 Access to Gaming Operation. No gaming operation shall refuse to allow a duly authorized representative of the Tribal Gaming Commission, duly authorized Tribal Councilmember, or duly authorized representative of the NIGC to enter or inspect a gaming operation in accordance with 25 C.F.R. §§ 571.5 or 571.6, or a Tribal Ordinance or resolution approved under 25 C.F.R. §§ 522 or 523. No gaming operation shall refuse to allow a duly authorized representative of the State to enter or inspect a Class III gaming operation in accordance with the provisions of the Compact.

- 11.5 Minimum Age. No person under the age of twenty-one (21) years shall be permitted to participate in any gaming activities. Notwithstanding any other Tribal ordinance or regulation, no person under twenty-one (21) years of age shall be employed by the gaming operation to serve alcoholic beverages.
- 11.6 Cheating. No person shall engage in cheating (as that term is defined in this Section, Section 1.2(f) and Section 10 of this Ordinance) in any gaming activity or engage in any fraudulent conduct affecting either the Tribe or a customer of a gaming operation.
- 11.7 Firearms and Other Weapons. (a) No person, other than an authorized law enforcement officer, may enter or remain in a gaming establishment licensed under this Ordinance while in the possession of a firearm or other weapon.
- (b) Upon the written authorization of the Tribal Gaming Commission, individuals licensed by the Tribe and the State to possess and carry firearms, who are hired to transport deposits to or from the gaming operation may carry firearms only in designated areas of the gaming facility.
- 11.8 Violation of Rules or Regulations. No person shall intentionally violate any of the regulatory provisions of the other sections of this Ordinance, nor any rule, regulation or order of the Tribal Gaming Commission or the Tribal Council.
- 11.9 Privity with Violator. Any person who is in privity with a violator (as the term "in privity with" is defined in Section 1.2(x) of this Ordinance) shall be deemed to be in violation of this Ordinance to the same extent as the violator, and shall be treated accordingly.
- 11.10 Responsibility of Licensee. The licensee is responsible to ensure that all primary management officials and key employees assisting in operating any gaming activity on the licensee's behalf comply with this Ordinance. A violation of this Ordinance by any such officials or employees, unless otherwise provided in an approved management agreement, shall be deemed a violation by the licensee, subjecting such licensee to civil

enforcement action consistent with an approved management agreement, and it shall not be a defense that the licensee was unaware of the violation.

11.11 Prohibited Conduct. No person, whether playing in or conducting any gaming activity authorized under this Ordinance, shall:

- (a) use bogus or counterfeit cards, or substitute or use any game cards that have been tampered with;
- (b) employ or have on one's person any cheating device to facilitate cheating in any gaming activity;
- (c) use any fraudulent scheme or technique, including when an operator or player of games of charitable gaming tickets directly or indirectly solicits, provides, or receives inside information of the status of a game for the benefit of either person; or
- (d) knowingly cause, aid, abet, or conspire with another person or cause any person to violate any provision of this Ordinance or any rule adopted under this Ordinance.

11.12 Sanctions. Any person who engages in activities on property subject to the provisions of this Gaming Ordinance without a license, in violation of any license or terms imposed thereon, in violation of terms of suspension, or in violation of the Ordinance, including any person who unlawfully trespasses upon any premises licensed by this Ordinance without the consent of the licensee and/or the Tribal Gaming Commission shall be guilty of an offense and be fined in accordance with the provisions of Section 13 of this Ordinance.

CHAPTER 12 -- NOTICE OF VIOLATION

- 12.1 Issuance of Notice of Violation. The Tribal Gaming Commission may issue a written notice of violation to any person for violation of any provision of this Ordinance.
- 12.2 Content of Notice of Violation. A notice of violation shall contain:
- (a) a citation to the Ordinance provision that has been or is being violated;
 - (b) a description of the circumstances surrounding the violation, set forth in common and concise language;
 - (c) measures, if any, required to correct the violation;
 - (d) where applicable, a statement that the violation must be corrected within five (5) Business Days from the date the notice was issued;
 - (e) a statement of the alleged violator's rights of appeal; and
 - (f) the amount of any civil fines which the alleged violator may be required to pay pursuant to Section 13 below.

CHAPTER 13 -- CIVIL FINES

- 13.1 Violations of Ordinance - Fines; Penalties. In issuing a notice of violation under Section 12 of this Ordinance, the Tribal Gaming Commission may:
- (a) Impose a civil fine of no more than Five Thousand Dollars (\$5,000), unless another amount is stated, for each separate count or violation. Each day of violation shall constitute a separate count or violation under this Ordinance. A violator may also be required to pay court costs, storage fees, and auction or sales fees. All property used or

which may be used in activities in each and every separate violation of this Ordinance may become the property of the Tribe; persons may be prohibited from trespassing on premises licensed under this Ordinance, licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Tribal Gaming Commission consistent with this Ordinance, subject to the right of appeal. Winnings found to have been received in violation of this Ordinance are forfeited and become the property of the Tribe.

- (b) Impose a penalty of One Hundred (\$100) Dollars per day for failure to submit to the Tribal Gaming Commission any report required under this Ordinance when it is due, and One Thousand (\$1,000) Dollars per day for failure to file any such report after three-day written notice and demand.

13.2 How Assessments are Made. The Tribal Gaming Commission shall review each notice of violation to determine whether a civil fine will be assessed, the amount of the fine, and, in the case of a continuing violation, whether such daily violation will be deemed a separate violation for purposes of the total civil fine assessed.

13.3 Procedures for Assessment of a Civil Fine:

- (a) Within five (5) Business Days after service of a notice of violation, the alleged violator shall submit written information to the Tribal Gaming Commission about the violation and any corrective measures undertaken. The Tribal Gaming Commission shall consider any information so submitted in determining the facts surrounding the violation and the amount of the civil fine;
- (b) The Tribal Gaming Commission shall serve a copy of the proposed assessment on the alleged violator within ten (10) Business Days after the notice of violation was issued, when practicable; and

- (c) The Tribal Gaming Commission may review and reassess any civil fine if necessary to consider facts that were not reasonably available on the date of issuance of the proposed assessment.

13.4 Final Assessment.

- (a) If the alleged violator fails to request a hearing as provided in Section 15 of this Ordinance, the proposed civil fine assessment shall become a final order of the Tribal Gaming Commission;
- (b) Civil fines assessed under this Section shall be paid by the person assessed and in the event a management contractor is assessed, such assessment shall not be treated as an operating Expense of the gaming operation; and
- (c) The Tribal Gaming Commission shall transfer civil fines paid under this Ordinance to the Treasurer of the Tribe for deposit into an account designated by the Council.

CHAPTER 14 -- CIVIL ENFORCEMENT

14.1 Enforcement Actions. The Tribal Gaming Commission may take any one or a combination of the following actions with respect to any person who violates any provision of this Ordinance:

- (a) Suspend or revoke any gaming license issued by the Tribal Gaming Commission; and
- (b) Impose any civil fines as determined appropriate by the Tribal Gaming Commission under this Ordinance;
- (c) Upon approval of the Council, bring an action in a court of competent jurisdiction for imposition of one or more of the following sanctions:

- (i) seizure of any gaming apparatus, proceeds, or other property of a licensee or connected with the gaming activities engaged in by the licensee;
 - (ii) collection of any unpaid fees, interest, penalties, and of any civil fines unpaid after thirty (30) days; and
 - (iii) execution of any nonexempt property of a violator located within the exterior boundaries of tribal lands;
 - (iv) in the case of a nonmember of the Tribe, expulsion from the Tribal lands.
- (d) Seize and impound any patron's winnings which the Tribal Gaming Commission may have reasons to believe may have been won or obtained in violation of this Ordinance pending a civil forfeiture hearing on such seizure;

14.2 Court Jurisdiction. Civil actions may be brought by the Tribal Gaming Commission, after approval by the Tribal Council, in any court of competent jurisdiction to enforce the provisions of this Ordinance.

14.3 Efforts of Commission Before Enforcement Action. Before taking any action authorized in Sections 13 and 14 of this Ordinance, the Tribal Gaming Commission shall use its best efforts to notify the alleged violator, in person or by letter delivered to his/her last known address, of the charges against him/her, and allow the alleged violator an opportunity for a prompt hearing. If the alleged violator fails to respond, or cannot be found, the Tribal Gaming Commission may proceed with a hearing notwithstanding, and take such action as it deems appropriate. Said notice of the alleged violation shall be served at least three (3) Business Days prior to the hearing.

14.4 Acknowledgement of Authority and Jurisdiction. Every person who applies for a gaming license and accepts such license thereby acknowledges the civil

enforcement jurisdiction and authority of the Tribal Gaming Commission or a court of competent jurisdiction under this Ordinance to order an execution on his/her nonexempt property, the suspension or termination of his/her further conduct of gaming activities and the seizure of his/her gaming equipment or proceeds or other property, located on tribal lands upon a proper finding of the Tribal Gaming Commission or the court that the person has violated a provision of this Ordinance, despite lack of actual notice, provided that the Tribal Gaming Commission has made best efforts to notify the accused personally or by letter delivered to his/her last known address.

- 14.5 Subpoena Power. The Tribal Gaming Commission shall have full power and authority to issue subpoenas and compel the attendance of witnesses for hearing at any place within the Reservation, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Tribal Gaming Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper.

CHAPTER 15 -- HEARINGS AND APPEALS

- 15.1 Scope. This Chapter provides procedures for appeals to the Tribal Gaming Commission regarding:
- (a) the failure to issue, or the revocation, modification or suspension of a license;
 - (b) a violation alleged in a notice of violation;
 - (c) civil fines assessed by the Tribal Gaming Commission in this Ordinance; and
 - (d) amendments to this Ordinance or regulations or procedures issued by the Tribal Gaming Commission.

- 15.2 Notification of Hearing. The Tribal Gaming Commission shall hold a hearing on the proposed revocation or reinstatement of a suspended gaming license under Section 4.19 held by a primary management official or key employee pursuant to 25 C.F.R. § 558.5, or any other licensee, and before modifying, suspending or revoking a contract. The licensee shall be notified in writing by the Tribal Gaming Commission of the time and place for hearing. After the hearing, the Tribal Gaming Commission shall decide to revoke, modify or reinstate the gaming license. The Tribal Gaming Commission shall notify the NIGC of its decision regarding primary management officials or key employees in accordance with 25 C.F.R. § 558.5.
- 15.3 Petition for Waiver of Fines or Penalties. Any licensee paying a civil fine or penalty for any violation enumerated in this Ordinance may petition the Commission for a partial or full waiver of suit, fine, or penalty. The petition must set forth an explanation for the waiver and shall be filed within thirty (30) days after the payments was made.
- 15.4 Petition for Hearing. Any person aggrieved by a decision made or action taken by the Tribal Gaming Commission without notice and opportunity for hearing to the aggrieved person may petition the Tribal Gaming Commission for a hearing and reconsideration. The petition shall be filed within thirty (30) days after the petitioner knew or should have known of the decision or action. The Tribal Gaming Commission shall grant a prompt hearing upon receiving such a petition, and shall reconsider its decision or action, affirm, modify, reverse and/or vacate its decision in light of what is presented at a hearing.
- 15.5 Petition for Rehearing. Any person aggrieved by a decision made or action taken by the Tribal Gaming Commission after notice and opportunity for hearing may petition the Tribal Gaming Commission for a rehearing and reconsideration. Such petition shall specifically set forth the reasons for aggrievement and be filed within thirty (30) days after the Commission's initial decision. The Commission shall set the matter for hearing no later than thirty (30) days and no sooner than ten (10) days after receipt of the

petition for rehearing, and may affirm, modify, reverse and/or vacate its initial decision in light of what is presented at a hearing.

- 15.6 Notification of Tribal Gaming Commission Decision. Within three (3) Business Days following its determination, the Tribal Gaming Commission shall inform the subject in writing of its determination.
- 15.7 Right to Appeal to Tribal Council. Any aggrieved party shall have the right to appeal an adverse determination of the Tribal Gaming Commission to the Tribal Council. Such appeal must be filed with the Tribal Council in written form on or before the thirtieth (30th) day following receipt of the final written determination of the Tribal Gaming Commission. In any appropriate case which has been referred to the Tribal Council for final action, the Tribal Council shall review the determination of the Commission. The Council is the final interpreter of the Tribe's regulations and ordinances. The Council's decision shall be final and no further appeals may be had.
- (a) At the hearing before the Tribal Council, the burden of proof shall be on the applicant to show cause why the Tribal Gaming Commission's determination was incorrect. Following such hearing, the Tribal Council shall reach a determination concerning:
- (i) the accuracy of the preliminary certification of facts;
 - (ii) whether the license in question should be granted, continued, suspended, revoked, conditioned, or limited; and
 - (iii) whether or not any other recommended action including, but not limited to forfeitures, should be taken.

CHAPTER 16 -- SERVICE

- 16.1 Service on Tribe. Any official determination, order, or notice of violation issued by the NIGC, or notice, appeal or other official document shall be served upon the Director, Narragansett Tribal Gaming Commission, P.O. Box 268, Charlestown, Rhode Island 02813. The Director shall promptly provide copies of any such determination, order or notice to the Commissioners, the Chief Sachem and Council, the Tribe's attorneys, the Management Contractor, and its attorneys.
- 16.2 Service on Management Contractor or Tribal Operator. A management contractor or a Tribal operator shall designate by written notification to the NIGC an agent for service of any official determination, order, or notice of violation.

CHAPTER 17 -- DISPUTES

- 17.1 Disputes Between Patrons and the Tribal Gaming Operation.
- (a) Manager and a representative of the Tribal Gaming Commission (Commission inspectors) shall be present at all times to resolve complaints by customers.
 - (b) If Manager or a Tribal Gaming Commission inspector are unable to resolve any dispute, as provided in (a), the matter may, upon request of the customer, be referred to the Tribal Gaming Commission for resolution. Action by the Tribal Gaming Commission on a dispute may be initiated by the customer by making a written request to the Narragansett Tribal Gaming Commission. The decision of the Tribal Gaming Commission on any dispute so referred to it for resolution may be appealed to the Tribal Council whose decision shall be final.

- 17.2 Development of Procedures for Tort and Other Contract Claims. The Tribal Gaming Commission shall develop or review procedures for the disposition of tort claims arising from alleged injuries to patrons of the Tribe's Gaming establishment as well as contract claims arising from activities and transactions relating to the gaming operation, subject to approval of the Tribal Council. Nothing herein is intended as a waiver of the Tribe's sovereign immunity from suit.
- 17.3 Disputes Between Manager and Tribe. Disputes between the management contractor and the Tribe shall be handled in accordance with the provisions of the approved Management Agreement.
- 17.4 Limitation of Actions. The Tribal Gaming Commission and the Tribal Council shall have no jurisdiction over any action brought more than three (3) years after the cause of action arose, except that no statute of limitations shall bar an action brought by the Tribe.

CHAPTER 18 -- APPLICABLE LAW

- 18.1 Applicable Law. All controversies involving contracts relating to gaming entered under the authority of the Narragansett Tribe on its Tribal lands shall be resolved, as appropriate, in accordance with:
- (i) the Indian Gaming Regulatory Act, NIGC Regulations, other applicable Federal laws, and
 - (ii) the laws and regulations of the Tribe.
- 18.2 Conflict Between Compact and Ordinance. To the extent that the provisions of any Tribal-State Compact entered into between the Narragansett Tribe of Rhode Island and the State of Rhode Island are inconsistent with any provisions of this Ordinance relating to Class III gaming, the provisions of the compact shall govern Class III gaming on Narragansett Tribal lands.

- 18.3 Incorporation by Reference. If so required by the terms of a Tribal-State Compact between the Narragansett Tribe and the State of Rhode Island, the provisions set forth in the Compact are incorporated herein by reference.

CHAPTER 19 -- NATIONAL INDIAN GAMING COMMISSION AND TRIBAL-STATE COMPACTS

- 19.1 NIGC - Regulations. Notwithstanding any provision in this Gaming Ordinance or any regulation promulgated thereunder, the Tribal Gaming Commission is fully empowered to comply with all regulations promulgated by the NIGC, including but not limited to, all requirements to report ordinances, contracts, license applications, background checks, and other information to the NIGC.
- 19.2 NIGC - Assessment. Notwithstanding any provision in the Gaming Ordinance or any regulation promulgated thereunder, the Tribal Gaming Commission is fully empowered to comply with all assessments authorized by the NIGC. Such assessments shall be considered an Operating Expense.
- 19.3 Compact with the State of Rhode Island (Class III only). Notwithstanding any provision in this Gaming Ordinance or any regulation promulgated thereunder pertaining to Class III gaming, the Tribal Gaming Commission is fully empowered to implement and to comply with the provisions of any compact executed between the Tribe and the State of Rhode Island, or procedures issued by the Secretary of the Interior, including provisions requiring background investigations of persons not subject to such investigations under this Ordinance.

CHAPTER 20 -- MISCELLANEOUS

- 20.1 Security. Each licensed gaming establishment must provide for reasonable security by professionally qualified personnel. All security personnel must be licensed by the Tribal Gaming Commission.

- 20.2 Law Enforcement Plan. The Tribe will work with the State of Rhode Island to develop a law enforcement plan as required by the law enforcement provisions of the Compact.
- 20.3 Changes in Ownership Interest. Subject to the terms of any management agreement, any transfer of an ownership interest in a management contract shall require the approval of the Tribal Council and is void until and unless so approved. The management contractor shall provide the information required as to such transfer. Nothing herein shall alter the applicability of 25 C.F.R. § 535.2.
- 20.4 Conveying Interest in Land. No management contract for the operation of a gaming activity regulated by this Ordinance shall transfer or, in any other manner, convey any interest in land or other real property, unless specific applicable statutory authority exists and unless clearly specified in writing in said contract.
- 20.5 Maintenance of Ordinance and Regulations. Each licensed gaming establishment shall obtain, maintain and keep current a copy of the Gaming Ordinance and regulations promulgated thereunder, which shall be located at the premises used for the conduct of a licensed activity. The Ordinance and regulations shall be produced by the gaming establishment and shown to any person upon demand. That the establishment may not have a current copy of the Ordinance, or each of the rules of the Tribal Gaming Commission, shall not in any way diminish the licensee's obligation to abide by the Ordinance and regulations.
- 20.6 Compliance with Other Laws. The construction, maintenance and operation of any facility in which gaming activities are to take place shall be in a manner which adequately protects the environment and the public's health and safety and shall comply with any otherwise applicable tribal and federal laws relating to environmental protection and public health and safety. The Tribal Gaming Commission shall establish or review standards and

procedures to ensure the proper maintenance of the gaming facility and other facilities and structures.

20.7 Amendments. (a) All regulations promulgated by the Tribal Gaming Commission are subject to proper revision, repeal or amendment by the Tribal Council. The Tribal Gaming Commission may initiate and shall advise the Tribal Council on all proposed amendments to this Ordinance.

(b) The Tribal Council shall approve, by majority vote, any such revision, repeal or amendment of this Ordinance.

(c) Within fifteen (15) days after adoption by the Tribal Council, and as required by 25 C.F.R. § 522.3, the Tribal Gaming Commission shall submit for the NIGC's approval, any amendment to this Ordinance.

20.8 Severability. If any provision of this Ordinance, or its application to any person, purpose or circumstance, is held invalid, the full remainder of the provision, or the application of the provision through another person or circumstances, shall not be affected, nor shall the invalidity affect other provisions or applications of the Ordinance which can be given effect and, to this end, the provisions of this Ordinance are severable.

20.9 Repeal. To the extent that they are inconsistent with this ordinance, all prior gaming ordinances are hereby repealed.

20.10 Effective Date. This Ordinance shall be effectively upon approval by the Chairman of the NIGC.

Narr f/Gaming Ordinance 7395 (711)