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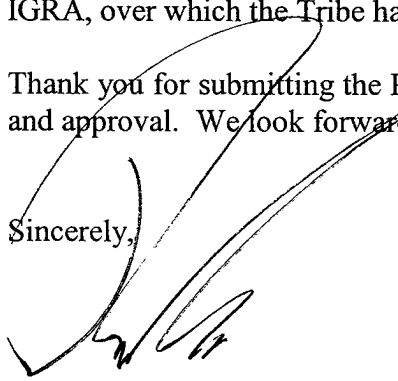
Mary L. Prevost
Holland & Knight LLP
2600 Pike Tower
520 Pike Street
Seattle, WA 98101

Dear Ms. Prevost:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the Pit River Indian Tribe's Pit River Tribal Gaming Ordinance amendments adopted March 17, 2004. This letter constitutes such approval under the Indian Gaming Regulatory Act (IGRA). It is important to note that the gaming ordinance, as amended, is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Pit River Tribal Gaming Ordinance amendments for review and approval. We look forward to working with you in implementing the IGRA.

Sincerely,



Philip N. Hogen
Chairman

MAR 29 2004

**PIT RIVER TRIBE
Ordinance No 4
PIT RIVER TRIBAL GAMING ORDINANCE OF 1995
as Amended March 17, 2004**

The Pit River Tribe (“Tribe”), a federally recognized Indian Tribe, hereby amends and adopts the following ordinance, to be known as the “PIT RIVER TRIBAL GAMING ORDINANCE OF 1995”, as amended by the Tribe on March 17, 2004 (“Ordinance”). This Ordinance and any regulations promulgated thereunder shall constitute the entire gaming regulations for the Tribe.

Section 1. Findings and Policy.

This Ordinance is adopted by the Pit River Tribal Council, the governing body of the Pit River Tribe of the Pit River Reservation, pursuant to its authority under the Tribe’s Constitution and By-laws, for the purpose of establishing the terms for gaming on the Reservation for tribal governmental and charitable purposes, and to develop and operate such gaming consistent with the findings herein and in conformity with the federal Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq. (“IGRA”)) and regulations promulgated thereunder.

The Tribe finds that:

- a. Gaming under IGRA is a valuable means of reducing unemployment, diversifying revenue generating programs, generating revenues that are needed for economic development, to promote tribal self-sufficiency, economic development, employment, job training, and a strong tribal government, and to fund and ensure essential social programs and services and thereby improve the quality of life among all Members of the Tribe;
- b. The Tribe desires to conduct gaming to provide needed revenues to the Tribe and provide employment opportunities and to regulate and control such gaming in a manner that will protect Tribal Lands, the environment, the health, security and general welfare of the Tribe, the players, and the community; and
- c. The Tribe desires to manage and regulate such gaming in a manner that will adequately address such interests and needs of the Tribe.

Section 2. Definitions.

Unless specified otherwise, terms used herein shall have the same meaning as in IGRA, including but not limited to references to “Net Revenues,” “Class I,” “Class II,” and “Class III” gaming, except for references to “Commissioners,” “Commission,” or “Gaming Commission” which shall mean the Pit River Tribe Gaming Commission or its Commissioners, established and described herein.

- a. “Closely Associated Independent Contractor” shall mean any contractor that shares common ownership, common officers, or common directors with any management principal, or a person related thereto.

b. “Gaming” shall mean an activity in which a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event, not under his or her control or influence, upon an agreement or understanding that the person, or someone else, will receive something of value in the event of a certain outcome, but shall not include bona fide business transactions.

c. “Gaming Activities” shall mean any Class I, Class II, or Class III gaming activity conducted by or within the jurisdiction of the Tribe.

d. “Gaming Commission” or “Commission” shall mean the Pit River Tribe Gaming Commission, as established herein to monitor and regulate the Gaming Activities, investigate wrongdoing, conduct background investigations, issue licenses, and perform other duties as established in federal, state, or tribal law and as necessary for the licensing, monitoring, and regulation of gaming on Tribal Lands.

e. “Gaming Compact” shall mean any agreement between the State and the Tribe for the conduct and regulation of gaming activities.

f. “Gaming Contractor” shall mean any person or business that manufactures, distributes, or supplies gaming devices, other gaming equipment, other equipment or services, or personnel (including gaming management or consulting services) to any Gaming Activities or Gaming Entity.

g. “Gaming Entity” shall mean the gaming business, event, or activity (however organized) conducted by or within the jurisdiction of the Tribe.

h. “Key Employee” shall mean a person who performs one or more of the following functions: bingo caller, counting room supervisor, chief of security, custodian of gaming supplies or cash, floor manager, pit boss, dealer, croupier, approver of credit, or custodian of gaming devices including those persons with access to cash and accounting records within such devices. If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year, the four most highly compensated persons in the Gaming Entity and those considered key employees under any agreement between the state and the Tribe or their gaming regulatory agencies are included in the definition of Key Employees. At the discretion of the Gaming Commission, other positions or persons, and including Gaming Contractors not otherwise included, may be included under and subject to the licensing and regulatory requirements for Key Employees.

i. “Management Contract” shall mean any contract, subcontract, or collateral agreement between the 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.

j. “Member” shall mean any duly enrolled member of the Tribe.

k. “National Indian Gaming Commission” (“NIGC”) shall mean the commission established under IGRA.

l. “Net Revenues” shall mean gross gaming revenues of a tribal gaming operation less (a) amounts paid out as, or paid for, prizes; and (b) total gaming-related operating expenses,

excluding management fees, unless otherwise defined under applicable federal law, or an agreement between the state and the Tribe or their gaming regulatory agencies.

m. “Person” shall mean any natural person or entity, including but not limited to corporations, partnerships and trusts.

n. “Primary Management Official” shall mean the person who has management responsibility for a management contract; any person who has authority to hire and fire employees or to set up working policy for the Gaming Entity; or the chief financial officer or other person who has financial management responsibility. At the discretion of the Gaming Commission, other positions or persons, and including Gaming Contractors, may be included under and subject to the requirements for primary management officials.

o. “Related to” shall refer to persons who are related as a father, mother, spouse, sister, brother, child, grandparent, or grandchild.

p. “State” shall mean the State of California.

q. “Tribal Council” shall mean the committee of elected Tribal representatives established as the governing body of the Tribe by authority delegated pursuant to the Tribe’s Constitution and By-laws, and responsible for overseeing the operation and management of gaming.

r. “Tribal Court” shall mean any court established by the Tribe or, if no tribal court is established, the Tribal Council.

s. “Tribal Lands” shall mean those lands which, under IGRA, qualify as “Indian Lands” with respect to the Tribe and on which gaming may be conducted.

Section 3. Ownership of Gaming.

a. The Tribe shall have the sole proprietary interest in and responsibility for the conduct of any gaming operation authorized by this Ordinance, except to the extent the Tribe may contract with and license a person or entity to own, operate or manage the Gaming Entity pursuant to the provisions of IGRA or as otherwise permitted by law.

b. Gaming activities conducted on the Reservation, owned by a person or entity other than the Tribe, shall be licensed and regulated by the Tribe under this Ordinance, and conducted in compliance with the requirements of IGRA and 25 C.P.R. §§ 522.10 and 522.11.

Section 4. Gaming Commission.

a. Establishment of Gaming Commission. There is established hereby a Commission acting under the authority of the Tribe to be known as the Pit River Tribe Gaming Commission. The Gaming Commission is responsible for monitoring, licensing and regulation of the Gaming Entity and Gaming Activities consistent with requirements of applicable tribal, federal, and state law.

b. Membership and Appointment. The Gaming Commission shall be composed of three (3) members, each of whom shall serve initially for three (3) year terms. After the initial term, the Gaming Commissioners reappointed shall serve staggered terms so that all Commission appointments do not expire at the same time, with the Chairman's next term being a four (4) year term, and the Secretary/Treasurer and the Vice-Chairman terms being for three (3) years. The members of the Gaming Commission shall be appointed by the Tribal Council and at least two (2) Commissioners shall be members of the Tribe.

c. Qualifications for Office. The following minimum requirements must be met to qualify for membership on the Commission:

- i. At least two (2) shall be members of the Pit River Tribe;
- ii. Qualified by experience or education to serve as a full time working member of the Tribe's gaming regulatory body;
- iii. Twenty-one (21) years of age; and
- iv. Successfully pass a comprehensive background investigation and sign the Conflict of Interest Code.

d. Disqualifications for Office. The following persons shall not serve as Commissioners:

- i. Employees of any Gaming Entity on the Reservation;
- ii. Persons related to any Gaming Contractor (including any principal thereof or Closely Associated Independent Contractor); or
- iii. Persons who have been convicted of a felony.

e. Removal from Office. Once qualified and having passed a background investigation and signed the Conflict of Interest Code adopted by the Tribe, Commissioners may only be removed from office before the expiration of their terms by the Tribal Council for neglect of duty, malfeasance or other good cause shown. Good cause shall include violation of the Gaming Commission Conflict of Interest Code. The procedure for removing a Commissioner shall be the same as for removing a member of the Tribal Council.

f. Quorum. Two (2) members of the Gaming Commission shall constitute a quorum.

g. Officers and Duties. The Tribal Council shall appoint the Gaming Commission Chairman, who shall appoint and assign responsibilities for the Vice-Chairman and the Secretary/Treasurer. The Chairman shall preside over meetings of the Gaming Commission and the Vice-Chairman shall preside in absence of the Chairman. The Secretary/Treasurer shall record in writing the minutes of all Gaming Commission meetings and all official actions taken by the Gaming Commission, and shall annually prepare a draft budget for review by the members of the Gaming Commission.

h. Meetings. Meetings shall be held at least once per month in conjunction with a regular meeting (“Gaming Meeting”) of the Tribal Council at the Tribe’s primary meeting facility (“Scheduled Meetings”). At this Scheduled Meeting, the Gaming Commission shall provide a written report to the Tribal Council, present information and respond to questions, as applicable. Any Tribal member may attend Scheduled Meetings. Scheduled Meetings may be changed at any time by the Gaming Commission, with notice of such change posted prominently at least two (2) business days in advance at the Tribe’s primary meeting facility. Notice of other Gaming Commission meetings shall be given in writing to each Commissioner, served by first class mail or personal delivery at least three (3) business days prior to such meeting. Additional meetings shall be held as called by the Chairman or by at least two (2) other Commissioners. Meetings may be called at any time, by any means, with unanimous consent of the Commissioners. All Commission discussions, deliberations, and votes taken regarding specific license applications and related background investigations, or any other investigations, and any other matter the Commission deems must be kept confidential in order to preserve the integrity of the Gaming Entity or the Tribe or to protect the privacy of the applicant or licensee, shall be held in Executive Session.

i. Voting. All actions of the Gaming Commission shall be taken by majority vote. The Commission Chairman may vote on any issue.

j. Compensation for Serving; Fringe Benefits; Reimbursement of Expenses. Commissioners may be compensated for serving on the Commission at rates to be set by the Tribal Council in the annual budget for the Gaming Commission. Commissioners shall be eligible for fringe benefits which are available to other employees of the Tribe to the extent the provider of such benefits qualifies the Gaming Commission positions for such benefits. Subject to approval by the Tribal Council and in accordance with procedures to be adopted by that body, Commissioners shall be reimbursed for expenses incurred in connection with the performance of their Gaming Commission duties.

k. Commission Budget. At least annually, the Gaming Commission shall develop a budget for the upcoming twelve (12) months operation of the Gaming Commission and shall submit the proposed budget to the Tribal Council for review and approval. The proposed budget shall include all anticipated expenses for offices, staff, travel, meeting expense, estimated regulatory and travel costs, and compensation to Commissioners and staff. The tribal government shall establish a separate account for the Gaming Commission budget and shall pay all expenses and reimbursements upon request, consistent with the adopted budget.

l. Powers and Duties.

The Gaming Commission, acting as a regulatory body, shall have the power and duty to:

i. Adopt such regulations as appropriate in order to implement the provisions of this Ordinance and comply with federal law and Gaming Compact requirements. Such regulations shall be reviewed by the Tribal Council prior to final adoption;

ii. Inspect, examine and monitor Gaming Activities and the Gaming Entity, including the power to demand access to and inspect, examine, photocopy and audit all papers, books and records respecting such Gaming Activities and Gaming Entity;

- iii. Investigate or cause to be investigated, in conjunction with the tribal or other recognized enforcement agency or agencies, any suspicion of wrongdoing in connection with any Gaming Activities or Gaming Entity;
- iv. Conduct or cause to be conducted such investigations as may be necessary to determine compliance with all applicable laws, including this Ordinance, the Gaming Compact, and other applicable laws in respect to any contracts, agreements, goods, services, events, incidents, or other matters related to the Gaming Activities or Gaming Entity;
- v. Issue licenses to persons and entities connected with the Gaming Activities or the Gaming Entity and, at minimum, to all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558;
- vi. Conduct or cause to be conducted background investigations regarding persons and entities connected with the Gaming Activities or the Gaming Entity and, at minimum, for all Key Employees and Primary Management Officials according to requirements at least as stringent as those in 25 C.F.R. parts 556 and 558;
- vii. Hold such hearings, sit and act at such times and places, summon persons to attend and testify at such hearings, take such testimony, and receive such evidence as the Gaming Commission deems relevant in fulfilling its duties;
- viii. Administer oaths or affirmations to witnesses appearing before the Gaming Commission;
- ix. Implement and administer a system for investigating, regulating, licensing and monitoring employees and others connected with the Gaming Activities or Gaming Entity, as described herein, including the issuance of licenses to gaming facilities, individuals and entities as required under this Ordinance and the IGRA;
- x. Hear disputes against the Gaming Entity, in accordance with the procedures established in this Ordinance and in the Tribe's Tort Liability Ordinance;
- xi. Hire such staff and support services for the Commission as deemed necessary subject to the budget approved by the Tribal Council;
- xii. To the extent required, comply with any reporting requirements, including annual reports to the Tribal Council and Members, and those requirements established under the Tribe's Gaming Compact and other applicable law, including the IGRA and regulations promulgated;
- xiii. Promulgate rules for each Class I, Class II or Class III game allowed under this Ordinance, to govern the conduct of such games;
- xiv. Issue a certificate of occupancy and license to any gaming facility as required under applicable tribal, state, or federal requirements; and

xv. Carry out such other duties with respect to the Gaming Activities and Gaming Entity as the Tribal Council shall direct.

m. Quarterly and Annual Reports. On or before the last day of the month immediately following the close of each quarter in each year (for example, by April 30 for the quarter ending March 31; by July 31 for the quarter ending June 30, and so forth), the Gaming Commission shall provide in writing to the Tribal Council a Quarterly Report summarizing its activities during the prior quarterly period, and once a year, no later than November 15, an annual report for the 12-month period ending on September 30. The Quarterly and Annual Reports shall account for receipts and disbursements during such period. The Tribal Council shall cause an executive summary of the Annual Report to be made available to Members within thirty (30) days after its receipt. At the request of the Tribal Council, the Gaming Commission shall provide an oral report of its activities to the Tribal Council at least quarterly. Gaming Commission reports to the Tribal Council are available to any tribal member upon request.

n. Other Reporting Requirements. As required, the Gaming Commission shall comply with any reporting requirements established under the Tribal-State Gaming Compact to which the Tribe is a party, and other applicable law, including the IGRA and regulations promulgated thereunder.

Section 5. Permitted Gaming Activities.

a. Unauthorized Gaming Prohibited. All Gaming Activities on the Reservation (whether Class I, II or III) are prohibited except as expressly authorized under this Ordinance.

i. Class I Gaming. Class I Gaming Activities are hereby permitted to the extent consistent with tribal custom and practice. The Gaming Commission may prohibit and prevent any conduct which is claimed to be Class I gaming pursuant to a finding that such conduct is not in accordance with tribal customs or practices.

ii. Class II and Class III Gaming; Sole Proprietary Interest. Class II and Class III gaming on the Reservation is hereby authorized, provided the Tribe has the sole proprietary interest in and responsibility for the conduct of any Gaming Entity, or to the extent the Tribe may contract with or license a person or entity to own, operate or manage Gaming Activities or the Gaming Entity, pursuant to the provisions of IGRA or as otherwise permitted by law. Nothing herein shall prohibit the Tribe from engaging the services of non-tribal persons as employees thereof or engaging any person or entity to provide consulting or other technical assistance or to assist the Tribe in the management of Gaming Activities pursuant to a management agreement entered into under the provisions of IGRA.

Section 6. Gaming Revenues.

a. Tribal Property. Except as provided for under the terms of an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, all revenues generated from any Class II or Class III Gaming Activities are the property of the Tribe. Any profits or net revenues from Gaming Activities shall be deposited into the tribal accounts as determined by the Tribe. Once becoming part of such tribal account, such funds shall lose any identity as gaming revenues except to the extent necessary to identify them as such in order to comply with applicable law.

No individual Member shall be deemed to have any interest in such profits or net revenues. Payments from tribal accounts under other tribal programs, including those related to health, welfare, education, elderly care, and housing, shall not be deemed to be per capita payments. The Tribe acknowledges the requirements of IGRA, 25 U.S.C. § 2710 (b) (3) regarding gaming revenues.

b. Use of Net Revenues. Net revenues from Gaming Activities shall only be used for the following purposes:

- i. To fund tribal government operations or programs;
- ii. To provide for the general welfare of the Tribe and its members;
- iii. To promote economic development for the Tribe;
- iv. To donate to charitable organizations; or
- v. To help fund operations of local government agencies.

Section 7. Operation of Gaming Establishments.

a. Gaming Permitted as Licensed. Except to the extent authorized by an agreement pursuant to the provisions of IGRA or as otherwise permitted by law, Gaming Activities shall only be conducted in tribal owned, operated and licensed facilities pursuant to the provisions of this Ordinance. Such activities shall be conducted in accordance with the terms and conditions of the certificate of occupancy and license issued by the Gaming Commission for such purposes as to each facility before any Gaming Activities may occur therein. Such licenses may specify the hours of operation, type and scope of Gaming Activities allowed therein, permitted uses of the facility for other activities, rules of conduct for employees and patrons, food handling and entertainment, and such other matters as the Gaming Commission may deem necessary to the conduct of Gaming Activities therein.

b. Protection of Environment and Public. Any construction or maintenance of any gaming facility, and the operation of gaming therein, shall be conducted in a manner which adequately protects the environment and the public health and safety, consistent with this Ordinance and applicable Gaming Compact terms.

c. Dispute Resolution. Patrons who have complaints against the gaming establishment shall have as their sole remedy the rights set forth in the Tribe's Tort Liability Ordinance. Disputes with any management contractor or its employees shall be made to the Gaming Commission, and such shall be the exclusive remedy for such complaints. All complaints shall be submitted in writing. At the discretion of the Gaming Commission, the petitioner may be allowed to present evidence. The Gaming Commission will render a decision in a timely fashion and all such decisions will be final when issued, unless further review is set forth in the Ordinance. Any patron having a claim against the Gaming Entity or its management or employees must submit such claim to the Gaming Commission within thirty (30) days of its occurrence. All claims by patrons shall be reviewed under the Tort Liability Ordinance and shall be limited to the maximum recovery as provided therein.

Section 8. Audits.

Annual outside auditing by the recognized independent accounting firm selected by the Tribal Council shall be conducted of the Gaming Activities and the results thereof reported to the Tribal Council, the NIGC, and otherwise as required by law. All audits must meet any audit requirements of the Tribe.

Section 9. Contracts / Audits.

a. Gaming Contracts. Unless otherwise exempted by the Gaming Commission, contracts relating to Gaming Activities, the Gaming Entity or any gaming facility (except contracts for professional legal or accounting services) shall be subject to the Tribe's requirements for purchasing such goods and services.

b. Audit Requirements. All contracts for supplies, services, or concessions for a contract amount in excess of \$25,000 annually (except contracts for professional legal or accounting services) relating to Class II or Class III gaming on the Reservation shall be subject to independent audits, and such contracts shall so specify.

Section 10. Licenses.

a. Licensing Requirements. It is the declared policy of the Tribe that all Gaming Activities be licensed and controlled so as to protect the peace, dignity, and welfare of Members and other persons on the Reservation and to preserve the honesty, fairness and integrity of such Gaming Activities. Accordingly, no person or entity shall provide goods or services to, or be employed to conduct, be associated with, supervise, or manage any Class II or Class III Gaming Activities on the Reservation without an appropriate and valid independent Class II or Class III gaming license issued by the Gaming Commission. Any gaming license which is issued, or finding of suitability or approval by the Gaming Commission, shall be deemed a privilege subject to suspension or revocation. No license shall be issued that would place the Tribe in violation of a compact to which the Tribe is a party, or of any applicable law.

b. Burden on Applicant. The burden of proving an applicant's qualification to receive any license hereunder is at all times on the applicant. Applicants must accept any risk of adverse public notice, embarrassment or other action which may result from the application process and expressly waive any claim for damages as a result thereof.

c. Applicant Claim of Privilege. An applicant may claim any privilege afforded by law in connection with a gaming license application or investigation, but a claim of privilege with respect to any testimony or evidence pertaining thereto may constitute sufficient grounds for denial, suspension or revocation.

d. Release of Information. All persons applying for a license shall agree to release all information necessary in order for the Gaming Commission to achieve its goals under this Ordinance, and to furnish such information to the NIGC, and to such other governmental agency as may be required by law.

e. Types of Licenses. Three classes of licenses (Class A, Class B, and Class C) shall be issued to persons and entities associated with Gaming Activities or the gaming facility.

i. Class A Licenses. Before permitting any person to become permanently associated with the Gaming Activities as an investor, management entity, or other person owning or controlling ten percent (10%) or more of any interest in any management entity; or any Primary Management Official; Key Employee; Closely Associated Independent Contractor; or other individual or entity with influence over the management or operation of the gaming; and, unless otherwise exempted, all other gaming employees and Gaming Contractors, such person shall obtain a Class A license. Those who do not meet the qualifications established shall be denied a Class A license. The Gaming Commission shall conduct or cause to be conducted a background investigation to determine if such person has:

(1) Any criminal record or any reputation, prior activities, habits or associations which might pose a threat to the public interest or to the effective regulation of gaming.

(2) Anything else in their background which might create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming.

ii. Class B Licenses. Persons who are not among those identified in subsection (1) above, but are employed at a gaming facility on the Reservation in a non-gaming related activity, shall be required to obtain a Class B license from the Gaming Commission. Such persons must establish that they have not been convicted of a crime, or engaged in any activity, which the Gaming Commission in its sole discretion deems would render such person a danger to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Member, any gaming employee or patron, or the public.

iii. Class C Licenses. Minors (persons under 18 years of age) employed at a gaming facility on the Reservation may be issued a Class C license, which will entitle them to work in positions for which a Class B license would otherwise be required and in which minors are not otherwise prohibited by law from working. The Gaming Commission will first determine that the minor receiving a Class C license does not pose any threat to the safety or integrity of the Gaming Activities or the safety or property of the Tribe, any Member, any gaming employee or patron, or the public. Such licenses shall be valid for no more than six (6) months before renewal, and shall be revoked upon the minor's reaching the age of eighteen (18), at which time a Class A or B license, as may be appropriate, will be required. Minors shall not be employed as dealers or otherwise to operate or supervise the operations of games.

f. Class A and Class B License Renewal Revocation and Suspension. Class A and Class B licenses shall be subject to renewal at least every two (2) years. Licenses may be revoked or suspended upon the occurrence of any act which, if known during the application process, or becomes known thereafter, would have tended to disqualify such person for such a license.

g. Temporary Licenses. Pending completion of an investigation for a license, temporary licenses of no more than ninety (90) days duration may be issued by the Gaming Commission if, in its sole discretion, it deems it appropriate to do so. Under no circumstances

will the Gaming Commission issue more than two (2) temporary licenses to an individual or entity in any two (2) year period. Such licenses shall permit the licensee to engage in such activities pursuant to such terms and conditions as may be specified by the Gaming Commission. Such temporary licenses shall expire ninety (90) days from date of issuance, upon issuance of a regular license, or until an earlier specified expiration date, whichever occurs first.

h. License Investigations. The Gaming Commission may employ all reasonable means, including the engagement of outside services and investigators and the holding of hearings, to acquire the information necessary to determine whether or not a license should be issued. Applicants shall also agree to release all information necessary in order for the Gaming Commission to achieve its goals under this section and to furnish such information to the NIGC, the state gaming agency, and to such other agency as may be required by law.

i. License Fees. Unless specifically waived by the Gaming Commission, all persons applying for a Class A, B or C license shall be required to pay all applicable license fees and costs when due, including the reasonable cost for regulation and monitoring of licensees in connection with the license application. Estimates of licensing costs shall be provided to applicants upon request. Unless specifically waived by the Gaming Commission, payment for all fees and costs must be received by the Gaming Commission prior to issuance of the license.

j. Standards. All persons engaged by or associated with any Gaming Activity on the Reservation shall conduct themselves with honesty, integrity, and with such decorum and manners as may be necessary to reflect positively on the Tribe, its members and the Gaming Activities involved. Any failure to abide by such standards, or a violation of any rule, ordinance, custom or tradition of the Tribe, the Reservation or the Gaming Activities, or the terms or conditions of the license, may be grounds for immediate suspension or revocation of any license issued hereunder.

k. Appeals. All decisions of the Gaming Commission regarding the issuance, suspension, or revocation of licenses shall be final and effective when issued; provided, within fifteen (15) days of the receipt of the written decision regarding denial, suspension, or revocation of the license, the applicant may file a petition for reconsideration with the Gaming Commission. Any Member who is denied a license by the Gaming Commission may, within thirty (30) days of the receipt of the written notice of such denial, appeal the denial to the Gaming Commission, which shall have the power to reverse its prior decision and order that such license be issued. No decision of the Gaming Commission that a license be issued shall be valid if such issuance would place the Tribe in violation of the Gaming Compact, or of any applicable law.

l. Background Investigations.

i. The Gaming Commission shall request from each Primary Management Official and each Key Employee all of the information specified in subsections (1) through (14) below. Each other applicant for a Class A, Class B or Class C license shall submit such information as the Gaming Commission, in its sole discretion, deems appropriate for the position sought by applicant. The Gaming Commission reserves the right, at any time, to request additional information either prior to, during, or subsequent to any background investigation.

- (1) Full name, other names used (oral or written), social security number(s), date of birth, place of birth, citizenship, gender, all languages (spoken or written);
- (2) Current and for at least the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses and drivers license number(s);
- (3) Names and current addresses of at least three (3) personal references, including one personal reference who was acquainted with the applicant during each period of residence as listed under subsection (b) above;
- (4) Current business and residence telephone numbers;
- (5) Description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (6) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (7) Name and address of any licensing or regulatory agency with which the person has ever filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (8) For each felony for which there is an on-going prosecution or a conviction: the charge, the name and address of the court involved, and the date and disposition, if any, of the case;
- (9) For each misdemeanor conviction or on-going misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application: the name and address of the court involved, and the date and disposition, if any, of the case;
- (10) For each criminal charge (excluding minor traffic charges), whether or not there is or was a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed above pursuant to subsections (h) or (l) above: the criminal charge, the name and address of the court involved and the date and disposition, if any, of the case;
- (11) Name and address of any licensing or regulatory agency (federal, tribal, state, local or foreign) with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (12) Photographs (current at time of application);
- (13) Any other information the Tribe or the Gaming Commission deems relevant; and

(14) Fingerprints consistent with procedures adopted by the Gaming Commission according to 25 C.F.R. § 522.2(h),

ii. The Tribe shall conduct or cause to be conducted an investigation, through the Gaming Commission, sufficient to make a determination of eligibility as required under this Ordinance for, at minimum, all Key Employees and Primary Management Officials. In conducting the background investigation, the Gaming Commission and its agents shall keep confidential the identity of each person interviewed in the course of the investigation.

m. Eligibility Determination. The Gaming Commission shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of, at minimum, all Key Employees and Primary Management Officials for employment in a gaming operation. If the Gaming Commission determines that employment of the person poses a threat to the public interest or to the effective regulation of Gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of Gaming, the Gaming Entity shall not employ that person in a Key Employee or Primary Management Official position or in any other position for which a Class A license is required, except as specifically established by the Gaming Commission.

n. Forwarding Licensing Applications and Reports to NIGC.

i. When any Key Employee or Primary Management Official is employed by a Gaming Entity authorized under this Ordinance, the Gaming Commission, acting on behalf of the Tribe, shall forward to the NIGC the person's completed application for employment containing the information required above under subsection 11.1.(1) of this Ordinance.

ii. Prior to issuing a license to a Primary Management Official or Key Employee, the Gaming Commission, acting on behalf of the Tribe, shall forward to the NIGC, together with a copy of the eligibility determination made under subsection 11.m. above, an investigative report on each background investigation. The investigative report on each background investigation shall be forwarded to the NIGC within sixty (60) days after the employee begins work, or within sixty (60) days of the approval of this Ordinance by the NIGC. The Gaming Entity shall not employ or continue to employ any person as a Key Employee or Primary Management Official who does not have a license within ninety (90) days. The investigative report shall include the following information:

- (1) Steps taken in conducting a background investigation;
- (2) Results obtained;
- (3) Conclusions reached; and
- (4) The bases for those conclusions,

iii. The Gaming Commission, acting on behalf of the Tribe, shall provide to the NIGC or other agency, any other reports and information required by IGRA and regulations promulgated thereunder. Further, with respect to Key Employees and Primary

Management Officials, the Gaming Commission shall retain applications for employment and reports (if any) of background investigations for inspection by the NIGC for no less than three (3) years from the date of termination of employment.

iv. If a license is not issued to an applicant, the Gaming Commission shall notify the NIGC and may forward copies of its eligibility determination and investigative report (if any) to the NIGC for inclusion in the Indian Gaming Individuals Records System.

o. Granting a Gaming License.

i. If, within a thirty (30) day period after the NIGC receives a report as required under subsection 11.n. above, the NIGC notifies the Tribe that it has no objection to the issuance of a license pursuant to the license application filed for a Key Employee or Primary Management Official for whom the Gaming Commission has provided an application and Investigative report, the Gaming Commission may issue the license.

ii. The Gaming Commission shall provide any additional information requested by the NIGC concerning a Key Employee or Primary Management Official who is the subject of a report as required under this subsection. An NIGC request for additional information shall suspend the thirty (30) day period established under this subsection until the NIGC receives the additional information.

iii. If, within the thirty (30) day period established under this subsection, the NIGC provides a statement itemizing objections to issuance of a license to a Key Employee or Primary Management Official, the Gaming Commission shall reconsider the application, taking into account such objections. The Gaming Commission retains the right to make the final determination whether to issue the license to such applicant.

p. Gaming License Suspension and Revocation.

i. If, after issuance of a gaming license, the Tribe receives reliable information from the NIGC or other reliable source indicating that a Key Employee or a Primary Management Official is not eligible for employment under the eligibility criteria established in section 11 above, the Gaming Commission shall suspend the license and shall notify the licensee in writing of the license suspension and proposed revocation.

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

(1) After the revocation hearing, the Gaming Commission shall determine whether to revoke or to reinstate the gaming license. For actions taken in response to information provided by the NIGC, the Gaming Commission shall notify the NIGC of its decision.

q. Facilities Licenses. Before Gaming Activities can be conducted therein, the Gaming Commission shall inspect and license each such facility in accordance with this Ordinance and any requirements under IGRA.

Section 11. Application Forms.

a. Each application form for a Key Employee or a Primary Management Official, as well as for all other license applicants, unless otherwise specifically exempted by the Gaming Commission, shall contain the notices set forth in subsections (1) and (2) below:

(1) Privacy Act Notice.

In compliance with the Privacy Act of 1974, the following information is provided Solicitation of the information on this form is authorized by 25 U.S.C. §2701 et seq. The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information maybe 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 an Indian Tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with an Indian Tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in an Indian 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.

(2) Notice Regarding False Statements.

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, § 1001).

b. Any existing Key Employee or Primary Management Official or other licensee subject to such requirements, unless otherwise specifically exempted by the Gaming Commission, that has not completed an application form containing the language set forth in Section 11.a.(1) and (2) above, shall be notified that they must either:

i. Complete a new application form that contains the Privacy Act Notice and the Notice Regarding False Statements; or

ii. Sign a statement that contains the Privacy Act Notice and consent to the routine uses described in that notice, and sign a statement that contains the Notice Regarding False Statements.

Section 12. Class III Gaming; Compact.

Class III gaming on the Reservation shall be under the provisions of a compact, as applicable, or other alternative as provided under the IGRA and applicable regulations. All negotiations for such compacts shall be conducted through the Chair of the Tribal Council, and

shall be finalized only upon the majority vote of the Tribal Council after consideration of the terms of such compact. In the event the Tribe approves a compact, the provisions of such compact, once approved under IGRA, shall govern over the provisions herein, to the extent the compact is inconsistent herewith.

Section 13. Interest in Management Contracts by Tribal Officials.

No elected official of the Tribe, including the Gaming Commission or any other committee or agency of the Tribe, shall have a financial interest in or management responsibility for, any management agreement entered into pursuant to IGRA, nor shall such elected official serve on the board of directors or hold (directly or indirectly) ten percent (10%) or more of the issued and outstanding stock of any corporation, or ten percent (10%) or more of the beneficial interest in any partnership, trust, or other entity, in any such corporation, partnership, trust or other entity, having a financial interest in, or management responsibility for, such contract.

Section 14. Service of Process.

The Tribe designates as its agent for the service of any official determination, order, or notice of violation in any gaming related matter, the Tribal Secretary. The designee may be changed from time to time as the Tribal Council shall determine and notify the National Indian Gaming Commission.

Section 15. Tribal Gaming Corporation.

Nothing in this Ordinance shall prevent the Tribal Council from delegating the authority to conduct gaming to one or more tribal corporations, so long as the tribal corporation to which such authority is delegated agrees to meet all criteria and requirements established under this Ordinance.

Section 16. Entire Gaming Regulations; Prior Ordinances Repealed; Effective Date.

This Ordinance and the regulations promulgated thereunder shall constitute the entire gaming regulations of the Tribe. All prior gaming ordinances and resolutions of the Tribe are hereby repealed, and this Ordinance shall become effective upon its adoption by the Tribal Council.

Section 17. Amendments.

All provisions of this Ordinance are subject to revision, repeal, or amendment by the Tribal Council. Regulations promulgated by the Gaming Commission under this Ordinance are subject to revision, repeal or amendment by the Gaming Commission.

Section 18. Sovereign Immunity Preserved.

Nothing in this Ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Tribe; and no manager, officer or employee of the Gaming Commission or the Tribe shall be authorized, nor shall they attempt, to waive the immunity of the Tribe.

Section 19. Construction and Severability.

This Ordinance is exempted from the rule of strict construction, and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted, if any section of this Ordinance, or its application to any person or entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or entities or circumstances, shall not be affected and shall remain in full force and effect.

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